



# DEPARTMENT OF ECOLOGY

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## 2025 – 2027 Operating Budget

Washington State Department of Ecology  
Olympia, Washington

September 10, 2024

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# Department of Ecology's Regional Offices

## Map of Counties Served



<b>Southwest Region</b> 360-407-6300	<b>Northwest Region</b> 206-594-0000	<b>Central Region</b> 509-575-2490	<b>Eastern Region</b> 509-329-3400
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Region	Counties served	Mailing Address	Phone
<b>Southwest</b>	Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Mason, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum	P.O. Box 47775 Olympia, WA 98504	360-407-6300
<b>Northwest</b>	Island, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom	P.O. Box 330316 Shoreline, WA 98133	206-594-0000
<b>Central</b>	Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima	1250 West Alder Street Union Gap, WA 98903	509-575-2490
<b>Eastern</b>	Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman	4601 North Monroe Spokane, WA 99205	509-329-3400
<b>Headquarters</b>	Statewide	P.O. Box 46700 Olympia, WA 98504	360-407-6000



STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**

PO Box 47600, Olympia, WA 98504-7600 • 360-407-6000

September 10, 2024

TO: Pat Sullivan, Director  
Office of Financial Management (OFM)

FROM: Laura Watson, Director 

SUBJECT: Ecology's 2025-27 Biennial Operating Budget Request

As the state's lead environmental agency, Ecology's mission is to protect and preserve the environment for current and future generations, while valuing and supporting Washington's economic success. We're tackling challenges that are unique to our times and require us to take a broad and holistic approach to our work that focuses on not only *what* we do, but also *how* we do it.

Ecology's strategic goals are to:

- Support and engage our communities, customers, and employees.
- Reduce and prepare for climate change impacts.
- Prevent and reduce waste, toxic threats, and pollution.
- Protect and manage our state's waters.

Our agency's deep commitment to environmental justice is tied to each of our strategic goals and guides the way we work to accomplish those goals.

Attached is Ecology's \$129.8 million 2025-27 biennial operating budget request. It reflects an economy that is largely recovered from the impacts of the COVID-19 pandemic and leverages new federal funding available to the state, while continuing to protect environmental and public health through a focus on equity and environmental justice. This operating budget request is needed to:

- Protect people, fish, wildlife, and our environment from the impacts of emerging toxic chemicals, including Per- and polyfluoroalkyl substances (PFAS) and 6PPD-quinone, which are associated with a wide range of adverse health impacts and impacts to salmon.



- Continue effectively implementing enacted climate policy legislation aimed at reducing carbon pollution and responding to climate change, including Washington’s Clean Fuel Standard and Climate Resilience Strategy.
- Continue supporting priorities and actions from the Governor’s 2021 Salmon Strategy Update and State/Tribal Riparian Protection & Restoration Workgroup needed to better monitor the health of our riparian buffers and protect salmon.
- Assist local communities with environmental issues, including contaminated drinking water, air quality, coastal climate hazards, flood risks, water availability, invasive species, and the impacts of solid waste and litter accumulation.
- Advance efforts in meeting the state’s environmental justice goals under the Healthy Environment for All law (HEAL Act) and Title VI of the Civil Rights Act.
- Pass through and use federal funding available from the Bipartisan Infrastructure Law and Inflation Reduction Act to support environmental and public health work and projects across the state.
- Meet obligations related to Hanford cleanup and respond to federal changes impacting the state’s power plant sector and aquaculture industry.
- Support legal costs incurred by the Attorney General’s Office related to current litigation involving Ecology.

This request is supported primarily by federal grants, dedicated environmental funds, and direct charges to customers for services provided.

### *One Washington Project*

While not included in this submittal, please note that per the OFM Budget Instructions, Ecology did submit the required information to One Washington in August 2024. This information outlined our resource needs for the 2025 supplemental and 2025-27 biennial operating budgets so they could be integrated into a single, consolidated, enterprise-wide decision package.

Thank you for considering Ecology’s 2025-27 biennial operating budget request. We will work with our assigned OFM operating budget analysts as they review this request in detail. Please let us know if you have questions.

### Attachment

#### Distribution to:

Myra Baldini, Capital Budget Advisor to the Governor, OFM  
Lisa Borkowski, Budget Advisor to the Governor, OFM  
Wendy Brown, Senior Fiscal Analyst, Senate Ways & Means Committee  
Jim Cahill, Senior Budget Advisor to the Governor, OFM  
K.D. Chapman-See, Legislative Liaison, Legal and Legislative Affairs, OFM



Pat Sullivan, Director

September 10, 2024

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Debbie Driver, Senior Policy Advisor, Transportation, Office of the Governor  
Rob Duff, Executive Director, Policy & Outreach, Office of the Governor  
Dawn Eychaner, Fiscal Analyst, House Capital Budget Committee  
Adam Eitmann, Governmental Affairs Director, Department of Ecology  
Jed Herman, Senior Fiscal Analyst, Senate Ways & Means Committee  
Dan Jones, Fiscal Analyst, House Appropriations/Natural Resources Committee  
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Shelly Willhoite, Capital Budget Advisor to the Governor, OFM



**Department of Ecology  
2025-2027 Operating Budget**

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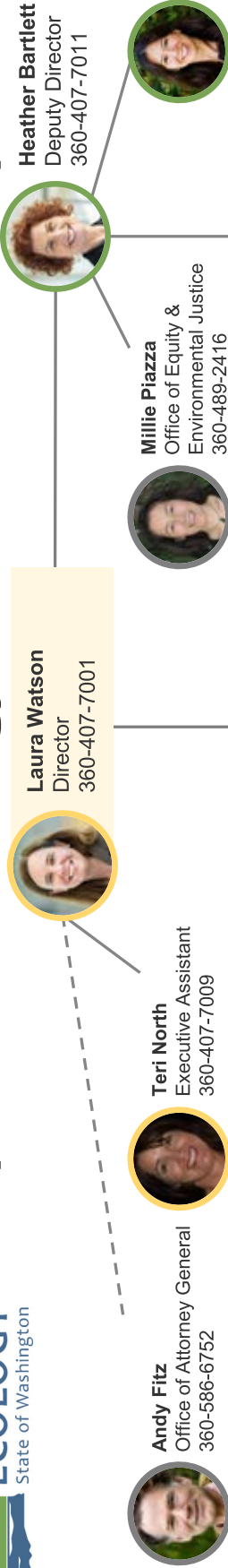
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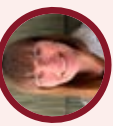


# Department of Ecology: Executive Leadership



## Administrative Directors

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**Revised July 23, 2024**

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 <b>Joel Creswell</b> Climate Pollution Reduction 360-972-5035	 <b>Katrina Lassiter</b> Hazardous Waste & Toxics Reduction 360-791-0879	 <b>Joenne McGerr</b> Shorelands & Environmental Assistance 360-870-1913	 <b>Carlos Clements</b> Spill Prevention, Preparedness & Response 360-763-2038	 <b>Vince McGowan</b> Water Quality 360-407-6405	

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# 2025–2030 Strategic Plan



## Our strategic plan

Our strategic plan sets the vision and mission for the agency. We identify four goals in the plan that support our objectives, show how we make decisions, allocate resources, and do our work. Federal and state laws and rules direct what we do, and we also gather input from state and local governments, Tribes, communities, businesses, non-governmental organizations, and other interested parties.

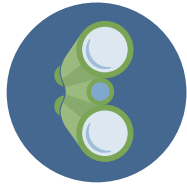
Our core work is essential and supports our goals to protect the environment and public health. This involves our regulatory and permitting programs as well as grants, loans, and technical assistance. For more details on our core work, see our [current budget and program overview](#) publication.

In this strategic plan, we highlight initiatives for the work ahead, expected major milestones, operational improvements, and how we will advance our goals over the next five years.



## Vision

Our partnerships protect and sustain healthy land, air, water, and climate in harmony with a strong economy.



## Mission

To protect, preserve, and enhance Washington's environment for current and future generations.



## Goals



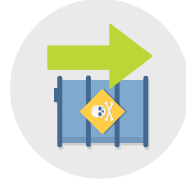
### Goal 1

Support and engage our communities, customers, and employees



### Goal 2

Reduce and prepare for climate impacts



### Goal 3

Prevent and reduce waste, toxic threats, and pollution



### Goal 4

Protect and manage our state's waters

## Values

These are the values we bring to accomplish our vision and mission:

- Adaptability and flexibility
- Clear communication and plain language
- Defensible and transparent decision-making
- Diversity, belonging, and inclusion
- Kindness and respect
- Knowledge, creativity, strategic thinking
- Performance and accountability
- Public service focus
- Support for employee health and well-being
- Teamwork
- Trust and integrity
- Working safely





## Goal 1

Support and engage our communities, customers, and employees

Goal 1 guides our policies, programs, workplace, relationships, and interactions to implement our vision and mission. Our leadership commits to creating a culture where we respect and include our workforce and those affected by our work. At Ecology, we:

- Infuse equity in our policies, initiatives, processes, and activities to address environmental and health disparities and create a healthy environment for all.
- Strive to provide equitable access to all who use our services, which includes providing pathways for those with limited English proficiency or disabilities to access our information, programs, and services.
- Foster a diverse, responsive, and welcoming workforce.
- Implement a clear and collaborative Tribal engagement and consultation framework to ensure we uphold the Government-to-Government relationship and promote consistency in how we invite consultation and meaningful engagement with Tribes.
- Engage with diverse parties, including government entities, communities, nongovernmental organizations, and businesses.
- Listen and learn from our employees, Tribes, interested parties, communities and regulated entities while we apply continuous improvement principles to our processes, outreach, and services.
- Promote access to and effectively manage public funds while leveraging diverse funding sources that benefit the environment and public health.
- Stay current and update rules and programs to reflect legal requirements, new science, and best practices.





## Ecology's Office of Equity and Environmental Justice

Ecology is taking strategic steps to address environmental justice issues in communities most at risk from pollution and other environmental impacts. People from low-income populations, communities of color, and Indigenous people are disproportionately burdened by environmental harms, denied access to environmental benefits, and are often most impacted by climate change.

Ecology strives to address these disparities. We engage communities in agency activities and decisions and promote the equitable spending of resources. Ecology also prioritizes services for the people and places most at risk to advance environmental protection for all. [Our Office of Equity and Environmental Justice](#) promotes the well-being and resilience of Ecology's workforce and communities across Washington.

Learn more about  
Environmental Justice at Ecology [▶](#)





## Goal 1 Objectives

Support and engage our communities, customers, and employees

### 1.1 Improve the access to, effectiveness, and timeliness of information, engagement, and services.

#### Initiatives:

- A. Implement environmental justice goals and initiatives to reduce environmental and health disparities and advance environmental justice in our programs.
- B. Implement Ecology's Community Engagement Plan, leveraging our internal engagement network to coordinate and promote the guidance and best practices in the plan.
- C. Strengthen Ecology's language access practices through policy, guidance, training, technical assistance, and performance measures.
- D. Enhance our Tribal outreach, engagement, and consultation by implementing an updated Tribal engagement and consultation framework.
- E. Assess user experience with our website to understand how customers use it and use that data to update its design.
- F. Implement a process for community members and organizations to submit environmentally beneficial project ideas for Ecology's review and approval. Individuals or businesses that we take enforcement actions on can then propose to implement these ideas as part of an enforcement settlement.



## Engagement at Ecology

Ecology continues to build upon its long-standing commitment to uphold the Government-to-Government relationship with federally recognized Tribes and engage with Washington's diverse public. With fresh momentum provided by the [HEAL Act](#) (Chapter 70A.02 RCW), we are taking action to center equity and environmental justice in our community engagement and enhance how we engage and consult with Tribes. To support this work, Ecology created several new positions in our Office of Equity and Environmental Justice that focus on equitable language access and community engagement across Ecology's programs. This will help us reduce access barriers, facilitate equitable opportunities for engagement, and strengthen our relationships with Tribes and communities.





## Goal 1 Objectives

Support and engage our communities, customers, and employees

- ▶ 1.2 Improve recruiting, hiring, and retention practices and employee satisfaction to support a diverse, knowledgeable, inclusive, and skilled workforce.

### Initiatives:

- A. Develop and implement Ecology's Diversity, Equity, Inclusion, and Respect (DEIR) Strategic Plan based on feedback and results from our previous assessment and employee feedback.
- B. Improve the hiring process to mitigate bias, build job seeker resources, increase employee and applicant understanding of the recruitment process, and reduce barriers to applying, interviewing, and getting hired.
- C. Improve the employee onboarding experience by collaborating and partnering with employees, implementing improved business processes, and ensuring new employees and hiring managers have the information and resources they need.
- D. Develop and implement employee engagement and retention strategies based on insights gained through our DEIR Dashboard, Employee Engagement Survey, DEIR Organizational Assessment, and employee surveys.
- E. Develop and communicate employee development pathways that include:
  - Developmental assignments.
  - Mentorship programs.
  - Training opportunities.
  - Technical, critical, and scientific knowledge transfer approaches.
- F. Increase employees' understanding of the required training timelines through automated workflows, consistent branding and marketing, and employee dashboards.
- G. Design and implement standardized and streamlined Human Resources business processes, leveraging opportunities for digital routing, approval and records management.



## Goal 1 Objectives

Support and engage our communities, customers, and employees

### ▶ 1.3 Improve our financial and operational resilience and adaptability.

#### Initiatives:

- A. Examine and advance equitable access to and distribute funding through grants, loans, vouchers, contracts, and other expenditure mechanisms.
- B. Conduct annual comprehensive Safety and Health Performance Assessments (SHPAs) at our facilities to identify and mitigate potential hazards.
- C. Implement our Ecology Data Strategy, adopt updated technologies, and transition to electronic workflows to enhance our operational efficiency, ensure data accuracy, and promote sustainability.
- D. Modernize our enforcement tracking database to improve its efficiency, track actions more clearly, and advance our data analytics.
- E. Fully support implementing One Washington (OneWA; a new statewide financial system). This includes increasing staff support to manage organizational change, training staff, and more complex and custom development of Ecology's financial and human resource systems.
- F. Implement our Enterprise Content Management system (ECM) using automated workflows and standardized electronic systems to manage records and data.
- G. Improve agency quality assurance guidance, transparency, and consistency that aligns with federal guidance.



## Ecology's approach to budget equity

We are integrating environmental justice and community engagement into decision processes related to budget development, contracts, grant and loan funding programs, and other expenditures. This includes:

- Evaluating program activities and expenditures for service equity and funding distribution gaps.
- Incorporating environmental justice considerations into grant scoring criteria.
- Advancing opportunities to direct program resources to areas and communities most in need.

We also set the goal to direct 40% of grants and expenditures to create environmental benefits for vulnerable populations and overburdened communities.





## Goal 2

### Reduce and prepare for climate impacts

Ecology prepares for the future by understanding, planning for, and reducing the effects of climate change on our communities, environment, and economy. We prioritize reducing greenhouse gas emissions with the long-term goal of eliminating use of fossil fuels and achieving our legal requirement to reach net zero greenhouse gas emissions by 2050. We also focus on addressing climate change impacts including wildfire, drought, flooding, increased temperatures and ocean acidification. We prevent and remediate negative effects of climate change while supporting a strong and clean economy, with an emphasis on addressing environmental and health disparities for vulnerable populations and overburdened communities.



## Goal 2 Objectives

Reduce and prepare for climate impacts

- 2.1 Decrease greenhouse gas emissions rapidly and equitably across the state to meet 2030, 2040, and 2050 statutory emissions limits.

### Initiatives:

- A. Implement Washington's [Cap-and-Invest Program](#) and pursue linking with the joint California and Québec carbon market.
- B. Implement the [Clean Fuel Standard](#) and continue to grow a market to decrease the carbon intensity of Washington's transportation fuels.
- C. Transition the state away from using restricted [hydrofluorocarbons](#), which are potent greenhouse gases.
- D. Reduce transportation emissions through the [Clean Vehicles Program](#) and conduct outreach, develop policy, and further implement the state [Transportation Electrification Strategy](#).
- E. Reduce Ecology's greenhouse gas emissions through our agency's electric vehicle strategy, implementing building and field operations efficiencies and looking for opportunities for clean-energy options in our operations.
- F. Support diverse methods for managing organic wastes and using compost to reduce organic materials put in landfills and the methane emissions it causes.
- G. Operate the [Washington Center for Sustainable Food Management](#) and implement the [Use Food Well Washington Plan](#) to prevent wasted food, get useable food to those in need, then safely manage and recycle what remains to reduce food waste by 50% before 2030.
- H. To support our work to lower or eliminate greenhouse gas emissions, we will:
  - Improve our greenhouse gas emissions inventory to reduce our data collection time.
  - Catalogue an expanded set of emissions such as high-emission facilities, waste recovery, consumption-based emissions, and short-lived climate pollutants.
  - Develop additional greenhouse gas emission reduction policies, programs and technical assistance.
  - Develop solutions that restore and enhance natural processes to reduce emissions.
- I. Expand our clean-energy coordination and development in the State. This includes providing technical assistance to explore or incentivize developing brownfields for clean energy projects.





## Goal 2 Objectives

Reduce and prepare for climate impacts

### Greenhouse gas emissions reductions

Washington is committed to eliminating nearly all carbon pollution by 2050 to prevent the worst effects of climate change on our environment, economy, and the health of our communities. To help the State achieve this mandate, Ecology tracks statewide greenhouse gas emissions and implements key parts of our state's climate strategy. This includes the Climate Commitment Act, the Clean Fuel Standard, and the Vehicle Emissions standards, as well as regulations that reduce hydrofluorocarbons and methane emissions.

Ecology further supports this work through grant programs to expand the number of zero-emission school buses and other clean transportation options. And, Ecology implements materials management strategies to reduce greenhouse gas emissions by expanding recycling and reuse opportunities, preventing food waste, and increasing diversion of organic materials (e.g. food scraps and yard debris) from landfills.

Working together, these policies put Washington on a path to cut greenhouse gas emissions 95% by 2050, and to offset any remaining carbon emissions.







## Goal 2 Objectives

Reduce and prepare for climate impacts

- ▶ 2.2 Increase the resilience of communities and ecosystems to climate change through planning, response, recovery, and adaptation efforts.

### Initiatives:

- A. Fulfill Ecology's commitments identified in the Washington State Climate Resilience Strategy and lead ongoing implementation and governance.\*
- B. Evaluate and adapt our guidance, policies, plans, authorities, and modeling to incorporate consideration of current and expected future impacts of climate change into our work. Incorporate and clarify the processes and guidance for Tribes and underserved communities so they can be collaborators in this work and help the state avoid further inequities.\*
- C. Address sea level rise impacts, riparian habitat restoration and protection, and increased storm severity by updating the state Shoreline Master Program (SMP) rules and guidance and implementing Ecology's Puget Sound Armoring Strategic Plan\*
- D. In response to decreasing snowpack and low stream flow, conduct research to learn more about mitigation actions, identify supporting actions to improve water security, and develop water storage and supply solutions in Central and Eastern Washington watersheds.\*
- E. Protect against flood damage, for example in the Chehalis River basin and Puget Sound region, by identifying areas of potential improvement. We will provide underserved populations with resources to better protect themselves and their property, and support the adoption of improved local ordinances and practices.\*
- F. Prepare a white paper to support our economic forecasting analyses about the cost estimates of climate change impacts over time.
- G. Expand stream gauge monitoring to support water quality improvement projects and inform water availability in the face of climate change impacts.

\* indicates initiatives that relate to Ecology-led actions in Washington's Climate Resilience Strategy





## Goal 2 Objectives

Reduce and prepare for climate impacts



### Washington State Climate Resilience Strategy

Implement the updated state's Climate Resilience Strategy, in partnership with nine other agencies. State agencies are focusing on what they can do to better prepare communities, infrastructure, and natural and working lands across the state for the impacts of climate change. The strategy highlights what state agencies are already doing to build climate resilience and identifies new actions to further reduce harmful impacts of climate change. We will report our progress every two years and oversee updates to the strategy every four years.

We use an <sup>\*</sup> to indicate initiatives in our agency strategic plan that relate to Ecology-led actions included in the Washington State Climate Resilience Strategy.

[View the strategy to learn more](#)





### Goal 3

Prevent and reduce waste, toxic threats, and pollution

Our consumer product and producer-responsibility programs address toxic chemicals and pollution during product design, manufacturing, recycling or waste management. We aim to reduce toxic chemical use and waste generation through regulation, technical assistance, and incentives. Our regulatory policies reduce air, land, and water pollution, and provide vital information to communities and first responders about local toxic risks. Our compliance and cleanup programs hold polluters accountable, reduce risks, and support safely remediating or removing contamination from spills, toxic chemicals, or waste materials released into the environment.







## Goal 3 Objectives

Prevent and reduce waste, toxic threats, and pollution

- ▶ 3.1 Reduce or prevent the use or release of toxic chemicals in products and business processes.

### Initiatives:

- A. Implement consumer product laws, such as Safer Products for Washington and the Toxics Free Cosmetics Act, to evaluate chemical hazards, conduct rulemaking to establish restrictions or other requirements, support small businesses and disproportionately impacted communities, and establish compliance approaches.
- B. Address toxics in tires by developing an ongoing management strategy for 6PPD and 6PPD-quinone. This includes:
  - Identifying effective stormwater treatments for 6PPD-quinone,
  - Identifying safer alternatives to 6PPD,
  - Monitoring the environment for 6PPD-quinone, and
  - Developing 6PPD-quinone laboratory methods for water, sediment, and fish tissue.



## Toxics Free Cosmetics Act implementation

Many chemicals in cosmetic products are linked to harmful impacts on human health, such as cancer, hormone disruption, and negative impacts on reproductive and developmental health. The highest exposure happens when an individual uses a product that contains toxic chemicals.

These chemicals also cause widespread impacts to the environment and public health throughout the product life cycle, such as when they get washed down the drain or thrown in the trash and then enter the environment. This causes further impacts to human health and wildlife.

The Toxics Free Cosmetics Act (TFCA) improves cosmetic and personal care product safety and protects people and the environment from toxic chemicals. TFCA restricts the manufacture, distribution, and sale of [cosmetic products that contain certain toxic chemicals](#) within Washington. To implement this law, we are:

- [Evaluating the hazards of chemicals](#) that may be safer alternatives to restricted chemicals.
- Providing [technical support to small businesses](#) that make or use cosmetic products.
- Adopting a rule to restrict chemicals that release formaldehyde from being used in cosmetics.

[Learn more about TFCA](#) 





## Goal 3 Objectives

Prevent and reduce waste, toxic threats, and pollution



### 3.2 Decrease waste generation and inefficient use of materials.

#### Initiatives:

- A. Improve the recycling system by promoting recycling markets, supporting research and policy advancements, conducting outreach, and implementing recycled content and single-use plastics requirements.
- B. Finalize a compost air emissions study and apply state-specific emission factors in our Air Quality Notice of Construction permit decision-making process.
- C. Advance and implement producer responsibility policies to address complex waste streams, improve recycling, reduce waste, and shift financial burdens from ratepayers and local governments to producers.
- D. Promote and offer technical assistance and incentives to help businesses reduce waste.

## Recycling Market Development Center

The [Recycling Market Development Center](#) (RMDC) was created in 2019 in response to export restrictions on Washington's recyclables, which distressed state and local recycling programs. As a partnership between Ecology and Washington State Department of Commerce, the RMDC's mission is to strengthen recycling markets and processing in the state and help Washington achieve recycling's positive impacts on the economy and environment.

The RMDC holds discussions, conducts research, and provides business and technical assistance. It also supports the [NextCycle Washington](#) program, which provides hands-on-training and technical support to recycling and reuse innovators. In the first round of projects, the 14 teams of NextCycle Washington innovators diverted four million pounds of material from the landfill, created 70 jobs, and raised over \$13 million in investments.

## Goal 3 Objectives

Prevent and reduce waste, toxic threats, and pollution

### 3.3 Reduce, prevent, or manage pollution, toxic emissions, and contamination.

#### Initiatives:

- A. Expand air monitoring, analyze trends, and support communities to reduce air pollution. This includes supporting the transition to zero emission school buses and infrastructure.\*
- B. Identify and implement approaches to address PFAS contamination in water supplies, biosolids, cleanup sites, landfills, and the environment.
- C. Pursue federal funding to secure compliant United States Department of Energy budgets that support Hanford Site cleanup activities. This includes tank waste treatment, groundwater, soil remediation, and facility cleanup.
- D. Reduce litter through diverse partnerships, behavior change strategies, and pickup programs.
- E. Assess and prioritize contaminated sites using the new Site Hazard Assessment Ranking Process (SHARP) to help with site cleanup.
- F. Evaluate our Dangerous Waste regulatory compliance and enforcement process and identify recommendations to make the process more efficient.

\* indicates initiatives that relate to Ecology-led actions in Washington's Climate Resilience Strategy



- G. Assess historical leaking underground storage tank sites and address environmental contamination.
- H. Inspect underground storage tanks every three years to reduce leaks.
- I. Implement the new Hanford Holistic Negotiations agreement between Ecology, U. S. Department of Energy, and U.S. Environmental Protection Agency including retrieval of waste from aging underground storage tanks and startup of tank waste treatment.
- J. Support and encourage the safe transition to low and zero-carbon maritime fuels by taking steps to align our regulations with federal requirements for transferring liquid hazardous substances to and from vessels.



## Goal 3 Objectives

Prevent and reduce waste, toxic threats, and pollution

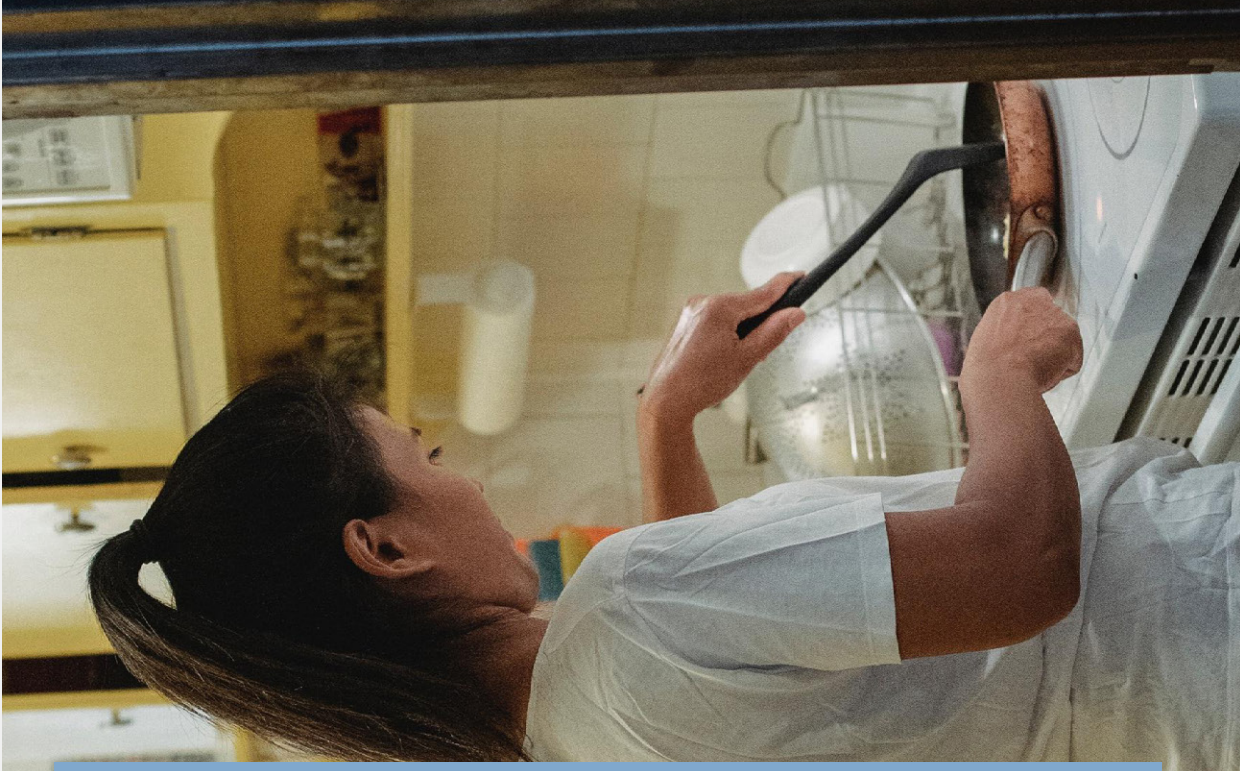
### Protecting public and environmental health from “forever chemicals” in Washington

A large group of manufactured “forever chemicals” are per- and polyfluoroalkyl substances — also known as PFAS. Many industrial applications use PFAS because of the helpful functions these chemicals can provide. However, they can build up in organisms and be transferred to others in the food chain. Their toxicity persists in the environment for long periods of time.

For example, PFAS are common in firefighting gear and foam, nonstick cookware, carpets, food packaging, clothing, cosmetics, and other consumer products because of their ability to resist oil, grease, and water. Because of widespread use, PFAS have been detected in many parts of our environment and communities, including in surface waters, groundwater, wastewater treatment plant effluent, compost, and freshwater and marine sediments. PFAS have contaminated drinking water supplies in Washington, notably in areas where firefighting foam was repeatedly applied.

With continued exposure, the level of these chemicals builds up over time in our bodies, our food, and in wildlife. PFAS exposure in humans can increase cholesterol levels, reduce birth weight, reduce immune antibody response, and increase some cancer rates. We are addressing PFAS contamination in Washington in several ways. This includes restricting its use in consumer products, monitoring and sampling areas to know where it is, updating permits to reflect new water quality and dangerous waste criteria and best practices, and conducting cleanup efforts.

[Learn more about PFAS](#)







## Goal 4

Protect and manage our state's waters

Climate change and our state's growing population present increasing challenges in water quantity, quality, and access. We promote climate resiliency and ensure high-quality water resources for people, aquatic species, and ecological systems. We conduct research, gather and assess data, and make investments to restore, protect, and enhance our state's waters now and for future generations.





## Goal 4 Objectives

Protect and manage our state's waters

- ▶ **4.1 Increase and preserve access to water for fish, wildlife, and municipal, domestic, and agricultural needs.**

### Initiatives:

- A. Reduce the time it takes to process water right applications so that people and businesses get more timely answers, and we better protect the environment.
- B. Increase water availability in the Columbia River Basin for municipal, domestic, and agricultural purposes and promote water exchanges, improved efficiencies, and alternative water supplies.\*
- C. Expand how reclaimed water can be used to encourage water reuse, increase water availability, and adapt to a changing climate.\*
- D. Initiate improvements to how we manage water resources data and increase data transparency. This includes linking water rights and water use data and improving our public mapping tools.
- E. Legally decide who has water rights (through adjudication) in Water Resource Inventory Area 1, the Nooksack Watershed. This will provide certainty and support the economy and natural environment.

\* indicates initiatives that relate to Ecology-led actions in Washington's Climate Resilience Strategy





## Goal 4 Objectives

Protect and manage our state's waters

### 4.2 Improve and protect the quality of Washington waters.

#### Initiatives:

- A. Implement the [Puget Sound Nutrient Reduction Project](#) to reduce nitrogen loading in Puget Sound, improve dissolved oxygen, and meet water quality standards.\*
- B. Identify waters, biannually, that do not meet water quality standards and support the cleanup and restoration of degraded waters.
- C. Implement a [Certificate of Financial Responsibility program](#) to make sure companies in Washington have the financial ability to pay for their worst-case oil spill scenario.
- D. Coordinate across agencies to address harmful algae blooms.\*
- E. Provide local communities with technical assistance and financial support to implement municipal, industrial, and stormwater permits so they can reduce or eliminate pollutants including PFAS and 6PPD-quinone, from wastewater and stormwater runoff.

\* indicates initiatives that relate to Ecology-led actions in Washington's Climate Resilience Strategy





## Goal 4 Objectives

Protect and manage our state's waters

### Saving Washington's salmon from toxic tire dust

6PPD is a chemical used in tires to prevent cracking and blowouts. When this chemical reacts with ozone, it transforms into 6PPD-quinone — also known as 6PPDQ. As traffic passes on roads, tire wear particles containing 6PPD and 6PPDQ travel through air and stormwater runoff and enter rivers, creeks, streams, and the Puget Sound. Lethal to coho salmon and some trout species, 6PPDQ kills the fish at such low concentrations that it is considered one of the most toxic chemicals to aquatic life.

Given the complexity and severity of potential impacts, we will address this issue with short- and long-term approaches. This includes:

- Looking for safer alternatives to 6PPD in tires.
- Evaluating new and existing stormwater solutions to prevent 6PPDQ from getting into our water.
- Planning studies and developing monitoring methods to better detect 6PPDQ in the environment.
- Evaluating tire recycling, management, storage, and disposal practices and recycled tire products as a potential source of 6PPDQ contamination.

[Learn more about 6PPD](#)





## Goal 4 Objectives

Protect and manage our state's waters

### 4.3 Improve floodplains, wetlands, watersheds, streamflow, and riparian habitats.

#### Initiatives:

- A. We will establish a new permitting process to allow landowners and developers to work or build within state waters, including wetlands. This includes mitigating impacts to wetlands and ensuring best management practices are used for other waters.
- B. Support projects that improve riparian management and fish habitat and build community resilience by providing technical and financial assistance to:
  - Remove fish barriers.
  - Accelerate water quality clean-up plans.
  - Improve stream conditions.
  - Reduce hard bank stabilization practices.
  - Support salmon recovery.
  - Update flood and risk maps.\*
- C. Continue implementing the [Chehalis Basin Strategy](#) by working with local governments, Tribes, private landowners, and other interested parties to reduce flood-related damage and bolster aquatic species restoration in the Chehalis River basin.\*
- D. Fund easements and property acquisitions to benefit aquatic species, protect working lands, and reduce flood damage.\*
- E. Increase metering and watermaster staffing to actively manage water use, improve resilience to climate change impacts, and ensure water rights holders are complying with state laws.\*

\* indicates initiatives that relate to Ecology-led actions in Washington's Climate Resilience Strategy





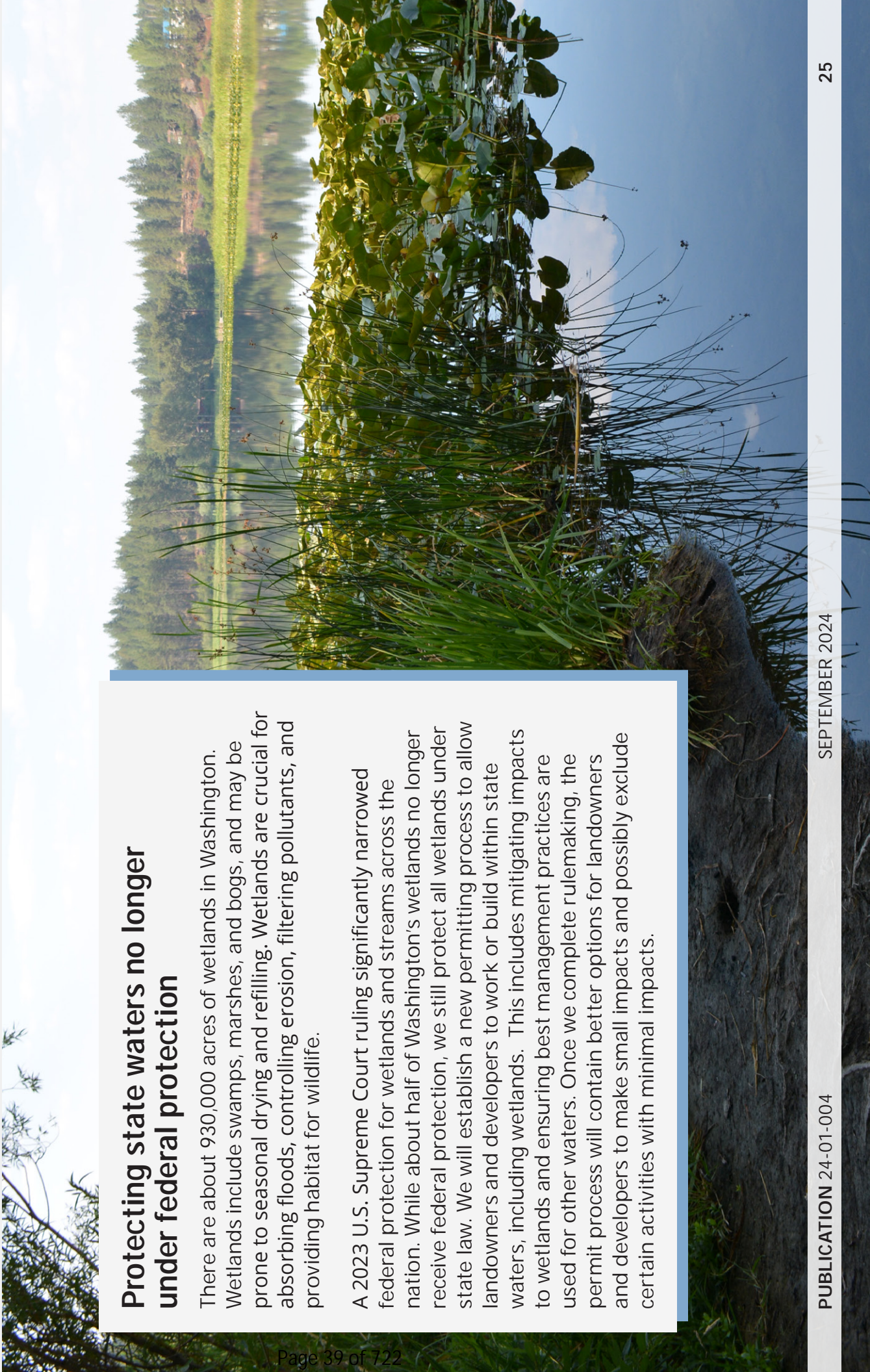
## Goal 4 Objectives

Protect and manage our state's waters

### Protecting state waters no longer under federal protection

There are about 930,000 acres of wetlands in Washington. Wetlands include swamps, marshes, and bogs, and may be prone to seasonal drying and refilling. Wetlands are crucial for absorbing floods, controlling erosion, filtering pollutants, and providing habitat for wildlife.

A 2023 U.S. Supreme Court ruling significantly narrowed federal protection for wetlands and streams across the nation. While about half of Washington's wetlands no longer receive federal protection, we still protect all wetlands under state law. We will establish a new permitting process to allow landowners and developers to work or build within state waters, including wetlands. This includes mitigating impacts to wetlands and ensuring best management practices are used for other waters. Once we complete rulemaking, the permit process will contain better options for landowners and developers to make small impacts and possibly exclude certain activities with minimal impacts.



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## Department of Ecology 2025-27 Agency Activity Inventory Descriptions

September 4, 2024

Activity	Activity Title	Description
A002	Administration	<p>The administration activity supports agency functions by providing leadership, cross-program support, and staff presence throughout the state. Administration manages the agency's long-term financial health and provides information to support sound decision-making and resource management by managers. Communication, education, and outreach tools play a major role in protecting and improving the environment. Administration staff serve as liaisons to Congress, the state Legislature, local governments, businesses, Indian tribes, and environmental and citizen groups. Administration helps managers and employees create a safe, supportive, and diverse work environment by providing comprehensive human resource services. It also oversees information management (desktop and network services, application development, and data administration) and facility and vehicle management; maintains the agency's centralized records and library resources; responds to public records requests; and provides mail services.</p>
A003	Implementing Integrated Solutions to Protect Instream Resources	<p>Ecology staff seeks to meet increasing water demands from population growth, while protecting limited instream resources and adapting to climate change. Actions include:</p> <ul style="list-style-type: none"> <li>• Instream flow rules - Work with local stakeholders to implement and update, as needed, instream flow rules for fish and wildlife, recreation, and other instream resources. Evaluate regions of the state that are experiencing conflict over water, as potential areas for adjudication.</li> <li>• Streamflow Restoration - Work with watershed groups to establish or revise a streamflow restoration plan to mitigate the impacts of new domestic water use.</li> <li>• Section 401 federal licensing of dams - Collaborate with local governments, tribes, and other stakeholders to develop permit conditions for hydropower facilities that ensure minimum instream flows are met and that stream flows are adjusted to adapt to water supply conditions during the 50 year license period.</li> <li>• Water acquisition - Acquire senior water rights to restore and protect stream flows. Review municipal and industrial reclaimed water projects and water system plans to ensure new uses of water do not impair senior rights. Monitor water supply conditions that may impact water rights and the environment, and respond when water supplies are impacted by drought.</li> </ul>
A005	Clean up the Most Contaminated Sites First (Upland and Aquatic)	<p>Ecology protects public health and natural resources by cleaning up and managing contaminated upland sites and contaminated sediments in the aquatic environment. Resources are first focused on cleaning up contaminated sites that pose the greatest risk to public health and the environment. These include sites where contamination threatens drinking water, exists in a large quantity, is very toxic, may affect a waterbody or the environmental health of sediments, or may affect people that are living, working, or recreating near the site. Contamination may be in the soil, sediments, underground water, air, drinking water, or surface water. Ecology also manages multi-agency upland and sediment cleanup projects. Cleaning up these sites protects public health, safeguards the environment, and promotes local economic development by making land available for new industries and other beneficial uses.</p>

Activity	Activity Title	Description
A006	Clean Up Polluted Waters	The federal Clean Water Act requires the agency to develop water quality standards and to identify water bodies that fail to meet those standards. The agency does this by reviewing thousands of water quality data samples and publishing an integrated water quality assessment report. This report lists the water bodies that do not meet standards. Ecology then works with local interests to prepare water quality improvement reports to reduce pollution, establish conditions in discharge permits and nonpoint source management plans, and monitor the effectiveness of the improvement report.
A007	Conduct Environmental Studies for Pollution Source Identification and Control	Ecology conducts pollution identification studies to address known or suspected problems at specific sites and across regional areas. These studies support our efforts under the federal Clean Water Act, as well as the state Water Pollution Control and Model Toxics Control Acts. Studies range from simple water quality sampling for bacteria or dissolved oxygen, to very complex projects assessing the amount of nutrients in large watersheds. Many projects support development of water quality improvement plans or Total Maximum Daily Load (TMDLs) to assess how much of a pollutant a waterbody can absorb without exceeding water quality standards.
A008	Control Stormwater Pollution	Ecology prepares tools, provides assistance, and offers compliance strategies to control the quantity and quality of stormwater runoff from development and industrial activities. The agency currently provides training and assistance to communities and industries on stormwater manuals and the Western Washington hydrology model. Ecology works with local governments and other stakeholders to implement a municipal stormwater program and permitting system.
A009	Eliminate Waste and Promote Material Reuse	<p>The Department of Ecology:</p> <ul style="list-style-type: none"> <li>• Provides technical assistance to local governments for waste reduction, and recycling, including focus on reducing contamination, addressing plastic packaging, and developing marketing programs for recycled commodities.</li> <li>• Implements plastic and single-use packaging laws.</li> <li>• Supports recycling and reuse market development through the Recycling Development Center.</li> <li>• Reduces wasted food through a state food waste reduction and diversion plan and the Center for Sustainable Food Management.</li> <li>• Provides technical assistance to promote reuse of organic materials.</li> <li>• Ensures an environmentally compliant biosolids program in the state.</li> <li>• Promotes environmentally preferred purchasing.</li> <li>• Oversees producer managed recycling programs.</li> </ul>
A010	Prevent and Pick Up Litter	The Department of Ecology is the state's lead agency managing litter programs. We operate youth and adult litter pickup crews and provide funding for litter pickup and prevention to state and local governments. We work with partners across the state to promote litter prevention and secure vehicle loads for safer, cleaner highways and public areas.

Activity	Activity Title	Description
A011	Ensure Dam Safety	This activity protects life, property, and the environment by overseeing the safety of Washington's dams. This includes inspecting the structural integrity and flood and earthquake safety of existing state dams not managed by the federal government; approving and inspecting new dam construction and repairs; and taking compliance and emergency actions.
A012	Ensure Environmental Laboratories Provide Quality Data	Ecology accredits environmental laboratories that submit data to the agency and to the Department of Health. The accreditation program covers analyses in all typical environmental matrices (air, water, soil, sediment, tissue), and drinking water. Accreditation ensures environmental laboratories have the demonstrated capability to provide accurate and defensible data. Ecology's laboratory accreditation program is the primary method of performance monitoring for over 400 laboratories in the accreditation program. Ecology will start accrediting cannabis laboratories in 2024. To prepare for this role, Ecology is leading the Cannabis Science Task Force to recommend lab quality standards for cannabis laboratories.
A013	Provide Planning and Financial Assistance to Manage and Reduce Waste	<p>The Department of Ecology provides planning assistance to local governments and financial assistance to local governments, non-governmental organizations, and community groups through three grant programs:</p> <ul style="list-style-type: none"> <li>• Local Solid Waste Financial Assistance (LSWFA) grants to local governments for solid waste planning, implementation, and enforcement.</li> <li>• Public Participation Grants (PPG) to interest groups for public outreach and education.</li> <li>• Waste Reduction and Recycling Education (WRRED) grants to local governments and non profit organizations for public outreach and education.</li> </ul>
A014	Restore the Air, Soil, and Water Contaminated from Past Activities at Hanford	The agency protects public health and natural resources by working to restore the public use of air, soil, and water at the Hanford Nuclear Reservation by cleaning up contaminated sites from past activities. Radioactive and hazardous contaminants are removed, residual contaminants are contained and monitored, and mitigation of natural resource damage on Hanford occurs.
A015	Clean Up and Remove Large, Complex, Contaminated Facilities throughout Hanford	The agency oversees the decommissioning of the large, complex, and high-risk facilities throughout the Hanford site and provides regulatory oversight of mixed waste management activities at facilities not under the management of the U.S. Department of Energy (Columbia Generating Station, Perma-Fix Northwest, and the U.S. Navy's Puget Sound Naval Shipyard).
A016	Treat and Dispose of Hanford's High-Level Radioactive Tank Waste	The agency protects public health and natural resources by providing regulatory oversight for the treatment and removal of highly radioactive tank waste at the Hanford Nuclear Reservation. This activity is focused on the design, permitting, construction, and operation of the Hanford Waste Treatment Plant, the Integrated Disposal Facility (a mixed, low-level waste landfill), and immobilized high-level waste storage facility.



Activity	Activity Title	Description
A017	Ensure Safe Tank Operations, Storage of Tank Wastes, & Closure of the Waste Storage Tanks at Hanford	The agency protects public health and the environment by enforcing regulatory compliance at the Hanford site to ensure the safe storage, treatment, and disposal of the high-level radioactive tank waste according to the Hanford Tank Waste Project.
A018	Ensure the Safe Management of Radioactive Mixed Waste at Hanford	The agency provides regulatory oversight for the safe storage, treatment, and disposal of liquid and solid dangerous and radioactive mixed wastes at the Hanford Nuclear Reservation, as well as at radioactive mixed-waste sites throughout the state. This activity regulates the management of this historic and ongoing waste stream, and ensures the retrieval, treatment, and safe disposal of high-risk transuranic and high activity wastes currently buried in shallow, unlined trenches.
A020	Improve Quality of Data Used for Environmental Decision Making	<p>To ensure the reliability and integrity of data Ecology generates, agency staff:</p> <ul style="list-style-type: none"> <li>• Provide guidance and training on developing quality assurance project plans.</li> <li>• Review project proposals.</li> <li>• Consult on sampling design requirements and interpretation of results.</li> </ul> <p>This quality assurance work is required by the Environmental Protection Agency for entities (including Ecology) that receive funding for work involving environmental data. In addition, Ecology scientists, modelers, statisticians, chemists, and other specialists:</p> <ul style="list-style-type: none"> <li>• Interpret technical data.</li> <li>• Review grantee monitoring plans.</li> <li>• Supply information for policy decisions to support agency mandates</li> </ul>
A021	Increase Safe Hazardous Waste Management, Pollution Prevention, and Dangerous Waste Regulatory Compliance	<p>This activity supports the work the agency does to:</p> <ul style="list-style-type: none"> <li>• Conduct dangerous waste compliance inspections, escalating to formal enforcement actions when necessary.</li> <li>• Amends the Dangerous Waste Regulations to keep our rules current with the federal program and maintain state authorization.</li> <li>• Provide dangerous waste management and pollution prevention education and technical assistance to businesses, including via local specialists through the Pollution Prevention Assistance partnership.</li> <li>• Issue permits to facilities that treat, store, or dispose of dangerous waste, and ensure that proper financial assurance requirements are in place.</li> </ul>



Activity	Activity Title	Description
A023	Manage Underground Storage Tanks to Minimize Releases	Ecology currently regulates over 10,000 active tanks on over 3,600 different properties, including gas stations, industries, commercial properties, and governmental entities. We ensure tanks are installed, managed, and monitored according to federal standards and in a way that prevents releases into the environment. This is done through compliance inspections and providing technical assistance to tank owners and operators. Properly managing such tanks saves millions of dollars in cleanup costs and prevents contamination of limited drinking water and other groundwater resources.
A024	Manage Water Rights	The agency allocates surface and ground water to meet the state's many water supply needs. Ecology staff makes decisions on applications for new water rights, changes to existing water rights, and by participating in water rights adjudications in areas where additional certainty is needed.
A025	Measure Air Pollution Levels and Emissions	This activity supports the work the agency does to collect and monitor air quality and emissions data used to assess trends; assist compliance; and assess control strategies, health effects, and environmental damage from air pollution.
A026	Measure Contaminants in the Environment by Performing Laboratory Analyses	The Manchester Environmental Laboratory is a full-service environmental laboratory. The lab provides technical, analytical, and sampling support for chemistry and microbiology for multiple Ecology programs, and supports work conducted under the federal Clean Water Act, as well as the state Water Pollution Control, Puget Sound Water Quality Protection, Children's Safe Products and Model Toxics Control Acts.
A027	Monitor the Quality of State Waters and Measure Stream Flows Statewide	<p>Ecology operates a statewide environmental monitoring network to:</p> <ul style="list-style-type: none"> <li>● Assess the status of major waterbodies.</li> <li>● Identify threatened or impaired waters.</li> <li>● Evaluate changes and trends in water quality over time.</li> </ul> <p>This network includes sampling stations in rivers, streams, and marine waters (Puget Sound and the major coastal estuaries). Ecology measures statewide biological, chemical, and habitat conditions to provide information on the health of watersheds on a regional scale. Ecology also measures stream flows in salmon critical basins and key watersheds statewide.</p>
A028	Improve Environmental Compliance at State's Largest Industrial Facilities	The Department of Ecology provides a single point of contact for compliance reviews and technical assistance for petroleum refineries, pulp and paper mills, and aluminum smelters so they have consistent regulatory oversight.

Activity	Activity Title	Description
A030	Prepare for Aggressive Response to Oil and Hazardous Material Incidents	This activity ensures large commercial vessels, oil handling facilities, and railroad operators that transport oil by rail maintain state-approved oil spill contingency plans so they can rapidly and effectively respond to major oil spills. State planning standards ensure response equipment and personnel are strategically staged throughout the state. This work is carried out through staff review and approval of contingency plans, drills that test contingency plans, development of geographic response plans, and maintenance of a regional contingency plan in partnership with other agencies.
A031	Remediate Hazardous Waste Pollution and Restore Contaminated Sites to Productive Use	<p>This activity supports the work the agency does to:</p> <ul style="list-style-type: none"> <li>• Oversee cleanup of high-priority corrective action sites.</li> <li>• Provide pollution prevention and toxics reduction technical assistance to hazardous waste generators.</li> </ul>
A032	Prevent Point Source Water Pollution	Ecology protects Washington's water by regulating point source discharges of pollutants to surface and ground waters. This is done with a wastewater permit program for sewage treatment plants and an industrial discharge program for other industries. A permit is a rigorous set of limits, monitoring requirements, or management practices, usually specific to a discharge, designed to ensure a facility can meet treatment standards and water quality limits. The permit is followed by regular inspections and site visits. Technical assistance and follow-up on permit violations also are provided through various means.
A033	Prevent Oil Spills from Vessels and Oil Handling Facilities	Ecology works with communities and regulated entities to prevent spills from vessels and oil handling facilities through inspections, review and approval of plans and manuals, technical assistance, incident investigation, and risk assessment work.
A034	Prevent Unhealthy Air and Violations of Air Quality Standards	This activity supports the work the agency does to develop and implement State Implementation Plans to maintain healthy air, prevent violations, and cleanup areas that violate standards as quickly as possible.
A035	Promote Compliance with Water Laws	The agency helps ensure that water users comply with the state's water laws so that other legal water users are not impaired; water use remains sustainable over the long term; and the environment is protected for the benefit of people and nature. Activities include water metering and reporting 80 percent of water use in 16 fish critical basins, along with education, technical assistance, and strategic enforcement in egregious cases.

Activity	Activity Title	Description
A036	Protect and Manage Shorelines in Partnership with Local Governments	The Shoreline Management Act establishes a cooperative program between local and state governments, in which local governments develop and administer local Shoreline Master Programs, and the Department of Ecology provides support and oversight. The agency is involved in shoreline management in four primary ways: developing guidelines for local shoreline programs; providing technical assistance to local governments and applicants on shoreline planning and permitting activities; reviewing and approving amendments to local shoreline master programs; and reviewing permits to ensure resource protection and implementation of the law. The agency works with local governments on permit compliance by responding to public inquiries and complaints, making field visits, providing compliance-related technical assistance, and issuing notices of correction, orders, and penalties. Properly managed shorelines provide habitat for fish and wildlife, minimize flooding and property damage, and provide land-use certainty to local landowners.
A037	Protect Water Quality by Reviewing and Conditioning Construction Projects	The Department of Ecology issues water quality certifications and Coastal Zone Management Act consistency determinations for water-related construction projects. Staff provide early review on projects whenever possible (e.g., through State Environmental Policy Act review and pre-application meetings) and provide project guidance and technical assistance through phone calls, e-mails, site visits, and workshops. Projects are approved, denied, or conditioned to protect water quality, sediment quality, and fish and shellfish habitat. This activity allows the state to actively participate in federal permitting activities to ensure that state interests are adequately represented and considered.
A038	Protect, Restore, and Manage Wetlands	The Department of Ecology is the lead agency responsible for implementing the state Water Pollution Control Act, which requires the protection of wetlands. The agency provides leadership on wetlands issues, coordinates statewide policy issues, and develops new approaches for managing and restoring wetlands. The agency provides technical assistance to local governments, helping them implement requirements in the Shoreline Management and Growth Management acts. The agency also provides technical assistance to non-government entities on wetlands conservation and stewardship programs.
A040	Provide Technical and Financial Assistance to Local Governments to Reduce Flood Hazards	The Department of Ecology administers the Flood Control Assistance Account Program, providing grants and technical assistance to local governments for flood damage reduction projects and comprehensive flood hazard management planning. Staff review and approve local Comprehensive Flood Hazard Management Plans and inspect construction of flood damage reduction projects. The Department of Ecology is also the state's coordinating agency for the National Flood Insurance Program (NFIP) and receives an annual Community Assistance Program grant to provide technical assistance and support to 286 communities enrolled in the NFIP. In this role, staff make regularly scheduled technical assistance visits to communities, assess local regulatory programs for compliance with state and federal requirements, and provide workshops and other outreach on flood hazard recognition and reduction. Proper flood control planning and projects protect both private and public property, as well as natural resources and fish and wildlife habitat.

Activity	Activity Title	Description
A041	Provide Technical Assistance on State Environmental Policy Act (SEPA) Review	SEPA was adopted in 1971 to ensure that state and local decision makers consider the environmental impacts of their actions. The SEPA law provides an opportunity for local citizen involvement in the environmental review process and provides developers an opportunity to identify mitigation opportunities that facilitate overall project approval and minimize development costs. The agency provides training and assistance to local governments and the public, and manages the SEPA register.
A042	Provide Technical Training, Education, and Research through Padilla Bay Estuarine Reserve	The Padilla Bay National Estuarine Research Reserve in Skagit County is part of a national network of reserves established to protect estuaries for research and education. The Padilla Bay Reserve conducts a broad array of public education programs, technical and professional training, coastal restoration, and scientific research and monitoring. Managed in partnership with the National Oceanic and Atmospheric Administration (NOAA), the reserve includes over 11,000 acres of tidelands and uplands; the Breazeale Interpretive Center with aquaria and touch pool; a research laboratory; residential quarters; trails; and support facilities. The reserve also provides funds and technical support to local Marine Resource Committees as part of the Northwest Straits Initiative, and administers the Northwest Straits Marine Commission.
A043	Provide Water Quality Financial Assistance	Ecology provides grants, low-interest loans, and technical assistance to local governments, state agencies, and tribes to enable them to build, upgrade, repair, or replace facilities to improve and protect water quality. This includes meeting the state's obligation to manage the Water Pollution Control Revolving Fund in perpetuity. Ecology also funds nonpoint-source control projects such as watershed planning, stormwater management, freshwater aquatic weed management, education, and agricultural best management practices. Grants are targeted to nonpoint-source problems and communities where needed wastewater facilities projects would be a financial hardship for taxpayers. Local governments use loans for both point and nonpoint-source water pollution prevention and correction projects. Ecology coordinates grant and loan assistance with other state and federal funding agencies.
A044	Provide Water Resources Data and Information	The collection, management, and sharing of data and information is critical to modern water management. It is essential to local watershed groups, conservancy boards, businesses, local governments, nonprofit groups, the Legislature, other agencies, and the media. It supports daily agency operations, including making water allocation decisions; setting and achieving stream flows; identifying the location and characteristics of wells, dams, and water diversions; supporting compliance actions; metering; tracking progress; communicating with constituents; and serving other water resource functions.

Activity	Activity Title	Description
A045	Reduce Air Pollution from Industrial and Commercial Sources	This activity supports the work the agency does to ensure new and existing industrial and commercial facilities that emit significant levels of air pollution comply with state and federal air quality standards.
A047	Reduce Health and Environmental Threats from Motor Vehicle Emissions	This activity supports the work the agency does to implement Washington's Clean Car standards and provide grants to incentivize cleaner motor vehicles and fuels.
A048	Reduce Health and Environmental Threats from Smoke	<p>This activity supports the work the agency does to :</p> <ul style="list-style-type: none"> <li>• Administer the state's smoke management program that oversees outdoor burning and woodstoves.</li> <li>• Assist communities, local health organizations, and fire suppression agencies with health impact messaging and recommendations during large-scale wildfire events.</li> </ul>
A049	Reduce Nonpoint-Source Water Pollution	Nonpoint-source pollution (polluted runoff) is the leading cause of water pollution and poses a major health and economic threat. Types of nonpoint pollution include fecal coliform bacteria, elevated water temperature, pesticides, sediments, and nutrients. Sources of pollution include agriculture, forestry, urban and rural runoff, recreation, hydrologic modification, and loss of aquatic ecosystems. Ecology addresses these problems through raising awareness; encouraging community action; providing funding; and supporting local decision makers. The agency also coordinates with other stakeholders through the Washington State Nonpoint Workgroup, the Forest Practices Technical Assistance group, and the Agricultural Technical Assistance group.
A052	Reduce the Generation of Hazardous Waste and the Use of Toxic Substances through Technical Assistance	This activity supports the work the agency does to provide pollution prevention and toxics reduction technical assistance to hazardous waste generators.
A053	Regulate Well Construction	The agency protects consumers, well drillers, and the environment by licensing and regulating well drillers, investigating complaints, approving variances from construction standards, and providing continuing education to well drillers. The work is accomplished in partnership with delegated counties. It delivers technical assistance to homeowners, well drillers, tribes, and local governments.

Activity	Activity Title	Description
A054	Rapidly Respond to and Clean Up Oil and Hazardous Material Spills	This activity ensures Ecology and its partners respond to spills in a rapid, aggressive, and well-coordinated manner to ensure impacts to the environment are minimized. Spill response capability is maintained 24 hours a day and seven days a week statewide. This includes ensuring the safety of the public and emergency responders, performing cleanup and oversight of cleanup activities, coordinating wildlife rescue and rehabilitation activities, providing timely information to the public and stakeholders about response activities, and implementing protection strategies to minimize impacts to Washington's environmental, cultural and economic resources. Enforcement actions are issued based on results of incident investigations.
A055	Restore Public Natural Resources Damaged by Oil Spills	When spills occur, Ecology provides incident notification to natural resource trustees and responds to the incident to assess impacts, collect samples, and determine the extent of injury to state publicly owned resources. Ecology then leads the interagency Resource Damage Assessment (RDA) Committee to assess damages and seek fair compensation for damages to Washington resources. Ecology works with the RDA Committee and responsible parties in funding, planning, and implementing effective restoration projects to restore impacted resources. Ecology manages the Coastal Protection Fund Grant process for restoration work, and performs follow-up restoration site visits to ensure they were effective.
A056	Restore Watersheds by Supporting Community- Based Projects with the Washington Conservation Corps	The Washington Conservation Corps (WCC) was established in 1983 to conserve, rehabilitate, and enhance the state's natural and environmental resources, while providing educational opportunities and meaningful work experiences for young adults (ages 18-25). The WCC creates partnerships with federal, state, and local agencies, private entities, and nonprofit groups to complete a variety of conservation-related projects. These include stream and riparian restoration, wetlands restoration and enhancement, soil stabilization, and other forest restoration activities, fencing, and trail work. The WCC also provides emergency response and hazard mitigation services to local communities.
A057	Services to Site Owners that Volunteer to Clean Up their Contaminated Sites	Ecology provides services to site owners or operators who initiate clean up of their contaminated sites. Voluntary cleanups can be done in a variety of ways: Completely independent of the agency; independent with some agency assistance or review; or with agency oversight under a signed legal agreement (an agreed order or consent decree). They may be done through consultations, prepayment agreements, prospective purchaser agreements, and brownfields redevelopment. The voluntary cleanup program minimizes the need for public funding used for such cleanup and promotes local economic development through new industries and other beneficial uses of cleaned properties.

Activity	Activity Title	Description
A063	Climate Change Mitigation and Adaptation	<p>This activity supports the work the agency does to conduct a biennial greenhouse gas emissions inventory, administer the state's mandatory greenhouse gas reporting program, and help state agencies and higher education institutions identify and report their greenhouse gas emissions and develop strategies to reduce those emissions.</p> <p>It also supports the work the agency does to implement a portfolio of policies to reduce greenhouse gas emissions to meet the state's greenhouse gas emission limits.</p>
A064	Manage Solid Waste Safely	<p>To ensure that solid waste handling and disposal facilities are in compliance with environmental requirements, Ecology:</p> <ul style="list-style-type: none"> <li>• Sets standards for the proper handling and disposal of solid waste.</li> <li>• Negotiates and implements cleanup orders under the Model Toxics Control Act, and oversees cleanup actions at solid waste facilities.</li> <li>• Provides technical assistance, permit review, and regulatory, engineering and hydrogeology expertise to local health departments who permit solid waste handling and disposal facilities.</li> </ul>
A065	Reduce Toxic Chemicals in Products and Promote Safer Alternatives	<p>This activity supports the work the agency does to:</p> <ul style="list-style-type: none"> <li>• Work with key organizations and interest groups, especially Department of Health, to identify chemicals of concern, review science, and develop and implement action plans to reduce presence of toxic chemicals in the environment.</li> <li>• Provide information safer alternatives and green chemistry to business, education, government, and public sectors.</li> <li>• Update and enforce statutory reporting requirements and limits in specific products.</li> </ul>



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Dollars in Thousands

ABS033 Performance Measure Incremental Estimates  
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BI - Biennial 2025-27 Initial

Activity:

CB	TOPL	No measures linked to activity
CB	TOPL	No measures linked to decision package
CL	5144	No measures linked to activity
CL	5144	No measures linked to decision package
CL	5369	No measures linked to activity
CL	5369	No measures linked to decision package
CL	5447	No measures linked to activity
CL	5447	No measures linked to decision package
CL	5812	No measures linked to activity
CL	5812	No measures linked to decision package
CL	6058	No measures linked to activity
CL	6058	No measures linked to decision package
CL	AK	No measures linked to activity
CL	AK	No measures linked to decision package
CL	CCM	No measures linked to activity
CL	CCM	No measures linked to decision package
CL	CICP	No measures linked to activity
CL	CICP	No measures linked to decision package
CL	CPC1	No measures linked to activity
CL	CPC1	No measures linked to decision package
CL	CPPU	No measures linked to activity
CL	CPPU	No measures linked to decision package
CL	CRS1	No measures linked to activity
CL	CRS1	No measures linked to decision package
CL	CSPC	No measures linked to activity
CL	CSPC	No measures linked to decision package
CL	CZM	No measures linked to activity
CL	CZM	No measures linked to decision package
CL	EA01	No measures linked to activity
CL	EA01	No measures linked to decision package
CL	FLGA	No measures linked to activity
CL	FLGA	No measures linked to decision package
CL	FUSE	No measures linked to activity



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CL	FUSE	No measures linked to decision package
CL	FWRG	No measures linked to activity
CL	FWRG	No measures linked to decision package
CL	KM	No measures linked to activity
CL	KM	No measures linked to decision package
CL	LAME	No measures linked to activity
CL	LAME	No measures linked to decision package
CL	PA	No measures linked to activity
CL	PA	No measures linked to decision package
CL	PBI	No measures linked to activity
CL	PBI	No measures linked to decision package
CL	PC	No measures linked to activity
CL	PC	No measures linked to decision package
CL	PE02	No measures linked to activity
CL	PE02	No measures linked to decision package
CL	PFAS	No measures linked to activity
CL	PFAS	No measures linked to decision package
CL	PG	No measures linked to activity
CL	PG	No measures linked to decision package
CL	PI01	No measures linked to activity
CL	PI01	No measures linked to decision package
CL	PJ01	No measures linked to activity
CL	PJ01	No measures linked to decision package
CL	PK	No measures linked to activity
CL	PK	No measures linked to decision package
CL	PLPL	No measures linked to activity
CL	PLPL	No measures linked to decision package
CL	PS	No measures linked to activity
CL	PS	No measures linked to decision package
CL	PT	No measures linked to activity
CL	PT	No measures linked to decision package
CL	PTST	No measures linked to activity
CL	PTST	No measures linked to decision package
CL	PW	No measures linked to activity
CL	PW	No measures linked to decision package
CL	PX	No measures linked to activity
CL	PX	No measures linked to decision package
CL	PY	No measures linked to activity

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*Dollars in Thousands*

CL	PY	No measures linked to decision package
CL	QD	No measures linked to activity
CL	QD	No measures linked to decision package
CL	QH	No measures linked to activity
CL	QH	No measures linked to decision package
CL	TBG1	No measures linked to activity
CL	TBG1	No measures linked to decision package
CL	WAST	No measures linked to activity
CL	WAST	No measures linked to decision package
CL	WND1	No measures linked to activity
CL	WND1	No measures linked to decision package
ML	ED	No measures linked to activity
ML	ED	No measures linked to decision package
ML	EJ	No measures linked to activity
ML	EJ	No measures linked to decision package
PL	BA	No measures linked to activity
PL	BB	No measures linked to decision package
PL	BB	No measures linked to activity
PL	BC	No measures linked to decision package
PL	BE	No measures linked to activity
PL	BE	No measures linked to decision package
PL	BF	No measures linked to activity
PL	BF	No measures linked to decision package
PL	BH	No measures linked to activity
PL	BH	No measures linked to decision package
PL	BJ	No measures linked to activity
PL	BJ	No measures linked to decision package
PL	BK	No measures linked to activity
PL	BK	No measures linked to decision package
PL	BL	No measures linked to activity
PL	BL	No measures linked to decision package
PL	BP	No measures linked to activity
PL	BP	No measures linked to decision package
PL	BQ	No measures linked to activity
PL	BQ	No measures linked to decision package
PL	BR	No measures linked to activity
PL	BR	No measures linked to decision package
PL	BT	No measures linked to activity
PL	BT	No measures linked to decision package

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*Dollars in Thousands*

PL	BV	No measures linked to activity
PL	BV	No measures linked to decision package
PL	BW	No measures linked to activity
PL	BW	No measures linked to decision package
PL	BX	No measures linked to activity
PL	BX	No measures linked to decision package
PL	BY	No measures linked to activity
PL	BY	No measures linked to decision package
PL	BZ	No measures linked to activity
PL	BZ	No measures linked to decision package
PL	CA	No measures linked to activity
PL	CB	No measures linked to activity
PL	CB	No measures linked to decision package
PL	CC	No measures linked to activity
PL	CC	No measures linked to decision package
PL	CD	No measures linked to activity
PL	CD	No measures linked to decision package
PL	CE	No measures linked to activity
PL	CE	No measures linked to decision package
PL	CF	No measures linked to activity
PL	CF	No measures linked to decision package
PL	CG	No measures linked to activity
PL	CG	No measures linked to decision package

<b>Outcome Measures</b>	<b>001161</b>	<b>Percentage of acceptable proficiency testing analyses completed by accredited labs</b>	<u><b>FY 2026</b></u>	<u><b>FY 2027</b></u>	<u><b>FY 2028</b></u>	<u><b>FY 2029</b></u>
PL	BR	Laboratory Accreditation Auditors	1%	1%	1%	1%

Proficiency testing of labs assures quality environmental data for the state. Approximately 480 labs must meet this requirement annually.

<b>Outcome Measures</b>	<b>001485</b>	<b>Pounds of solid waste disposed annually per person by residents and businesses</b>	<u><b>FY 2026</b></u>	<u><b>FY 2027</b></u>	<u><b>FY 2028</b></u>	<u><b>FY 2029</b></u>
PL	BA	Litter Control & Market Development	10,000,000	10,000,000	10,000,000	10,000,000

<b>Output Measures</b>	<b>001455</b>	<b>Number of flood-prone communities that receive support on flood hazard reduction and regulations</b>	<u><b>FY 2026</b></u>	<u><b>FY 2027</b></u>	<u><b>FY 2028</b></u>	<u><b>FY 2029</b></u>
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**ABS033 Performance Measure Incremental Estimates**  
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*Dollars in Thousands*

PL	CA	Accelerating Floodplain Resilience	4	4	4
<b>Output Measures</b>	<b>001577</b>	<b>Number of total water right decisions completed</b>	<u><b>FY 2026</b></u>	<u><b>FY 2027</b></u>	<u><b>FY 2028</b></u>
			50	50	50
					<u><b>FY 2029</b></u>
					50
<b>Output Measures</b>	<b>002869</b>	<b>Miles of roadway cleared of litter annually by Ecology-funded activities</b>	<u><b>FY 2026</b></u>	<u><b>FY 2027</b></u>	<u><b>FY 2028</b></u>
			1,200	1,200	1,200
					<u><b>FY 2029</b></u>
					1,200
<p>Ecology funds a number of litter pick-up activities: funding to local governments through the Community Litter Pick-up Program (CLCP), state ager clean-up activities, and Ecology's own Youth Corp crews and median crews. Ecology only tracks the number of miles picked up that is funded through Ecology's WRRLLCA funding.</p> <p>Provides a measure for the litter programs that is not dependent on other agencies. The trend will depend somewhat on the funding available for these programs – it will not be affected by what materials the programs are allowed to recover or how much is littered.</p>					
<b>Process - Efficiency Measures</b>	<b>001489</b>	<b>Pounds of litter picked up annually by Ecology-funded activities</b>	<u><b>FY 2026</b></u>	<u><b>FY 2027</b></u>	<u><b>FY 2028</b></u>
			350,000	350,000	350,000
					<u><b>FY 2029</b></u>
					350,000

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*Dollars in Thousands*

**Activity: A002 Administration**

ML 9Z	No measures linked to decision package
ML ED	No measures linked to decision package
ML EJ	No measures linked to decision package
PL BB	No measures linked to decision package
PL BE	No measures linked to decision package
PL BF	No measures linked to decision package
PL BH	No measures linked to decision package
PL BJ	No measures linked to decision package
PL BK	No measures linked to decision package
PL BL	No measures linked to decision package
PL BP	No measures linked to decision package
PL BQ	No measures linked to decision package
PL BT	No measures linked to decision package
PL BV	No measures linked to decision package
PL BW	No measures linked to decision package
PL BX	No measures linked to decision package
PL BY	No measures linked to decision package
PL BZ	No measures linked to decision package
PL CB	No measures linked to decision package
PL CC	No measures linked to decision package
PL CD	No measures linked to decision package
PL CE	No measures linked to decision package
PL CF	No measures linked to decision package
PL CG	No measures linked to decision package

**Outcome Measures 001161 Percentage of acceptable proficiency testing analyses completed by accredited labs**

		<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
PL BR	Laboratory Accreditation Auditors	1%	1%	1%	1%

Proficiency testing of labs assures quality environmental data for the state. Approximately 480 labs must meet this requirement annually.

**Outcome Measures 001485 Pounds of solid waste disposed annually per person by residents and businesses**

		<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
PL BA	Litter Control & Market Development	10,000,000	10,000,000	10,000,000	10,000,000

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<b>Output Measures</b>	<b>001455</b>	<b>Number of flood-prone communities that receive support on flood hazard reduction and regulations</b>					
	PL	CA	Accelerating Floodplain Resilience	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
				4	4	4	4
<b>Output Measures</b>	<b>001577</b>	<b>Number of total water right decisions completed</b>					
	PL	BC	Water Rights Processing	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
				50	50	50	50
<b>Output Measures</b>	<b>002869</b>	<b>Miles of roadway cleared of litter annually by Ecology-funded activities</b>					
	PL	BA	Litter Control & Market Development	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
				1,200	1,200	1,200	1,200

Ecology funds a number of litter pick-up activities: funding to local governments through the Community Litter Pick-up Program (CLCP), state ager clean-up activities, and Ecology's own Youth Corp crews and median crews. Ecology only tracks the number of miles picked up that is funded through Ecology's WRRLLCA funding.

Provides a measure for the litter programs that is not dependent on other agencies. The trend will depend somewhat on the funding available for these programs – it will not be affected by what materials the programs are allowed to recover or how much is littered.

<b>Process - Efficiency Measures</b>	<b>001489</b>	<b>Pounds of litter picked up annually by Ecology-funded activities</b>					
	PL	BA	Litter Control & Market Development	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
				350,000	350,000	350,000	350,000

**Activity: A003 Implementing Integrated Solutions to Protect Instream Resources**

ML	9Z	No measures linked to decision package
PL	BX	No measures linked to decision package
PL	CC	No measures linked to decision package
PL	CF	No measures linked to decision package



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**Activity: A005 Clean up the Most Contaminated Sites First (Upland and Aquatic)**

ML	9Z	No measures linked to decision package
PL	BX	No measures linked to decision package
PL	CC	No measures linked to decision package
PL	CE	No measures linked to decision package

**Activity: A006 Clean Up Polluted Waters**

ML	9Z	No measures linked to decision package
PL	BX	No measures linked to decision package

**Activity: A007 Conduct Environmental Studies for Pollution Source Identification and Control**

ML	9Z	No measures linked to decision package
PL	BP	No measures linked to decision package
PL	BX	No measures linked to decision package
PL	CE	No measures linked to decision package

**Activity: A008 Control Stormwater Pollution**

ML	9Z	No measures linked to decision package
PL	BP	No measures linked to decision package

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*Dollars in Thousands*

**Activity: A009 Eliminate Waste and Promote Material Reuse**

ML 9Z

No measures linked to decision package

<b>Outcome Measures</b>	<b>001485</b>	<b>Pounds of solid waste disposed annually per person by residents and businesses</b>	<u><b>FY 2026</b></u>	<u><b>FY 2027</b></u>	<u><b>FY 2028</b></u>	<u><b>FY 2029</b></u>
PL BA		Litter Control & Market Development	10,000,000	10,000,000	10,000,000	10,000,000

<b>Output Measures</b>	<b>002869</b>	<b>Miles of roadway cleared of litter annually by Ecology-funded activities</b>	<u><b>FY 2026</b></u>	<u><b>FY 2027</b></u>	<u><b>FY 2028</b></u>	<u><b>FY 2029</b></u>
PL BA		Litter Control & Market Development	1,200	1,200	1,200	1,200

Ecology funds a number of litter pick-up activities: funding to local governments through the Community Litter Pick-up Program (CLCP), state ager clean-up activities, and Ecology's own Youth Corp crews and median crews. Ecology only tracks the number of miles picked up that is funded through Ecology's WRRLLCA funding.

Provides a measure for the litter programs that is not dependent on other agencies. The trend will depend somewhat on the funding available for these programs – it will not be affected by what materials the programs are allowed to recover or how much is littered.

<b>Process - Efficiency Measures</b>	<b>001489</b>	<b>Pounds of litter picked up annually by Ecology-funded activities</b>	<u><b>FY 2026</b></u>	<u><b>FY 2027</b></u>	<u><b>FY 2028</b></u>	<u><b>FY 2029</b></u>
PL BA		Litter Control & Market Development	350,000	350,000	350,000	350,000

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*Dollars in Thousands*

**Activity: A010 Prevent and Pick Up Litter**

ML 9Z

No measures linked to decision package

**Outcome Measures 001485 Pounds of solid waste disposed annually per person by residents and businesses**

PL	BA	Litter Control & Market Development	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
			10,000,000	10,000,000	10,000,000	10,000,000

**Output Measures 002869 Miles of roadway cleared of litter annually by Ecology-funded activities**

PL	BA	Litter Control & Market Development	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
			1,200	1,200	1,200	1,200

Ecology funds a number of litter pick-up activities: funding to local governments through the Community Litter Pick-up Program (CLCP), state ager clean-up activities, and Ecology's own Youth Corp crews and median crews. Ecology only tracks the number of miles picked up that is funded through Ecology's WRRLLCA funding.

Provides a measure for the litter programs that is not dependent on other agencies. The trend will depend somewhat on the funding available for these programs – it will not be affected by what materials the programs are allowed to recover or how much is littered.

**Process - Efficiency Measures 001489 Pounds of litter picked up annually by Ecology-funded activities**

PL	BA	Litter Control & Market Development	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
			350,000	350,000	350,000	350,000

**Activity: A011 Ensure Dam Safety**

ML 9Z

No measures linked to decision package



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**Activity: A012 Ensure Environmental Laboratories Provide Quality Data**

ML	9Z						No measures linked to decision package
<b>Outcome Measures</b>	<b>001161</b>	<b>Percentage of acceptable proficiency testing analyses completed by accredited labs</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>	
PL	BR	Laboratory Accreditation Auditors	1%	1%	1%	1%	

Proficiency testing of labs assures quality environmental data for the state. Approximately 480 labs must meet this requirement annually.

**Activity: A013 Provide Planning and Financial Assistance to Manage and Reduce Waste**

ML	9Z						No measures linked to decision package
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**Activity: A014 Restore the Air, Soil, and Water Contaminated from Past Activities at Hanford**

ML	9Z						No measures linked to decision package
ML	ED						No measures linked to decision package

**Activity: A015 Clean Up and Remove Large, Complex, Contaminated Facilities throughout Hanford**

ML	9Z						No measures linked to decision package
ML	ED						No measures linked to decision package

**Activity: A016 Treat and Dispose of Hanford's High-Level Radioactive Tank Waste**

ML	9Z						No measures linked to decision package
ML	ED						No measures linked to decision package

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**Activity: A017 Ensure Safe Tank Operations, Storage of Tank Wastes, & Closure of the Waste Storage Tanks :**

ML 9Z  
 ML ED

No measures linked to decision package  
 No measures linked to decision package

**Activity: A018 Ensure the Safe Management of Radioactive Mixed Waste at Hanford :**

ML 9Z  
 ML ED  
 ML EJ  
 PL BH  
 PL BJ

No measures linked to decision package  
 No measures linked to decision package  
 No measures linked to decision package  
 No measures linked to decision package  
 No measures linked to decision package

**Activity: A019 Support and Engage our Communities and Provide Hazardous Substance and Waste Informat**

ML 9Z

No measures linked to decision package

**Activity: A020 Improve Quality of Data Used for Environmental Decision Making**

ML 9Z

No measures linked to decision package

**Activity: A021 Increase Safe Hazardous Waste Management, Pollution Prevention, and Compliance wit**

ML 9Z

No measures linked to decision package

**Activity: A023 Manage Underground Storage Tanks to Minimize Releases**

ML 9Z

No measures linked to decision package

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*Dollars in Thousands*

**Activity: A024 Manage Water Rights**

ML	9Z				No measures linked to decision package
PL	BY				No measures linked to decision package

**Output Measures 001577 Number of total water right decisions completed**

		<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
PL	BC	Water Rights Processing	50	50	50

**Activity: A025 Measure Air Pollution Levels and Emissions**

ML	9Z				No measures linked to decision package
PL	CB				No measures linked to decision package

**Activity: A026 Measure Contaminants in the Environment by Performing Laboratory Analyses**

ML	9Z				No measures linked to decision package
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**Activity: A027 Monitor the Quality of State Waters and Measure Stream Flows Statewide**

ML	9Z				No measures linked to decision package
PL	CB				No measures linked to decision package

**Activity: A028 Improve Environmental Compliance at State's Largest Industrial Facilities**

ML	9Z				No measures linked to decision package
ML	EJ				No measures linked to decision package



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**Activity: A030 Prepare for Aggressive Response to Oil and Hazardous Material Incidents**

ML 9Z

No measures linked to decision package

**Activity: A031 Remediate Hazardous Waste Pollution and Restore Contaminated Sites to Productive Us**

ML 9Z

No measures linked to decision package

**Activity: A032 Prevent Point Source Water Pollution**

ML 9Z  
PL CC  
PL CE

No measures linked to decision package  
No measures linked to decision package  
No measures linked to decision package

**Activity: A033 Prevent Oil Spills from Vessels and Oil Handling Facilities**

ML 9Z

No measures linked to decision package

**Activity: A034 Prevent Unhealthy Air and Violations of Air Quality Standards**

ML 9Z

No measures linked to decision package

**Activity: A035 Promote Compliance with Water Laws**

ML 9Z  
PL BW

No measures linked to decision package  
No measures linked to decision package

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*Dollars in Thousands*

**Activity: A036 Protect and Manage Shorelines in Partnership with Local Governments**

ML	9Z	No measures linked to decision package
PL	BQ	No measures linked to decision package
PL	CC	No measures linked to decision package

**Activity: A037 Protect Water Quality by Reviewing and Conditioning Construction Projects**

ML	9Z	No measures linked to decision package
PL	BT	No measures linked to decision package

**Activity: A038 Protect, Restore, and Manage Wetlands**

ML	9Z	No measures linked to decision package
PL	CB	No measures linked to decision package
PL	CC	No measures linked to decision package

**Activity: A040 Provide Technical and Financial Assistance to Local Governments to Reduce Flood Hazards**

ML	9Z	No measures linked to decision package
PL	BE	No measures linked to decision package

<b>Output Measures</b>	<b>001455</b>	<b>Number of flood-prone communities that receive support on flood hazard reduction and regulations</b>	<u><b>FY 2026</b></u>	<u><b>FY 2027</b></u>	<u><b>FY 2028</b></u>	<u><b>FY 2029</b></u>
PL	CA	Accelerating Floodplain Resilience	4	4	4	4

**Activity: A041 Provide Technical Assistance on State Environmental Policy Act (SEPA) Review**

ML	9Z	No measures linked to decision package
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**ABS033 Performance Measure Incremental Estimates**  
**461 Department of Ecology**  
**BI - Biennial 2025-27 Initial**

*Dollars in Thousands*

**Activity: A042 Provide Technical Training, Education, and Research through Padilla Bay Estuarine Reserve**

ML 9Z

No measures linked to decision package

**Activity: A043 Provide Water Quality Financial Assistance**

ML 9Z  
PL BF

No measures linked to decision package  
No measures linked to decision package

**Activity: A044 Provide Water Resources Data and Information**

ML 9Z

No measures linked to decision package

**Activity: A045 Reduce Air Pollution from Industrial and Commercial Sources**

ML 9Z  
ML EJ  
PL BK

No measures linked to decision package  
No measures linked to decision package  
No measures linked to decision package

**Activity: A047 Reduce Health and Environmental Threats from Motor Vehicle Emissions**

ML 9Z  
PL CB

No measures linked to decision package  
No measures linked to decision package

**Activity: A048 Reduce Health and Environmental Threats from Smoke**

ML 9Z  
PL CD

No measures linked to decision package  
No measures linked to decision package

**ABS033 Performance Measure Incremental Estimates**  
**461 Department of Ecology**  
**BI - Biennial 2025-27 Initial**  
*Dollars in Thousands*

**Activity: A049 Reduce Nonpoint-Source Water Pollution**

ML 9Z  
PL BZ

No measures linked to decision package  
No measures linked to decision package

**Activity: A052 Reduce the Generation of Hazardous Waste and the Use of Toxic Substances through Technica**

ML 9Z  
PL CB

No measures linked to decision package  
No measures linked to decision package

**Activity: A053 Regulate Well Construction**

ML 9Z

No measures linked to decision package

**Activity: A054 Rapidly Respond to and Clean Up Oil and Hazardous Material Spills**

ML 9Z

No measures linked to decision package

**Activity: A055 Restore Public Natural Resources Damaged by Oil Spills**

ML 9Z

No measures linked to decision package

**Activity: A056 Restore Watersheds by Supporting Community-Based Projects with the Washington Conserva**

ML 9Z

No measures linked to decision package

**Activity: A057 Services to Site Owners that Volunteer to Clean Up their Contaminated Sites**

ML 9Z

No measures linked to decision package



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2025-27 ACTIVITY INVENTORY INDIRECT COST ALLOCATION

DEPARTMENT OF ECOLOGY  
9/5/2024

Act. #	Prog	Activity Title	Bien %			FY26			FY27			Bien	
			Allocation Received	Program Admin	Agency Overhead	Total Indirect	Program Admin	Agency Overhead	Total Indirect	Program Admin	Agency Overhead	Total Indirect	Total Allocated
A002	Admin	Administration	10.11%	1,128,621	5,805,548	6,934,169	1,128,621	5,805,548	6,934,169	1,128,621	5,805,548	6,934,169	13,868,338
A003	WR	Implementing Integrated Solutions to Protect Instream Resources	1.82%	195,142	1,048,448	1,243,590	200,782	1,048,448	1,243,590	200,782	1,048,448	1,243,590	2,492,820
A005	TCP	Clean up the Most Contaminated Sites First (Upland and Aquatic)	9.10%	863,885	5,375,657	6,239,542	863,885	5,375,657	6,239,542	863,885	5,375,657	6,239,542	12,479,084
A006	WQ	Clean Up Polluted Waters	1.38%	81,463	862,477	943,940	83,724	862,477	943,940	83,724	862,477	943,940	1,890,141
A007	EAP	Conduct Environmental Studies for Pollution Source Identification and Control	3.50%	275,709	2,117,111	2,392,820	283,244	2,117,111	2,392,820	283,244	2,117,111	2,400,355	4,793,175
A008	WQ	Control Stormwater Pollution	2.43%	143,451	1,518,768	1,662,219	147,433	1,518,768	1,662,219	147,433	1,518,768	1,662,219	3,328,420
A009	SWM	Eliminate Waste and Promote Material Reuse	2.65%	273,194	1,538,982	1,812,176	282,447	1,538,982	1,812,176	282,447	1,538,982	1,821,429	3,633,605
A010	SWM	Prevent and Pick Up Litter	1.14%	117,220	660,334	777,554	121,190	660,334	777,554	121,190	660,334	781,524	1,559,078
A011	WR	Ensure Dam Safety	0.63%	67,472	362,510	429,982	69,422	362,510	429,982	69,422	362,510	431,932	861,914
A012	EAP	Ensure Environmental Laboratories Provide Quality Data	0.34%	26,500	203,491	229,991	27,225	203,491	229,991	27,225	203,491	230,716	460,707
A013	SWM	Provide Planning and Financial Assistance to Manage and Reduce Waste	0.55%	56,696	319,386	376,082	58,616	319,386	376,082	58,616	319,386	378,002	754,084
A014	NWP	Restore the Air, Soil, and Water Contaminated from Past Activities at Hanford	0.84%	118,451	456,843	575,294	122,005	456,843	575,294	122,005	456,843	578,848	1,154,142
A015	NWP	Clean Up and Remove Large, Complex, Contaminated Facilities throughout Hanford	0.70%	98,185	378,681	476,866	101,131	378,681	476,866	101,131	378,681	479,812	956,678
A016	NWP	Treat and Dispose of Hanford's High-level Radioactive Tank Waste	1.66%	234,107	902,906	1,137,013	241,130	902,906	1,137,013	241,130	902,906	1,144,036	2,281,049
A017	NWP	Ensure Safe Tank Operations, Storage of Tank Wastes, and Closure of the Waste Storage Tanks at Hanford	0.92%	129,632	499,967	629,599	133,521	499,967	629,599	133,521	499,967	633,488	1,263,087
A018	NWP	Ensure the Safe Management of Radioactive Mixed Waste at Hanford	1.11%	156,188	602,386	758,574	160,873	602,386	758,574	160,873	602,386	763,259	1,521,833
A019	HWTR	Support and Engage our Communities and Provide Hazardous Substance and Waste Information	1.10%	85,666	667,072	752,738	88,148	667,072	752,738	88,148	667,072	755,220	1,507,958
A020	EAP	Improve Quality of Data Used for Environmental Decision Making	0.20%	16,146	123,981	140,127	16,587	123,981	140,127	16,587	123,981	140,568	280,695
A021	HWTR	Increase Safe Hazardous Waste Management, Pollution Prevention, and Compliance with Dangerous	2.46%	191,753	1,493,163	1,684,916	197,309	1,493,163	1,684,916	197,309	1,493,163	1,690,472	3,375,388
A023	TCP	Manage Underground Storage Tanks to Minimize Releases	1.13%	107,417	668,420	775,837	107,417	668,420	775,837	107,417	668,420	775,837	1,551,674
A024	WR	Manage Water Rights	2.83%	303,499	1,630,620	1,934,119	312,270	1,630,620	1,934,119	312,270	1,630,620	1,942,890	3,877,009
A025	AQ	Measure Air Pollution Levels and Emissions	1.25%	193,540	664,377	857,917	197,553	664,377	857,917	197,553	664,377	861,930	1,719,847
A026	EAP	Measure Contaminants in the Environment by Performing Laboratory Analyses	1.37%	107,757	827,439	935,196	110,702	827,439	935,196	110,702	827,439	938,141	1,873,337
A027	EAP	Monitor the Quality of State Waters and Measure Stream Flows Statewide	2.44%	192,523	1,478,339	1,670,862	197,784	1,478,339	1,670,862	197,784	1,478,339	1,676,123	3,346,985
A028	SWM	Improve Environmental Compliance at State's Largest Industrial Facilities	1.10%	113,871	641,467	755,338	117,728	641,467	755,338	117,728	641,467	759,195	1,514,533
A030	SPPR	Prepare for Aggressive Response to Oil and Hazardous Material Incidents	1.40%	146,920	808,572	955,492	149,802	808,572	955,492	149,802	808,572	958,374	1,913,866
A031	HWTR	Remediate Hazardous Waste Pollution and Restore Contaminated Sites to Productive Use	0.67%	52,438	408,329	460,767	53,957	408,329	460,767	53,957	408,329	462,286	923,053
A032	WQ	Prevent Point Source Water Pollution	6.19%	365,818	3,873,060	4,238,878	375,973	3,873,060	4,238,878	375,973	3,873,060	4,249,033	8,487,911
A033	SPPR	Prevent Oil Spills from Vessels and Oil Handling Facilities	1.31%	137,371	756,015	893,386	140,064	756,015	893,386	140,064	756,015	896,079	1,789,465
A034	AQ	Prevent Unhealthy Air and Violations of Air Quality Standards	1.66%	256,745	881,344	1,138,089	262,069	881,344	1,138,089	262,069	881,344	1,143,413	2,281,502
A035	WR	Promote Compliance with Water Laws	1.36%	145,730	782,967	928,697	149,941	782,967	928,697	149,941	782,967	932,908	1,861,605
A036	SEA	Protect and Manage Shorelines in Partnership with Local Governments	2.77%	219,182	1,673,744	1,892,926	225,534	1,673,744	1,892,926	225,534	1,673,744	1,899,278	3,792,204
A037	SEA	Protect Water Quality by Reviewing and Conditioning Construction Projects	0.85%	67,590	516,139	583,729	69,549	516,139	583,729	69,549	516,139	585,688	1,169,417
A038	SEA	Protect, Restore, and Manage Wetlands	2.21%	175,063	1,336,839	1,511,902	180,137	1,336,839	1,511,902	180,137	1,336,839	1,516,976	3,028,878
A040	SEA	Provide Technical and Financial Assistance to Local Governments to Reduce Flood Hazards	0.41%	32,471	247,962	280,433	33,413	247,962	280,433	33,413	247,962	281,375	561,808
A041	SEA	Provide Technical Assistance on State Environmental Policy Act (SEPA) Review	1.00%	79,414	606,429	685,843	81,715	606,429	685,843	81,715	606,429	688,144	1,373,987
A042	SEA	Provide Technical Training, Education, and Research through Padilla Bay Estuarine Reserve	0.91%	72,002	549,829	621,831	74,089	549,829	621,831	74,089	549,829	623,918	1,245,749

**2025-27 ACTIVITY INVENTORY INDIRECT COST ALLOCATION**

DEPARTMENT OF ECOLOGY  
9/5/2024

Act. #	Prog	Activity Title	Allocation Received %	FY26			FY27			Bien	
				Program Admin	Agency Overhead	Total Indirect	Program Admin	Agency Overhead	Total Indirect	Total Allocated	Bien
A043	WQ	Provide Water Quality Financial Assistance	3.08%	181,763	1,924,402	2,106,165	186,809	1,924,402	2,111,211	4,217,376	
A044	WR	Provide Water Resources Data and Information	1.52%	163,538	878,648	1,042,186	168,265	878,648	1,046,913	2,089,099	
A045	AQ	Reduce Air Pollution from Industrial and Commercial Sources	1.01%	155,460	533,658	689,118	158,684	533,658	692,342	1,381,460	
A047	AQ	Reduce Health and Environmental Threats from Motor Vehicle Emissions	0.42%	65,168	223,705	288,873	66,519	223,705	290,224	579,097	
A048	AQ	Reduce Health and Environmental Threats from Smoke	0.83%	128,765	442,019	570,784	131,435	442,019	573,454	1,144,238	
A049	WQ	Reduce Nonpoint Source Water Pollution	2.06%	121,557	1,286,977	1,408,534	124,932	1,286,977	1,411,909	2,820,443	
A052	HWTR	Reduce the Generation of Hazardous Waste and the Use of Toxic Substances through Technical Assistance	1.09%	84,801	660,334	745,135	87,258	660,334	747,592	1,492,727	
A053	WR	Regulate Well Construction	0.32%	34,112	183,276	217,388	35,098	183,276	218,374	435,762	
A054	SPPR	Rapidly Respond to and Clean Up Oil and Hazardous Material Spills	2.22%	233,603	1,285,630	1,519,233	238,184	1,285,630	1,523,814	3,043,047	
A055	SPPR	Restore Public Natural Resources Damaged by Oil Spills	0.13%	13,713	75,467	89,180	13,981	75,467	89,448	178,628	
A056	SEA	Restore Watersheds by Supporting Community-Based Projects with the WCC	2.87%	227,476	1,737,082	1,964,558	234,069	1,737,082	1,971,151	3,935,709	
A057	TCP	Services to Site Owners that Volunteer to Clean Up their Contaminated Sites	1.23%	116,296	723,672	839,968	116,296	723,672	839,968	1,679,936	
A063	Admin, AQ, CPR	Climate Change Mitigation and Adaptation	7.15%	898,745	3,983,565	4,882,310	932,385	3,983,565	4,915,950	9,798,260	
A064	SWM	Manage Solid Waste Safely	1.15%	118,416	667,072	785,488	122,427	667,072	789,499	1,574,987	
A065	HWTR	Prevent the Use of Toxic Chemicals in Products and Promote Safer Alternatives	1.44%	111,798	870,563	982,361	115,038	870,563	985,601	1,967,962	
		<b>Total</b>	<b>100.00%</b>	<b>9,684,043</b>	<b>58,765,672</b>	<b>68,449,715</b>	<b>9,898,370</b>	<b>58,765,672</b>	<b>68,664,042</b>	<b>137,113,757</b>	

**Allocation Method Description**

Under OFM definitions, "administrative" costs are made up of two components, indirect costs and overhead costs.

- "Indirect" costs, the subject of this table, are costs that tend to vary with activity level or size. These costs are assigned to activities and are included in the cost of each activity. For Ecology, these include program administration costs, and agency level cost allocated costs. Program administration costs are incurred within the environmental programs and are assigned to the activities within each program based on FTEs. Agency level cost allocated costs are allocated to environmental programs according to various allocation bases (e.g. facility costs are allocated based on square footage) and then assigned to activities within each program based on FTEs.
- "Overhead" costs are costs that usually support the entire organization, and tend to be relatively fixed and not readily affected by fluctuations in activity levels. These costs are not assigned to activities. They make up the one "administration" activity. In Ecology these costs are in program A00.

Department of Ecology  
2025-2027 Operating Budget

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Dollars in Thousands

**ABS024 Recommendation Summary**  
**Department of Ecology**  
**2025-27 Regular Budget Session**  
**BI - Biennial 2025-27 Initial**

	Average Annual FTEs	General Fund State	Other Funds	Total Funds
CB T0PL Current Biennium Base	2,184.5	78,781	879,609	958,390
<b>2023-25 Current Biennium Total</b>	<b>2,184.5</b>	<b>78,781</b>	<b>879,609</b>	<b>958,390</b>
<b>Total Carry Forward Level</b>	<b>2,180.4</b>	<b>77,385</b>	<b>838,350</b>	<b>915,735</b>
Percent Change from Current Biennium	<b>(.2)%</b>	<b>(1.8)%</b>	<b>(4.7)%</b>	<b>(4.5)%</b>
<b>Maintenance – Other Changes</b>				
ML 8L Lease Adjustments	0.0	24	176	200
MLEA Manchester Lab Facility Costs	0.0	0	708	708
MLEB Public Participation Grants	0.0	0	939	939
MLEC WCC Member Wages and Benefits	0.0	0	586	586
MLED Hanford Workload Adjustment	0.0	0	0	0
MLEF HQ Parking Garage Renovation COP	0.0	74	542	616
MLEH Electric School Bus Program	0.0	0	19,715	19,715
MLEJ Meeting Air Operating Permit Needs	0.6	0	182	182
MLEK Minimum Wage Increases - Facilities	0.0	18	142	160
MLEL DES Training Fee Increases	0.0	12	102	114
MLEM Teck Metals Litigation Support	0.0	0	700	700
<b>Maintenance – Other Total</b>	<b>0.6</b>	<b>128</b>	<b>23,792</b>	<b>23,920</b>
<b>Total Maintenance Level</b>	<b>2,181.0</b>	<b>77,513</b>	<b>862,142</b>	<b>939,655</b>
Percent Change from Current Biennium	<b>(.2)%</b>	<b>(1.6)%</b>	<b>(2.0)%</b>	<b>(2.0)%</b>
<b>Policy – Other Changes</b>				
PL BA Litter Control & Market Development	2.3	0	5,000	5,000
PL BB Washington Fuel Report System	0.8	0	1,316	1,316
PL BC Water Rights Processing	4.6	1,280	0	1,280
PL BE River Migration Mapping for Salmon	1.2	378	0	378
PL BF WQ Grant & Loan Administration	2.3	0	604	604
PL BG Small Oil Spills Prevention	0.0	0	600	600
PL BH Hanford Holistic Negotiations	3.5	0	1,077	1,077
PL BJ Hanford Unit Closure & Construction	1.8	0	418	418
PL BK Air Quality Industrial Inspectors	2.3	0	558	558
PL BL Lead in Cookware	2.1	0	604	604
PL BM Coastal Resilience Capacity Grants	0.0	2,000	0	2,000
PL BP Reduce Toxic Tire Chemical Exposure	16.1	6,656	2,318	8,974
PL BQ Protecting Washington’s Shorelines	4.5	1,317	0	1,317
PL BR Laboratory Accreditation Auditors	5.8	4,025	<b>(2,091)</b>	1,934
PL BT Aquatic Permitting and Aquaculture	2.3	671	0	671
PL BV Implementing Climate Resilience	3.5	1,158	0	1,158
PL BW Water Management and Compliance	2.3	702	0	702
PL BX Water Resource & Climate Resilience	4.5	1,895	0	1,895
PL BY European Green Crab Research	2.3	542	0	542

**ABS024 Recommendation Summary**  
**Department of Ecology**  
**BI - Biennial 2025-27 Initial**  
*Dollars in Thousands*

	<b>Average Annual FTEs</b>	<b>General Fund State</b>	<b>Other Funds</b>	<b>Total Funds</b>
PL BZ Addressing Harmful Algae Blooms	1.2	451	0	451
PL CA Accelerating Floodplain Resilience	2.3	1,122	0	1,122
PL CB Fed Authority for BIL/IRA Grants	9.1	0	83,620	83,620
PL CC Environmental Justice Capacity	6.9	528	1,586	2,114
PL CD Solid Fuel Burning Devices	1.2	291	115	406
PL CE PFAS Response	10.9	3,908	100	4,008
PL CF Drought Planning & Preparedness	1.7	2,000	0	2,000
PL CG Federal Rules for Power Plants	2.9	852	0	852
<b>Policy – Other Total</b>	<b>98.3</b>	<b>29,776</b>	<b>95,825</b>	<b>125,601</b>
<b>Subtotal - Policy Level Changes</b>	<b>98.3</b>	<b>29,776</b>	<b>95,825</b>	<b>125,601</b>
<b>2025-27 Total Policy Level</b>	<b>2,279.3</b>	<b>107,289</b>	<b>957,967</b>	<b>1,065,256</b>
Percent Change from Current Biennium	4.3%	36.2%	8.9%	11.2%

**ABS024 Recommendation Summary**  
**Department of Ecology**  
**BI - Biennial 2025-27 Initial**  
*Dollars in Thousands*

**ML 8L Lease Adjustments**

This request supports a maintenance level lease increase for the Department of Ecology's Central Region Office in Union Gap, WA. This lease increase is negotiated by Department of Enterprise Services Real Estate Services on behalf of Ecology. The work done at this facility benefits public, other state agencies, Tribes, local partners, and helps protect, preserve, and enhance Washington's environment for current and future generations. (Multiple funds)

**ML EA Manchester Lab Facility Costs**

Ecology shares space with the Environmental Protection Agency (EPA) at their Manchester Environmental Laboratory in Kitsap County. Ecology has been notified by EPA that costs have increased as of January 2024. This request is for a maintenance level increase to cover the additional costs to ensure that core environmental laboratory analysis will continue to inform Ecology's important environmental work and the work of other state agencies, tribes, and local partners. This work helps protect, preserve, and enhance Washington's environment for current and future generations. (Model Toxics Control Operating Account, Water Quality Permit Account)

**ML EB Public Participation Grants**

The Public Participation Grant (PPG) Program is a competitive grant program that funds individuals and nonprofit public interest organizations to conduct education and outreach work related to investigation and cleanup of contaminated sites and carry out recycling and waste management projects that improve recycling rates and waste management outcomes. Ecology is requesting a maintenance level adjustment to keep grant funding aligned with the mandated level of 1% of money collected under RCW 82.21.030, Hazardous Substance Tax. Related to Puget Sound Action Agenda Implementation. (Model Toxics Control Operating Account)

**ML EC WCC Member Wages and Benefits**

The Washington Conservation Corps (WCC) collaborates with organizations to complete environmental restoration and recreation enhancement projects statewide. As the state minimum wage continues to increase, WCC must increase the living allowances and benefits package for its AmeriCorps members to remain competitive with other opportunities, retain members for their full terms, and allow anyone eligible the opportunity to serve, regardless of socioeconomic background. This is an equity adjustment in the living allowance to ensure it is comparable to, and consistent with, the state minimum wage law. Ecology requests state funding to maintain 389 members and staff with WCC's cost share model. (Model Toxics Control Operating Account, General Fund-Federal, General Fund-Private/Local)

**ML ED Hanford Workload Adjustment**

As the United States Department of Energy continues to ramp up mixed waste permitting and mixed waste management activities for the Hanford site, Ecology has observed a declining percentage of Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) cleanup work at Hanford. This trend has been observed for several biennia and is expected to continue as tank waste treatment, storage, and disposal funding continues to increase in Hanford's federal budgets. Ecology requests a net-zero fund shift of expenditure authority from General Fund-Federal to the Radioactive Mixed Waste Account to support the transition of workload related to permitting and oversight of mixed waste management activities. (General Fund-Federal, Radioactive Mixed Waste Account)

**ML EF HQ Parking Garage Renovation COP**

The 2022 Legislature authorized Ecology to finance and proceed with a major restoration project of the parking garage structure at Ecology's Headquarters Building in Lacey, WA. This request is for operating appropriation authority for a Certificate of Participation (COP) for this restoration project. The anticipated total cost for the restoration project COP is approximately \$3,077,479 based on COP financing schedule over 10 years. (Multiple accounts)



**ABS024 Recommendation Summary**  
**Department of Ecology**  
**BI - Biennial 2025-27 Initial**  
*Dollars in Thousands*

**ML EH Electric School Bus Program**

The Clean Diesel Grant Program provides pass-through grant funding to Washington school districts to reduce greenhouse gases and protect residents from toxic diesel emissions. This grant's primary purpose is to fund the replacement of fossil fuel buses with electric buses. Ecology received additional funding for this ongoing program in the 2024 supplemental budget; however, because electric school bus delivery can take approximately 12 months, Ecology will be unable to fully obligate and expend these funds prior to the 2025-27 biennium. Ecology is requesting reappropriation of \$19.7 million to allow sufficient time for school bus owners to receive their school buses, test them, and put them into operation. (Model Toxics Control Capital Account, Carbon Emissions Reduction Account)

**ML EJ Meeting Air Operating Permit Needs**

Federal and state laws define the scope and content of the Air Operating Permit Program. Under these laws, industrial facilities that emit large amounts of air pollution are required to comply with and pay the full cost of the program. State law requires Ecology to use a workload analysis model to determine the budget necessary to administer the program each biennium. In June 2024, Ecology published its final workload analysis, projecting an increased workload for the 2025-27 biennium, based on current costs and workload projections. Ecology is requesting additional spending authority to match the revenue levels already set by the 2025-27 workload analysis. (Air Operating Permit Account)

**ML EK Minimum Wage Increases - Facilities**

Washington State's minimum wage has increased every year since 2011, and under RCW 49.46.020 it is adjusted each year based on the U.S. consumer price index for urban wage earners and clerical workers. These increases, along with changes in prevailing wage rates, continue to increase costs across Ecology's existing service and maintenance contracts, including janitorial and security services. Ecology is requesting a maintenance level adjustment in funding to cover the increased costs associated with these minimum and prevailing wage changes in existing service and maintenance contracts for Ecology facilities. (Multiple Funds)

**ML EL DES Training Fee Increases**

Since 2018, the cost of procuring trainings from the Department of Enterprise Services and contracted instructors has increased due to rising administrative fees. To cover these increased costs, Ecology is requesting a maintenance-level funding adjustment to continue providing trainings to Ecology staff. (Multiple Funds)

**ML EM Teck Metals Litigation Support**

This request aligns with the Office of the Attorney General's (AGO) budget request for continuation of Phase 3 of the Pakootas v. Teck Metals, Ltd. (Teck) litigation, in which Washington and the Confederated Tribes of the Colville Reservation are co-plaintiffs in federal district court. The case has been ongoing since 2003, and Phases 1 and 2 of the litigation previously established Teck's liability for releases of metals and other chemicals into the Columbia River from its smelting complex in Canada. Phase 3 of the litigation is needed to recover natural resource injuries and damages because of pollution from the smelter operations. This request supports expert and AGO resources needed next biennium to complete this phase of the litigation, which Ecology will then be billed for. Ecology is requesting appropriation, consistent with the AGO's budget request, to cover these increased legal costs. (Model Toxics Control Operating Account)

**PL BA Litter Control & Market Development**

**ABS024 Recommendation Summary**  
**Department of Ecology**  
**BI - Biennial 2025-27 Initial**  
*Dollars in Thousands*

Waste generation rates continue to rise, while recycling rates have remained stagnant, and litter pollution continues to increase. Additional investments are needed to support local recycling market development and increase litter control measures. Ecology is requesting funding to increase investments in litter control and the state's Recycling Market Development Center, including pass-through grants to state and local partners for litter pickup and waste reduction education grants. Related to Puget Sound Action Agenda Implementation. (Waste Reduction, Recycling and Litter Control Account)

**PL BB Washington Fuel Report System**

The Clean Fuel Standard, passed in 2021 (E3SHB 1091), requires fuel suppliers to gradually reduce the carbon intensity of their products 20% below 2017 levels by 2038. As part of implementing this law, Ecology developed the Washington Fuels Reporting System, an online market platform that allows regulated entities to register for the new program, report fuel transactions, calculate the credits and deficits generated by these transactions, and trade credits to achieve compliance. However, the system that went live in January 2023 was based on aging technology from California that needed to be replaced, and, in 2023, the Legislature provided funding for a three-year period for Ecology to collaborate with the state of California in co-developing market platform for each state. Unfortunately, California was delayed in starting the project, and therefore, Ecology is requesting that the funding appropriated for the 2023-25 biennium, which will go unspent, be appropriated again for fiscal years 2027 and 2028 so that Ecology has the resources needed to complete the project once reinitiated by California by summer 2025. (Clean Fuels Program Account)

**PL BC Water Rights Processing**

The processing of water rights applications has become increasingly difficult in recent years due to the competition for reduced water supplies across the state, as well as a growing legal, scientific, and technical complexity of water right decisions. As a result, the number of water right permit decisions made by Ecology per year has decreased by over 45% from a decade ago. Without additional funding, the backlog of pending water right applications and the time to process those applications will continue to increase. Ecology is requesting funding for additional staffing to increase the number of water right decisions made each year, which will support economic development while protecting the environment. (General Fund-State)

**PL BE River Migration Mapping for Salmon**

A State/Tribal Riparian Work Group working on salmon recovery identified Channel Migration Zone mapping as a priority for riparian habitat protection. In response, the Legislature appropriated one-time funding in fiscal year 2023 and 2023-25 for Ecology to advance a statewide Channel Migration Zone mapping methodology effort. This request is for ongoing funding to continue the work with Tribes, agencies, and other community partners to complete the remaining tasks and provide ongoing technical assistance to Tribes and local governments. This request directly implements priority recommendations and actions in the 2021 Governor's salmon strategy update, it supports Washington Climate Resilience Strategy, and is related to Puget Sound Action Agenda Implementation. (General Fund-State)

**PL BF WQ Grant & Loan Administration**

This request is a technical adjustment to move funding for two current FTEs for the Clean Water State Revolving Fund loan program from the capital budget and fund 727 to the operating budget and fund 564, This request will align the funding for these resources with how the rest of the funding and staff administering these loans are funded. (Water Pollution Control Revolving Administration Account)

**PL BG Small Oil Spills Prevention**

**ABS024 Recommendation Summary**  
**Department of Ecology**  
**BI - Biennial 2025-27 Initial**  
*Dollars in Thousands*

Over 26% of oil spills in Washington waters come from recreational boats, marinas, commercial fishing vessels, and ports. The Washington Sea Grant Small Spill Prevention Education Program was authorized by the Legislature in 1991 to target small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas (RCW 79A.60.620). The program is funded through a budget proviso that has not increased since the program's inception. More than 30 years of economic inflation has reduced the program's ability to carry out that mission, while the need for boater education has only grown as the number of recreational boats in the state has increased. This request will enable Washington Sea Grant to increase its ability to provide crucial outreach throughout Washington on preventing spills. Related to Puget Sound Action Agenda Implementation. (Oil Spill Prevention Account)

**PL BH Hanford Holistic Negotiations**

In 2020, the United States Department of Energy, the United States Environmental Protection Agency, and the Department of Ecology entered voluntary mediated negotiations to agree on a realistic and achievable course for cleaning up radioactive and chemical waste from underground tanks at the Hanford Site. Negotiations concluded in 2024 with a signed settlement agreement and proposed revisions to cleanup deadlines reflected in the Hanford Federal Facility Agreement and Consent Order and the Washington v. Granholm consent decree. Ecology requests funding from the Radioactive Mixed Waste Account for permitting and engineering support necessary to ensure the safe and effective cleanup of tank waste. (Radioactive Mixed Waste Account)

**PL BJ Hanford Unit Closure & Construction**

Following issuance of the Hanford dangerous waste permit renewal (Revision 9), 23 Dangerous Waste Management Units (DWMUs) will require closure as required by their individual issued closure plan. DWMU closure is an increasing workload at the Hanford Site, with 32 additional units that meet closure criteria. Also, the Hanford Federal Facility Agreement and Consent Order M-091 Milestone Series requires construction of the Contact Handle Facility—a new group of DWMUs that will allow for processing, shipment, and disposal of radioactive and hazardous waste. Ecology requests resources to support permitting and oversight of DWMU closure and construction at Hanford. (Radioactive Mixed Waste Account)

**PL BK Air Quality Industrial Inspectors**

Ecology does not have sufficient capacity for industrial inspectors to ensure compliance with state and federal air quality regulations and permits to protect air quality and public health. Industrial inspectors are essential in monitoring 519 industrial facilities located across Ecology's 17-county jurisdiction in Central and Eastern Washington. As of the end of 2023, only 38% of these facilities were inspected within program inspection targets of once every two or three years, and 57% have not been inspected in six or more years. Ecology requests funding for additional industrial inspectors to meet inspection targets, improve compliance, protect air quality and public health, and ensure consistent application of pollution reduction strategies in overburdened communities highly impacted by air pollution. (Air Pollution Control Account)

**PL BL Lead in Cookware**

The Legislature passed 2SHB 1551 in 2024, banning the manufacture, sale, and distribution of cookware that contain lead or lead compounds at a level exceeding five parts per million. The bill takes effect January 1, 2026, and consistent with Ecology's final fiscal note for the bill, this request will provide the funding and staff needed to implement the legislation, beginning July 1, 2025. The requested staff will develop outreach, compliance, and testing programs while also conducting outreach to cookware manufacturers and sellers affected by new restrictions on lead in cookware and consumers, especially those in overburdened communities, to educate them about the dangers of lead in cookware and how to purchase safer pots, pans, and bakeware. (Model Toxics Control Operating Account)

**PL BM Coastal Resilience Capacity Grants**

**ABS024 Recommendation Summary**  
**Department of Ecology**  
**BI - Biennial 2025-27 Initial**

*Dollars in Thousands*

Washington's coastal communities face increased climate change related risks such as flooding, erosion, and sea level rise. At Governor Inslee's request, the Washington Coastal Marine Advisory Council developed a set of recommendations in 2021 focused on building a partnership between state agencies and coastal communities to address these challenges. Ecology already received funding to expand data analysis to assess site-scale vulnerabilities and deliver coordinated state-level technical assistance to coastal communities. This request will provide funding to increase local community capacity to design and implement effective on the ground climate resilience projects. Related to Puget Sound Action Agenda Implementation and implementing Washington's Climate Resilience Strategy. (General Fund-State)

**PL BP Reduce Toxic Tire Chemical Exposure**

The Legislature provided one-time funding to Ecology in both the current and previous biennia to address 6PPD and its transformation product, 6PPD-quinone, which is lethal to Coho salmon and other aquatic life. However, the work to address this toxic chemical is ongoing, and Ecology is requesting funding and staff resources to continue the work needed to identify effective stormwater treatments, find safer alternatives, monitor the environment, and develop laboratory methods in water and sediment. This request directly implements recommended priorities and actions in the 2021 Governor's Salmon Strategy Update and is related to Puget Sound Action Agenda Implementation. (General Fund-State, Model Toxics Control Operating Account, Water Quality Permit Account)

**PL BQ Protecting Washington's Shorelines**

The Legislature passed House Bill 1181 in 2023, which added climate change resilience and environmental justice goals to the state's Growth Management Act. Lawmakers also required updates be made to local comprehensive development plans and shoreline master programs. Washington communities need Ecology support and guidance to effectively complete these new requirements, address other implementation challenges, and build climate resilience. Ecology is requesting additional staff to provide technical assistance, build review capacity, and effectively support implementation of new shoreline master program provisions. Related to implementing Washington's Climate Resilience Strategy, the Governor's Salmon Strategy, and the Puget Sound Action Agenda. (General Fund State)

**PL BR Laboratory Accreditation Auditors**

Ecology's Laboratory Accreditation Unit is responsible for auditing environmental and drinking water labs that do business in or with Washington State. These audits are a key component of the accreditation process and help ensure analyses are conducted properly, according to prescribed methods, and that Washington makes informed decisions based on credible, defensible data. The workload for this unit has increased significantly over the last decade as the need for technical assistance has grown, along with the demand to accredit new labs looking to analyze complex, novel compounds like 6PPD-quinone. In 2023-25, the Legislature provided one-time bridge funding for five auditor positions to help Ecology address this increased workload and respond to a 2021 audit finding by the Environmental Protection Agency that found 34 drinking water labs had not been audited within three years, which is required under the federal Safe Drinking Water Act. Ecology completed rulemaking in 2023 to increase fees to support additional staff. These fees are now adjusted, and this request will provide funding needed to continue the five auditor positions on an ongoing basis so Ecology can remain current on drinking water lab audits and continue to address the backlog of environmental labs that need to be audited. This request also shifts Ecology's base funding for this work so it aligns with where lab accreditation fees are deposited. (General Fund-State, Model Toxics Control Operating Account)

**PL BT Aquatic Permitting and Aquaculture**

In March 2024, the U.S. Army Corps of Engineers (Corps) revoked Nationwide Permit 48 for shellfish aquaculture in Washington. The Corps' decision has resulted in an unanticipated workload increase because Ecology can no longer use its programmatic decision for Nationwide Permit 48, and all shellfish aquaculture projects that had previously been authorized by the Nationwide Permit 48 now require Ecology to review, carry out a public notice, and issue a decision for each operation. Ongoing staff are required to manage this new workload, safeguard our waters, and ensure project proponents understand and comply with water quality certification conditions. Related to Puget Sound Action Agenda Implementation. (General Fund-State)



**ABS024 Recommendation Summary**  
**Department of Ecology**  
**BI - Biennial 2025-27 Initial**  
*Dollars in Thousands*

**PL BV Implementing Climate Resilience**

As directed by the Legislature, Ecology is leading an update to the state's climate resilience strategy by September 30, 2024. As part of that work, Ecology must recommend a durable governance structure to support interagency coordination and strategy implementation. With our nine agency partners, Ecology has identified a preferred governance structure, which requires core staff housed at Ecology and funding to support capacity for and participation of overburdened communities, vulnerable populations, and Tribes. We are proposing agency request legislation to formalize and establish the governance structure. Ecology requests funding and staff resources to implement the state's climate resilience strategy. This request is also related to implementing the Puget Sound Action Agenda and Governor's Salmon Strategy. (General Fund-State)

**PL BW Water Management and Compliance**

Waters of the state belong to the public. Ecology issues rights to use a volume of water for a defined purpose in a specific place based on the "prior appropriations" system. Once water rights are issued, we manage water users to protect senior uses, including instream flows. This requires watermasters tracking water use and active water management practices to ensure compliance. Ecology is requesting funding to increase watermaster staffing in eastern Washington and the Walla Walla Basin to actively manage water use, ensure compliance with state water law, and improve Washington's resilience to impacts from climate change. Related to implementing Washington's Climate Resilience Strategy and Governor's salmon strategy update. (General Fund-State)

**PL BX Water Resource & Climate Resilience**

Washington State's water supply is experiencing the acute impacts of climate change, including less snowfall, earlier snowmelt, and reduced summer streamflow. People and fish compete for a shrinking water supply when salmon and other aquatic life need it most. Understanding the impacts of climate change and population growth on the environment and water supply is crucial to implementing solutions that benefit all water users. Ecology is requesting funding and staff resources for climate resilience actions that build the capacity and knowledge base needed to boost instream flows and support statewide water security. Related to implementing Washington's Climate Resilience Strategy. (General Fund-State)

**PL BY European Green Crab Research**

European green crab is an invasive species threatening Washington's coastal resources with long-term ecological and economic damage. Governor Inslee directed Ecology and other state agencies to prioritize emergency control measures on state-owned lands in Emergency Proclamation 22-02, Green Crab Infestation. The Legislature provided funding to the Washington Department of Fish and Wildlife, and Ecology received some of these funds to support trapping in 2023-25. Ecology is requesting additional resources for research to increase our understanding of the crab's behavior to inform long-term strategic management and monitoring. This request will help natural resource managers understand environmental factors affecting the pest's dispersal and predict impacts to coastal resources. Directly related to implementing the Governor's Salmon Strategy and Puget Sound Action Agenda. (General Fund-State)

**PL BZ Addressing Harmful Algae Blooms**

Pollution and climate change are causing more harmful algae blooms (HABs) in Washington's lakes, rivers, and streams. These blooms are a growing health concern for humans, animals, and clean water. A bloom can be toxic, impact drinking water supplies, and close waters for recreation. Ecology is requesting dedicated resources to participate in a coordinated, multi-agency approach to respond to HABs. Related to implementing Washington's Climate Resilience Strategy and Puget Sound Action Agenda. (General Fund-State)

**ABS024 Recommendation Summary**  
**Department of Ecology**  
**BI - Biennial 2025-27 Initial**  
*Dollars in Thousands*

**PL CA Accelerating Floodplain Resilience**

The Federal Emergency Management Agency (FEMA) administers the National Flood Insurance Program to inform communities about flood risks. FEMA produces and updates flood risk maps, but many in Washington are out of date, which hinders the state's ability to protect homes, businesses, and public infrastructure from flooding. Out-of-date maps are also slowing and driving up costs for many salmon restoration projects. Ecology is seeking additional resources for staff to update flood risk maps provide technical support to communities, and help move salmon recovery projects forward. Related to implementing Washington's Climate Resilience Strategy, the Governor's Salmon Strategy, and Puget Sound Action Agenda. (General Fund-State)

**PL CB Fed Authority for BIL/IRA Grants**

Passage of both the Bipartisan Infrastructure Law and the Inflation Reduction Act has substantially increased the amount of federal funding being passed through to state, local, and Tribal governments across the country to address environmental and public health priorities, including water infrastructure improvements, legacy pollution cleanup, and tackling the climate crisis. As these funding opportunities have become available, Ecology, like other state agencies, Tribes, and local governments across Washington, have applied for and been awarded funds to support environmental and public health work and projects being done across the state. Ecology is requesting the additional federal spending authority needed to leverage seven new funding opportunities that have been awarded or applied for, as of August 1, 2024. (General Fund-Federal)

**PL CC Environmental Justice Capacity**

This request will help fill capacity gaps to implement environmental justice requirements in the HEAL Act and state and federal environmental justice and equity mandates. In the 2021 Healthy Environment for All (HEAL) Act fiscal note, Ecology identified several unknown fiscal impacts. Now that the workload is better understood, Ecology is working to address those impacts. We have attempted to address workload issues using existing staff and filling gaps with temporary positions. However, this has resulted in job turnover and challenges meeting deadlines and maintaining work quality. Ecology is requesting staff resources to meet current and growing statutory demands and embed expertise within specific Ecology environmental programs with the greatest need. (Multiple Accounts)

**PL CD Solid Fuel Burning Devices**

Wood smoke from residential wood heating (RWH) is the largest source of fine particle air pollution from human activity in Washington and has negative health and regulatory implications. Washington's RWH laws and rules, once a leading national example, are outdated and have been surpassed by more protective federal regulations. Regulating RWH devices in Washington is now challenging and relies on a patchwork of state and federal policies. Ecology is seeking to align and clarify Washington's RWH policies through agency-request legislation. This request is for funding and resources to update Chapter 173-433 WAC, review test results for new solid fuel burning devices, and develop a list of devices approved for sale in Washington. Related to Puget Sound Action Agenda implementation. (General Fund-State, Wood Stove Education & Enforcement Account)

**PL CE PFAS Response**

**ABS024 Recommendation Summary**  
**Department of Ecology**  
**BI - Biennial 2025-27 Initial**  
*Dollars in Thousands*

Per- and polyfluoroalkyl substances (PFAS) are a family of more than 12,000 synthetic organic chemicals used in many products including waterproof clothing, furniture, food packaging, and firefighting foam. Recently, there have been significant regulatory changes, including new federal drinking water standards and proposed federal PFAS waste regulations that will affect some cleanup sites. To further clean up PFAS-contaminated sites, Ecology needs additional funding and staff resources, enhance testing and monitoring of PFAS contamination throughout the state to identify sites requiring remediation and areas where clean drinking water is threatened, work to reduce or eliminate the use of PFAS by businesses around the state, and research PFAS in stormwater and municipal and industrial wastewater. This request supports a series of recommended actions in the PFAS Statewide Funding Strategy that were required in Section 3035 of the 2023-25 capital budget. It is also directly related to implementing the Governor's Salmon Strategy and Puget Sound Action Agenda. (General Fund State, Water Quality Permit Account)

**PL CF Drought Planning & Preparedness**

Washington continues to face serious impacts to its snowpack, infrastructure, and water supply as the climate continues to change, drought becomes more frequent, and temperature extremes become more common. To help address these issues, Ecology used one-time funding provided in the 2023-25 operating budget to establish a pilot program to offer competitive drought planning and preparedness grants to help communities and agricultural users across the state stabilize access to water supplies before the onset of an emergency. This request will enable Ecology to continue this grant program on an ongoing basis and include both drought planning actions and preparedness projects moving forward. Related to implementing Washington's Climate Resilience Strategy. (General Fund-State)

**PL CG Federal Rules for Power Plants**

The United States Environmental Protection Agency is releasing two federal rules to regulate greenhouse gas emissions from power plants. The Greenhouse Gas Standards and Guidelines for Fossil Fuel-Fired Power Plants require Ecology to complete a state implementation plan detailing how Washington's power plants will be brought into compliance with these new federal regulations. This request will support the staffing resources needed to create the state plan and update any associated rules. It will also allow Ecology to coordinate Washington State's response to anticipated forthcoming federal climate regulations impacting our state that legally require a state response. (General Fund-State)

Department of Ecology  
2025-2027 Operating Budget

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**Operating**

9/10/2024 \$ in thousands - Biennialized FTEs

2025-27 Carryforward Level Base Budget

		2025-27 Biennium Budget Request 9/10/2024				
		FTE	GF-State	MTCA <sup>1</sup>	Other	Total
		2,180.4	77,385	353,778	484,572	915,735
<b>Maintenance Level Changes</b>						
1	WCC Member Wages and Benefits			235	351	586
2	Manchester Lab Facility Costs			638	70	708
3	Teck Metals Litigation Support			700		700
4	HQ Parking Garage Renovation COP		74	320	222	616
5	Public Participation Grants			939		939
6	Hanford Workload Adjustment <sup>2</sup>				-	-
7	Minimum Wage Increases - Facilities		18	82	60	160
8	Meeting Air Operating Permit Needs	0.6			182	182
9	DES Training Fee Increases		12	68	34	114
10	Lease Adjustments		24	100	76	200
<b>Policy Level Changes</b>						
<b>Reduce and Prepare for Climate Impacts</b>						
11	Implementing Climate Resilience	3.5	1,158			1,158
12	Washington Fuel Report System	0.8			1,316	1,316
13	Federal Rules for Power Plants	2.9	852			852
<b>Prevent and Reduce Waste, Toxic Threats, and Pollution</b>						
14	Laboratory Accreditation Auditors	5.8	4,025	(2,091)		1,934
15	Reduce Toxic Tire Chemical Exposure	16.1	6,656	1,496	822	8,974
16	PFAS Response	10.9	3,908		100	4,008
17	Solid Fuel Burning Devices	1.2	291		115	406
18	Lead in Cookware	2.1		604		604
19	Litter Control & Market Development	2.3			5,000	5,000
20	Hanford Holistic Negotiations	3.4			1,077	1,077
21	Air Quality Industrial Inspectors	2.3			558	558
22	Hanford Unit Closure & Construction	1.8			418	418
<b>Protect and Manage Our State's Waters</b>						
23	Protecting Washington's Shorelines	4.5	1,317			1,317
24	Accelerating Floodplain Resilience	2.3	1,122			1,122
25	Coastal Resilience Capacity Grants		2,000			2,000
26	Water Rights Processing	4.6	1,280			1,280
27	Drought Planning and Preparedness	1.7	2,000			2,000
28	Aquatic Permitting and Aquaculture	2.3	671			671
29	River Migration Mapping for Salmon	1.2	378			378
30	Water Management and Compliance	2.3	702			702
31	Water Resource and Climate Resilience	4.5	1,895			1,895
32	European Green Crab Research	2.3	542			542
33	Addressing Harmful Algae Blooms	1.2	451			451
34	Small Oil Spills Prevention				600	600
35	WQ Grant & Loan Administration	2.3			604	604
<b>Other</b>						
36	Environmental Justice Capacity	6.9	528	882	704	2,114
37	BIL/IRA Federal Authority <sup>3</sup>	9.1			83,620	83,620
<b>Total Changes</b>		<b>98.9</b>	<b>29,904</b>	<b>3,973</b>	<b>95,929</b>	<b>129,806</b>
<b>Total Operating Budget</b>		<b>2,279.3</b>	<b>107,289</b>	<b>357,751</b>	<b>580,501</b>	<b>1,045,541</b>

**Transportation Budget Reappropriation**

1	Electric School Bus Program			15,715	4,000	19,715
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**Notes:**

<sup>1</sup> Model Toxics Control Operating Account (23P-1, 23P-7), Model Toxics Control Stormwater Account (23R-1), Model Toxics Control Capital (23N-1).

<sup>2</sup> Reflects a fund shift of \$413,000 from General Fund-Federal (001-2) to Radioactive Mixed Waste Account (20R-1).

<sup>3</sup> General Fund-Federal appropriation to support increased federal funding applied for and/or received by Ecology through the Bipartisan Infrastructure Law (BIL) and Inflation Reduction Act (IRA).

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Dollars in Thousands

**ABS031 Agency DP Priority (PL)**  
**(List only the program Policy Level budget decision packages, in priority order)**  
**461 - Department of Ecology**  
**2025-27 Regular Budget Session**  
**BI - Biennial 2025-27 Initial**

PL-BR	Laboratory Accreditation Auditors
PL-BP	Reduce Toxic Tire Chemical Exposure
PL-CE	PFAS Response
PL-CC	Environmental Justice Capacity
PL-BV	Implementing Climate Resilience
PL-CD	Solid Fuel Burning Devices
PL-CB	Fed Authority for BIL/IRA Grants
PL-BQ	Protecting Washington’s Shorelines
PL-CA	Accelerating Floodplain Resilience
PL-BM	Coastal Resilience Capacity Grants
PL-BC	Water Rights Processing
PL-CF	Drought Planning & Preparedness
PL-BT	Aquatic Permitting and Aquaculture
PL-BE	River Migration Mapping for Salmon
PL-BW	Water Management and Compliance
PL-BX	Water Resource & Climate Resilience
PL-BL	Lead in Cookware
PL-BB	Washington Fuel Report System
PL-BA	Litter Control & Market Development
PL-BH	Hanford Holistic Negotiations
PL-BY	European Green Crab Research
PL-BK	Air Quality Industrial Inspectors
PL-BJ	Hanford Unit Closure & Construction
PL-BZ	Addressing Harmful Algae Blooms
PL-BG	Small Oil Spills Prevention
PL-CG	Federal Rules for Power Plants
PL-BF	WQ Grant & Loan Administration
PL-RA	New or Increased Fee Requests



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**Policy Level Decision Package Prioritization**  
**All Policy Item Prioritized**

<b>Code</b>	<b>Title</b>
461	Department of Ecology

**AGENCY**

Priority	DP Code	DP Title	FY-26			FY-27			FY-28			FY-29						
			NGFS	Other	Total	NGFS	Other	Total	NGFS	Other	Total	NGFS	Other	Total				
				(1,004)	967		(1,087)	967		(1,004)	967		(1,087)		2,054		(1,496)	967
1	BR	Laboratory Accreditation Auditors	1,971	3,328	4,487	2,054	1,159	4,487	1,971	1,525	3,021	1,971	1,525	3,021	2,054	1,496	1,496	3,021
2	BP	Reduce Toxic Tire Chemical Exposure	3,328	1,954	2,054	3,328	1,954	1,954	1,904	1,904	1,904	1,904	1,904	1,904	1,904	0	0	1,904
3	CE	PFAS Response	1,954	264	1,057	1,954	264	1,057	1,904	264	793	1,904	264	793	1,904	0	0	1,904
4	CC	Environmental Justice Capacity	264	579	1,057	264	579	1,057	264	579	1,057	264	579	1,057	264	793	793	1,057
5	BV	Implementing Climate Resilience	579	163	0	579	128	115	579	0	242	579	0	242	579	0	0	579
6	CD	Solid Fuel Burning Devices	163	0	41,810	163	0	41,810	163	0	41,810	163	0	41,810	0	0	0	242
7	CB	Fed Authority for BIL/IRA Grants	0	41,810	41,810	0	41,810	41,810	0	41,810	41,810	0	41,810	41,810	0	0	0	41,810
8	BQ	Protecting Washington's Shorelines	820	0	820	497	0	497	497	0	497	497	0	497	497	0	0	497
9	CA	Accelerating Floodplain Resilience	561	0	561	561	0	561	561	0	561	561	0	561	561	0	0	561
10	BM	Coastal Resilience Capacity Grants	1,000	0	1,000	1,000	0	1,000	1,000	0	1,000	1,000	0	1,000	1,000	0	0	1,000
11	BC	Water Rights Processing	640	0	640	640	0	640	640	0	640	640	0	640	640	0	0	640
12	CF	Drought Planning & Preparedness	1,000	0	1,000	1,000	0	1,000	1,000	0	1,000	1,000	0	1,000	1,000	0	0	1,000
13	BT	Aquatic Permitting and Aquaculture	335	0	335	335	0	335	335	0	335	335	0	335	335	0	0	335
14	BE	River Migration Mapping for Salmon	189	0	189	189	0	189	189	0	189	189	0	189	189	0	0	189
15	BW	Water Management and Compliance	351	0	351	351	0	351	351	0	351	351	0	351	351	0	0	351
16	BX	Water Resource & Climate Resilience	950	0	950	945	0	945	483	0	483	483	0	483	429	0	0	429
17	BL	Lead in Cookware	0	246	246	0	358	358	358	0	358	358	0	358	0	0	0	358
18	BB	Washington Fuel Report System	0	158	158	0	1,158	1,158	0	1,158	1,158	0	1,158	0	0	0	0	1,158
19	BA	Litter Control & Market Development	0	2,500	2,500	0	2,500	2,500	0	2,500	2,500	0	2,500	0	2,500	0	0	2,500
20	BH	Hanford Holistic Negotiations	0	177	177	0	900	900	0	900	900	0	900	0	900	0	0	900
21	BY	European Green Crab Research	271	0	271	271	0	271	271	0	271	271	0	271	271	0	0	271
22	BK	Air Quality Industrial Inspectors	0	279	279	0	279	279	0	279	279	0	279	0	279	0	0	279
23	BJ	Hanford Unit Closure & Construction	0	139	139	0	279	279	0	279	279	0	279	0	279	0	0	279
24	BZ	Addressing Harmful Algae Blooms	275	0	275	176	0	176	175	0	175	175	0	175	176	0	0	176
25	BG	Small Oil Spills Prevention	0	300	300	0	300	300	0	300	300	0	300	0	300	0	0	300
26	CG	Federal Rules for Power Plants	426	0	426	426	0	426	426	0	426	426	0	426	157	0	0	157
27	BF	WO Grant & Loan Administration	0	302	302	0	302	302	0	302	302	0	302	0	302	0	0	302
			15,077	46,959	62,036	14,699	48,866	63,565	12,171	49,552	61,723	11,933	48,311	60,244				60,244

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**Department of Ecology  
2025-2027 Operating Budget**

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## Agency Recommendation Summary

The Washington Conservation Corps (WCC) collaborates with organizations to complete environmental restoration and recreation enhancement projects statewide. As the state minimum wage continues to increase, WCC must increase the living allowances and benefits package for its AmeriCorps members to remain competitive with other opportunities, retain members for their full terms, and allow anyone eligible the opportunity to serve, regardless of socioeconomic background. This is an equity adjustment in the living allowance to ensure it is comparable to, and consistent with, the state minimum wage law. Ecology requests state funding to maintain 389 members and staff with WCC’s cost share model. (Model Toxics Control Operating Account, General Fund-Federal, General Fund-Private/Local)

## Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
<b>Operating Expenditures</b>						
Fund 001 - 2	\$16	\$47	\$63	\$47	\$47	\$94
Fund 001 - 7	\$72	\$216	\$288	\$216	\$216	\$432
Fund 23P - 1	\$59	\$176	\$235	\$176	\$176	\$352
<b>Total Expenditures</b>	<b>\$147</b>	<b>\$439</b>	<b>\$586</b>	<b>\$439</b>	<b>\$439</b>	<b>\$878</b>
<b>Revenue</b>						
001 - 0315	\$16	\$47	\$63	\$47	\$47	\$94
001 - 0597	\$72	\$216	\$288	\$216	\$216	\$432
<b>Total Revenue</b>	<b>\$88</b>	<b>\$263</b>	<b>\$351</b>	<b>\$263</b>	<b>\$263</b>	<b>\$526</b>

## Decision Package Description

The Washington Conservation Corps (WCC) is an AmeriCorps program that creates leaders in environmental and disaster services through robust training, community involvement, field skill development, hands-on experience, and mentoring of young adults ages 18 to 25 and military veterans. There are 389 members and staff across the state who restore critical habitat, improve trails, reduce wildfire hazards, control erosion, and respond to local and national disasters.

WCC Cost-Share Model

WCC completes projects in partnership with nearly 110 local and Tribal governments, nonprofit entities, and state and federal agencies (see Attachment 1 for a list of 2023-24 partner organizations). These partners pay 75% of WCC’s crew and intern costs. The remaining 25% cost-share is funded by a combination of state appropriation and our federal AmeriCorps grant. In addition to WCC crews, there are 20 AmeriCorps Individual Placement interns funded on a 75/25 basis.

Please note, the 25% cost-share is different than the percentage of state funding that supports total WCC costs. State appropriation funds 100% of nine FTEs. These staff are not part of the 75/25 cost-share model. Instead, these FTEs provide management and operational support to all 315 WCC members (315 members + 65 field staff + 9 management/operations staff = 389 total). In addition, federal funds support 100% of costs related to national disaster response deployments.

While the 75/25 cost-share model is not required, it is the best approach for funding WCC in a marketplace of other AmeriCorps programs. To determine the appropriate cost-share level, WCC reviewed federal funding opportunities for environmental restoration and recreational enhancements – and most require a minimum 25% cost-share. In addition, WCC performs an annual review of the amount of time crews dedicate to direct service. After accounting for crew time not in direct service (e.g., holidays, member recruitment, hiring, orientation, training, and evaluation), the partner organization receives about 75% of a crew member’s available time. Similar programs across the country replicate this cost-share model.

Since the 2019-21 biennium, Ecology has submitted a budget request and received additional state appropriation to cover increasing WCC costs, including minimum wage increases and corresponding benefit cost changes. This additional funding has afforded Ecology the opportunity to maintain the 75/25% cost-share model through the current biennium. As costs related to minimum wage and benefits continue to increase, Ecology requires a maintenance level adjustment for the 2025-27 biennium to maintain WCC’s 389 members, staff, and the 75/25% cost-share model.

Living Allowance

Under RCW 49.46.020, the state minimum wage is set at \$16.28 per hour for calendar year 2024 and will increase each year based on the U.S. Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W). According to the Washington Department of Labor & Industries, the adjusted minimum wage rate for each calendar year is calculated to the nearest cent using the CPI-W, or a successor index, for the 12 months prior to each September 1. Based on current available data, the state’s minimum wage is expected to increase each year by 3.2% beginning January 1, 2025.

- Increase by \$0.52 in calendar year 2025 to \$16.80 per hour
- Increase by \$0.54 in calendar year 2026 to \$17.34 per hour
- Increase by \$0.55 in calendar year 2027 to \$17.89 per hour

Ecology requests state appropriation to increase WCC members' living allowance to align with the upcoming changes to the state's minimum wage and maintain the current cost-share model through the 2025-27 biennium. WCC currently pays its members a semi-monthly living allowance in exchange for an 11.5-month commitment to complete environmental and disaster services. The living allowance is set at a rate equivalent to the state's minimum wage for each crew year. It is distributed accordingly during a WCC member's service term.

WCC crew years run from October 1 through September 15 and align with the federal fiscal year. This maintenance level budget request covers crew years 2024-2025 (October 1, 2024, through September 15, 2025) and 2025-26 (October 1, 2025, through September 15, 2026). Based on the projected increases to the state's minimum wage in January 2025, 2026, and 2027, the WCC semi-monthly living allowance for these crew years will increase as follows:

Crew Year	Semi-Monthly Living Allowance	Avg. Monthly Min. Wage During That Crew Year
2023-2025	\$1,407*	\$16.67
2025-2026	\$1,432	\$17.20
2026-2027	\$1,478	\$17.75

\* Previous decision package (2023-25) assumed minimum wage amounts based on higher indices experienced at the time. The base living allowance amounts used in this decision package are based on \$1,407 semi-monthly amount assumed, rather than the \$1,388 that would be calculated today. This results in a lower request for 2025-27, but accurately reflects the funding level that was provided in 2023-25 and carryforward at CFL for 2025-27.

These living allowance increases total \$665,494 for the 2025-27 biennium, including costs for benefits and administration. Under RCW 43.220.231, Ecology will apply a 5% administrative rate to all WCC costs as part of our partner agreements. Ecology requests a total of \$235,004 in state appropriation from the Model Toxics Control Operating Account (MTCA Operating) to support 25% of the costs for our regular cost-share crews (\$174,747) and 100% of the costs for our Environmental Justice crews (\$60,257). The remaining funding needed for the partner share of the increase is requested in General Fund-Federal and General Fund-Private/Local appropriation. Ecology is not requesting the portion of the increase that is expected to be funded by interagency agreements (IAAs) with state agency partners, because appropriation for those IAAs is not needed.

For additional details about the minimum wage and living allowance increases for each crew year, see Attachment 3: Equitable Living Allowance Calculation and Crosswalk. For a detailed breakdown of the cost increases associated with these living allowance adjustments, see Attachment 4: WCC Member Living Allowance and Benefits Impacts and Attachment 4a: WCC Member Living Allowance and Benefits Impacts (EJ).

Medical Insurance

Under the terms of its federal AmeriCorps grant, Ecology must provide its WCC members Affordable Care Act-compliant medical insurance. These costs continue to increase at approximately 9% a year, mirroring national trends. For the 2025-27 biennium, these increases total \$86,310, including associated administration. Ecology requests a total of \$29,018 in state appropriation from MTCA Operating. This includes 25% of the costs needed to support regular cost-share crews (\$21,578) and 100% of the costs needed to support Environmental Justice Crews (\$7,441).

The remaining funding needed for the partner share of the increase is requested in federal and private/local appropriation. Ecology is not requesting the portion of the increase that is expected to be funded by IAAs with state agency partners, because appropriation for those IAAs is not needed. For more details on health insurance cost increases, see Attachment 5: WCC Health Insurance Impacts and Attachment 5a: WCC Health Insurance Impacts (EJ).

Request Summary

Providing a competitive living allowance (consistent with the state's minimum wage) and a competitive benefits package will ensure WCC can continue to support and retain its 315 members, remain in compliance with the requirements of our federal grant funding, and meet our partners' needs. Ecology's AmeriCorps grant is reimbursed on a flat fee-per-member basis tied to enrollment and retention. Funding for these cost adjustments is essential to ensure Ecology can fully enroll and retain its members to make full use of our federal funding opportunities.

**Is this request related to any budget items funded in the past two biennia?**

Yes, see attached.

**Impacts on Population Served:**

WCC Members

WCC members are young adults, age 18 to 25, and military veterans. In addition to the living allowance and training provided by WCC, they earn an AmeriCorps educational award of \$7,395. Unemployment rates routinely run two to three times greater for young adults than all other age groups. Military veterans suffer from higher unemployment rates than their civilian counterparts. WCC has demonstrated successful outcomes for these demographics, including recent studies showing links between outdoor service, stress reduction, and personal resilience. Importantly, these studies affirmed the Legislature's "therapeutic and reintegration intent of the Veterans Conservation Corps for veterans involved in the Puget Sound corps" specified in WCC's authorizing legislation (Chapter 20, Laws of 2011).

WCC Partner Organizations

The health of the state's ecosystems directly affects the economies, health, and safety of our communities. Washington's natural resources support more than one-third of the state's economy. Improving and protecting at-risk ecosystems is vital to rural jobs and small businesses involved in forestry, farming, fishing, and recreation. Maintaining the 75/25 cost-share model will preserve the diverse portfolio of 110 partner organizations that currently include small nonprofit entities and rural counties and cities that cannot otherwise afford to complete necessary environmental restoration. The WCC provides job and education opportunities for youth and military veterans in these locations and helps meet Ecology's mission to protect Washington's air, land, and water.

**Alternatives Explored:**Pass all increasing costs on to partners

Without additional state funding, the WCC could still increase the living allowance for its members but would have to shift those costs to our external partners, which would change the current 75/25 cost-share model. Under this cost-share model, partners pay 75% of crew costs while the remainder is supported by state appropriations and our federal AmeriCorps grant.

The 75/25 cost-share model is an eligibility requirement for state and federal grants and contracts that require a minimum 25% match. If WCC were to pass all these increased costs onto partners, the program would no longer be eligible for state and federal grants requiring a minimum 25% match.

Reduced state support would reduce the pool of organizations that can serve as WCC partners. As WCC's costs rise, small nonprofits and governmental organizations from less-resourced areas of the state would be priced out, limiting WCC's statewide reach and reducing environmental restoration projects in some of the state's most critical areas, such as the San Juan Islands, the Chehalis and Columbia River basins, and the Olympic Peninsula.

This alternative would also reduce WCC's capacity for disaster deployments and investments in training. Partner organizations currently agree to pause their project work (and payment) so crews can respond to disasters and participate in training. Partners would be less inclined to support these activities if they had to pay a higher amount for crew time.

Reduce WCC crews

In Fiscal Year 2026, a crew will cost \$311,831. The partner share of these costs ( $\$311,831 \times 0.75$ ) will be \$233,873, and WCC's share is \$77,958. WCC's share is funded by a combination of AmeriCorps grant funds ( $\$2,105,224 \text{ grant} / 315 \text{ members} = \$6,683/\text{member} \times 5 \text{ members/crew} = \$33,415 \text{ per crew}$ ) and MTCA Operating funding (\$44,543).

WCC could close the \$235,004 shortfall in MTCA Operating funding by reducing 2.7 WCC crews ( $\$44,543 \text{ MTCA Operating funding} \times 2.6 \text{ crews} \times 2 \text{ years} = \$240,532$ ). However, cutting crews would have a multilayered, cumulative impact on WCC funding.

AmeriCorps funding would be turned away. The AmeriCorps grant is reimbursed based on enrollment and retention. If Ecology eliminates 5.4 crews, then commensurate AmeriCorps funding would be removed from the grant. There are five members on each crew. Therefore, a reduction of 2.7 crews would result in a reduction of 14 crew members ( $2.7 \text{ crews} \times 5 \text{ crew members} = 14 \text{ crew members}$ ). A reduction of 14 crew members would mean a \$187,124 reduction in AmeriCorps grant funding for the 2025-27 biennium ( $\$6,683 \text{ per member} \times 14 \text{ members} \times 2 \text{ years} = \$187,124$ ). Since past enrollment and retention drives future AmeriCorps funding, funds would not increase after a reduction. This would be a permanent loss of funding to the program.

AmeriCorps also provides educational loan forbearance and a \$7,395 education award to each WCC member, so a loss of 14 crew members would also result in \$207,060 in lost educational benefits ( $14 \text{ crew members} \times \$7,395 \times 2 \text{ years}$ ). These education awards are used in continuing higher education and, if cut, would translate to a loss of revenue for our state's higher education institutions.

Partner funding would be turned away. State and federal AmeriCorps funding makes up the 25% share of total crew costs. Without the 25% cost-share, Ecology would have nothing to offer partners who are ready to provide their 75% share. A reduction of 2.7 crews during the 2025-27 biennium would result in \$1,262,914 in WCC partner funding having to be turned away ( $\$233,873 \text{ partner share per crew} \times 2.7 \text{ crews} \times 2 \text{ years} = \$1,262,914$ ).

Reducing WCC's size would lead to increased proliferation of invasive species and increased flood hazards from unabated erosion. There would

also be less salmon recovery and decreased access to public lands. Job opportunities for young adults and military veterans would decrease, as would services to in-need communities following a disaster.

**Consequences of Not Funding This Request:**

Without state funding to maintain the 75/25 cost-share model, WCC would be required to either change its cost-share model, increase our partners share, or cut crews. The consequences of these alternatives are noted in the Alternatives Explored section.

## Assumptions and Calculations

### Expansion, Reduction, Elimination or Alteration of a current program or service:

In 2011, state legislation passed, folding WCC programs previously housed at the Washington departments of Fish and Wildlife, Natural Resources, and State Parks into the Ecology WCC program. That legislation specified the Legislature’s intent was “to expand the conservation corps in all areas of the state” and “to increase opportunities for meaningful work experience.” In the first year, the WCC grew to 65 crews and 27 interns, a total program made up of 430 members and staff. WCC has maintained a program size of 389 members and staff since 2013, except for the 2017-19 and 2019-21 biennia when seasonal crews were cut to make up for a funding shortfall and in response to the global pandemic.

Ecology is requesting state appropriation needed to cover projected increases in the statewide minimum wage, associated benefit costs, and medical insurance costs. This request will continue the 2013 level of service. It does not expand or alter the current WCC program or its services.

### Detailed Assumptions and Calculations:

The total increased costs projected for the 2025-27 biennium are \$759,244. Ecology requests the 25% of the costs to support regular cost-share crews (\$174,747) and 100% of the costs to support Environmental Justice crews (\$60,257) or a total of \$235,004 from MTCA-Operating to maintain the WCC program at 389 members and staff. In addition, Ecology requests \$62,907 in federal appropriation and \$288,332 in private/local appropriation for the partner share of federal and private/local costs. The remaining costs of \$172,999 are anticipated from IAAs, which will occur in object S and therefore are not included in this budget request.

Per RCW 43.220.231, a 5% administrative rate is applied to all costs in WCC as part of partner agreements.

### Workforce Assumptions:

Expenditures by Object		<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>	<u>FY 2030</u>	<u>FY 2031</u>
B	Employee Benefits	28,673	75,046	75,046	75,046	75,046	75,046
	Grants, Benefits, and Client						
N	Services	111,544	343,067	343,067	343,067	343,067	343,067
T	Intra-Agency Reimbursements	7,010	20,905	20,905	20,905	20,905	20,905
	<b>Total Objects</b>	<b>147,227</b>	<b>439,018</b>	<b>439,018</b>	<b>439,018</b>	<b>439,018</b>	<b>439,018</b>
<b>Staffing</b>							
<b>Job Class</b>	<b>Salary</b>	<u><b>FY 2026</b></u>	<u><b>FY 2027</b></u>	<u><b>FY 2028</b></u>	<u><b>FY 2029</b></u>	<u><b>FY 2030</b></u>	<u><b>FY 2031</b></u>
	<b>Total FTEs</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

### Explanation of costs by object:

Living allowance increases are shown in object N at \$144,458 for fiscal year 2026, \$444,305 in fiscal year 2027, and ongoing.

Benefits associated with living allowance increases are calculated at 6.2% of salaries for Social Security and 1.45% of salaries for Medicare and are shown in object B. Member health insurance increases are also shown in object B. Total benefits are \$37,134 in fiscal year 2026 and \$97,193 in fiscal year 2027, and ongoing.

The 5% agency administrative costs are shown in object T and are \$9,080 in fiscal year 2026, \$27,075 in fiscal year 2027, and ongoing.

### Historical Funding:

	<b>FY2026</b>	<b>FY2027</b>
FTE (xx direct FTE)	64.6	65.1
<b>Total Funds</b> (rounded to thousands)	\$16,219,000	\$16,219,000
<b>Near General Fund</b> (rounded to thousands)	\$0	\$0
<b>Other Funds</b> (rounded to thousands)	\$16,219,000	\$16,219,000

Administrative Overhead related to this program or service is in the agency’s Administration Activity A002, but is not shown in the totals above.



## Strategic and Performance Outcomes

### **Strategic Framework:**

This request is essential to achieving the following Ecology goals:

- Goal 1: Support and engage our communities, customers, and employees because the work WCC does makes nature more accessible for the public. It also contributes to long-term environmental protection goals because we know that when people engage with nature through hiking, camping, boating, etc. it builds an environmental ethic that makes them more likely to commit to protecting nature in the future. In 2023, WCC crews installed or improved 262 miles of public trails and built or cleaned thousands of campsites.
- Goal 2: Reduce and prepare for climate impacts because WCC crews are the boots-on-the-ground labor contributing to reducing and preparing for climate change. In 2023, WCC crews contributed to forest health management by improving or clearing 4,145 acres of land across Washington to reduce the risk of floods and wildfires. Crews also spent 5,254 hours monitoring, surveying, and collecting data to improve our understanding of the environmental problems and outcomes of restoration projects.
- Goal 3: Prevent and reduce waste, toxic threats, and pollution because the WCC crews remove creosote-treated debris from beaches, marine and estuarine waters. This work immediately eliminates a source of pollution to our ocean and Puget Sound.

In 2023, WCC planted more than 348,847 trees or shrubs, which filter toxins from watersheds and sequester carbon. The plants also cool and clean rivers and streams essential for salmon and other wildlife.

- Goal 4: Protect and manage our state's waters because WCC crews improve the health of streams and rivers to improve salmon habitat by:
  - Removing invasive species and installing native plants
  - Adding woody debris to streams.
  - Spreading salmon carcass analogs to improve the health of streams and rivers.

This request is essential to achieving the following Governor's Results Washington Goals:

- Goal 2: Prosperous Economy because it supports the state share of wages for members during their participation in WCC. By continuing to support an equitable increase to the living allowance to match the minimum wage, the state is helping ensure continued participation in the program so that members do not have to leave to earn the minimum wage.

The WCC provides real-world job training to 315 members each year. This training prepares WCC members for future employment in:

- Natural resource management.
- Environmental policy.
- Disaster planning and response.

For our members without college degrees (almost 50%), the AmeriCorps education award provides an opportunity to pursue college coursework. For members with student loans, the award helps them pay down these loans as they begin their careers.

- Goal 3: Sustainable Energy and Clean Environment because WCC members are the on-the-ground resources who:
  - Remove invasive species and install native plants to create or improve fish and wildlife habitat.
  - Plant trees and shrubs to shade wetlands and streams to reduce water temperatures, restore wetlands, and stabilize stream banks to control erosion and reduce the chance of floods.

### **Performance Outcomes:**

The outcome of this request will be adequate funding to continue the legacy of a nationally recognized Washington Conservation Corps. Continuing state support at its current size will help WCC meet our state and federal performance goals:

1. Remove invasive species and install native plants to improve habitat for fish and wildlife.
2. Increase public access and safety by constructing or improving trails.
3. Reduce the risk of floods and wildfires through forest health management.
4. Assist in disaster response.
5. Provide service opportunities for young adults and military veterans.

## Equity Impacts

### **Community Outreach and Engagement:**

N/A - this is a maintenance level request.

### **Disproportional Impact Considerations:**

This request further supports equitable access to WCC opportunities, specifically by ensuring a living allowance equal to Washington's minimum wage for those serving in the WCC. Increasing the living allowance and benefits package for AmeriCorps members allows the program to remain competitive with similar programs, retain members for their full terms, and provide opportunities to all eligible participants, regardless of socioeconomic background.

If WCC is unable to sustain the member living allowance equal to the minimum wage, only those individuals with external resources could accept a year or two of WCC participation. A year of service in WCC would become an elite experience, and those with fewer resources would be priced out of participation.

### **Target Communities and Populations:**

WCC provides work experience intended to provide exposure, formal training, and ongoing career development coaching during the service term to provide a viable pathway to environmental and disaster services fields. Our members are distributed among 17 Washington counties, including 10 designated as rural and seven considered to be in economic distress. Distressed counties are counties where the three-year unemployment rate is at least 20% higher than the statewide average (<https://esd.wa.gov/labormarketinfo/distressed-areas>). The WCC offers paid full-term AmeriCorps service opportunities and an education award for young adults, age 18 to 25, and military veterans. These groups face significant unemployment, with young adults facing an 11% unemployment rate, the highest of any age group nationally (U.S. Bureau of Labor and Statistics 2021). Military veterans ages 18 to 25 experienced unemployment rates of nearly double the national average in 2023 (U.S. Bureau of Labor and Statistics 2024).

This request builds upon WCC actions to imbed equity into the program. In fiscal year 2023, WCC expanded our competitive project application process to include selection criteria designed to prioritize projects and locations that promote improvements in environmental justice. These criteria were selected to advance projects from organizations with limited resources that will have the greatest benefit in the areas with the greatest need.

### **Community Inputs and Incorporation:**

See Community Outreach and Engagement response.

## Other Collateral Connections

### **HEAL Act Agencies Supplemental Questions**

Yes, see attached.

### **Puget Sound Recovery:**

N/A

### **State Workforce Impacts:**

N/A

### **Intergovernmental:**

In fiscal year 2024, WCC entered into partnership with 34 local government entities, 17 conservation districts, seven regional fishery enhancement groups, 24 nonprofit organizations, and 11 Tribal governments to complete environmental restoration projects. WCC also partnered with seven different federal agencies, including every national forest and park in the state. A complete list of WCC partners is available in Attachment 1.

State agency partners include the departments of Fish and Wildlife, Health, Military, Natural Resources, and Transportation; and State Parks. These agencies request funding from their budgets and external sources to support the sponsor's 75% share of WCC crew costs. They invest in WCC because they know our program provides hands-on experience for the next generation of environmental leaders who are the pipeline for recruitment into their agencies. Our federal partners track WCC's demographic data for crews serving on their projects as these agencies work to increase diversity, equity, and inclusion within their organizations.

All of these partners rely on WCC crews to install native plants, remove noxious weeds, build trails, reduce brush to mitigate fire risk, recover

from floods, and a host of other restoration and disaster service activities. These partners rely on having WCC crews in every corner of the state fully staffed with members who can complete the projects. Our partners expect WCC to represent the communities where crews are serving. If WCC does not provide competitive pay and benefits, WCC risks insufficient crews to support our partner's needs, making it more difficult to staff those crews with diverse members who represent their communities.

These organizations rely on WCC's cost-share model as a cost-effective investment to complete restoration projects and develop new environmental leaders.

#### **Stakeholder Impacts:**

In fiscal year 2024, WCC entered into partnership with 34 local government entities, 17 conservation districts, seven regional fishery enhancement groups, 24 non-profit organizations, and 11 Tribal governments to complete environmental restoration projects. These partners support this request for funds because it maintains the existing cost-share arrangement while also increasing member wages. The cost-share structure has also been communicated to partner organizations so they can plan their future budgets. Living allowance and education award funds are invested back into their communities and support recruiting and retaining members serving these organizations through WCC. Our partner organizations also want to help WCC build experienced environmental specialists who can move into leadership roles in cities, counties, Tribes, and nonprofit entities.

This budget request allows WCC to continue to offer cost-effective services within a marketplace of other AmeriCorps programs and provide career opportunities to Washington's young adults and veterans. The 75/25 cost-share provides incentive for partner organizations to invest in WCC's development model for young adults and military veterans, while remaining flexible when state or federal emergency managers request WCC disaster assistance. Without this cost-share, or by increasing partners' share further, WCC would become a mere labor force for our partners, with production becoming the primary goal. If production becomes the primary goal, these partners may choose service providers that do not shift crew resources when disaster services are required.

#### **State Facilities Impacts:**

N/A

#### **Changes from Current Law:**

N/A

#### **Legal or Administrative Mandates:**

This budget request is an effort to align the WCC member living allowance with state's minimum wage requirements under RCW 49.46.020.

RCW 43.220.231 sets limitations on use of funds (agency administrative costs, program support costs, and supervision of WCC members).

WCC is bound by agreements with:

- AmeriCorps subgrant provided through the Office of Financial Management/Serve Washington (current award expires September 30, 2024). Scoring criteria include demonstrated need, intervention, logic model, evidence base, funding priority, member training and supervision, member experience, commitment to AmeriCorps, organizational capability, cost effectiveness, and budget adequacy. AmeriCorps' legal authority to award these grants is found in the National and Community Service Act of 1990, as amended. (NCSA) (42 U.S.C. 12501 et seq.)
- Corps members (current service term expires September 30, 2024). Member agreements specify term of service, living allowance equal to minimum wage, health insurance, childcare benefits, sick leave, member development, and responsibilities of the WCC.
- Project Partners (expiration dates vary, 126 agreements slated to end in 2024 or later). Agreements specify number of WCC crews (one crew supervisor and five AmeriCorps members), number of weeks purchased, weekly rate, and Ecology share.

#### **Governor's Salmon Strategy:**

N/A

### Reference Documents

[WCC Member Wages and Benefits-Attachments 1 thru 5.xlsx](#)

[WCC Member Wages and Benefits-HEAL Act Attachment.pdf](#)

[WCC Member Wages and Benefits-Historical Funding Attachment 6.pdf](#)

### IT Addendum

**Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?**

No

### Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
Obj. B	\$28	\$75	<b>\$103</b>	\$75	\$75	<b>\$150</b>
Obj. N	\$112	\$343	<b>\$455</b>	\$343	\$343	<b>\$686</b>
Obj. T	\$7	\$21	<b>\$28</b>	\$21	\$21	<b>\$42</b>

### Agency Contact Information

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## Attachment 1: WCC partner Organizations

As of July 2024

### Federal

Bureau of Land Management  
Mount Rainier National Park/Wonderland Trail Conservation Corps  
North Cascades National Park  
Olympic National Park  
US Army Corps of Engineers  
US Fish and Wildlife  
US Forest Service

### Tribal Governments

Confederated Tribes of the Umatilla Reservation  
Jamestown S'Klallam Tribe  
Kalispel Tribe of Indians  
Lower Ellwah Klallam Tribe  
Nooksack Tribe  
Quileute Tribe  
Sauk-Suiattle Indian Tribe  
Snoqualmie Indian Tribe  
Swinomish Tribe  
Tulalip Tribes  
Yakama Nation

### Private Organizations and Local Governments

10000 Years Institute  
Asotin Conservation District  
Back Country Horsemen of Washington  
Bainbridge Island Land Trust  
Bainbridge Island Metro Park & Recreation District  
Cascade Columbia Fisheries Enhancement Group  
Cascadia Conservation District  
Chelan County Natural Resources  
Chelan County Noxious Weed Board  
City of Bellingham  
City of Bellevue  
City of Burien  
City of DuPont  
City of Issaquah  
City of Kirkland  
City of Lakewood  
City of Mercer Island  
City of Mount Vernon  
City of Redmond  
City of SeaTac  
City of Seattle  
City of Spokane  
City of Tacoma  
City of Tukwila  
Clallam Conservation District  
Clallam County  
Clark County  
Conservation Northwest  
Cowlitz County Noxious Weed Board  
Douglas County Public Utilities District  
Ducks Unlimited, Inc.  
Foster Creek Conservation District  
Friends of the Columbia Gorge Land Trust  
Grays Harbor Conservation District  
Great Peninsula Conservancy  
Hood Canal Salmon Enhancement Group  
Inland NW Land Conservancy  
Jefferson County Conservation District  
Jefferson County Noxious Weed Control Board  
King Conservation District  
King County Department of Natural Resources & Parks

### Private Organizations and Local Governments (cont.)

Kitsap Conservation District  
Lummi Island Heritage Trust  
Mason Conservation District  
Methow Valley Trails Collaborative  
Metro Parks Tacoma  
Mid-Columbia Fisheries Enhancement Group  
Mountaineers Foundation DBA Keta Legacy Foundation  
National Forest Foundation  
Nooksack Salmon Enhancement Association  
North Olympic Salmon Coalition  
North Yakima Conservation District  
Pacific Crest Trails Association  
Palouse Conservation District  
Pierce Conservation District  
Pierce County Parks  
Pierce County Planning and Public Works  
Port of Seattle  
Port of Tacoma  
Puget Sound Restoration Fund  
San Juan County Land Bank  
San Juan Islands Conservation District  
San Juan Preservation Trust  
Seattle City Light  
Seattle Public Utilities  
Skagit Fisheries Enhancement Group  
Skagit Land Trust  
Snohomish Conservation District  
Snohomish County  
South Puget Sound Salmon Enhancement Group  
Southend Neighborhood Association  
Spokane County Environmental Services  
Spokane Mountaineers  
Spokane Riverkeepers  
Thurston Conservation District  
Walla Walla Community College  
Walla Walla County Conservation District  
Whatcom County Flood Control Zone District  
Whatcom Million Trees  
Whidbey Camano Land Trust  
Wild Fish Conservancy  
Wild Salmon Center

### State Agencies

Northwest Straits Commission  
Washington Department of Fish and Wildlife  
Washington Department of Health  
Washington Department of Natural Resources  
Washington Department of Transportation  
Washington Military Department  
Washington Office of Financial Management (Serve WA)  
Washington State Parks and Recreation



## Attachment 2: CPI for Urban Wage Earners and Clerical Workers (CPI-W)

### 12-Month Percent Change

July 2024

**Series Id:** CWUR0000SAO

**Not Seasonally Adjusted**

**Series Title:** All items in U.S. city average, urban wage earners and clerical workers, not seasonally adjusted

**Area:** U.S. city average

**Item:** All items

**Base:** 1982-84=100

**Period:**

**Years:** 2014 to 2024

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2014	1.6	1.0	1.4	2.0	2.1	2.0	1.9	1.6	1.6	1.5	1.1	0.3	1.5	1.7	1.3
2015	-0.8	-0.6	-0.6	-0.8	-0.6	-0.4	-0.3	-0.3	-0.6	-0.4	0.1	0.4	-0.4	-0.6	-0.2
2016	1.2	0.7	0.5	0.8	0.7	0.6	0.4	0.7	1.2	1.4	1.5	2.0	1.0	0.8	1.2
2017	2.5	2.8	2.3	2.1	1.8	1.5	1.6	1.9	2.3	2.1	2.3	2.2	2.1	2.2	2.1
2018	2.1	2.3	2.4	2.6	3.0	3.1	3.2	2.9	2.3	2.7	2.2	1.8	2.6	2.6	2.5
2019	1.3	1.3	1.8	1.9	1.7	1.4	1.7	1.5	1.5	1.6	1.9	2.3	1.7	1.6	1.7
2020	2.5	2.3	1.5	0.1	-0.1	0.5	1.0	1.4	1.5	1.3	1.3	1.4	1.2	1.1	1.3
2021	1.6	1.9	3.0	4.7	5.6	6.1	6.0	5.8	5.9	6.9	7.6	7.8	5.2	3.8	6.7
2022	8.2	8.6	9.4	8.9	9.3	9.8	9.1	8.7	8.5	7.9	7.1	6.3	8.5	9.0	7.9
2023	6.3	5.8	4.5	4.6	3.6	2.3	2.6	3.4	3.6	3.1	3.0	3.3	3.8	4.5	3.2
2024	2.9	3.1	3.5	3.4	3.3	2.9							3.2		

Average over most recent 12 months:

3.2

Source: June 2024 data extract: [https://data.bls.gov/timeseries/CWUR0000SAO&output\\_view=pct\\_12mths](https://data.bls.gov/timeseries/CWUR0000SAO&output_view=pct_12mths)

1. Per Washington L&I: [Minimum Wage] shall be calculated to the nearest cent using the consumer price index for urban wage earners and clerical workers, CPI-W, or a successor index, for the twelve months prior to each Sept. 1.

### Attachment 3: Equitable Living Allowance Calculation and Crosswalk

Purpose: This attachment provides the calculation details and crosswalk between the projected statewide minimum wage each month, and the WCC living allowance for each crew year. July 2024

Month	2024-2025 Crew Year				2025-26 Crew Year				2026-27 Crew Year			
	Hours	Min. Wage	Monthly	Living Allowance	Hours	Min. Wage	Monthly	Living Allowance	Hours	Min. Wage	Monthly	Living Allowance
October	170	16.28	2,768	2,776	170	16.80	2,856	2,865	170	17.34	2,948	2,957
November	150	16.28	2,442	2,776	150	16.80	2,520	2,865	150	17.34	2,601	2,957
December	160	16.28	2,605	2,776	160	16.80	2,688	2,865	160	17.34	2,774	2,957
January	170	16.80	2,856	2,776	170	17.34	2,948	2,865	170	17.89	3,042	2,957
February	150	16.80	2,520	2,776	150	17.34	2,601	2,865	150	17.89	2,684	2,957
March	180	16.80	3,024	2,776	180	17.34	3,121	2,865	180	17.89	3,221	2,957
April	160	16.80	2,688	2,776	160	17.34	2,774	2,865	160	17.89	2,863	2,957
May	180	16.80	3,024	2,776	180	17.34	3,121	2,865	180	17.89	3,221	2,957
June	160	16.80	2,688	2,776	160	17.34	2,774	2,865	160	17.89	2,863	2,957
July	160	16.80	2,688	2,776	160	17.34	2,774	2,865	160	17.89	2,863	2,957
August	190	16.80	3,192	2,776	190	17.34	3,294	2,865	190	17.89	3,400	2,957
September	30	16.80	504	463	30	17.34	520	477	30	17.89	537	493
<b>Total</b>	1,860		31,000	31,000	1,860		31,992	31,992	1,860		33,015	33,015
Semi-monthly living allowance:			1,388	1,388			1,432	1,432			1,478	1,478

Statewide: Minimum Wage to Living Allowance Calculation	Living Allowance	Avg. Min. Wage
Living allowance funded in the 23-25 operating budget at 25-27 CFL	1,407	16.67
2025-2026 Crew Year	1,432	17.20
2026-2027 Crew Year	1,478	17.75

1. Budget request includes 2025-26 (October-September) and 2025-26 Crew Year (October-June)
2. Previous decision package (2023-25) assumed minimum wage amounts based on higher indices experienced at the time. The base living allowance amounts used in this decision package are based on \$1,407 semi-monthly amount assumed, rather than the \$1,388 that would be calculated today. This results in a lower request for 2025-27, but accurately reflects the funding level that was provided in 2023-25 and carryforward at CFL for 2025-27.





## Attachment 5: WCC Health Insurance Impacts

Purpose: This attachment provides the calculation details for the funding requested to cover increases in health care costs for WCC Americorps members during the 2025-27 Biennium.

July 2024

	FY26		FY27		Total
	7/1/2025 - 9/15/2025	10/1/2025 - 6/30/2026	7/1/2026 - 9/15/2026	10/1/2026 - 6/30/2027	
<b>Benefits Summary</b>					
Member Health Insurance		24,013	8,004	50,183	82,200
<b>Biennial Benefits Total</b>		24,013	8,004	50,183	82,200
<b>Biennial Admin Fee 5% Total</b>		1,201	400	2,509	4,110
<b>Total Increases</b>		25,214	8,405	52,692	86,310
<b>Fund Source Breakdown</b>					
<b>25% State Share (23P-1)</b>		6,303	2,101	13,173	21,578
<b>75% Partner Share</b>		18,910	6,303	39,519	64,733
001-020		2,269	756	4,742	7,767
001-500		10,401	3,467	21,735	35,603
Inter-Agency Agreements (not shown in DP)		6,240	2,080	13,041	21,361
<b>Total Request (Shown in DP)</b>		18,973	6,324	39,650	64,948

**Notes:**

1. WCC uses a broker to negotiate best available health insurance rate for members.
2. Brokerage estimates for statewide insurance trends assumes a 9% annual increase.
3. Calculation for October 2025-September 2026:  $\$196.59 \times 0.09 = \$17.69$  increase/month.  
 $\$17.69 \times \# \text{months} \times 290 \text{ members} \times 52 \text{ percent member enrollment rate}.$
4. Calculation for remaining quarters of fiscal year 2027:  $\$214.28 \times 1.09 = \$233.57$ .  $\$233.57 - \$196.59$  (baseline) =  $\$36.98$  increase/month.  
 $\$36.98 \times 9 \text{ months} \times 290 \text{ members} \times 52 \text{ percent member enrollment rate}.$



## Attachment 5a: WCC Health Insurance Impacts (EJ Crews)

Purpose: This attachment provides the calculation details for the funding requested to cover increases in health care costs for WCC Americorps members during the 2025-27 Biennium.

July 2024

	FY26		FY27		Total
	7/1/2025 - 9/15/2025	10/1/2025 - 6/30/2026	7/1/2026 - 9/15/2026	10/1/2026 - 6/30/2027	
<b>Benefits Summary</b>					
Member Health Insurance		2,070	690	4,326	7,086
<b>Biennial Benefits Total</b>		2,070	690	4,326	7,086
<b>Biennial Admin Fee 5% Total</b>		104	35	216	354
<b>Total Increases</b>		2,174	725	4,542	7,441
<b>Fund Source Breakdown</b>					
100% State Share (23P-1)		2,174	725	4,542	7,441
<b>Total Request (Shown in DP)</b>		2,174	725	4,542	7,441

**Notes:**

1. WCC uses a broker to negotiate best available health insurance rate for members.
2. Brokerage estimates for statewide insurance trends assumes a 9% annual increase.
3. Calculation for October 2025-September 2026:  $\$196.59 \times 0.09 = \$17.69$  increase/month.  
 $\$17.69 \times \# \text{months} \times 25 \text{ members} \times 52 \text{ percent member enrollment rate}.$
4. Calculation for remaining quarters of fiscal year 2027:  $\$214.28 \times 1.09 = \$233.57$ .  $\$233.57 - \$196.59$  (baseline) =  $\$36.98$  increase/month.  
 $\$36.98 \times 9 \text{ months} \times 25 \text{ members} \times 52 \text{ percent member enrollment rate}.$

### ATTACHMENT 6 - RELATED BUDGET ITEMS FUNDED IN THE LAST TWO BIENNIA (2023-25, 2021-23)

Instructions: Enter the following information about any budget items funded over the last two biennia (2021-23 budget, 2022 supplemental budget, 2023-25 budget, 2024 supplemental budget) that is related to your Decision Package for 2025-27.

Biennium	Rec Sum Code/Title	RecSum Description	Fund Source	Duration	Amount
2023-25	AD-WCC Member Wages and Benefits	The Washington Conservation Corps (WCC) collaborates with organizations to complete environmental restoration and recreation enhancement projects statewide. Funding is provided for a WCC member living allowance that is comparable to the state minimum wage law.	Multiple	Ongoing	\$2,501,000
2021-23	MI01-WA Conservation Corp Costs	The Washington Conservation Corps (WCC) collaborates with organizations to complete environmental restoration and recreation enhancement projects statewide. Funding is provided for a WCC member living allowance that is comparable to the state minimum wage law.	Multiple	Ongoing	\$491,000

# 2025-27 Biennial Budget HEAL Act Template

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## Background

### HEAL Act requirements

The Healthy Environment for All Act (HEAL Act), Chapter 314, Laws of 2021 (RCW [70A.02](#)) requires that “covered and opt in agencies” must implement the requirements of the HEAL Act. This includes the:

- Department of Ecology
- Department of Agriculture
- Department of Commerce
- Department of Health
- Department of Natural Resources
- Department of Transportation
- Puget Sound Partnership
- Office of the Attorney General

HEAL Act agencies that are considering a significant agency action initiated after July 1, 2023, are required to conduct an environmental justice assessment. RCW [70A.02.010](#)(12) specifies that significant agency actions include:

- The development and adoption of significant legislative rules as defined in RCW [34.05.328](#).
- The development and adoption of any new grant or loan program that the agency is explicitly authorized or required by statute to implement.
- A capital project, grant, or loan award costing at least \$12,000,000.
- A transportation project, grant, or loan costing at least \$15,000,000.
- The submission of agency request legislation to the Office of the Governor or OFM.

Under RCW [70A.02.080](#), beginning on or before July 1, 2023, covered and opt in agencies must, where practicable, take specific actions when making expenditure decisions or developing budget requests to OFM and the Legislature for programs that address or may cause environmental harms or provide environmental benefits. This includes:

- Focus applicable expenditures on creating environmental benefits that are experienced by overburdened communities and vulnerable populations, including reducing or eliminating environmental harms, creating community and population resilience, and improving the quality of life of overburdened communities and vulnerable populations.
- Create opportunities for overburdened communities and vulnerable populations to meaningfully participate in agency expenditure decisions.
- Clearly articulate environmental justice goals and performance metrics to communicate the basis for agency expenditures.
- Establish a goal of directing 40% of grants and expenditures that create environmental benefits to vulnerable populations overburdened communities.

To help OFM understand how HEAL Act agency budget requests meet HEAL Act requirements, covered agencies are required to complete additional questions related to the HEAL Act. These questions are shown below and are in addition to the equity related questions required of all agencies. Covered agencies are asked to complete the following questions and submit them through ABS.

#### HEAL Act questions

If you answer YES to any of these bullet points, please answer the six additional questions and submit them as an attachment through ABS.

- Is this decision package part of an agency request legislation that is required to complete an environmental justice assessment (RCW [70A.02.010\(12\)](#))?

Yes

No

- Is this decision package requesting funding to support another significant agency action that is required to complete an environmental justice assessment (RCW [70A.02.010\(12\)](#))?

Yes

No

- Is this decision package requesting funding for a program/project/activity that may **provide environmental benefits or reduce, mitigate, or eliminate environmental harms**, (that is not a significant agency action)? Note: This may include decision packages for programs not purposely directed to provide environmental benefits but may have an indirect or unintentional impact.

Yes

No

**If you answer YES to any of the above bullet points, please complete these additional questions.**

1. Please describe specific likely or probable environmental harms and/or benefits related to your decision package and the associated health impacts to overburdened communities and vulnerable populations.

This proposal supports equitable access to WCC opportunities by increasing the living allowances and benefits package for its AmeriCorps members to remain competitive with other opportunities, retain members for their full terms, and allow anyone eligible the opportunity to serve, regardless of socioeconomic background. This is an equity adjustment in the living allowance to ensure it is comparable to, and consistent with, the state minimum wage law.

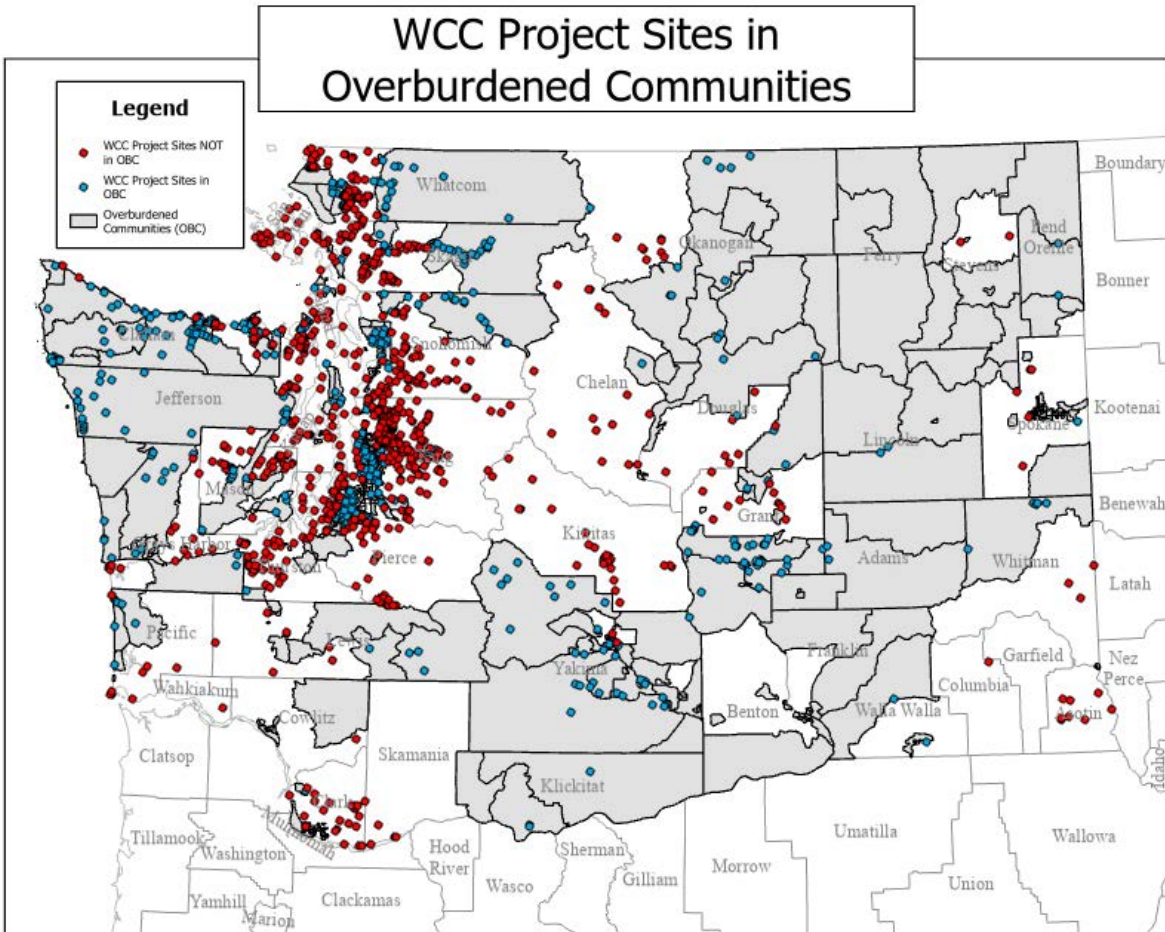
2. Please describe the estimated percentage and amount of the requested funds that will go towards creating environmental benefits in overburdened communities and vulnerable populations as defined in OFM's the [OBC map](#) or as determined by the agency. If applicable, please include your methodology for making this estimate, including project/award lists if available.

This is an administrative request for an equity adjustment in the living allowance and benefits package for AmeriCorps members. Ecology has not developed a method for estimating percentages of staff time and costs that go towards creating direct environmental benefits in overburdened communities and vulnerable populations. However, the WCC analyzed current project sites (October 2023-July 31, 2024) using ArcGIS. This analysis demonstrates that 546 projects of the 1,582 projects completed (34.5%) are in overburdened communities.

Methodology:

1. We used the Select Layer by Location tool in ArcGIS to select the WCC project sites that intersect with the Overburdened Communities (OBC) layer provided by OFM.
  - a. The selection tool returned 546 project site locations intersecting with the OBC layer. This selection was added as a layer to the map, labeled as WCC Project Sites in OBC, and shaded blue.
2. This selection was switched to the remaining project sites that do not intersect with the OBC layer.
  - a. This selection was added as a layer to the map, labeled as WCC Project Sites NOT in OBC, and shaded red.
3. The resulting map is displayed below





WCC projects vary year-to-year, but this is a representative sample. Applying this percentage to the budget request with total costs of \$759,242 (\$586,243 included in decision package + \$172,999 in interagency agreements) x 34.5% = \$261,939 of requested funds going towards projects in Overburdened Communities.

3. Please describe any potential significant impacts to Indian Tribes' rights and interest in their tribal lands, as well as traditional practices.

This is an administrative request for an equity adjustment in the living allowance and benefits package for AmeriCorps members. There are not anticipated significant impacts to Indian Tribes' rights and interest in their tribal lands, as well as traditional practices.

4. Describe how your agency engaged with Tribes in developing this proposal, including offers for tribal consultation including timelines, methods for feedback, and mechanisms for Tribes to express concern, opposition, or support., and any direction provided by Tribes through this engagement.

This is a maintenance level request and Ecology did not engage with Tribes in developing this proposal.

5. If the decision package is part of agency request legislation or supports another significant agency action that is required to complete an environmental justice assessment under RCW [70A.02.010](#)(12), please submit the assessment as an attachment in ABS.

No, this request is not categorized as a significant agency action under HEAL.

6. If the decision package is part of agency request legislation or constitutes a significant agency action that is required to complete an environmental justice assessment, please describe how your agency used the environmental justice assessment process to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits. If your agency determined that you were unable to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits, please provide a justification for not doing so.

N/A



### Agency Recommendation Summary

Ecology shares space with the Environmental Protection Agency (EPA) at their Manchester Environmental Laboratory in Kitsap County. Ecology has been notified by EPA that costs have increased as of January 2024. This request is for a maintenance level increase to cover the additional costs to ensure that core environmental laboratory analysis will continue to inform Ecology’s important environmental work and the work of other state agencies, tribes, and local partners. This work helps protect, preserve, and enhance Washington’s environment for current and future generations. (Model Toxics Control Operating Account, Water Quality Permit Account)

### Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
<b>Operating Expenditures</b>						
Fund 176 - 1	\$35	\$35	\$70	\$35	\$35	\$70
Fund 23P - 1	\$319	\$319	\$638	\$319	\$319	\$638
Total Expenditures	\$354	\$354	\$708	\$354	\$354	\$708

### Decision Package Description

Ecology shares space with the Environmental Protection Agency (EPA) at their 70,000 square foot full-service Manchester Environmental Laboratory (MEL) in Kitsap County. The lab provides technical, analytical, and sampling support for chemistry and microbiology for multiple Ecology programs and supports work conducted under the state Puget Sound Water Quality Protection and Model Toxics Control acts, and the federal Clean Water Act. Ecology staff include laboratory chemists, support staff, and auditors who accredit labs statewide and nationwide.

Ecology does not have a typical lease agreement with EPA. Operational facility costs are prorated between EPA and Ecology based on the square footage each agency occupies in the facility. The largest cost component is for the contractor that operates and maintains the facility. Other costs include utilities and janitorial and security contracts. Even though the relative shares for each agency have fluctuated some over time due to changing staff levels and facility use, the overall facility costs have steadily increased.

Ecology first began sharing space with EPA in 1984 and most recently extended its existing agreement to share space in MEL for an additional five-year period, beginning January 1, 2023 (signed into agreement April 2023). This agreement is amended each calendar year to add Ecology’s share of costs it is required to pay that year. Ecology receives laboratory space for instruments and analytical work and storage and office space for approximately 30 to 35 staff. In the current agreement, Ecology’s prorated share of costs is 45.4% of the available 43,216 square feet of laboratory, office, and warehouse space in the shared facility. The remaining 26,784 square feet is treated as common space for conference and break rooms and other uses like the boiler room. It is not part of the allocation. This translates into Ecology’s share of the costs being \$1,321,906 for calendar year 2024 (amendment signed May 2024 – see attachment A).

This request is for a maintenance level increase to ensure core environmental laboratory analytical and accreditation work will continue. This work benefits other state agencies, Tribes, and local partners, and helps protect, preserve, and enhance Washington’s environment for current and future generations. The amount requested is based on the current calendar year 2024 costs compared with the carryforward level (CFL) for 2025-27. Calculations are shown in the expenditure section.

If notified by EPA of changes to these facility costs for calendar year 2025 before or during the 2025 legislative session, Ecology will provide an update to the Office of Financial Management and legislative staff on the needed adjustment for 2025-27.

**Impacts on Population Served:**

This request will help to maintain the current level of services provided at the Manchester Laboratory.

**Alternatives Explored:**

Remaining at the Manchester Environmental Laboratory is the best alternative for Ecology. The only other alternative to fund this cost increase would be to redirect existing resources from core environmental and public health work. This is not a viable option for Ecology.

**Consequences of Not Funding This Request:**

If Ecology does not receive an appropriation for this cost increase, core environmental and public health work would have to be cut to absorb these costs, which would negatively impact other priority environmental work at Ecology. Specific consequences include reduced business operations, resulting in a reduced level of service to communities and people throughout the state.

## Assumptions and Calculations

### Expansion, Reduction, Elimination or Alteration of a current program or service:

This request will help to maintain the current level of environmental services provided at the Manchester Environmental Laboratory. It does not expand or alter a current program or service.

### Detailed Assumptions and Calculations:

Beginning July 1, 2025, and ongoing, Ecology requires \$354,000 per year to cover the increased costs for the Manchester facility.

Expenditure calculations are based on the current agreement with EPA for calendar year 2024, which is \$1,321,906 per year. Ecology's base funding for Manchester facility costs entering the 2021-23 biennium was \$831,719 per year. We received a maintenance level increase in the 2020 supplemental budget of \$136,187, which brought the ongoing base funding level to \$967,906 per year. The requested annual increase is calculated as follows: \$1,321,906 (new lease cost) - \$967,906 (base funding) = \$354,000 per year.

Ecology did not seek a maintenance level increase entering the 2023-25 biennium as costs fluctuated up and down between calendar years 2020 and 2022, and remained within an average of \$6,000 of the base funding level in those years. In addition, the agreement in place at the time 2023-25 biennium budget requests were submitted was \$962,665 per year, so an adjustment was not needed at that time.

Actual costs per calendar year since 2019 are as follows:

- 2019 - \$967,906
- 2020 - \$918,780
- 2021 - \$1,003,342
- 2022 - \$962,665
- 2023 - \$1,094,514
- 2024 - \$1,321,906

While the actual annual facility costs for calendar year's 2023 and 2024 were higher than the funding available at 2023-25 CFL (\$967,906), previous trends indicated that costs should have decreased in calendar year 2024. However, that was not the case, and costs have now risen in consecutive years to a point where Ecology can no longer manage these increases without additional funding.

### Workforce Assumptions:

Expenditures by Object			<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>	<u>FY 2030</u>	<u>FY 2031</u>
E	Goods and Services		354,000	354,000	354,000	354,000	354,000	354,000
	<b>Total Objects</b>		<b>354,000</b>	<b>354,000</b>	<b>354,000</b>	<b>354,000</b>	<b>354,000</b>	<b>354,000</b>
<b>Staffing</b>								
<b>Job Class</b>		<b>Salary</b>	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>	<u>FY 2030</u>	<u>FY 2031</u>
	<b>Total FTEs</b>		<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

### Explanation of costs by object:

All costs are Goods and Services (Object E).

### Historical Funding:

	<b>FY2026</b>	<b>FY2027</b>
FTE (xx direct FTE)	0.0	0.0
<b>Total Funds</b> (rounded to thousands)	\$968,000	\$968,000
<b>Near General Fund</b> (rounded to thousands)	\$0	\$0
<b>Other Funds</b> (rounded to thousands)	\$968,000	\$968,000

## Strategic and Performance Outcomes

### **Strategic Framework:**

This request is essential to achieving the Governor's Results Washington Goals 3: Sustainable Energy and a Clean Environment, and 4: Healthy and Safe Communities; and Ecology's Goals 3: Prevent and reduce waste, toxic threats and pollution, and 4: Protect and manage our state's waters, because it will allow Ecology to maintain the current level of environmental laboratory services it provides in support of its work to provide a clean and healthy environment in Washington state.

### **Performance Outcomes:**

The outcome of this request will be maintaining the level of environmental services provided at the Manchester Environmental Laboratory. This facility is an important link in achieving outcomes linked to Ecology's mission.

## Equity Impacts

### **Community Outreach and Engagement:**

N/A

### **Disproportional Impact Considerations:**

N/A

### **Target Communities and Populations:**

N/A

### **Community Inputs and Incorporation:**

N/A



## Other Collateral Connections

### **HEAL Act Agencies Supplemental Questions**

N/A

### **Puget Sound Recovery:**

N/A

### **State Workforce Impacts:**

N/A

### **Intergovernmental:**

Ecology’s Manchester Environmental Laboratory supports Ecology programs and provides technical and analytical support to other state agencies, local governments, and tribes. During the 2023-25 biennium, Ecology analyzed samples from the Department of Agriculture as part of our long-term (since 2003) relationship supporting their monitoring of streams to develop pesticide exposure assessments for salmon in selected watersheds. Other entities submitting samples to Ecology during the biennium include the Parks and Recreation Commission, Squaxin Island Tribe, U.S. Geological Survey, and the Benton Conservation District.

### **Stakeholder Impacts:**

N/A

### **State Facilities Impacts:**

N/A

### **Changes from Current Law:**

N/A

### **Legal or Administrative Mandates:**

N/A

### **Governor's Salmon Strategy:**

N/A

## Reference Documents

[Manchester Lab Facility Costs-Attachment A.pdf](#)

## IT Addendum

**Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?**

No

## Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
Obj. E	\$354	\$354	\$708	\$354	\$354	\$708

## Agency Contact Information

Annette Hoffmann

(360) 972-6113

[annette.hoffmann@ecy.wa.gov](mailto:annette.hoffmann@ecy.wa.gov)

# UNITED STATES GOVERNMENT ORDER FORM

## FS FORM 7600B



Agreement Between Federal Program Agencies for Intragovernmental Reimbursable, Buy/Sell Activity. In Accordance with TFM Volume 1, Part 2, Chapter 4700, Appendix 8.

Required fields for the FS Form 7600B are denoted with an (\*)

Additional fields required when an Agency transitions to G-Invoicing are denoted by a (G)

<https://www.fiscal.treasury.gov/g-invoice/>

### NEW OR MODIFIED ORDER

1.	Order Number	G Order Number:	
		Requesting Agency (Buyer)	Servicing Agency (Seller)
		* Order Tracking Number	* Order Tracking Number RWWA925762-01-2/IAAMS 2063
		G Modification Number: 2	
		G Order Status:	
2.	G General Terms & Conditions (GT&C) Number (Associated with this Order):		
3.	*Order Date (yyyy-mm-dd):		

### PARTNER INFORMATION

4.	*Assisted Acquisition Indicator	No	
5.	*Period of Performance	Original Base/Current Modification	New/Proposed Modification
		Start Date (yyyy-mm-dd): 2023-01-01	Start Date (yyyy-mm-dd): 2024-01-01
		End Date (yyyy-mm-dd): 2028-12-31	End Date (yyyy-mm-dd): 2024-12-31
		Requesting Agency (Buyer)	Servicing Agency (Seller)
6.	*Agency Location Code (ALC)		68010727
7.	*Agency Name	Washington State Department of Ecology	Environmental Protection Agency
8.	*Group Name		Region 10
9.	G Group Description		
10.	Cost Center		
11.	Business Unit		IASSCEAST
12.	Department ID		
13.	Unique Entity Identifier (UEI)		G3FCF1XC23M3
14.	Funding Office Code (Buyer Only)		
15.	Funding Agency Code (Buyer Only)		
16.	Comments		Laboratory Facility Sharing Agreement with Washington State Department of Ecology. This is a request for Ecology to pay half of the 2024 IA (660,953). IA total to date \$1,755,467

AUTHORITY INFORMATION		
17.	*Statutory Authority Fund Type Code	Select One: Economy Act
18.	Statutory Authority Fund Type Title	
19.	Statutory Authority Fund Type Citation	
		Requesting Agency (Buyer)      Servicing Agency (Seller)
20.	Program Authority Title	
21.	Program Authority Citation	

ADVANCE INFORMATION (Required by Servicing Agency if there is an advance.)		
22.	Advance Revenue Recognition Methodology	Select One:
23.	Advance Revenue Recognition Description (required if "Other")	
24.	Advance Payment Authority Title	
25.	Advance Payment Authority Citation	
		Original Base/Current Modification Total      New/Proposed Modification Total
26.	Total Advance Amount	
27.	Advance Amount Funding Change for this Modification [ Addition (+) or Reduction (-) ]	
28.	Total Modified Advance Amount	

DELIVERY INFORMATION (Requesting Agency completes.)		
29.	*FOB Point	Select One: Destination
30.	Constructive Receipt Days	15 (Calendar Days) *Required if Destination/Other is checked on line 29.
31.	Acceptance Point	Select One:
32.	Place of Acceptance	
33.	Inspection Point	Select One:
34.	Place of Inspection	

ORDER BILLING (Servicing Agency completes.)		
35.	*Billing Frequency	Select One: OTHER
36.	Billing Frequency Explanation	Billing is completed twice per year.

ORDER BILLING (Requesting Agency completes.)		
37.	Priority Order Indicator	
38.	Capital Planning and Investment Control (CPIC)	
		Original Base/Current Modification Total      New/Proposed Modification Total
39.	*Total Order Amount	\$660,953.00      \$0.00
40.	Total Modification Amount	\$0.00
41.	Total Modified Order Amount	\$660,953.00

42.	Total Modified Advance Order Amount		
43.	Net Order Amount		

**LINE ITEMS** (Additional Lines/Schedules may be added using the + button after Block 116)

		Original Base/Current Modification Total	New/Proposed Modification Total
44.	*Line Number		
45.	<sup>6</sup> Order Line Status		ACTIVE
46.	<sup>6</sup> Item Code		
47.	*Item Description		
48.	*Line Costs Unit of Measure (UOM)		DO
49.	*Unit of Measure Description		
50.	Total Line Costs		
51.	Line Cost Funding Change for this Modification [ Addition (+) or Reduction (-) ]		
52.	Total Modified Line Costs		
53.	Order Line Advance Amount		
54.	Order Line Advance Amount Funding Change for this Modification [ Addition (+) or Reduction (-) ]		
55.	Total Modified Order Line Advance Amount		
56.	Product/Service Identifier		
57.	*Capitalized Asset Indicator (Servicing Agency Only)		
58.	Item UID Required Indicator		
59.	*Type of Service Requirements	NOT APPLICABLE	

**SCHEDULE SUMMARY** (Additional Lines/Schedules may be added using the + button after Block 116)

		Original Base/Current Modification Total	New/Proposed Modification Total
60.	*Schedule Number		1.00
61.	Advance Payment Indicator		
62.	*Cancel Status (Schedule)		
63.	*Schedule Unit Cost/Price		
64.	Schedule Unit Cost/Price Funding Change for this Modification [ Addition (+) or Reduction (-) ]		
65.	Total Modification Schedule Unit Cost/Price		
66.	*Order Schedule Quantity		
67.	Order Schedule Quantity		



	Change for this Modification [ Addition (+) or Reduction (-) ]		
68.	Net Modification Order Schedule Quantity		
69.	Order Schedule Amount		
70.	Order Schedule Amount Funding Change for this Modification [ Addition (+) or Reduction (-) ]		
71.	Total Modified Order Schedule Amount		

**SCHEDULE FUNDING INFORMATION**

72.	*Agency Treasury Account Symbol (TAS)	Requesting Agency (Buyer)								Servicing Agency (Seller)							
		SP	ATA	AID	BPOA	EPOA	A	MAIN	SUB	SP	ATA	AID	BPOA	EPOA	A	MAIN	SUB
												068	24	25		0108	
73.	*Agency Business Event Type Code (BETC)									COLL							
74.	Object Class Code																
75.	Additional Accounting Classification									\$580,191 10P0X31 Direct Cost and \$80,762 10P0Z31 Indirect (BR3 000YF2)							
76.	*Bona Fide Need (Requesting Agency Only)																

**STANDARD LINE OF ACCOUNTING (SLOA) INFORMATION** (Accounting Flex Field Values)

To capture Agency Internal Accounting

77.	Accounting Classification Reference Number	Requesting Agency (Buyer)								Servicing Agency (Seller)							
78.	Reimbursable Flag																
79.	Federal Award Identifier Number (FAIN)																
80.	Unique Record Identifier (URI)																
81.	Activity Address Code																
82.	Budget Line Item																
83.	Budget Fiscal Year																
84.	Security Cooperation																
85.	Security Cooperation Implementation Agency																
86.	Security Cooperation Case Designator																
87.	Security Cooperation Case Line Item Identifier																
88.	Sub-Allocation																
89.	Agency Accounting Identifier																
90.	Funding Center Identifier																
91.	Cost Center Identifier																

92.	Project Identifier		
93.	Activity Identifier		
94.	Disbursing Identifier		
95.	Cost Element Code		
96.	Work Order Number		
97.	Functional Area		
98.	Agency Security Cooperation Case Designator		
99.	Parent Award Identifier (PAID)		
100.	Procurement Instrument Identifier (PIID)		

**SCHEDULE SHIPPING INFORMATION**

101.	Ship To Address Identifier		
102.	Ship To Agency Title		
103.	Address 1		
104.	Address 2		
105.	Address 3		
106.	Ship To City		
107.	Ship To Postal Code		
108.	Ship To State		
109.	Ship To Country Code		
110.	Ship To Location Description		
111.	Delivery/Shipping Information for Product Special Shipping Information		
112.	Delivery/Shipping POC Name		
113.	Delivery/Shipping Information for Product POC Title		
114.	Delivery/Shipping Information for Product POC E-mail Address		
115.	Delivery/Shipping Information for Product POC Telephone Number		

116.	Agency Additional Information	Requesting Agency (Buyer)	Servicing Agency (Seller)

**MODIFY ORDER**

117.	Modification Date (yyyy-mm-dd):
118.	Brief explanation required for modifying this Order:

**CLOSE ORDER**

119.	Closing Date (yyyy-mm-dd):
120.	Brief explanation required for closing this Order:

**REJECT ORDER**

121.	Rejection Date (yyyy-mm-dd):
122.	Brief explanation required for rejecting this Order:



**AGENCY POINT OF CONTACTS (POC)**

		Requesting Agency (Buyer)	Servicing Agency (Seller)
123.	*Agency POC Name	Robert Waldrop	Jennifer Leider
	*Agency POC E-mail	robert.waldrop@ecy.wa.gov	leider.jennifer@epa.gov
	*Agency POC Phone No.	5646694868	3608718765
	Agency POC Fax No.		

**AGREEMENT APROVALS**

**FUNDING OFFICIAL**

The Funds Approving Officials, as identified by the Requesting Agency and Servicing Agency, certify that the funds are accurately cited and can be properly accounted for per the purposes set forth in the Order. The Requesting Agency Funding Official signs to obligate funds. The Servicing Agency Funding Official signs to start the work, and to bill, collect, and properly account for funds from the Requesting Agency, in accordance with the agreement.

		Requesting Agency (Buyer)	Servicing Agency (Seller)
124.	*Funding Official Name	Annette Hoffmann	Matt Burton
	*Signature	Annette Hoffmann  Digitally signed by Annette Hoffmann Date: 2024.05.20 19:30:38 -07'00'	MATTHEW BURTON  Digitally signed by MATTHEW BURTON Date: 2024.05.01 10:08:53 -07'00'
	Funding Official Title	Environmental Assessment Program Manager	Budget Analyst
	*Funding Official E-mail	Annette.Hoffmann@ecy.wa.gov	burton.matt.a@epa.gov
	*Funding Official Phone No.	3609726113	2065531115
	Funding Official Fax No.	3604076884	
	*Funding Official Date Signed (yyyy-mm-dd)		

**PROGRAM OFFICIAL**

The Program Officials, as identified by the Requesting Agency and Servicing Agency, must ensure that the scope of work is properly defined and can be fulfilled for this Order. The Program Official may or may not be the Contracting Officer depending on each agency's IAA business process.

		Requesting Agency (Buyer)	Servicing Agency (Seller)
125.	*Program Official Name	Heather Bartlett	Raoul Scott
	*Signature	 Digitally signed by Heather R. Bartlett Date: 2024.05.21 14:10:05 -07'00'	 Digitally signed by ELIZABETH MCQUAY Date: 2024.05.02 14:26:36 -04'00'
	Program Official Title	Deputy Director	Acting IA Branch Manager
	*Program Official E-mail	heather.bartlett @ecy.wa.gov	scott.raoul@epa.gov
	*Program Official Phone No.	3604077011	202-564-5752
	Program Official Fax No.		
	*Program Official Date Signed (yyyy-mm-dd)		

**AGENCY PREPARER INFORMATION**

Requesting Agency (Buyer)		
126.	*Name	
	*Phone No.	
	*E-mail Address	



## Agency Recommendation Summary

This request aligns with the Office of the Attorney General’s (AGO) budget request for continuation of Phase 3 of the Pakootas v. Teck Metals, Ltd. (Teck) litigation, in which Washington and the Confederated Tribes of the Colville Reservation are co-plaintiffs in federal district court. The case has been ongoing since 2003, and Phases 1 and 2 of the litigation previously established Teck’s liability for releases of metals and other chemicals into the Columbia River from its smelting complex in Canada. Phase 3 of the litigation is needed to recover natural resource injuries and damages because of pollution from the smelter operations. This request supports expert and AGO resources needed next biennium to complete this phase of the litigation, which Ecology will then be billed for. Ecology is requesting appropriation, consistent with the AGO’s budget request, to cover these increased legal costs. (Model Toxics Control Operating Account)

## Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
<b>Operating Expenditures</b>						
Fund 23P - 1	\$350	\$350	\$700	\$0	\$0	\$0
<b>Total Expenditures</b>	<b>\$350</b>	<b>\$350</b>	<b>\$700</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## Decision Package Description

The Upper Columbia River/Lake Roosevelt Site is a large site, extending approximately 151 river miles of the Columbia River from the U.S. and Canadian border and downstream to the Grand Coulee Dam. This includes uplands in the upper Columbia River Valley near the border impacted by smelter air pollution. Several metals, such as arsenic, zinc, cadmium, lead, copper, and mercury, dumped from the smelter during the last century, have affected upper Columbia River/Lake Roosevelt sediments and fundamental aquatic life and habitats. Pollution also includes widespread soil contamination from a century of metals smelting smokestack emissions affecting habitats in the upper Columbia River Valley of Stevens County near the U.S. and Canadian border. The primary source being the Teck Metals, Limited (Teck) Metal Ore Smelting Complex in Trail, British Columbia. (See details about the upper Columbia site at: <https://apps.ecology.wa.gov/cleanupssearch/site/12125>).

In 2003, individual members of the Confederated Tribes of the Colville Reservation (Colville Tribes), including Joseph Pakootas, filed suit in the Federal District Court for the Eastern District of Washington to enforce an administrative order issued by the Environmental Protection Agency (EPA), requiring Teck to investigate contamination at the site. Washington State, through the Department of Ecology (ECY), joined the suit shortly thereafter. When it became clear the EPA intended to withdraw its order as part of a negotiation with Teck, the state and the Colville Tribes (which had intervened) amended their complaints to add claims for the recovery of response costs and natural resource damages under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

Phases 1 and 2 of the litigation established Teck’s liability for releasing hazardous substances into the Columbia River, and through settlement with the state and judgment to the Colville Tribes, secured response cost monetary awards for the state and Tribes exceeding \$12 million. The Phase I and 2 results were affirmed by the Ninth Circuit Court of Appeals in 2018, with the United States Supreme Court declining review.

Phase 3 of the case began in 2021. The state and Colville Tribes are trustees for natural resources under CERCLA, and in Phase 3, the state and Tribes are seeking the recovery of natural resource damages under CERCLA. In addition, because in Phase 2 Teck succeeded in arguing that it could not be an “arranger” under CERCLA for the disposal of airborne hazardous substances at the site, the state has alleged a state law cause of action under the Model Toxics Control Act (MTCA) for damages arising from this contamination. Securing judgment for natural resource damages stemming from smelter contamination will support environmental restoration to mitigate losses in the Upper Columbia River region due to decades of contamination from Teck’s smelter.

Joint litigation by the Confederated Tribes of the Colville Reservation (Colville Tribes) and the state seeks to recover statutory damages from Teck for injuries to natural resources (known as Natural Resource Damages (NRD)). The case is being heard in the United States District Court for the Eastern District of Washington.

A multi-party Upper Columbia River Natural Resources Trustee Council has also dedicated over a decade to define and quantify NRD. Mediated negotiations for out-of-court settlement with the company have been unsuccessful. Securing judgment for natural resource injuries is critical to achieving appropriate and full compensation for Washington residents and providing for resource restoration that will mitigate losses in the Upper Columbia River and Valley due to decades of environmental injury from the smelter.

This budget request will fund the continued prosecution of the case in the next biennium. The AGO and Ecology are estimating \$700,000 to support trial-related expenses, expert report preparation, research and potential supplemental data acquisition or analysis, expert discovery, trial preparation, and trial expenses.

**Is this request related to any budget items funded in the past two biennia?**

Yes, see attached.

**Impacts on Population Served:**

Ecology has developed extensive experience in the long-term costs and consequences to the community and environment from smelter pollution. The examples include the Tacoma Asarco Smelter, Commencement Bay, and industrial cases like the Duwamish. Habitat restoration can take several years. By ensuring compensation for resource injuries caused by the liable party, the losses are restored, compensated, or mitigated on behalf of Washington State residents. The magnitude of losses for the Upper Columbia River/Lake Roosevelt site is estimated at hundreds of millions of dollars. Completing the litigation with the liable party, in this case for natural resource injuries, means millions of dollars in natural resource compensation claims will be pursued for the benefit of both Tribes and Washington State as funds are used to restore natural resources for the benefit of all who use or enjoy them.

The area of impact is broad, directly influencing three counties (Lincoln, Ferry, and Stevens), with Stevens County the most affected. The pollution impacts a free-flowing reach of the Columbia River entering from Canada and the Lake Roosevelt National Recreation Area, a major eastern Washington recreation and fishery management area, as well as adjacent areas impacted by aerial deposition of smelter emissions. While this request addresses natural resource injuries, the upper Columbia River Valley near Northport and the Canadian Border has thus far undergone numerous residential yard clean ups to remove smelter metals and reduce risks. Fish consumption advisories remain necessary.

**Alternatives Explored:**

The case is moving toward Trial before a federal district court, with the court in charge of the schedule. The only alternative to proceeding is withdrawing from the suit and abandoning more than 20 years of effort and resources put into the litigation. Funding the litigation costs within Ecology's base budget also poses a risk to both the litigation and ongoing cleanup efforts at other sites.

This is a request for litigation support. The legal requirements and schedules are dictated by the courts. There are no process improvements or best practices that can be influenced by Ecology or the AGO.

**Consequences of Not Funding This Request:**

Without full NRD determinations made in federal court, Teck will not be obligated or compelled to pay for past or future injuries to natural resources resulting from its century of smelting operations. Teck is the primary party responsible for the widespread metal pollution in the upper Columbia River and Valley. The state would not have the authority to require monetary compensation for the restoration of lost natural resources. The federal court has already ruled that the final phase of this federal litigation for recovery of natural resource damages compensation can readily move forward. Not funding the effort places over 20 years of litigation and the final multi-million-dollar natural resource damages claims in jeopardy.



## Assumptions and Calculations

### **Expansion, Reduction, Elimination or Alteration of a current program or service:**

This request is not an expansion or alteration of a current program. There is no base budget for litigation support and expert witnesses.

### **Detailed Assumptions and Calculations:**

The AGO and Ecology estimate one-time costs of \$700,000 for aquatic, economic, and upland injury experts and studies, plus Attorney General costs, for litigating Phase 3 within the 2025-27 biennium. The AGO has provided these estimated costs based on experience litigating Phase 1 (including a review of Phase 1 tasks and costs), costs incurred during the 2023-25 biennium, and best professional judgment. Cost estimates are based on the following anticipated expenses:

- Costs of two benthic injury witnesses to prepare for and provide *Daubert* testimony at hearings set in October-November 2024.
- Costs of expert support in preparing to take testimony of Teck’s benthic injury expert for *Daubert* hearing set for February 2025.
- Consultant costs to support preparation for *Daubert* hearings.
- Costs of technical consultant review of draft Aquatic Baseline Ecological Risk Analysis prepared by Teck and currently under review by the EPA.
- Costs of nine experts to prepare for and provide trial testimony if trial were to occur during current biennium (currently unscheduled).
- Costs of consultant support for possible trials during the current biennium.
- Ongoing software data storage costs (EverLaw, Trial Director).
- Lodging, transportation, and meal costs for attorneys to attend three days of *Daubert* hearings in Yakima.
- Lodging, transportation, and meal costs for attorneys to attend possible trials up to six weeks in Yakima.
- Other trial-related expenses, such as printing exhibits.
- Contingency budget for unanticipated litigation expense.

### **Workforce Assumptions:**

<b>Expenditures by Object</b>		<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>	<b>FY 2030</b>	<b>FY 2031</b>
E	Goods and Services	350,000	350,000				
	<b>Total Objects</b>	<b>350,000</b>	<b>350,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>Staffing</b>		<b>Salary</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>	<b>FY 2030</b>	<b>FY 2031</b>
<b>Job Class</b>	<b>Total FTEs</b>		<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

### **Explanation of costs by object:**

Goods and Services (Object E) per Ecology and Office of Attorney General estimates of \$700,000.

### **Historical Funding:**

	<b>FY2026</b>	<b>FY2027</b>
<b>FTE</b> (xx direct FTE)	0.00	0.00
<b>Total Funds</b> (rounded to thousands)	\$0	\$0
<b>Near General Fund</b> (rounded to thousands)	\$0	\$0
<b>Other Funds</b> (rounded to thousands)	\$0	\$0

Administrative Overhead related to this program or service is in the agency’s Administration Activity A002, but is not shown in the totals above.

## Strategic and Performance Outcomes

### **Strategic Framework:**

This request is essential to achieving the following Ecology goals:

- Goal 1: Support and engage our communities, customers, and employees.
- Goal 3: Prevent and reduce toxic threats and pollution.

This request is essential to achieving the following Governor's Results Washington goals:

- Goal 3: Sustainable Energy and a Clean Environment and Ecology's Goal: Preventing and Reducing Toxic Threats.
- Goal 4: Healthy and Safe Communities.
- Goal 5: Efficient, Effective, and Accountable Government.

This request supports the above goals because it aims to ensure the polluter (Teck) provides the financial resources for restoring this site to address natural resource compensation and restoration for the ecosystem. This request would:

- Restore, mitigate, or secure compensation for high priority toxic pollutants or pollutant pathways. It would support continued litigation to establish NRD for all pathways of pollution. Securing claims for natural resource losses is fundamental to achieving compensation for injured natural resources.
- Support securing a judgment needed to partially restore lost natural resources due to smelter pollution.
- Avoid future resource management costs to citizens and future uncompensated losses of upper Columbia natural resources. This request supports the state's objective in this litigation by ensuring the polluter pays for all cleanup and resource injuries, not Washington State residents.
- Secure important data needed for effective toxics injury litigation efforts. This request would pay expert scientific and technical data to support the pollution litigation. The litigation has and will produce key data and interpretations that inform and support site-specific and statewide cleanup and injury determination programs.

### **Performance Outcomes:**

The outcome of this request will be adequate funding to provide high-quality, timely, and efficient legal services to Ecology in support of this litigation. This will allow Ecology to focus on its core mission.

The outcome of both the AGO and Ecology requests will provide dedicated resources for the state to pursue compensation and restoration for natural resource injuries in the Upper Columbia River region caused by Teck Metals smelter pollution.

The outcome of this request will be a reduction in toxic metal contamination and the restoration of the upper Columbia natural resources.

## Equity Impacts

### ***Community Outreach and Engagement:***

The state closely coordinates with the Colville Tribes on all aspects of the litigation and routinely coordinates with the Spokane Tribe through monthly Natural Resource Trustee Council meetings. This request supports joint litigation by the Confederated Tribes of the Colville Reservation (Colville Tribes) and the State of Washington to recover statutory damages from the polluter for injuries to natural resources (known as natural resource damages, or NRD). A multi-party Upper Columbia River Natural Resources Trustee Council (which includes the Colville Tribes and the Spokane Tribe as well as the State and the U.S. Department of the Interior) has also dedicated over a decade to define and quantify natural resource damages (NRD).

### ***Disproportional Impact Considerations:***

Successful litigation would secure financial resources to invest in restoring natural resources that have been injured by the operation of the Teck Metal Ore Smelting Complex. The magnitude of losses for the upper Columbia River/Lake Roosevelt site is estimated at hundreds of millions of dollars. Activities that could be funded with settlement dollars include restoration projects in the Upper Columbia River to develop and enhance wetland habitats to restore benthic macroinvertebrates injured by Teck's pollution and benefit countless other species that depend on such habitats, including sturgeon and salmonid populations. Fish consumption advisories remain necessary today due to the level of contamination.

### ***Target Communities and Populations:***

This request will benefit all people who live, fish, and recreate along the river in Lincoln, Ferry, and Stevens counties; all three counties are mostly or fully designated as overburdened areas according to the Office of Financial Management overburdened community map. The environmental injury also affects recreation, fishery management, wildlands, and habitats in northeast Washington. The economies of the area notably benefit from recreation centered on the river and Lake Roosevelt resources. The smelter also impacts two Tribal nations that live and share management of aquatic resources along the river—the Confederated Tribes of the Colville Reservation and the Spokane Tribe of Indians.

The areas of impact include three Washington counties, Stevens, Ferry, and Lincoln counties, that face marked economic hardship. All three counties are designated by the Office of Financial Management (RCW 82.14.370) as meeting the "population density and land area criteria for rural area assistance and other programs." The percent of people who are low-income is greater in all three impacted counties (38%, 43%, and 29%, respectively), compared to the state (28%). Additionally, both Stevens and Ferry counties are on the Employment Security Department's Distressed Areas List based on unemployment rates (RCW 43.168.020).

### ***Community Inputs and Incorporation:***

See Community Outreach and Engagement response.

## Other Collateral Connections

### **HEAL Act Agencies Supplemental Questions**

Yes, see attached.

### **Puget Sound Recovery:**

N/A

### **State Workforce Impacts:**

N/A

### **Intergovernmental:**

This smelter pollution is a long-standing issue in the affected areas and subject to several years of investigation, actions, and community awareness. The Confederated Tribes of the Colville Reservation is a co-plaintiff, and the Spokane Tribe is a co-trustee. The joint litigation, in no small way, has compelled the liable party to be held accountable.

### **Stakeholder Impacts:**

Ecology has the support of the Confederated Tribes of the Colville Reservation as co-plaintiff. The other statutory trustees for natural resources in the affected area are the U.S. Department of the Interior and the Spokane Tribe of Indians, who have chosen to not intervene in the litigation but remain supportive.

### **State Facilities Impacts:**

N/A

### **Changes from Current Law:**

N/A

### **Legal or Administrative Mandates:**

This request is made directly to support litigation efforts related to the Pakootas v. Teck Metals Ltd., a federal court case.

### **Governor's Salmon Strategy:**

N/A

## Reference Documents

- [Teck Metals Litigation Support-HEAL Act Attachment.pdf](#)
- [Teck Metals Litigation Support-Historical Funding Attachment A.pdf](#)

## IT Addendum

### **Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?**

No

## Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
Obj. E	\$350	\$350	\$700	\$0	\$0	\$0

## Agency Contact Information

Lyndsay Gordon

(360) 810-1636

lgor461@ecy.wa.gov

### ATTACHMENT A - RELATED BUDGET ITEMS FUNDED IN THE LAST TWO BIENNIA (2023-25, 2021-23)

Instructions: Enter the following information about any budget items funded over the last two biennia (2021-23 budget, 2022 supplemental budget, 2023-25 budget, 2024 supplemental budget) that is related to your Decision Package for 2025-27.

Biennium	Rec Sum Code/Title	RecSum Description	Fund Source	Duration	Amount
2023-25	ML AH-Teck Metals Litigation Support	Phase 3 of the Pakootas v. Teck Metals, Ltd. litigation, in which Washington and the Confederated Tribes of the Colville Reservation are co-plaintiffs in federal district court, is continuing into the 2023-25 biennium. Phases 1 and 2 of the litigation previously established Teck's liability for releases of metals and other chemicals into the Columbia River from its smelting complex in Canada. Phase 3 of the litigation is focused on recovering natural resource injuries and damages. Funding is provided, consistent with the Attorney General's Office (AGO) budget request, to cover expert and AGO legal costs.	23P-1	One-Time	\$700,000
2021-23	ML MI-Teck Metals Litigation Support	This request aligns with the Office of the Attorney General's (AGO) budget request for Phase 3 of the Pakootas v. Teck Metals, Ltd. (Teck) litigation, in which Washington and the Confederated Tribes of the Colville Reservation are co-plaintiffs in federal district court. Phases 1 and 2 of the litigation previously established Teck's liability for releases of metals and other chemicals into the Columbia River from its smelting complex in Canada. This request is to support expert and AGO resources needed for Phase 3 of the litigation, recovery of natural resource injuries and damages, which Ecology will then be billed for.	23P-1	One-Time	\$1,334,000



# 2025-27 Biennial Budget HEAL Act Template

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## Background

### HEAL Act requirements

The Healthy Environment for All Act (HEAL Act), Chapter 314, Laws of 2021 (RCW [70A.02](#)) requires that “covered and opt in agencies” must implement the requirements of the HEAL Act. This includes the:

- Department of Ecology
- Department of Agriculture
- Department of Commerce
- Department of Health
- Department of Natural Resources
- Department of Transportation
- Puget Sound Partnership
- Office of the Attorney General

HEAL Act agencies that are considering a significant agency action initiated after July 1, 2023, are required to conduct an environmental justice assessment. RCW [70A.02.010](#)(12) specifies that significant agency actions include:

- The development and adoption of significant legislative rules as defined in RCW [34.05.328](#).
- The development and adoption of any new grant or loan program that the agency is explicitly authorized or required by statute to implement.
- A capital project, grant, or loan award costing at least \$12,000,000.
- A transportation project, grant, or loan costing at least \$15,000,000.
- The submission of agency request legislation to the Office of the Governor or OFM.

Under RCW [70A.02.080](#), beginning on or before July 1, 2023, covered and opt in agencies must, where practicable, take specific actions when making expenditure decisions or developing budget requests to OFM and the Legislature for programs that address or may cause environmental harms or provide environmental benefits. This includes:

- Focus applicable expenditures on creating environmental benefits that are experienced by overburdened communities and vulnerable populations, including reducing or eliminating environmental harms, creating community and population resilience, and improving the quality of life of overburdened communities and vulnerable populations.
- Create opportunities for overburdened communities and vulnerable populations to meaningfully participate in agency expenditure decisions.
- Clearly articulate environmental justice goals and performance metrics to communicate the basis for agency expenditures.
- Establish a goal of directing 40% of grants and expenditures that create environmental benefits to vulnerable populations overburdened communities.

To help OFM understand how HEAL Act agency budget requests meet HEAL Act requirements, covered agencies are required to complete additional questions related to the HEAL Act. These questions are shown below and are in addition to the equity related questions required of all agencies. Covered agencies are asked to complete the following questions and submit them through ABS.

#### HEAL Act questions

If you answer YES to any of these bullet points, please answer the six additional questions and submit them as an attachment through ABS.

- Is this decision package part of an agency request legislation that is required to complete an environmental justice assessment (RCW [70A.02.010\(12\)](#))?

Yes

No

- Is this decision package requesting funding to support another significant agency action that is required to complete an environmental justice assessment (RCW [70A.02.010\(12\)](#))?

Yes

No

- Is this decision package requesting funding for a program/project/activity that may **provide environmental benefits or reduce, mitigate, or eliminate environmental harms**, (that is not a significant agency action)? Note: This may include decision packages for programs not purposely directed to provide environmental benefits but may have an indirect or unintentional impact.

Yes

No

**If you answer YES to any of the above bullet points, please complete these additional questions.**

1. Please describe specific likely or probable environmental harms and/or benefits related to your decision package and the associated health impacts to overburdened communities and vulnerable populations.

Successful litigation would secure financial resources to invest in restoring natural resources that have been injured by operation of the Teck metal ore smelting complex. The magnitude of losses for the upper Columbia River / Lake Roosevelt site are estimated at hundreds of millions of dollars. Activities that could be funded with settlement dollars include restoration projects in the in the upper Columbia River to develop and enhance wetland habitats in order to restore benthic macroinvertebrates injured by Teck's pollution and benefit countless other species that depend on such habitats including sturgeon and salmonid populations. Fish consumption advisories remain necessary today due to the level of contamination.

2. Please describe the estimated percentage and amount of the requested funds that will go towards creating environmental benefits in overburdened communities and vulnerable populations as defined in OFM's the [OBC map](#) or as determined by the agency. If applicable, please include your methodology for making this estimate, including project/award lists if available.

The requested funds themselves would go towards litigation support (including trial, expert witness, and technology costs). As a result, the funds will not be directly invested in an overburdened community. However, if the lawsuit is successful the funds resulting from the litigation would be invested in communities impacted, 100% of which are identified as overburdened on the OBC map.

3. Please describe any potential significant impacts to Indian Tribes' rights and interest in their tribal lands, as well as traditional practices.

The smelter pollution affects at least two Tribal nations who live and share management of aquatic resources along the river—the Confederated Tribes of the Colville Reservation and the Spokane Tribe of Indians. The environmental injury affects Tribal sovereignty and cultural identity, recreation, fishery management, wildlands, and habitats in northeast Washington. The economies of the area notably benefit from recreation centered on the river and Lake Roosevelt resources. The Colville Tribes is a co-plaintiff in the litigation and are closely collaborating with the State in pursuing natural resource damages from Teck. The Spokane Tribe is supportive of the litigation and participates as a natural resource trustee.

4. Describe how your agency engaged with Tribes in developing this proposal, including offers for tribal consultation including timelines, methods for feedback, and mechanisms for Tribes to express concern, opposition, or support., and any direction provided by Tribes through this engagement.

The State closely coordinates with the Colville Tribes on all aspects of the litigation, and routinely coordinates with the Spokane Tribe through monthly Natural Resource Trustee Council meetings. This request supports joint litigation by the Confederated Tribes of the Colville Reservation (Colville Tribes) and the State of Washington (State) to recover statutory damages from the polluter for injuries to natural resources (known as natural resource damages, or NRD). A multi-party upper Columbia River Natural Resources Trustee Council (which includes the as Colville Tribes and the Spokane Tribe as well as the State and the Department of the Interior) has also dedicated over a decade to define and quantify natural resource damages (NRD).

5. If the decision package is part of agency request legislation or supports another significant agency action that is required to complete an environmental justice assessment under RCW [70A.02.010](#)(12), please submit the assessment as an attachment in ABS.

N/A

6. If the decision package is part of agency request legislation or constitutes a significant agency action that is required to complete an environmental justice assessment, please describe how your agency used the environmental justice assessment process to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits. If your agency determined that you were unable to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits, please provide a justification for not doing so.

N/A



Department of Ecology  
2025-27 Regular Budget Session  
Maintenance Level - EF - HQ Parking Garage Renovation COP

### Agency Recommendation Summary

The 2022 Legislature authorized Ecology to finance and proceed with a major restoration project of the parking garage structure at Ecology’s Headquarters Building in Lacey, WA. This request is for operating appropriation authority for a Certificate of Participation (COP) for this restoration project. The anticipated total cost for the restoration project COP is approximately \$3,077,479 based on COP financing schedule over 10 years. (Multiple accounts)

### Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
<b>Operating Expenditures</b>						
Fund 001 - 1	\$36	\$37	<b>\$73</b>	\$36	\$37	<b>\$73</b>
Fund 027 - 1	\$2	\$2	<b>\$4</b>	\$2	\$2	<b>\$4</b>
Fund 02P - 1	\$2	\$2	<b>\$4</b>	\$2	\$2	<b>\$4</b>
Fund 044 - 1	\$10	\$10	<b>\$20</b>	\$10	\$10	<b>\$20</b>
Fund 176 - 1	\$39	\$39	<b>\$78</b>	\$39	\$39	<b>\$78</b>
Fund 182 - 1	\$4	\$3	<b>\$7</b>	\$4	\$3	<b>\$7</b>
Fund 199 - 1	\$2	\$2	<b>\$4</b>	\$2	\$2	<b>\$4</b>
Fund 207 - 1	\$5	\$6	<b>\$11</b>	\$5	\$6	<b>\$11</b>
Fund 216 - 1	\$3	\$3	<b>\$6</b>	\$3	\$3	<b>\$6</b>
Fund 217 - 1	\$5	\$5	<b>\$10</b>	\$5	\$5	<b>\$10</b>
Fund 219 - 1	\$4	\$3	<b>\$7</b>	\$4	\$3	<b>\$7</b>
Fund 23P - 1	\$159	\$159	<b>\$318</b>	\$159	\$159	<b>\$318</b>
Fund 25Q - 1	\$3	\$3	<b>\$6</b>	\$3	\$3	<b>\$6</b>
Fund 26B - 1	\$21	\$22	<b>\$43</b>	\$21	\$22	<b>\$43</b>
Fund 26C - 1	\$6	\$5	<b>\$11</b>	\$6	\$5	<b>\$11</b>
Fund 26D - 1	\$2	\$3	<b>\$5</b>	\$2	\$3	<b>\$5</b>
Fund 564 - 1	\$5	\$4	<b>\$9</b>	\$5	\$4	<b>\$9</b>
<b>Total Expenditures</b>	<b>\$308</b>	<b>\$308</b>	<b>\$616</b>	<b>\$308</b>	<b>\$308</b>	<b>\$616</b>

### Decision Package Description

This request is for appropriation for Certificate of Participation (COP) payments to finance major restoration to the parking garage at Ecology's Headquarters Building in Lacey, WA (Ecology HQ). The anticipated total cost for the restoration is approximately \$3,077,479. This request will cover COP payments for the 2025-27 biennium and ongoing into future biennia.

The parking garage was constructed in 1993, and although it had regular maintenance and minor repairs over the years, major restoration was required to preserve it and prevent further deterioration which could have resulted in traumatic failure of the structure.

Ecology submitted a Capital Project Request in the 2021-23 biennium and was directed by the legislature to seek COP financing for this restoration project, which was explicitly approved for COP financing by the Legislature in the 2022 Supplemental Capital Budget.

Sec. 7002. (7) The department of ecology: Enter into a financing contract for up to \$3,797,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the Lacey headquarters parking garage preservation project.

Ecology consulted with the Office of the State Treasurer and has received an official acknowledgement of our Notice of Intent (NOI) to proceed with COP financing for the Ecology HQ parking garage renovation. To help illustrate what those future COP payment amounts will be, attached is an estimated COP payment schedule (attachment A) provided by the Office of the State Treasurer on July 24, 2024, based on a total project cost of \$3,077,479, including current estimated finance costs over a 10-year term.

Ecology is requesting COP appropriation for the costs associated with this restoration project to cover the COP payments as directed by the Legislature. Please note, the attached payment schedule may be different from the final payment schedule Ecology receives once we enter the COP financing. Our 2025-27 operating budget COP payment will be based on that final payment schedule.

This is an unavoidable cost increase associated with renovation of the Ecology HQ parking garage. This project is necessary to ensure the safety and structural integrity of the Lacey HQ parking garage. Completing this preservation project will reduce needs on Ecology’s deferred maintenance backlog by fixing known deficiencies and preventing further deterioration, which will help to avoid more costly repairs in the future.

**Impacts on Population Served:**

The Lacey HQ facility is Ecology’s headquarters and base of statewide operations, providing office space and infrastructure for more than 1,210 employees as well as other state and federal agency tenants. The garage provides parking for many of these employees and for 76 fleet vehicles used for business travel and field work. This request will help maintain the current level of services provided at Ecology’s HQ building.

**Alternatives Explored:**

Ecology submitted a capital project request in the 2021-23 budget for State Building Construction Account (SBCA) funding. Although not funded by the SBCA, the legislature explicitly approved proceeding with COP financing in the operating budget for this restoration project.

**Consequences of Not Funding This Request:**

If Ecology does not receive an appropriation for this COP, core environmental work would have to be cut to absorb these costs, which would negatively impact other priority environmental work at Ecology. Specific consequences include reduced business operations, resulting in a reduced level of service to communities and residents throughout the state.

**Assumptions and Calculations**

**Expansion, Reduction, Elimination or Alteration of a current program or service:**

This request does not expand or alter a current program or service, it will help maintain the current level of environmental services provided at this facility by preserving the HQ parking structure.

**Detailed Assumptions and Calculations:**

Beginning in Fiscal Year 2026, Ecology will require a total of \$615,500 each biennium from multiple funding sources for COP payments under object P, debt service. The financing for this project is assumed to be \$3,077,479 over ten years. Estimates for COP payments are from the Office of the State Treasurer based on actual project costs incurred during the 2023-25 biennium and interest rates at the time. The final COP payment schedule will be prepared by the Office of the State Treasurer, based on actual project expenditures and interest rates at the time we enter the COP financing.

**Workforce Assumptions:**

<b>Expenditures by Object</b>		<b><u>FY 2026</u></b>	<b><u>FY 2027</u></b>	<b><u>FY 2028</u></b>	<b><u>FY 2029</u></b>	<b><u>FY 2030</u></b>	<b><u>FY 2031</u></b>
P	Debt Service	308,000	308,000	308,000	308,000	308,000	308,000
	<b>Total Objects</b>	<b>308,000</b>	<b>308,000</b>	<b>308,000</b>	<b>308,000</b>	<b>308,000</b>	<b>308,000</b>
<b>Staffing</b>							
<b>Job Class</b>	<b>Salary</b>	<b><u>FY 2026</u></b>	<b><u>FY 2027</u></b>	<b><u>FY 2028</u></b>	<b><u>FY 2029</u></b>	<b><u>FY 2030</u></b>	<b><u>FY 2031</u></b>
	<b>Total FTEs</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**Explanation of costs by object:**

All costs are Debt Services (Object P)

**Historical Funding:**

	<b>FY2026</b>	<b>FY2027</b>
<b>FTE (0.0 direct FTE)</b>	0.0	0.00
<b>Total Funds (rounded to thousands)</b>		\$0
<b>Near General Fund (rounded to thousands)</b>		\$0
<b>Other Funds (rounded to thousands)</b>		\$0



## Strategic and Performance Outcomes

### **Strategic Framework:**

This request is essential to achieving all of Ecology's goals because it will help maintain the current level of environmental services provided at this facility through the preservation of the HQ parking structure, which include the goals to 1) Support and engage our communities, customers, and employees, 2) Reduce and prepare for climate impacts, 3) Prevent and reduce waste, toxic threats and pollution, and 4) Protect and manage our state's waters.

This request is essential to achieving the Governor's Results Washington Goals, 3) Sustainable Energy and Clean Environment, and 5) Efficient, Effective, and Accountable Government because it will help to maintain and preserve the current level of environmental services provided at this facility.

### **Performance Outcomes:**

The outcome of this request will be maintaining the current level of environmental operations that Ecology provides by renovating the HQ parking structure.

## Equity Impacts

### **Community Outreach and Engagement:**

N/A

### **Disproportional Impact Considerations:**

N/A

### **Target Communities and Populations:**

N/A

### **Community Inputs and Incorporation:**

N/A

## Other Collateral Connections

### **HEAL Act Agencies Supplemental Questions**

N/A

### **Puget Sound Recovery:**

N/A

### **State Workforce Impacts:**

N/A

### **Intergovernmental:**

The HQ facility supports not only Ecology programs, but also provides technical and analytical support to state agencies, local governments, and Tribes.

### **Stakeholder Impacts:**

N/A

### **State Facilities Impacts:**

This request will provide appropriation authority to maintain the current level of environmental operations that Ecology provides by renovating the HQ parking structure.

There are no impacts in relation to the state capital budget.

### **Changes from Current Law:**

N/A

### **Legal or Administrative Mandates:**

N/A

### **Governor's Salmon Strategy:**

N/A

## Reference Documents

[HQ Parking Garage COP-Attachment A.xlsx](#)

[HQ Parking Garage COP-Attachment B.pdf](#)

## IT Addendum

**Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?**

No

## Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
Obj. P	\$308	\$308	\$616	\$308	\$308	\$616

## Agency Contact Information

Jim Pendowski

(360) 250-0471

[jpen461@ecy.wa.gov](mailto:jpen461@ecy.wa.gov)

**Ecology - HQ Parking Garage Renovation - Attachment A**

20 Year Term		
Delivery Date	June 2025	
Project Funds	\$2,460,000	
All-In Interest	3.83%	4.59%
Payment Date	Debt Service - Current Interest Rates	Debt Service - Pessimistic Scenario
12/1/2025	\$57,350	\$61,354
6/1/2026	\$115,500	\$129,375
12/1/2026	\$54,000	\$57,625
6/1/2027	\$124,000	\$132,625
12/1/2027	\$52,250	\$55,750
6/1/2028	\$127,250	\$135,750
12/1/2028	\$50,375	\$53,750
6/1/2029	\$130,375	\$138,750
12/1/2029	\$48,375	\$51,625
6/1/2030	\$128,375	\$141,625
12/1/2030	\$46,375	\$49,375
6/1/2031	\$131,375	\$139,375
12/1/2031	\$44,250	\$47,125
6/1/2032	\$134,250	\$142,125
12/1/2032	\$42,000	\$44,750
6/1/2033	\$137,000	\$144,750
12/1/2033	\$39,625	\$42,250
6/1/2034	\$139,625	\$147,250
12/1/2034	\$37,125	\$39,625
6/1/2035	\$142,125	\$149,625
12/1/2035	\$34,500	\$36,875
6/1/2036	\$144,500	\$151,875
12/1/2036	\$31,750	\$34,000
6/1/2037	\$146,750	\$159,000
12/1/2037	\$28,875	\$30,875
6/1/2038	\$148,875	\$160,875
12/1/2038	\$25,875	\$27,625
6/1/2039	\$150,875	\$162,625
12/1/2039	\$22,750	\$24,250
6/1/2040	\$157,750	\$169,250
12/1/2040	\$19,375	\$20,625
6/1/2041	\$159,375	\$170,625
12/1/2041	\$15,875	\$16,875
6/1/2042	\$160,875	\$171,875
12/1/2042	\$12,250	\$13,000
6/1/2043	\$167,250	\$178,000
12/1/2043	\$8,375	\$8,875
6/1/2044	\$173,375	\$183,875
12/1/2044	\$4,250	\$4,500
6/1/2045	\$174,250	\$184,500
<b>Total</b>	<b>\$3,569,350</b>	<b>\$3,814,479</b>

15 Year Term		
Delivery Date	June 2025	
Project Funds	\$2,460,000	
All-In Interest	3.52%	4.39%
Payment Date	Debt Service - Current Interest Rates	Debt Service - Pessimistic Scenario
12/1/2025	\$ 57,350	\$ 60,967
6/1/2026	\$ 155,500	\$ 169,000
12/1/2026	\$ 53,000	\$ 56,250
6/1/2027	\$ 163,000	\$ 171,250
12/1/2027	\$ 50,250	\$ 53,375
6/1/2028	\$ 165,250	\$ 173,375
12/1/2028	\$ 47,375	\$ 50,375
6/1/2029	\$ 167,375	\$ 175,375
12/1/2029	\$ 44,375	\$ 47,250
6/1/2030	\$ 169,375	\$ 182,250
12/1/2030	\$ 41,250	\$ 43,875
6/1/2031	\$ 171,250	\$ 183,875
12/1/2031	\$ 38,000	\$ 40,375
6/1/2032	\$ 178,000	\$ 185,375
12/1/2032	\$ 34,500	\$ 36,750
6/1/2033	\$ 179,500	\$ 191,750
12/1/2033	\$ 30,875	\$ 32,875
6/1/2034	\$ 180,875	\$ 192,875
12/1/2034	\$ 27,125	\$ 28,875
6/1/2035	\$ 187,125	\$ 198,875
12/1/2035	\$ 23,125	\$ 24,625
6/1/2036	\$ 188,125	\$ 204,625
12/1/2036	\$ 19,000	\$ 20,125
6/1/2037	\$ 194,000	\$ 210,125
12/1/2037	\$ 14,625	\$ 15,375
6/1/2038	\$ 199,625	\$ 210,375
12/1/2038	\$ 10,000	\$ 10,500
6/1/2039	\$ 205,000	\$ 215,500
12/1/2039	\$ 5,125	\$ 5,375
6/1/2040	\$ 210,125	\$ 220,375
<b>Total</b>	<b>\$3,210,100</b>	<b>\$3,411,967</b>

10 Year Term		
Delivery Date	June 2025	
Project Funds	\$2,460,000	
All-In Interest	3.27%	4.27%
Payment Date	Debt Service - Current Interest Rates	Debt Service - Pessimistic Scenario
12/1/2025	\$ 58,383	\$ 61,354
6/1/2026	\$ 231,500	\$ 244,375
12/1/2026	\$ 52,125	\$ 54,750
6/1/2027	\$ 242,125	\$ 254,750
12/1/2027	\$ 47,375	\$ 49,750
6/1/2028	\$ 247,375	\$ 259,750
12/1/2028	\$ 42,375	\$ 44,500
6/1/2029	\$ 252,375	\$ 264,500
12/1/2029	\$ 37,125	\$ 39,000
6/1/2030	\$ 257,125	\$ 269,000
12/1/2030	\$ 31,625	\$ 33,250
6/1/2031	\$ 261,625	\$ 273,250
12/1/2031	\$ 25,875	\$ 27,250
6/1/2032	\$ 265,875	\$ 282,250
12/1/2032	\$ 19,875	\$ 20,875
6/1/2033	\$ 269,875	\$ 285,875
12/1/2033	\$ 13,625	\$ 14,250
6/1/2034	\$ 278,625	\$ 294,250
12/1/2034	\$ 7,000	\$ 7,250
6/1/2035	\$ 287,000	\$ 297,250
<b>Total</b>	<b>\$2,928,883</b>	<b>\$3,077,479</b>

Note: All figures are estimates. Actual rates are determined on the day of sale.



**MIKE PELLICCIOTTI**, *Chair*  
State Treasurer

**JAY R. INSLEE**  
Governor

**State of Washington**  
**STATE FINANCE COMMITTEE**

**DENNY HECK**  
Lieutenant Governor

MEMORANDUM

October 13, 2023

To: Mary Merrill  
Dept of Ecology

From: Jason Richter  
Deputy State Treasurer

Subject: ACKNOWLEDGEMENT OF NOTICE OF INTENT TO LEASE PURCHASE

Your agency's notice of intent (NOI) to lease/purchase has been received by our office. It has been entered in our files as NOI s461-49. Your first lease under this NOI will be assigned this number: s461-49-1. The following is a description of the item(s) listed on the Notice of Intent:

- Ecology HQ Parking Garage Renovation, requested to be financed for a term of 10 years
- Amount to be financed listed as \$3,350,000.00

The Office of the State Treasurer pools state agency requests for equipment financing at various times throughout the year. Please check our website for the latest information on sale dates and documentation requirements. The Lease Purchase Guide and all financing documents are available on our website at:

<http://www.tre.wa.gov/government/leasePurchaseProgram.shtml>

Your agency should pay the vendor directly from agency funds. Your agency can then request a reimbursement from the state Lease/Purchase program. Please provide this office with the documentation evidencing payment. This should include cancelled checks and warrant registers.

Also, there is a maximum 18-month window between your agency's payment to vendors and reimbursement.

This Notice of Intent will be valid for 24 months. At that time, if you still intend to finance the equipment, you will need to submit a new Notice of Intent.

Please contact our office at (360) 902-9050 if you have any questions or need additional help.

**Office of the State Treasurer**

Legislative Building--Room 230, P.O. Box 40200 • Olympia, Washington 98504-0200 • (360) 902-9000 • TTY Users Call: 711  
FAX (360) 902-9045 • Home Page <http://tre.wa.gov>

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### Agency Recommendation Summary

The Public Participation Grant (PPG) Program is a competitive grant program that funds individuals and nonprofit public interest organizations to conduct education and outreach work related to investigation and cleanup of contaminated sites and carry out recycling and waste management projects that improve recycling rates and waste management outcomes. Ecology is requesting a maintenance level adjustment to keep grant funding aligned with the mandated level of 1% of money collected under RCW 82.21.030, Hazardous Substance Tax. Related to Puget Sound Action Agenda Implementation. (Model Toxics Control Operating Account)

### Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
<b>Operating Expenditures</b>						
Fund 23P - 1	\$469	\$470	\$939	\$469	\$470	\$939
Total Expenditures	<b>\$469</b>	<b>\$470</b>	<b>\$939</b>	<b>\$469</b>	<b>\$470</b>	<b>\$939</b>

### Decision Package Description

The Public Participation Grant Program (PPG) is a competitive grant program that funds individuals and nonprofit public interest organizations to conduct education and outreach work related to investigation and cleanup of contaminated sites and carry out recycling and waste management projects that improve recycling rates and waste management outcomes.

State law requires 1% of revenues collected from the Hazardous Substance Tax (HST) be allocated only for PPG (RCW 70A.305.180(4)). This is a maintenance level request to align PPG funding with the mandated level according to state law.

The PPG was enacted in 1988 when Washington voters passed Initiative 97, the Model Toxics Control Act (MTCA). MTCA funding enables residents to make informed comments and be involved in the decision-making process for toxic and hazardous waste cleanup sites. Funding also reduces waste and improves waste management in line with the state’s solid waste management priorities, including organic waste and waste reduction and reuse. Outreach and education grants encourage public participation and environmental stewardship.

**Is this request related to any budget items funded in the past two biennia?**

Yes, see attached.

**Impacts on Population Served:**

The adjusted 2025-27 PPG budget level of \$6.34 million will fund approximately 53 grants to support public engagement in cleanup site planning and investigation and support waste reduction and recycling programs. Examples of PPG statewide positive impacts are described below under Performance Outcomes.

**Alternatives Explored:**

Alternatives were not explored because this request fulfills a statutory requirement.

**Consequences of Not Funding This Request:**

If this request is not funded, the state would be out of compliance with RCW 70A.305.180(4).

## Assumptions and Calculations

### Expansion, Reduction, Elimination or Alteration of a current program or service:

The 2025-27 carryforward level (CFL) for PPG is \$5.4 million. The base budget supports 1.5 direct FTEs to write and administer grant agreements each year and provide grant funding to individuals and nonprofit organizations statewide. The PPG appropriation is from the MTCA Operating Account and is part of Activity A013 Provide Planning and Financial Assistance to Manage and Reduce Waste. Grants are awarded for one year, with automatic renewal for a second year. Because the first year includes time initiating grant agreements and ramping up work, about one third of the funding is distributed in the first fiscal year of the biennium and the rest in the second year. Administrative overhead related to this activity is in the agency's Administration Activity A002.

### Detailed Assumptions and Calculations:

Historically, PPG was funded with 1% of the money deposited into the State and Local Toxics Control Accounts. Starting in the 2013-15 biennium, PPG funding comes from 1% of the money collected under RCW 82.21.030, Hazardous Substance Tax. (Second Engrossed Second Substitute Senate Bill 5296 Model Toxics Control Act, Laws of 2013 2nd Special Session, Section 9(7)).

The 2025-27 CFL PPG funding level of \$5,406,583 is below the estimated 1% of HST revenue collections from the previous two years of \$6,346,002 based on fiscal year 2023 and fiscal year 2024 Phase 1 Generally Accepted Accounting Principles (GAAP) actuals.

Ecology is requesting a maintenance level increase of \$939,000 (\$469,000 for 2026 and \$470,000 for 2027) to keep PPG funding aligned with the mandated level of 1% of money collected under RCW 82.21.030.

ML Calculation: [2025-27 Biennium PPG ML Change] = [1 %x fiscal year 2023 actuals + fiscal year 2024 actuals through phase 1] [2025-27 Biennium PPG CFL] \$939,419 = \$6,346,002 \$5,406,583 (rounded to the nearest thousand). See Attachment A – Public Participation Grants 1% Calculation for additional details.

### Workforce Assumptions:

Expenditures by Object		<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>	<u>FY 2030</u>	<u>FY 2031</u>
N	Grants, Benefits, and Client Services	469,000	470,000	469,000	470,000	469,000	470,000
	<b>Total Objects</b>	<b>469,000</b>	<b>470,000</b>	<b>469,000</b>	<b>470,000</b>	<b>469,000</b>	<b>470,000</b>

Staffing		Salary	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>	<u>FY 2030</u>	<u>FY 2031</u>
Job Class	Total FTEs		0.00	0.00	0.00	0.00	0.00	0.00

### Explanation of costs by object:

All costs are Grants (Object N).

### Historical Funding:

	<u>FY2026</u>	<u>FY2027</u>
FTE (xx direct FTE)	1.5	1.5
Total Funds (rounded to thousands)	\$2,703,000	\$2,704,000
Near General Fund (rounded to thousands)	\$0	\$0
Other Funds (rounded to thousands)	\$2,703,000	\$2,704,000

Administrative Overhead related to this program or service is in the agency's Administration Activity A002, but is not shown in the totals above.

## Strategic and Performance Outcomes

### **Strategic Framework:**

This request is essential to achieving the following Governor's Results Washington Goals:

- Goal 2: Prosperous Economy because Public Participation Grants:
  - Help Ecology partner with people and communities during the cleanup process.
  - Support faster project implementation and more effective cleanups.
  - Supports jobs and new economic development opportunities.
- Goal 3: Sustainable Energy and a Clean Environment because:
  - PPG funding allows individuals and nonprofit public interest organizations to carry out environmental education projects and pathways to engagement.
  - Environmental education motivates people to change their environmental behaviors and be more responsible environmental stewards.
  - Increased access to participation in environmental decisions improves the quality and reach of environmental policies and strategies.
- Goal 4: Health and Safe Communities because PPG funds empower individuals and nonprofit public interest organizations to take action to address environmental health issues in their communities.

This request is essential to achieving the following Ecology goals:

- Goal 1: Support and Engage our Communities, Customers, and Employees because the PPG provides needed funding and professional connections to enhance highly impacted communities and vulnerable populations' capacity to engage in cleanup decisions and access waste reduction opportunities.
- Goal 2: Reduce and Prepare for Climate Impacts because PPG funds support projects that prevent greenhouse gases. For example:
  - Food diversion programs that keep food out of the waste stream.
  - Repair café projects that provide education and training to fix existing products instead of buying new ones that must be manufactured.
- Goal 3: Prevent and Reduce Waste, Toxic Threats, and Pollution because about half of PPG grants fund contaminated site outreach. This outreach encourages resident participation in cleanup and pollution prevention processes so they can help protect their communities from toxic threats.
- Goal 4: Protect and Manage Our State's Waters because many of the PPG funded projects are based in key watersheds and rivers throughout the state and directly educate the public on aquatic ecosystems.

**Performance Outcomes:**

The outcome of this request will be an increase in PPG funding to individuals and nonprofit public interest organizations for informing residents about cleanups in their local area and educating the public about waste reduction efforts.

All PPG projects must provide measurable public benefits and improve public participation through education and outreach. The projects have well-defined activities that show measurable behavior change related to the problems addressed.

Below are examples of PPG projects from the 2023-25 biennium grant cycle and the reported outcomes that are anticipated.

**RE Sources** is working to engage the public in the process to clean up and remediate legacy toxic sites through site tours and a variety of outreach media. Partnerships include work with Tribal communities and indigenous-led community nonprofits. They are training volunteers to monitor stormwater sites and report findings.

- 15 people who volunteer their time to carry out project activities (stormwater training/monitoring).
- 10 people who engage in formal MTCA rulemaking because of project webinars.
- 400 views of Ecology's MTCA website and stormwater related project content online (videos, blogs, social media, and webpage posts).
- 200 people who attend MTCA site tours in response to project outreach efforts.

**Twin Harbors Waterkeeper** is facilitating public participation in the investigation and cleanup of hazardous substances in high priority contaminated cleanup sites through outreach and education. Their focus population is highly impacted vulnerable communities living near contaminated sites, including Latino communities and school children.

- 300 people who attend an event in response to project outreach efforts.
- 18 contaminated site tours and presentations to the public, local agencies, Tribal communities, colleges, and GH Rise community groups, with Spanish translation services.
- 20 high school presentations focusing on single use plastics, microplastic waste, and waste management.
- One online map showing easy-to-view toxic cleanup sites for public self-guided tours.
- One online database showing tire pile locations using geospatial data gathered from in-water and on-land surveys.

**Columbia Riverkeeper** is partnering with the Yakama Nation to address pollution from Bradford Island, a Superfund National Priorities List (NPL) site. The Yakama Tribe uses the surrounding areas as traditional fishing grounds, and contamination from this site impacts the fish that Tribal members consume for daily life and ceremonial meals. Anticipated outcomes include:

- 1,520 people engaged in a formal public process due to project activities.
- 400 project participants increase their positive environmental actions after participation in a project activity as shown through community presentations.
- 40,000 people in Clark, Klickitat, and Skamania counties reached through social media, paid advertising, and earned media.
- 24 Restoration Advisory Board (RAB) meetings to provide input to agencies responsible for cleanup to consistently receive input on the breadth of strategies needed to reach the diverse people impacted by a Superfund NPL site.

## Equity Impacts

### ***Community Outreach and Engagement:***

The PPG supports meaningful involvement of all people in Washington. Of the 43 communities supported in the last biennium, 60% (26 communities) were overburdened communities or supported represented vulnerable populations. Ecology's engagement includes prioritizing these communities in grant application evaluations, delivering technical assistance and outreach on the competitive award process, and proactive technical assistance during grant management. Tribes are not eligible for PPG grants and were not engaged in developing this request.

### ***Disproportional Impact Considerations:***

The PPG prioritizes applicants who are working with and in communities that are disproportionately impacted by environmental hazards and have socioeconomic and language barriers to accessing environmental benefits. The PPG provides economic resources to alleviate some of these barriers to engagement in pollution reduction and preferred waste management practices. For example, these funds can be used to translate materials into languages other than English and to develop educational materials on preferred waste management practices, such as composting.

### ***Target Communities and Populations:***

Public Participation Grants are awarded to people who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. Grants are distributed statewide, and Ecology prioritizes distribution to overburdened communities and vulnerable populations as identified by the Department of Health Environmental Health Disparities Map or equivalent source.

### ***Community Inputs and Incorporation:***

See Community Outreach and Engagement response.

## Other Collateral Connections

### **HEAL Act Agencies Supplemental Questions**

Yes, see attached.

### **Puget Sound Recovery:**

This request supports the 2022-2026 Puget Sound Action Agenda implementation through Ongoing Program OGP\_ECY45 Solid Waste Management – Public Participation Grants, and through various Vital Signs, Strategies, Desired Outcomes, and Actions included in the Action Agenda. See attachment C for a complete list of linkages between this request and the agenda.

### **State Workforce Impacts:**

N/A

### **Intergovernmental:**

PPG projects support the goals of cities, counties, Tribes, and agencies that are participating in cleanup activities, pollution prevention, and waste management.

### **Stakeholder Impacts:**

Ecology prioritizes projects that give a diversity of community groups opportunities to learn about and help solve the state's environmental problems. These diverse groups include those who are economically disadvantaged, people with limited English proficiency, and people who have historically been excluded from environmental decision making and disproportionately impacted by environmental hazards. Ecology also gives priority to projects that meet an unmet demand, that facilitate public comment on Ecology activities, and are submitted by first-time applicants.

### **State Facilities Impacts:**

N/A

### **Changes from Current Law:**

N/A

### **Legal or Administrative Mandates:**

State law requires 1% of money collected from the Hazardous Substance Tax (HST) be allocated only for PPG (RCW 70A.305.180(4)).

### **Governor's Salmon Strategy:**

N/A

## Reference Documents

- [Public Participation Grants Calculations-Attachment A.pdf](#)
- [Public Participation Grants-HEAL Act Attachment.pdf](#)
- [Public Participation Grants-Historical Funding Attachment B.pdf](#)
- [Public Participation Grants-PS Attachment C.pdf](#)

## IT Addendum

**Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?**

No

## Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
Obj. N	\$469	\$470	\$939	\$469	\$470	\$939



## Agency Contact Information

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**DEPARTMENT OF ECOLOGY  
ATTACHMENT A - PUBLIC PARTICIPATION GRANTS 1% CALCULATION**

Purpose: Provide calculation for public participation grant (PPG) biennial budget adjustments. RCW 70A.305.180(4) of the Model Toxics Control Act requires one percent of the moneys collected under RCW 82.21.030 Pollution tax (HST) to be allocated for PPG.

FY2015-2024 HST Revenue from AFRS<sup>1</sup>

Updated 8/7/2024

Biennium	Year	Actual Revenue <sup>1</sup>	Two Yrs Actual Revenue	1% of Previous 2 Yrs	PPG Carry Forward Approp	Difference	Enacted/ Requested Budget Adjustment
2013-15	2015	\$ 147,625,708					
	2016	\$ 112,207,500					
2015-17 <sup>2</sup>	2017	\$ 123,516,117	\$ 259,833,208				
	2018	\$ 144,223,204		\$ 2,598,332	\$ 3,956,583	\$ (1,358,251)	\$ (1,359,000)
2017-19	2019	\$ 150,665,320	\$ 267,739,321				
	2020	\$ 245,896,255		\$ 2,677,393	\$ 2,597,583	\$ 79,810	\$ 79,000
2019-21	2021	\$ 252,520,193	\$ 396,561,575				
	2022	\$ 288,124,595		\$ 3,965,616	\$ 2,676,583	\$ 1,289,033	\$ 1,289,000
2021-23 <sup>3</sup>	2023	\$ 298,209,000	\$ 540,644,788				
	2024	\$ 336,391,150		\$ 5,406,448	\$ 3,965,583	\$ 1,440,865	\$ 1,441,000
2023-25	2025		\$ 634,600,150				
	2026			\$ 6,346,002	\$ 5,406,583	\$ 939,419	\$ 939,000
2025-27	2027						

<sup>1</sup> The values for fiscal year 2015 to 2023 represent actual revenue. The value for fiscal year 2024 represents revenue through June FM12, prior to final fiscal year close.

<sup>2</sup> The 2016 Supplemental cut PPG \$3.8 million for the 2015-17 Biennium leaving no funding for grants. The amount was restored in the 2017-19 biennium carryforward.

### ATTACHMENT B - RELATED BUDGET ITEMS FUNDED IN THE LAST TWO BIENNIA (2023-25, 2021-23)

Instructions: Enter the following information about any budget items funded over the last two biennia (2021-23 budget, 2022 supplemental budget, 2023-25 budget, 2024 supplemental budget) that is related to your Decision Package for 2025-27.

Biennium	Rec Sum Code/Title	RecSum Description	Fund Source	Duration	Amount
2021-23	ME Public Participation Grants	The Public Participation Grant Program is a competitive grant program that provides funding to help individuals and not-for-profit public interest organizations facilitate public participation in the investigation and remediation of contaminated sites , carry out waste management education projects, and promote or improve state or local solid waste or hazardous waste management plans . A maintenance level adjustment is provided to keep grant funding aligned with the mandated level of one percent of moneys collected under RCW 82.21.030, Hazardous Substance Tax.	23P-1	Ongoing	\$ 1,289,000
2023-25	AE Public Participation Grants	Ecology's public participation grant program funding is adjusted to align with the mandated level of one percent of moneys collected under RCW 82.21.030, Hazardous Substance Tax. The Public Participation Program is a competitive grant program that provides funding to help individuals and not-for-profit public interest organizations facilitate public participation in the investigation and remediation of contaminated sites, carry out waste management education projects, and facilitate implementation of the state's solid and hazardous waste management priorities.	23P-2	Ongoing	\$ 1,440,000

# **Attachment C**

## **Linkages to Puget Sound Action Agenda Implementation**

This attachment provides additional supporting details for the following decision package (DP) as it relates to the Puget Sound 2022-2026 Action Agenda implementation.

**DP Title:** Public Participation Grants

### **Vital Signs**

- Freshwater
- Marine Water
- Streams and Floodplains
- Toxics in Aquatic Life
- Drinking Water
- Outdoor Activity
- Cultural Wellbeing
- Economic Vitality
- Good Governance
- Sense of Place
- Sound Stewardship

### **Strategies**

- 8. Prevent Pollution
- 9. Source Identification and Correction
- 10. Stormwater Runoff and Legacy Contamination
- 21. Sense of Place
- 22. Recreation and Stewardship
- 23. Transparent and Inclusive Governance
- 24. Cultural Practices
- 25. Natural Resource Industries
- 26. Human Health

### **Desired Outcomes**

- 2.1.5. In-water and near-water sites that exceed state standards for contamination prioritized and cleaned up.
- 5.1.2. Attachments among all residents to Puget Sound's environments (including natural, biocultural, and anthropogenic places) are acknowledged and respected and recognized as opportunities to achieve the Action Agenda.
- 5.2. Engagement in and trust of Puget Sound environmental and natural resource governance is increased.
- 5.5.3. Meaningful and community-based stewardship behaviors are supported.
- 5.6.2. Levels and patterns of contaminants in drinking water do not threaten Puget Sound communities or vulnerable populations with adverse health outcomes.
- 5.6.3. Levels and patterns of contamination in fish and shellfish harvested from Puget Sound waters do not threaten the health of Puget Sound communities or vulnerable

populations.

- 5.6.4. Levels and patterns of pollutants and biotoxins in surface waters do not threaten the health of Puget Sound communities or vulnerable populations.

## **Actions**

- 41. Find and fix toxic hotspots (information, planning, education, funding, and implementation).
- 45. Find and fix toxic hotspots (information, planning, education, funding, and implementation).
- 61. Increase the streamlining of legal processes and the pace of clean-up of priority contaminated sites (information, planning, funding, implementation, and monitoring).
- 72. Engage communities to increase knowledge of responsible use, tribal nations treaty rights, and sovereign interests and define opportunities that foster increased and responsible recreation opportunities within natural environments.
- 78. Engage with community groups, educational institutions, and communication specialists to develop and share relevant and accessible information on civic engagement and decision-making opportunities.
- 86. Increase number, accessibility, and protections for multi-use and multi-cultural natural spaces (for example, fish and shellfish harvesting, camping, boating, and gardening, etc.), including green spaces and waterways.
- 112. Direct beneficial environmental activities, investments, and community research towards better understanding and improving areas with environmental health disparities and where the environmental health improvements will be greatest.
- 114. Adequately resource community-led efforts to promote education and awareness about environmental health risks associated with air pollution, drinking water contamination, surface water pollution, and toxics in fish and shellfish.
- 128. Advance diversity, equity, inclusion, and environmental justice in Puget Sound recovery efforts.
- 149. Increase availability of data, tools and training, and increase the technical capacity of partners in the recovery community, to reduce the magnitude of and vulnerability to climate change, and advance adaptation of the Puget Sound socio-ecological system.
- 150. Ensure that overburdened and historically marginalized communities are welcomed and engaged as full partners and support the priorities identified by communities when working to decrease the magnitude of climate change, advance climate change adaptation, and increase resilience to climate change.
- 151. Re-green urban spaces.
- 157. Ensure place attachments among all residents of Puget Sound are recognized, understood, and respected.
- 158. Increase visibility of mental health connections to a healthy natural environment
- 159. Develop and promote social approaches to encourage behavior changes that will protect, restore, and responsibly enjoy Puget Sound.
- 160. Identify and remove barriers resulting in the exclusion of people from participating in recreation and stewardship activities.
- 161. Ecosystem recovery processes and decision-making are inclusive of a broader set of committed stakeholders and diverse forms of knowledge.

- 162. Increase capacity for overburdened and historically marginalized communities to engage in environmental decision-making.
- 163. Increase trust by including and communicating directly and effectively with new and diverse audiences.
- 164. Support natural resources sector jobs and production opportunities.
- 174. Mobilize new and diverse private funding sources to advance Puget Sound and salmon recovery (for example, private foundations, businesses, individuals, and market-based mechanisms).
- 179. Engage partners in developing the list of Puget Sound-wide resource needs.
- 184. Improve incorporation of Indigenous knowledge into science and monitoring efforts.
- 189. Coordinate planning and implementation across education and restoration-partner networks.
- 190. Identify funding sources to support collaborations between ecosystem recovery partners and preK-12 educators.
- 191. Expand meaningful education and leadership experiences, internships, and mentorships.
- 192. Include representatives of youth organizations in regional planning forums to increase youth involvement in planning and implementing projects in local areas.
- 197. Honor tribal nations' treaty rights, obligations, and inherent sovereign interests when considering implementation of Puget Sound recovery projects and programs. and actively engage with tribal nations to align and incorporate shared goals.
- 198. Communications materials should be clear and concise, avoiding jargon and/or overly technical language. Incorporate resources in various languages other than English for critical communications materials.

**Ongoing Program - OGP\_ECY45 Solid Waste Management - Public Participation Grants**



# 2025-27 Biennial Budget HEAL Act Template

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## Background

### HEAL Act requirements

The Healthy Environment for All Act (HEAL Act), Chapter 314, Laws of 2021 (RCW [70A.02](#)) requires that “covered and opt in agencies” must implement the requirements of the HEAL Act. This includes the:

- Department of Ecology
- Department of Agriculture
- Department of Commerce
- Department of Health
- Department of Natural Resources
- Department of Transportation
- Puget Sound Partnership
- Office of the Attorney General

HEAL Act agencies that are considering a significant agency action initiated after July 1, 2023, are required to conduct an environmental justice assessment. RCW [70A.02.010](#)(12) specifies that significant agency actions include:

- The development and adoption of significant legislative rules as defined in RCW [34.05.328](#).
- The development and adoption of any new grant or loan program that the agency is explicitly authorized or required by statute to implement.
- A capital project, grant, or loan award costing at least \$12,000,000.
- A transportation project, grant, or loan costing at least \$15,000,000.
- The submission of agency request legislation to the Office of the Governor or OFM.

Under RCW [70A.02.080](#), beginning on or before July 1, 2023, covered and opt in agencies must, where practicable, take specific actions when making expenditure decisions or developing budget requests to OFM and the Legislature for programs that address or may cause environmental harms or provide environmental benefits. This includes:

- Focus applicable expenditures on creating environmental benefits that are experienced by overburdened communities and vulnerable populations, including reducing or eliminating environmental harms, creating community and population resilience, and improving the quality of life of overburdened communities and vulnerable populations.
- Create opportunities for overburdened communities and vulnerable populations to meaningfully participate in agency expenditure decisions.
- Clearly articulate environmental justice goals and performance metrics to communicate the basis for agency expenditures.
- Establish a goal of directing 40% of grants and expenditures that create environmental benefits to vulnerable populations overburdened communities.

To help OFM understand how HEAL Act agency budget requests meet HEAL Act requirements, covered agencies are required to complete additional questions related to the HEAL Act. These questions are shown below and are in addition to the equity related questions required of all agencies. Covered agencies are asked to complete the following questions and submit them through ABS.

#### HEAL Act questions

If you answer YES to any of these bullet points, please answer the six additional questions and submit them as an attachment through ABS.

- Is this decision package part of an agency request legislation that is required to complete an environmental justice assessment (RCW [70A.02.010\(12\)](#))?

Yes

No

- Is this decision package requesting funding to support another significant agency action that is required to complete an environmental justice assessment (RCW [70A.02.010\(12\)](#))?

Yes

No

- Is this decision package requesting funding for a program/project/activity that may **provide environmental benefits or reduce, mitigate, or eliminate environmental harms**, (that is not a significant agency action)? Note: This may include decision packages for programs not purposely directed to provide environmental benefits but may have an indirect or unintentional impact.

Yes

No

**If you answer YES to any of the above bullet points, please complete these additional questions.**

1. Please describe specific likely or probable environmental harms and/or benefits related to your decision package and the associated health impacts to overburdened communities and vulnerable populations.

This request seeks to increase Public Participation Grant funding to remove barriers to participation in public processes for overburdened communities and vulnerable populations. Communities who live near hazardous waste sites and who have socioeconomic barriers to effectively managing solid waste can be overburdened with solid waste and pollution. The PPG Program provides economic resources to alleviate barriers to engagement in pollution reduction and preferred waste management practices. For example, these funds can be used to translate educational materials into languages other than English and to develop materials on preferred waste management practices for communities.

2. Please describe the estimated percentage and amount of the requested funds that will go towards creating environmental benefits in overburdened communities and vulnerable populations as defined in OFM's the [OBC map](#) or as determined by the agency. If applicable, please include your methodology for making this estimate, including project/award lists if available.

The estimated percentage and amount of the requested funds that will go towards creating environmental benefits in overburdened communities and for vulnerable populations is about 60% (\$631,800) based on current allocation of resources for PPG projects.

We have estimated this percentage and dollar amount for the current 23-25 biennium, based on the following criteria:

- Highly impacted communities are geographic areas where environmental hazards are located and accumulate, posing risks to the health of human's who live or frequent the area.
- Vulnerable populations are subsets of the public who have increased susceptibility to risks based on their social, economic, and racial demographics and physiological sensitivities such as low birth weight.
  - Project focus population index ranks high using the following EJ indexes:
    - The Environmental Protection Agency's: [EJScreen](#)
    - The Centers for Disease Control's: [Environmental Justice Index](#)
    - The Department of Health's (DOH): [Washington Tracking Network Environmental Health Disparities map](#)

For the current biennium (23-25), 26 out of 43 projects meets the criteria above (details below):

Category	Dollar Amount	Percent of Total Award	Number of Projects
Hazardous Release	\$ 1,699,692.00	35%	11
Solid Waste	\$ 1,320,000.00	28%	15
<b>Total Estimated</b>	<b>\$ 3,019,692.00</b>	<b>63%</b>	<b>26</b>
Total Award	\$ 4,800,000.00		

3. Please describe any potential significant impacts to Indian Tribes' rights and interest in their tribal lands, as well as traditional practices.

The request itself does not include any potential significant impacts to Tribes or their lands. However, the additional funding from this request may have an impact, and that will be factored into the implementation plans for each funding award, as applicable, independent of this request.

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## Agency Recommendation Summary

As the United States Department of Energy continues to ramp up mixed waste permitting and mixed waste management activities for the Hanford site, Ecology has observed a declining percentage of Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) cleanup work at Hanford. This trend has been observed for several biennia and is expected to continue as tank waste treatment, storage, and disposal funding continues to increase in Hanford’s federal budgets. Ecology requests a net-zero fund shift of expenditure authority from General Fund-Federal to the Radioactive Mixed Waste Account to support the transition of workload related to permitting and oversight of mixed waste management activities. (General Fund-Federal, Radioactive Mixed Waste Account)

## Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
<b>Staffing</b>						
FTEs	0.0	0.0	0.0	0.0	0.0	0.0
<b>Operating Expenditures</b>						
Fund 001 - 2	(\$413)	(\$413)	(\$826)	(\$413)	(\$413)	(\$826)
Fund 20R - 1	\$413	\$413	\$826	\$413	\$413	\$826
Total Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
<b>Revenue</b>						
001 - 0381	(\$413)	(\$413)	(\$826)	(\$413)	(\$413)	(\$826)
20R - 0294	\$413	\$413	\$826	\$413	\$413	\$826
Total Revenue	\$0	\$0	\$0	\$0	\$0	\$0

## Decision Package Description

### Background:

The Hanford Site, located in Benton County, is one of the largest environmental cleanup projects in the world. About 10% of the land area and 80 square miles of groundwater within, are unsafe for human use. Cleanup of the site includes collecting, removing, and/or safely storing chemically toxic and radioactive materials. Activities underway to address Hanford contaminants include soil and groundwater cleanup and demolishing legacy facilities to ensure the safety of future generations.

The United States Department of Energy (USDOE) conducts cleanup and closure activities at Hanford. Ecology is authorized by the Environmental Protection Agency (EPA) to regulate Hanford cleanup under the Resource Conservation and Recovery Act (RCRA), and Ecology partners with EPA to do this. EPA and Ecology have divided lead regulator responsibilities for all Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) activities. Under CERCLA, Ecology is responsible for leading some of the soil and groundwater cleanup, with EPA leading the remainder. EPA retains final decision-making authority of the CERCLA cleanup remedies at the site, so we partner closely.

The Hanford Federal Facility Agreement and Consent Order (HFFACO), also known as the Tri-Party Agreement, was established in 1989 to clarify the obligations of USDOE, EPA, and Ecology. The HFFACO designates who the lead regulatory agency is for CERCLA cleanup. Per the HFFACO, USDOE agrees to reimburse Ecology for all its costs related to implementation of the agreement. Ecology’s Nuclear Waste Program carries out regulatory oversight of Hanford on behalf of Washington. Our largest efforts center around a mix of RCRA work funded by the fee-supported Radioactive Mixed Waste Account (RMWA) and the CERCLA Grant (General Fund-Federal).

### Radioactive Mixed Waste Account:

Ecology performs work under RCRA to ensure proper storage, treatment, and disposal of radioactive mixed wastes. Per WAC 173-328-060, Ecology may annually bill the required fees necessary to fund all mixed waste management costs to facilities that treat, manage, store, and dispose of radioactive mixed waste. Fees collected are deposited in the RMWA. USDOE is responsible for paying the vast majority of this fee.

Work funded by this account primarily includes mixed waste management costs, such as Hanford Sitewide permit issuance and maintenance, closure plan approval, mixed waste facility oversight visits, and compliance audits to ensure mixed waste requirements are being met. The Hanford Sitewide Permit is the largest and most complex permit in the nation. It permits operations at 36 groups of radioactive mixed waste facilities ranging from non-operating facilities requiring closure, operating treatment, storage, and disposal facilities and the first of its kind tank waste treatment complex that includes 13 individual processing and operating units.

This permit continues to grow as more facilities are identified and as USDOE continues to receive increased federal funding to expand its tank waste mission. The Direct Feed Low-Activity Waste Treatment Plant is expected to begin operating in 2025, allowing vitrification of low-activity radioactive mixed waste. Construction of the High-Level Waste Treatment Plant is also expected to ramp up to eventually allow vitrification of high-level waste. With facilities expanding and the cleanup mission progressing, there is also an increased need to oversee the closure of storage,

treatment, and disposal facilities that have met their mission. All of these activities increase Ecology's costs.

General Fund-Federal: CERCLA Grant

Ecology reviews and drafts documents under CERCLA to regulate cleanup of legacy contamination at the Hanford Site. This includes oversight of the nature and extent of soil and groundwater contamination; review, approval, and implementation of cleanup actions; and ensuring cleanup actions are completed on schedule and in compliance with milestones established in the HFFACO. Over the past two biennia, workload associated with the grant has remained relatively consistent; however, it has also progressed slower than planned, with Ecology getting documents at a slower rate to review. This has resulted in underspends against the grant.

Ecology Biennial Planning and Funding:

Due to the complex nature of work Ecology conducts across several dedicated fund sources, Ecology's Nuclear Waste Program undergoes rigorous biennial and mid-biennial planning processes to inform fee assessment and grant requests and to develop plans to operate within our appropriations. Positions are funded by one or more fund sources, with the majority being funded primarily by the RMWA, the CERCLA grant, or a mix of the two.

**Problem/Opportunity:**

Ecology has observed a declining ratio of CERCLA work that has shifted to work paid for by the RMWA. Workload is projected to continue to increase against the RMWA due to tank waste mission priorities increasingly emphasized in annual federal budgets and ongoing discussions with USDOE on work to be conducted on the Hanford Site.

Over the last several biennia, Ecology's average planned split for staff between RMWA and CERCLA work has gradually shifted from 70% RMWA and 30% CERCLA to 80% RMWA and 20% CERCLA in response to the types and proportion of cleanup actions being done by USDOE. Ecology's Nuclear Waste Program is currently funded at 78% RMWA and 22% CERCLA for salaries and benefits, and 75% RMWA and 25% CERCLA across all cost objects.

In the last two biennia, Ecology has observed disproportionate underspending under the CERCLA grant and insufficient authority to conduct work funded by the RMWA. This trend has carried into the 2023-25 biennium, and Ecology has reached its funding ceiling for the RMWA while running a substantial underspend against the CERCLA grant. This has required Ecology to hold vacant positions despite the critical workload being driven and sent by USDOE for regulatory review and modification. The continuing shift of Hanford priorities over time has caused a disparity between actual work and funded level within each fund source for regulation work at Hanford.

**Proposed Solution:**

Ecology requests a net-zero shift of General Fund-Federal expenditure authority to the RMWA, beginning in 2025-27, to better align with workload occurring across the Hanford site, while maintaining capacity for a rise in CERCLA workload submitted to Ecology by USDOE. This request will result in a salaries and benefits split of 80% RMWA and 20% CERCLA, ultimately matching Ecology's planned workload splits. This request will result in a total split across all objects of 77% RMWA and 23% CERCLA. Future requests may be needed to seek funding alignment with work being conducted on the Hanford Site.

USDOE is both the administrator and payer of Ecology's annual CERCLA grant and would be the sole fee-payer affected by the fee increase. The net-zero expenditure shift would be backed by a net-zero shift in revenue source.

Ecology has a companion 2025 supplemental decision package requesting this shift one-time for fiscal year 2025.

**Impacts on Population Served:**

This request will provide resources necessary to better align Ecology's workload with dedicated fund sources. This will allow Ecology to oversee timely cleanup of the Hanford Site. Those impacted by this request include our federal partners (USDOE and EPA) and populations affected by cleanup of the Hanford Site, including the Yakama Nation, Nez Perce Tribe, and Confederated Tribes of the Umatilla Indian Reservation, who retain treaty rights. Effective Ecology oversight of Hanford contaminants promotes the current exercise of treaty rights and future restoration of full Tribal access to Hanford land.

**Alternatives Explored:**

Status Quo: Continuing operations as-is would result in a disparity between funded splits of RMWA and CERCLA work versus the work at Hanford requiring Ecology oversight. Most positions within Ecology's Nuclear Waste Program are planned for and funded by both the RMWA and the CERCLA grant due to the scope of the positions. Status quo would continue to result in Ecology bottlenecks, delays in oversight of radioactive mixed waste treatment and disposal, and significant underspends against the CERCLA grant.

State Fund Sources: Using positive variances in eligible state fund sources to cover disparity between actual work from funded level has also been considered. This solution is not ideal because Ecology's costs related to regulatory oversight of the Hanford Site are intended to be reimbursed by USDOE as agreed on in the HFFACO.

**Consequences of Not Funding This Request:**

If unfunded, Ecology would continue to operate at funded levels. As the ratio of workload continues to shift in favor of the RMWA, Ecology



would face a limitation on the number of staff we could employ to provide critical oversight of radioactive mixed waste permits. We would continue to run underspends against the CERCLA grant. This would result in bottlenecks and delays in Ecology's ability to provide oversight of operations at Hanford.

**JUSTIFICATION FOR NEW OR INCREASED FEE REQUEST:**

1. Fee Name: Mixed Waste Management Fee

2. Current Tax or Fee Rate:

FY 2026: \$12,038,000

FY 2027: \$12,417,000

3. Proposed Rate:

FY 2026: \$12,863,786

FY 2027: \$13,242,786

4. Incremental Change for Each Year:

FY 2026: \$412,892

FY 2027: \$412,892

5. Expected Implementation Date: 07/01/2025

6. Estimated Additional Revenue Generated by Increase:

FY 2026: \$412,892

FY 2027: \$412,892

7. Justification: The Mixed Waste Management and Fee is driven by workload analysis and level of effort required to carry out the responsibilities of the Nuclear Waste Program. Increased workload drives an equal offset of expenditures and revenue through increased billings to permitted entities.

8. Changes in Who Pays: N/A

9. Changes in Methodology: N/A

10. RecSum Code: AF

11. Alternatives: The alternative to this request is funding from General Fund – State. This is not preferred as there is an established fund source directly correlated to the work being performed.

12. Statutory Change Required? No

## Assumptions and Calculations

### ***Expansion, Reduction, Elimination or Alteration of a current program or service:***

This request expands Activities A016 – Treat and Dispose of Hanford's High-Level Radioactive Tank Waste and A017 – Ensure Safe Tank Operations, Storage of Tank Wastes, and Closure of the Waste Storage Tanks at Hanford because it will ensure the proper storage, treatment, and disposal of radioactive mixed waste on the Hanford Site.

This request will also result in an offsetting reduction to Activities A014 – Restore the Air, Soil, and Water Contaminated from Past Activities at Hanford, and A015 – Clean Up and Remove Large, Complex, Contaminated Facilities throughout Hanford to align with the shift in workload occurring at the Hanford Site.

Below is a summary of the 2021-23 and 2023-25 base funding and FTEs for this activity. Administrative overhead related to this activity is also in the agency's Administration Activity A002 but is not shown in the totals below.

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<b>Activity A014 – Restore the Air, Soil, and Water Contaminated from Past Activities at Hanford</b>		
	<b>2021-23</b>	<b>2023-25</b>
FTEs Total	16.80	16.95
001-1 General Fund – State	\$15,000	\$15,000
001-2 General Fund – Federal	\$5,935,000	\$6,234,000
20R-1 Radioactive Mixed Waste Fee	\$1,321,000	\$1,346,000
216-1 Air Pollution Control	\$34,000	\$38,000
219-1 Air Operating Permit	\$135,000	\$201,000
<b>TOTAL</b>	<b>\$7,440,000</b>	<b>\$7,834,000</b>

<b>Activity A015 – Clean Up and Remove Large, Complex, Contaminated Facilities throughout Hanford</b>		
	<b>2021-23</b>	<b>2023-25</b>
FTEs Total	13.40	14.05
001-1 General Fund – State	\$15,000	\$15,000
001-2 General Fund – Federal	\$687,000	\$722,000
176-1 Water Quality Permit	\$157,000	\$231,000
20R-1 Radioactive Mixed Waste Fee	\$2,338,000	\$2,528,000
216-1 Air Pollution Control	\$37,000	\$40,000
219-1 Air Operating Permit	\$137,000	\$165,000
<b>TOTAL</b>	<b>\$3,371,000</b>	<b>\$3,701,000</b>

<b>Activity A016 – Treat and Dispose of Hanford’s High-level Radioactive Tank Waste</b>		
	<b>2021-23</b>	<b>2023-25</b>
FTEs Total	33.35	33.60
001-1 General Fund – State	\$15,000	\$15,000
001-2 General Fund – Federal	\$42,000	\$45,000
20R-1 Radioactive Mixed Waste Fee	\$8,330,000	\$8,487,000
216-1 Air Pollution Control	\$49,000	\$55,000
219-1 Air Operating Permit	\$168,000	\$203,000
<b>TOTAL</b>	<b>\$8,604,000</b>	<b>\$8,805,000</b>

<b>Activity A017 – Ensure Safe Tank Operations, Storage of Tank Wastes, and Closure of the Waste Storage Tanks at Hanford</b>		
	<b>2021-23</b>	<b>2023-25</b>
FTEs Total	18.40	18.60
001-1 General Fund – State	\$18,000	\$18,000
001-2 General Fund – Federal	\$24,000	\$26,000
20R-1 Radioactive Mixed Waste Fee	\$5,368,000	\$5,484,000
216-1 Air Pollution Control	\$54,000	\$61,000
219-1 Air Operating Permit	\$176,000	\$213,000
<b>TOTAL</b>	<b>\$5,640,000</b>	<b>\$5,802,000</b>

**Detailed Assumptions and Calculations:**

Beginning July 1, 2025, and ongoing, Ecology requests a 1-to-1 reduction of General Fund-Federal expenditure authority and an offsetting increase to RMWA expenditure authority of \$825,786 (equivalent to 2.35 Environmental Specialist 5). This will allow Ecology to better align our funding in dedicated accounts with the actual workload being completed at the Hanford site while maintaining capacity for a rise in CERCLA workload submitted to Ecology by USDOE.

If funded, this request will result in a subsequent 1:1 reduction in General Fund-Federal revenue through reduction to Ecology’s CERCLA grant for the Hanford Site and an increase to revenue in the RMWA. Revenue to the account is collected through assessment of the annual Mixed Waste Management Fee. Each of these revenue sources are paid for by USDOE, who supports this request.

**Workforce Assumptions:**

Expenditures by Object		<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>	<u>FY 2030</u>	<u>FY 2031</u>
Total Objects		0	0	0	0	0	0

Staffing			<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>	<u>FY 2030</u>	<u>FY 2031</u>
Job Class	Salary							
Total FTEs			0.00	0.00	0.00	0.00	0.00	0.00

**Historical Funding:**

	<b>FY2026</b>	<b>FY2027</b>
FTE (xx direct FTE)	82.0	82.0
Total Funds (rounded to thousands)	\$14,426,000	\$15,177,000
Near General Fund (rounded to thousands)	\$0	\$0
Other Funds (rounded to thousands)	\$14,426,000	\$15,177,000

Administrative overhead related to this program or service is in the agency’s Administration Activity A002, but is not shown in the totals above.

**Strategic and Performance Outcomes**

**Strategic Framework:**

This request is essential to achieving the Governor’s Results Washington Goal 3: Sustainable Energy and a Clean Environment and Ecology’s Goal 3: Prevent and reduce waste, toxic threats, and pollution because it will better align our staff resources with the essential work to treat, store, and dispose of radioactive mixed waste occurring across the Hanford Site.

**Performance Outcomes:**

The outcome of this request will be better alignment between funding and actual workload for dedicated fund sources, allowing for better oversight of the storage, treatment, and disposal of radioactive mixed waste at the Hanford Site.

## Equity Impacts

### **Community Outreach and Engagement:**

Ecology regularly engages with the Confederated Tribes and Bands of the Yakama Nation, the Nez Perce Tribe, and the Confederated Tribes of the Umatilla Indian Reservation on Hanford cleanup issues. These indigenous Tribes and nations have expressed significant interest in the restoration of lands historically inhabited as their ancestral territory.

Ecology's Nuclear Waste Program also regularly conducts community outreach and engagement to those who have been or may be affected by the Hanford site and cleanup activities. These communities are highly impacted by the timely cleanup of Hanford contaminants. Cleanup actions have been and will continue to be shared extensively with communities impacted by Hanford contamination. Ecology ensures these outreach and engagement activities are designed to be accessible, linguistically appropriate, and aim to reach and involve as many members of the community as possible.

### **Disproportional Impact Considerations:**

As far as we can reasonably foresee, this request does not make decisions that are anticipated to result in negative health impacts and environmental burdens or harm. The legacy of environmental contamination from Hanford and ongoing environmental and public health risks has regional effects on economic and community wellbeing. These effects disproportionately impact people already overburdened by environmental and health concerns. This population faces numerous barriers to accessing government information or services, such as:

- Information about the Hanford Site
- Information about potential health risks
- Information about public involvement opportunities

This request will result in additional capacity to oversee the proper storage, treatment, and disposal of radioactive mixed waste on the Hanford Site.

### **Target Communities and Populations:**

Those most vulnerable to harmful impacts from potential environmental and health threats created by Hanford waste are Tribal and indigenous people, overburdened communities, and low-income populations. Hanford lies on the traditional lands of the Confederated Tribes and Bands of the Yakama Nation, the Nez Perce Tribe, and the Confederated Tribes of the Umatilla Indian Reservation. The Wanapum Band is not a federally recognized Tribe, but state law recognizes the Wanapum Band's right to permits for taking salmon and other freshwater fish for ceremonial and subsistence purposes. These Tribes and Bands use natural resources on and adjacent to the Hanford Site, and contamination from dangerous waste poses a potential threat to people hunting, gathering, and fishing in the area.

The Hanford Site is located in Benton County, where 26% of the population has been identified as low-income. People of color make up 32% of the population, and 23% of the total county population are Hispanic/Latino. 17% of the population speak Spanish at home. According to the Washington State Department of Health's Environmental Health Disparities Map, this puts much of the county in the top 10 to 20% for communities of color. Across the Columbia River is Franklin County, another community highly invested in cleanup of the Hanford Site. The Franklin County population is 34% low-income, 61% people of color, and 49% of homes speak languages other than English. 54% of the county identify as Hispanic/Latino, and 45% of households speak Spanish.

One of the closest cities to Hanford is Mattawa in Grant County. Mattawa has about 4,600 people. Of that, 98% identify as Hispanic/Latino, 61% are low-income, 76% have less than a high school education, and 52% speak languages other than English.

The following link provides further insight into the many communities at risk from Hanford contaminants: <https://apps.ecology.wa.gov/publications/UIPages/SummaryPages/2205009.html>

### **Community Inputs and Incorporation:**

See Outreach and Engagement response.

## Other Collateral Connections

### **HEAL Act Agencies Supplemental Questions**

Yes, see attached.

### **Puget Sound Recovery:**

N/A

### **State Workforce Impacts:**

N/A

### **Intergovernmental:**

Ecology has conducted outreach with USDOE, EPA, and the Tribes that hold treaty rights to the Hanford site. Cleanup remains a priority for Ecology, EPA, and the Tribes, and this has been communicated. All parties remain supportive of this request moving forward.

### **Stakeholder Impacts:**

Ecology expects interested parties, such as those on the Hanford Advisory Board and the Oregon Hanford Cleanup Board, to support this request because it will aid in progressing cleanup timelines that directly align with the goals and initiatives of these groups.

### **State Facilities Impacts:**

N/A

### **Changes from Current Law:**

N/A

### **Legal or Administrative Mandates:**

Requested resources will ensure Ecology meets obligations within HFFACO cleanup deadlines and milestones.

### **Governor's Salmon Strategy:**

N/A

## Reference Documents

[Handford Workload Adjustment-HEAL Act Attachment.pdf](#)

## IT Addendum

### **Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?**

No

## Agency Contact Information

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# 2025-27 Biennial Budget HEAL Act Template

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## Background

### HEAL Act requirements

The Healthy Environment for All Act (HEAL Act), Chapter 314, Laws of 2021 (RCW [70A.02](#)) requires that “covered and opt in agencies” must implement the requirements of the HEAL Act. This includes the:

- Department of Ecology
- Department of Agriculture
- Department of Commerce
- Department of Health
- Department of Natural Resources
- Department of Transportation
- Puget Sound Partnership
- Office of the Attorney General

HEAL Act agencies that are considering a significant agency action initiated after July 1, 2023, are required to conduct an environmental justice assessment. RCW [70A.02.010](#)(12) specifies that significant agency actions include:

- The development and adoption of significant legislative rules as defined in RCW [34.05.328](#).
- The development and adoption of any new grant or loan program that the agency is explicitly authorized or required by statute to implement.
- A capital project, grant, or loan award costing at least \$12,000,000.
- A transportation project, grant, or loan costing at least \$15,000,000.
- The submission of agency request legislation to the Office of the Governor or OFM.

Under RCW [70A.02.080](#), beginning on or before July 1, 2023, covered and opt in agencies must, where practicable, take specific actions when making expenditure decisions or developing budget requests to OFM and the Legislature for programs that address or may cause environmental harms or provide environmental benefits. This includes:

- Focus applicable expenditures on creating environmental benefits that are experienced by overburdened communities and vulnerable populations, including reducing or eliminating environmental harms, creating community and population resilience, and improving the quality of life of overburdened communities and vulnerable populations.
- Create opportunities for overburdened communities and vulnerable populations to meaningfully participate in agency expenditure decisions.
- Clearly articulate environmental justice goals and performance metrics to communicate the basis for agency expenditures.
- Establish a goal of directing 40% of grants and expenditures that create environmental benefits to vulnerable populations overburdened communities.



To help OFM understand how HEAL Act agency budget requests meet HEAL Act requirements, covered agencies are required to complete additional questions related to the HEAL Act. These questions are shown below and are in addition to the equity related questions required of all agencies. Covered agencies are asked to complete the following questions and submit them through ABS.

#### HEAL Act questions

If you answer YES to any of these bullet points, please answer the six additional questions and submit them as an attachment through ABS.

- Is this decision package part of an agency request legislation that is required to complete an environmental justice assessment (RCW [70A.02.010\(12\)](#))?

Yes

No

- Is this decision package requesting funding to support another significant agency action that is required to complete an environmental justice assessment (RCW [70A.02.010\(12\)](#))?

Yes

No

- Is this decision package requesting funding for a program/project/activity that may **provide environmental benefits or reduce, mitigate, or eliminate environmental harms**, (that is not a significant agency action)? Note: This may include decision packages for programs not purposely directed to provide environmental benefits but may have an indirect or unintentional impact.

Yes

No

**If you answer YES to any of the above bullet points, please complete these additional questions.**

1. Please describe specific likely or probable environmental harms and/or benefits related to your decision package and the associated health impacts to overburdened communities and vulnerable populations.

The Hanford site is one of the largest cleanup sites in the world. The site, throughout its existence, has released radioactive and hazardous waste contaminants into the soil, air, groundwater, and the Columbia River; and will continue to do so until cleanup is completed.

Many of the communities surrounding the Hanford site are also at risk of these contaminants if there is a major infrastructure collapse. Those most vulnerable to harmful impacts from potential environmental and health threats created by Hanford waste are Tribal and indigenous people, overburdened communities, and low-income populations.

2. Please describe the estimated percentage and amount of the requested funds that will go towards creating environmental benefits in overburdened communities and vulnerable populations as defined in OFM's the [OBC map](#) or as determined by the agency. If applicable, please include your methodology for making this estimate, including project/award lists if available.

Ecology estimates 100% of requested funds would go towards creating environmental benefits and provide direct benefits to overburdened communities areas and vulnerable populations. However, this calculation is complicated by the characteristics of the Hanford site. The Hanford Site is not an overburdened community area on the OBC map. This is likely because this area within the census tract has restricted access and the criteria of the EHD map largely do not apply. However, the site has significant environmental and health impacts for the state and surrounding communities from a legacy of toxic and radioactive contamination and complex cleanup. Ecology's estimation is based on the Hanford site being located on the traditional lands of the Confederated Tribes and Bands of the Yakama Nation, Nez Perce Tribe, and Confederated Tribes of the Umatilla Indian Reservation. The Wanapum Band is not a federally-recognized Tribe, but state law recognizes the Wanapum Band's right to permits for taking salmon and other freshwater fish for ceremonial and subsistence purposes. These Tribes and Bands use natural resources on and adjacent to the Hanford Site, and contamination from dangerous waste poses a potential threat to people hunting, gathering, and fishing in the area.

Further, the Hanford Site is located in Benton County, where 26% of the population has been identified as low-income. People of color make up 32% of the population, and 23% of the total county population are Hispanic/Latino. 17% of the population speak Spanish at home. According to the Washington State Department of Health's Environmental Health Disparities Map, this puts much of the county in the top 10 to 20% for communities of color. Across the Columbia River is Franklin County, another community highly invested in the cleanup of the Hanford Site. The Franklin County population is 34% low-income, 61% people of color, and 49% of homes speak languages other than English. 54% of the County identify as Hispanic/Latino and 45% of households speak Spanish.

One of the closest cities to Hanford is Mattawa in Grant County. Mattawa has about 4,600 people. Of that, 98% identify as Hispanic/Latino, 61% are low-income, 76% have less than a high school education, and 52 speak languages other than English.

The communities above and those that have been and stand to be impacted by Hanford contamination are defined as overburdened communities and/or vulnerable populations on OFM's OBC map. This request would fund additional resources to support the proper storage, treatment, and disposal of radioactive mixed waste on the Hanford Site and would ultimately work towards reducing the impacts of Hanford contaminants on these communities.

3. Please describe any potential significant impacts to Indian Tribes' rights and interest in their tribal lands, as well as traditional practices.

Tribal Nations were forcibly removed from their lands and restricted access from what is now the Hanford Site. Until cleanup is complete, they will continue to face restrictions. Tribal

Nations adjacent to the Hanford Site have a vested interest in the restoration of lands that the Tribes have treaty rights to.

4. Describe how your agency engaged with Tribes in developing this proposal, including offers for tribal consultation including timelines, methods for feedback, and mechanisms for Tribes to express concern, opposition, or support., and any direction provided by Tribes through this engagement.

We have engaged with the Tribes that hold treaty rights to the Hanford Site through direct consultation on this proposal in the spring of 2024 and have received their support. The Tribes have expressed significant interest in the oversight and thorough cleanup of contaminated areas that once provided hunting, gathering and cultural resources for multiple sovereign Tribes and Nations.

We also have routine engagement with the Tribes via the Hanford Advisory Board and upon request from the Tribes as needed on topics identified in their request. We also have monthly meetings with the Confederated Tribes and Bands of the Yakama Nation and Nez Perce Tribes that have treaty rights to the Hanford Site. We provide routine permitting updates at those meetings and any specific permitting topics as requested by the Tribal Nations.

5. If the decision package is part of agency request legislation or supports another significant agency action that is required to complete an environmental justice assessment under RCW [70A.02.010](#)(12), please submit the assessment as an attachment in ABS.

N/A

6. If the decision package is part of agency request legislation or constitutes a significant agency action that is required to complete an environmental justice assessment, please describe how your agency used the environmental justice assessment process to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits. If your agency determined that you were unable to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits, please provide a justification for not doing so.

N/A

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Department of Ecology  
 2025-27 Regular Budget Session  
 Maintenance Level - EK - Minimum Wage Increases - Facilities

### Agency Recommendation Summary

Washington State’s minimum wage has increased every year since 2011, and under RCW 49.46.020 it is adjusted each year based on the U.S. consumer price index for urban wage earners and clerical workers. These increases, along with changes in prevailing wage rates, continue to increase costs across Ecology’s existing service and maintenance contracts, including janitorial and security services. Ecology is requesting a maintenance level adjustment in funding to cover the increased costs associated with these minimum and prevailing wage changes in existing service and maintenance contracts for Ecology facilities. (Multiple Funds)

### Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
<b>Operating Expenditures</b>						
Fund 001 - 1	\$9	\$9	\$18	\$9	\$9	\$18
Fund 044 - 1	\$2	\$2	\$4	\$2	\$2	\$4
Fund 176 - 1	\$10	\$10	\$20	\$10	\$10	\$20
Fund 182 - 1	\$1	\$1	\$2	\$1	\$1	\$2
Fund 207 - 1	\$1	\$1	\$2	\$1	\$1	\$2
Fund 20R - 1	\$4	\$4	\$8	\$4	\$4	\$8
Fund 216 - 1	\$1	\$1	\$2	\$1	\$1	\$2
Fund 217 - 1	\$1	\$1	\$2	\$1	\$1	\$2
Fund 219 - 1	\$1	\$1	\$2	\$1	\$1	\$2
Fund 23P - 1	\$41	\$41	\$82	\$41	\$41	\$82
Fund 25Q - 1	\$1	\$1	\$2	\$1	\$1	\$2
Fund 26B - 1	\$5	\$5	\$10	\$5	\$5	\$10
Fund 26C - 1	\$1	\$1	\$2	\$1	\$1	\$2
Fund 26D - 1	\$1	\$1	\$2	\$1	\$1	\$2
Fund 564 - 1	\$1	\$1	\$2	\$1	\$1	\$2
<b>Total Expenditures</b>	<b>\$80</b>	<b>\$80</b>	<b>\$160</b>	<b>\$80</b>	<b>\$80</b>	<b>\$160</b>
<b>Revenue</b>						
20R - 0294	\$4	\$4	\$8	\$4	\$4	\$8
<b>Total Revenue</b>	<b>\$4</b>	<b>\$4</b>	<b>\$8</b>	<b>\$4</b>	<b>\$4</b>	<b>\$8</b>

### Decision Package Description

The passage of Initiative 1433 in November 2016 increased the state’s minimum wage and set the annual amounts in statute for calendar years 2017 through 2020. Since January 2021, the state’s minimum wage, which is now set by the Department of Labor & Industries (L&I), has increased each year. These increases, along with changes in prevailing wage rates, continue to increase costs across a number of Ecology’s existing service and maintenance contracts, including janitorial and security services.

Ecology last received a maintenance-level adjustment to address these cost increases in 2023-25. This request seeks the additional appropriation authority needed to (1) cover actual cost increases in these contracts since the 2023-25 biennium, and (2) cover the impacts to these agreements of the minimum wage changes that will occur in January 2025 through January 2027. Ecology will submit a decision package to request the appropriation authority needed to cover these agreements each biennium.

#### Prevailing Wage

Ecology currently has four ongoing contracts for janitorial services and one security services contract that have increased since 2023-25 based on changes in prevailing wage rates. L&I adopts the prevailing wage rates that unions and employers establish in collective bargaining agreements (CBAs), made up of the hourly wage, benefits and overtime for a trade and occupation. For a trade and occupation with more than one CBA in a county, L&I adopts the higher rate.

Prevailing wage rates are updated the first business day in August and February and take effect 30 days after publication. We expect that janitorial contracts require annual wage updates after the initial effective date. These updates adjust the rates due to changes in a CBA, results of wage-and-hour surveys, and changes to the minimum wages.

#### Minimum Wage

Under RCW 49.46.020, the state minimum wage is set at \$16.28 per hour for calendar year 2024 and will increase each year based on the U.S. Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W). According to the Washington Department of Labor & Industries, the adjusted minimum wage rate for each calendar year is calculated to the nearest cent using the CPI-W, or a successor index, for the 12 months prior to each September 1. Based on current available data, the state’s minimum wage is expected to increase each year by 3.2%

beginning January 1, 2025.

- Increase by \$0.52 in calendar year 2025 to \$16.80 per hour
- Increase by \$0.54 in calendar year 2026 to \$17.34 per hour
- Increase by \$0.55 in calendar year 2027 to \$17.89 per hour

Ecology requests additional funding to cover these unavoidable cost increases in the 2025-27 biennium, so we can maintain the service levels currently provided. Ecology estimates a total cost increase of \$168,663 for the 2025-27 biennium. Following are specific cost increases in 2025-27 for security and janitorial service contracts:

- Minimum Wage Regional Security costs will increase \$1,209
- Minimum Wage Regional Janitorial costs will increase \$11,318
- Prevailing Wage HQ Security costs will increase \$114,300
- Prevailing Wage HQ Janitorial costs will increase \$25,290
- Prevailing Wage Regional janitorial costs will increase \$6,968

**Is this request related to any budget items funded in the past two biennia?**

Yes, see attached.

**Impacts on Population Served:**

No direct impacts to state residents are expected.

**Alternatives Explored:**

Ecology must pay the increased costs passed on to us by vendors offering services performed by minimum wage and prevailing wage employees. No alternative is available within the minimum wage and prevailing wage laws.

**Consequences of Not Funding This Request:**

The primary function of Ecology's Facility Operations Section is to provide safe, efficient, and effective facilities for Ecology employees to implement the agency's mission. If this request is not funded, these costs would need to be covered out of the existing base cost allocation budget by reducing or eliminating some services and maintenance.



## Assumptions and Calculations

### Expansion, Reduction, Elimination or Alteration of a current program or service:

This request does not expand or alter current services provided because it is only for a maintenance level request for minimum and prevailing wage increases. Ecology received maintenance level funding for the minimum and prevailing wage increases that occurred in the 2017-19 through 2023-25 biennia. This request is to fund contracted vendor costs associated with the minimum wage and prevailing wage increases since the 2023-25 biennium and estimated minimum wage cost increases for the 2025-27 biennium.

### Detailed Assumptions and Calculations:

Under RCW 49.46.020, the state minimum wage is set at \$16.28 per hour for calendar year 2024 and will increase each year based on the U.S. Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W). According to the Washington Department of Labor & Industries, the adjusted minimum wage rate for each calendar year is calculated to the nearest cent using the CPI-W, or a successor index, for the 12 months prior to each September 1. Based on current available data, the state’s minimum wage is expected to increase each year by 3.2% beginning January 1, 2025

The prevailing wage increases are not calculated and are based on actual increases identified in current contracts.

The chart below calculates the increases in six-month increments to estimate fiscal year totals.

SERVICE CONTRACTS		FY26		FY27		TOTAL	25-27 Biennium	
BY LOCATION	BY TYPE	7/1/25 - 12/31/25	1/1/26 - 6/30/26	7/1/26 - 12/31/26	1/1/27 - 6/30/27	25-27 BIENNIUM	FY26	FY27
ERO Security	Minimum Wage	293	302	302	312	1,209	595	614
Regional Janitorial	Minimum Wage	2,741	2,829	2,829	2,919	11,318	5,570	5,748
<b>SUBTOTAL Minimum Wage</b>		<b>3,034</b>	<b>3,131</b>	<b>3,131</b>	<b>3,231</b>	<b>12,527</b>	<b>6,165</b>	<b>6,362</b>
HQ Security	Prevailing Wage	28,575	28,575	28,575	28,575	114,300	57,150	57,150
HQ Janitorial	Prevailing Wage	6,480	6,480	6,480	6,480	25,920	12,960	12,960
Regional Janitorial	Prevailing Wage	1,742	1,742	1,742	1,742	6,968	3,484	3,484
<b>SUBTOTAL Prevailing Wage</b>		<b>36,797</b>	<b>36,797</b>	<b>36,797</b>	<b>36,797</b>	<b>147,188</b>	<b>73,594</b>	<b>73,594</b>
<b>GRAND TOTAL</b>		<b>39,831</b>	<b>39,928</b>	<b>39,928</b>	<b>40,028</b>	<b>159,715</b>	<b>79,759</b>	<b>79,956</b>
<b>Fiscal Year/Bien Total</b>		<b>79,759</b>		<b>79,956</b>		<b>159,715</b>	<b>159,715</b>	

Revenue from the Radioactive Mixed Waste account is adjusted to reflect the change in expenditures.

### Workforce Assumptions:

Expenditures by Object	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031
E Goods and Services	79,759	79,956	80,056	80,056	80,056	80,056
<b>Total Objects</b>	<b>79,759</b>	<b>79,956</b>	<b>80,056</b>	<b>80,056</b>	<b>80,056</b>	<b>80,056</b>

### Staffing

Job Class	Salary	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031
<b>Total FTEs</b>		<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

### Explanation of costs by object:

The total increase for Goods and Services is \$79,759 for fiscal year 2026 and \$79,956 for fiscal year 2027, for a total 2025-27 biennial increase of \$159,715. The total annual increase for fiscal year 2028 and ongoing will be \$80,056 per year.

### Historical Funding:

	FY2026	FY2027
FTE (0.00 direct FTE)	0.00	0.00
<b>Total Funds</b> (rounded to thousands)	<b>\$1,321,000</b>	<b>\$1,321,000</b>
<b>Near General Fund</b> (rounded to thousands)	<b>\$159,000</b>	<b>\$159,000</b>
<b>Other Funds</b> (rounded to thousands)	<b>1,162,000</b>	<b>\$1,162,000</b>

## Strategic and Performance Outcomes

### **Strategic Framework:**

This request is essential to achieving all four of Ecology's goals because it will provide a safe and clean work environment for the staff working in the buildings who implement Ecology's mission critical work across the state.

This request is essential to achieving the Governor's Results Washington Goal 2: Prosperous Economy because it will provide the resources needed to maintain our janitorial and security contracts with companies who are required to pay their employees the required minimum and prevailing wages that contribute to a prosperous economy.

### **Performance Outcomes:**

The outcome of this request will be continued availability of safe, clean, and productive work environments for Ecology staff and visitors to our facilities.

## Equity Impacts

### **Community Outreach and Engagement:**

N/A

### **Disproportional Impact Considerations:**

N/A

### **Target Communities and Populations:**

N/A

### **Community Inputs and Incorporation:**

N/A

**Other Collateral Connections**

**HEAL Act Agencies Supplemental Questions**

N/A

**Puget Sound Recovery:**

N/A

**State Workforce Impacts:**

N/A

**Intergovernmental:**

N/A

**Stakeholder Impacts:**

N/A

**State Facilities Impacts:**

This request allows continued vendor support of workplace custodial and security functions.

**Changes from Current Law:**

N/A

**Legal or Administrative Mandates:**

N/A

**Governor's Salmon Strategy:**

N/A

**Reference Documents**

[Minimum Wage Increases-Facilities-Historical Funding Attachment A.pdf](#)

**IT Addendum**

**Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?**

No

**Objects of Expenditure**

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
Obj. E	\$80	\$80	\$160	\$80	\$80	\$160

**Agency Contact Information**

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**ATTACHMENT A- RELATED BUDGET ITEMS FUNDED IN THE LAST TWO BIENNIA (2023-25, 2021-23)**

Instructions: Enter the following information about any budget items funded over the last two biennia (2021-23 budget, 2022 supplemental budget, 2023-25 budget, 2024 supplemental budget) that is related to your Decision Package for 2025-27.

Biennium	Rec Sum Code/Title	RecSum Description	Fund Source	Duration	Amount
2023-25	ML AJ Minimum Wage Increase-Facilities	Ongoing funding is provided for minimum wage increases, along with changes in prevailing wage rates, for a number of Ecology's existing service and maintenance contracts, including janitorial and security services.	Multiple	Ongoing	120,000



## Agency Recommendation Summary

Federal and state laws define the scope and content of the Air Operating Permit Program. Under these laws, industrial facilities that emit large amounts of air pollution are required to comply with and pay the full cost of the program. State law requires Ecology to use a workload analysis model to determine the budget necessary to administer the program each biennium. In June 2024, Ecology published its final workload analysis, projecting an increased workload for the 2025-27 biennium, based on current costs and workload projections. Ecology is requesting additional spending authority to match the revenue levels already set by the 2025-27 workload analysis. (Air Operating Permit Account)

## Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
<b>Staffing</b>						
FTEs	0.6	0.6	0.6	0.6	0.6	0.6
<b>Operating Expenditures</b>						
Fund 219 - 1	\$91	\$91	\$182	\$91	\$91	\$182
Total Expenditures	\$91	\$91	\$182	\$91	\$91	\$182
<b>Revenue</b>						
219 - 0299	\$131	\$131	\$262	\$131	\$131	\$262
Total Revenue	\$131	\$131	\$262	\$131	\$131	\$262

## Decision Package Description

**Background:**

State and federal laws require certain large industrial sources of air pollution to participate in the Air Operating Permit (AOP) Program. These laws also require sources to pay the full cost of administering the program. Large sources are industries that emit, per year, more than 100 tons of any single criteria pollutant (volatile organic compounds that create ozone, fine particles, nitrogen dioxide, sulfur dioxide, carbon monoxide, and lead) or 10 tons of any individual hazardous air pollutant; or 25 tons of any combination of hazardous air pollutants.

Under RCW 70A.15.2270, Ecology develops a biennial workload analysis (WLA) detailing its expected workload and projected cost for each new biennium. The process and protocols for developing the analysis are established in state law and WAC 173401900. The draft WLA is made available to permittees and stakeholders for review and comment in the spring of every even-numbered year before its adoption and publication in June of that year, which occurs well before the beginning of the impacted biennium. The WLA sets the total program costs to be collected from AOP sources. During the biennium, sources are billed, and fees are deposited into the dedicated Air Operating Permit Account. The WLA is available here: <https://ecology.wa.gov/getattachment/bb472bec-3614-41e7-a615-13f84340c8a9/202406AOPReportFY26.pdf>.

**Is this request related to any budget items funded in the past two biennia?**

Yes, see attached.

**Primary Workload Changes for the 2025-2027 Biennium:**

Ecology’s Air Quality Program (AQP) currently has 26 major AOP sources under its jurisdiction that require permitting, technical assistance, inspections, compliance assessments and evaluations, emissions and air quality monitoring, and administrative support. Ecology expects to permit two new sources, Ephrata Landfill and Adams County Landfill, under the AOP Program in the 2025-27 biennium as Washington continues to attract new businesses. Sources expect, and AOP rules specify, Ecology must provide timely permit issuance and renewals. The AQP is currently experiencing a backlog of permit issuances and renewals, and the AOP Program needs additional resources to eliminate the backlog.

In addition to workload increases for AQP, the 2025-27 WLA reflects changes to Ecology’s Nuclear Waste Program (NWP). This includes minor adjustments to job classifications for positions that are planned to support work on the Hanford AOP. NWP provides a significant portion of Washington State’s regulatory oversight for the Hanford Site. The Hanford Site covers approximately 586 square miles and includes many historical and active facilities storing dangerous, mixed, and nuclear wastes. As part of these operations, the United States Department of Energy (USDOE) operates air emission units subject to permitting under the federal and state Clean Air acts. Ecology uses AOP funds to revise, issue, and determine USDOE’s compliance with the Hanford Site’s AOP. This permit combines air permitting requirements from approval orders issued by Ecology under Chapter 173400 WAC, radioactive air emission licenses issued by the Washington Department of Health under Chapter 246247 WAC, open burning regulations issued by the Benton Clean Air Agency, and any other applicable air pollution requirements.

In the 2024 supplemental budget, NWP received AOP Account expenditure authority for a new Environmental Specialist 4 position to support modifications to the Hanford AOP and to establish and support configuration control practices needed to ensure the consistency and quality of proper permit management. Configuration control is the use of defined processes and dedicated staff resources to actively manage a permit throughout its lifecycle. This includes tracking and managing all documents related to the current permit, its modifications, and its eventual

reissuance. Configuration control serves a key purpose in the permitting process because it is vital to maintain accurate, complete, and correctly processed modifications and documents. Due to the timing of the 2024 supplemental budget, revenue to fund this position was unable to be adjusted and reflected in the fee until the WLA was completed for the 2025-27 biennium. Staff increases to NWP in the WLA reflect the revenue and fee increase associated with Hanford AOP configuration control and exclude expenditure authority that was appropriated in the 2024 supplemental budget.

The 2025-27 WLA reflects increased expenditures and fees to fund a new AQP Air Operating Permit Writer in the Ecology's Eastern Region Office. This position would be classified as an Environmental Engineer rather than an Environmental Specialist that was authorized in the 2024 Supplemental. The position is needed to reduce the existing backlog and create efficiencies in issuing major source permits and will help ensure Ecology maintains required resources to issue AOPs according to federal and state laws.

The WLA for the 2025-27 biennium has already set fees sufficient to cover the work. Ecology now requires expenditure authority in the AOP Account above the 2023-25 carryforward level to cover the additional projected costs from this fee-supported program. By fully funding the AOP Program, Ecology will have adequate resources to perform the permitting and compliance work, respond to complaints received by the public regarding air quality concerns, and ensure public health and air quality are protected.

**Impacts on Population Served:**

Air pollution is a serious threat to public health. It disproportionately affects areas with cumulative pollution burdens and communities with environmental and health disparities. It has especially adverse health impacts on infants, young children, the elderly, and people with preexisting heart and lung disease. Through effective policies, including the AOP Program, Ecology can manage emissions from industrial facilities, continue to meet national air quality standards, and keep exposure to hazardous air pollutants within acceptable limits.

Washington's AOP Program ensures facilities have all their air pollution requirements consolidated and defined in one place. This provides clarity and compliance for facilities and helps Ecology enforce air pollution laws to protect public health and the environment.

Communities across Washington benefit from facilities having current permits and from Ecology having adequate resources to respond to noncompliance or complaints from residents. Current permits, and timely response to noncompliance, help reduce the occurrence and duration of excess emission events, which reduces exposure to the surrounding communities.

Permitted facilities' annual fees will increase on July 1, 2025. Benefits associated with the increased fees include timely AOP renewals or modifications. This will allow new projects and facility changes to occur. In addition, current permits create regulatory certainty for the facilities. Timely and appropriate response to compliance issues significantly reduce the potential for third-party enforcement or enforcement from the EPA.

**Alternatives Explored:**

Under federal and state law, the AOP Program must be fully funded through AOP fees. Other sources of revenue cannot be used to sustain AOP work. The only alternative would be to reduce required work within the program or delay issuing permits or compliance assistance for new sources. These are unacceptable alternatives because they will affect monitoring and managing current AOP sources, impact the state economically, violate federal law, and jeopardize federal accreditation of the state's AOP Program.

**Consequences of Not Funding This Request:**

If Ecology does not receive additional expenditure authority, there would not be sufficient appropriation to carry out the required level of service for the AOP Program in the 2025-27 biennium. Ecology would not be able to fully administer AOP requirements for the largest industries in the state, which could result in delays in permitting actions and regulatory response.

**JUSTIFICATION FOR NEW OR INCREASED FEE REQUEST:**

1. Fee Name: Air Operating Permit Fee

2. Current Tax or Fee Rate: Fees are based on workload estimates and charged to sources based on a formula, as described in WAC. Fees range from \$1,000 to \$350,000, depending on permit complexity and annual tons of emissions with a projected 2023-25 biennial revenue of \$5.4 million.

3. Proposed Rate:

FY 2026: \$2,842,741 total annual revenue, based on a workload model published in June 2024.  
FY 2027: \$2,850,263 total annual revenue, based on a workload model published in June 2024.

4. Incremental Change for Each Year:

FY 2026: \$130,936  
FY 2027: \$130,937

5. Expected Implementation Date: 07/01/2025



6. Estimated Additional Revenue Generated by Increase:

FY 2026: \$130,936  
 FY 2027: \$130,937

7. Justification: Federal and state law authorizes Ecology to collect fees yearly to administer an Air Operating Permit Program for major industrial sources. The workload model completed in June 2024 shows an additional \$261,873 will be needed in the 202527 biennium for the program to be fully supported.

8. Changes in Who Pays: No change

9. Changes in Methodology: No change

10: RecSum Code: EJ

11. Alternatives: No alternatives were considered.

12. Statutory Change Required (Instructions)? No

**Assumptions and Calculations**

**Expansion, Reduction, Elimination or Alteration of a current program or service:**

Below is a summary of the 2021-23 and 2023-25 funding and FTEs for AOP by activity:

Activity Code	Activity Title	Avg. 21-23 FTEs	Bien 21-23 Total	Avg. 23-25 FTEs	Bien 23-25 Total
A014	Restore the Air, Soil, and Water Contaminated from Past Activities at Hanford	0.30	\$135,000	0.30	\$201,000
A015	Clean Up and Remove Large, Complex, Contaminated Facilities throughout Hanford	0.54	\$137,000	0.54	\$165,000
A016	Treat and dispose of Hanford's High-level Radioactive Tank Waste	0.65	\$168,000	0.65	\$203,000
A017	Ensure Safe Tank Operations, Storage of Tank Wastes, and Closure of the Waste Storage Tanks at Hanford	0.57	\$176,000	0.57	\$213,000
A018	Ensure the Safe Management of Radioactive Mixed Waste at Hanford	0.46	\$142,000	0.59	\$174,000
A028	Improve Environmental Compliance at State's Largest Industrial Facilities	6.51	\$1,770,000	6.70	\$1,895,000
A045	Reduce Air Pollution from Industrial and Commercial Sources	7.42	\$2,063,000	7.42	\$2,274,000
A002	Administration	1.63	\$403,000	1.65	\$468,000
<b>TOTAL</b>		<b>18.08</b>	<b>\$4,994,000</b>	<b>18.42</b>	<b>\$5,593,000</b>

**Detailed Assumptions and Calculations:**

Revenue estimates reflect the total AOP Program costs identified in the 2025-27 biennial WLA, which identifies additional costs for increased compliance work, permitting activities associated with expanding facility activities, an increase in public interest from surrounding communities for various permitting actions, and oversight of the stack tests performed by the facilities. However, the expenditure authority requested is \$40,000 per year less than revenue because this expenditure authority was already appropriated in the 2024 supplemental budget to support NWP Hanford AOP configuration control and is captured in Ecology's 2025-27 carry-forward level.

Beginning in fiscal year 2026 and ongoing, Ecology requires salaries, benefits, and associated staff costs of \$181,873 for the 2025-27 biennium, equivalent to 0.47 FTE of an Environmental Engineer 3, to address the increased workload beginning in 2025-27. This need is a net effect of the anticipated workload changes identified in the published WLA. As required by state and federal law, all costs will be charged to the industrial facilities, and fees will be deposited into the Air Operating Permit Account.

**Workforce Assumptions:**

<b>Expenditures by Object</b>		<b><u>FY 2026</u></b>	<b><u>FY 2027</u></b>	<b><u>FY 2028</u></b>	<b><u>FY 2029</u></b>	<b><u>FY 2030</u></b>	<b><u>FY 2031</u></b>
A	Salaries and Wages	49,669	49,669	49,669	49,669	49,669	49,669
B	Employee Benefits	16,937	16,937	16,937	16,937	16,937	16,937
E	Goods and Services	2,773	2,774	2,773	2,774	2,773	2,774
G	Travel	1,037	1,037	1,037	1,037	1,037	1,037
J	Capital Outlays	605	605	605	605	605	605
T	Intra-Agency Reimbursements	19,915	19,915	19,915	19,915	19,915	19,915
<b>Total Objects</b>		<b>90,936</b>	<b>90,937</b>	<b>90,936</b>	<b>90,937</b>	<b>90,936</b>	<b>90,937</b>

**Staffing**

<b>Job Class</b>	<b>Salary</b>	<b><u>FY 2026</u></b>	<b><u>FY 2027</u></b>	<b><u>FY 2028</u></b>	<b><u>FY 2029</u></b>	<b><u>FY 2030</u></b>	<b><u>FY 2031</u></b>
ENVIRONMENTAL ENGINEER 3	105,612	0.47	0.47	0.47	0.47	0.47	0.47
FISCAL ANALYST 2		0.05	0.05	0.05	0.05	0.05	0.05
IT APP DEVELOPMENT-JOURNEY		0.02	0.02	0.02	0.02	0.02	0.02
<b>Total FTEs</b>		<b>0.54</b>	<b>0.54</b>	<b>0.54</b>	<b>0.54</b>	<b>0.54</b>	<b>0.54</b>

**Explanation of costs by object:**

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 34.1% of salaries.

Goods and Services are the agency average of \$6,048 per direct program FTE.

Travel is the agency average of \$2,205 per direct program FTE.

Equipment is the agency average of \$1,286 per direct program FTE.

Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 29.9% of direct program salaries and benefits and is shown as object T. Agency Administrative Overhead FTEs are included at 0.15 FTE per direct program FTE and are identified as Fiscal Analyst 2 and IT App Development-Journey.

**Historical Funding:**

	<b><u>FY2026</u></b>	<b><u>FY2027</u></b>
<b>FTE</b> (xx direct FTE)	16.45	16.45
<b>Total Funds</b> (rounded to thousands)	\$2,794,000	\$ 2,794,000
<b>Near General Fund</b> (rounded to thousands)	\$0	\$0
<b>Other Funds</b> (rounded to thousands)	\$2,794,000	\$ 2,794,000

Administrative Overhead related to this program or service is in the agency's Administration Activity A002, but is not shown in the totals above.

## Strategic and Performance Outcomes

### **Strategic Framework:**

This request is essential to achieving the following Governor's Results Washington goals:

- Goal 3: Sustainable Energy and a Clean Environment
- Goal 4: Healthy and Safe Communities

This request is also essential to achieving two of Ecology goals:

- Goal 2: Reduce and Prepare for Climate Impacts and
- Goal 3: Prevent and Reduce Waste, Toxic Threats, and Pollution.

This request will improve compliance with state and federal air quality laws, for major sources of air pollution, reduce the amount of toxic emissions released into the atmosphere, and reduce exposure to the surrounding communities.

This request is also essential to achieving two other Results Washington goals:

- Goal 2: Prosperous Economy because it will ensure Ecology can fully administer the permit program without delaying a facility's ability to expand its operations and create clear compliance expectations.
- Goal 5: Efficient, Effective, and Accountable Government because it will create regulatory certainty for facilities through maintaining current Air Operating Permits, which create clear compliance expectations.

### **Performance Outcomes:**

The outcome of this request will be:

- A fully functional and efficiently operated Air Operating Permit Program, consistent with federal and state law, supports efforts to improve air quality in overburdened communities. environmental justice is considered throughout the compliance process.
- Increased quality and consistency in the AOP Program, throughout permit issuance, compliance and enforcement as well as maintaining operations to accurately report and track emissions inventory that track pollutant sources and trends.
- Provide adequate staffing levels in the Eastern Regional Office to ensure efficient permit processing, oversight, compliance enforcement, and to reduce backlogs.
- Incorporating findings from EPA performance reviews and new federal requirements in our AOP Permitting and Compliance.

## Equity Impacts

### **Community Outreach and Engagement:**

In response to the Climate Commitment Act passing, the AQP is significantly increasing its public outreach efforts to establish long-term collaborative engagement with Tribal governments, local clean air agencies, public health districts, community-based organizations, and neighborhoods. The Air Quality program is engaging in the OBC in the Tri-Cities region. And is planning outreach to the remaining 15 areas in Washington. Ecology and local leadership have participated with local clean air agencies and local health districts at public events and are surveying community members, expanding existing air monitor networks, and building local capacity to participate in clean air solutions. In addition to tracking changes in criteria and toxic air pollution, the AQP will be evaluating and measuring the extent to which its community engagement initiative results in desired community benefits including improved air quality. By law, the CCA requires cyclic review and coordination reported in biennial Environmental Justice Reviews. In December 2023, the first baseline biennial report was completed, focusing on community criteria pollution levels, greenhouse gas emissions, and health impacts on community criteria pollution levels, greenhouse gas emissions, and health impacts.

In addition, Ecology's NWP regularly conducts community outreach and engagement efforts to increase awareness to those who have been or may be affected by the Hanford Site. These areas are highly affected by timely cleanup, monitoring, and regulation of Hanford contaminants.

### **Disproportional Impact Considerations:**

Air quality disparities for overburdened populations were documented in Ecology's *Improving Air Quality in Overburdened Communities Highly Impacted by Air Pollution: 2023 Report* (<https://apps.ecology.wa.gov/publications/SummaryPages/2302115.html>). Ecology does not anticipate this request will result in negative health impacts and environmental burdens or harm. A primary focus of the request is to directly and meaningfully address existing disproportionate impacts through focused air quality improvement in areas that are overburdened by environmental and health impacts. Up-to-date permits, and timely response to noncompliance, help reduce the occurrence and duration of excess emission events, which reduces exposure to the surrounding communities. Vulnerable populations in overburdened communities and Tribal nations near Hanford will benefit from increased funding for a staff position to carry out the required level of permit coordination.

### **Target Communities and Populations:**

This initiative prioritizes environmental justice outcomes by closing the major industrial polluter compliance gap. Improvements in air quality and related outcomes will be tracked through Ecology's expansion and improvement of Washington's air quality monitoring network and data through the Climate Commitment Act. The proposed increase in oversight and permitting will benefit all people and communities in Washington, but the focus is on places identified by the AQP in 2023 as "overburdened communities." Using multiple sources of air quality data combined with Washington State and USEPA environmental justice datasets and maps, Ecology identified 16 areas of the state, including the Tri-Cities region, each containing multiple overburdened communities, neighborhoods, and towns that are highly impacted by criteria air pollution. The places feature a mix of urban, suburban, and rural populations that have disproportionate access to environmental, social, and economic goods and services.

This request includes anticipated benefits to Tribes and environmental improvements on Tribal lands because it will provide the revenue needed to ensure effective permitting and compliance of the AOP Program on the Hanford Site. Hanford lies on ceded lands of the Yakama Nation, Nez Perce Tribe, and Confederated Tribes of the Umatilla Indian Reservation. The Wanapum Band is not a federally recognized Tribe, but state law recognizes the Tribe's right to permits for taking salmon and other freshwater food fish for ceremonial and subsistence reasons. In recent years, Ecology has observed increasing access to the less developed areas of the Hanford Site for traditional hunting, gathering, fishing, and ceremonial reasons. Effective permitting and compliance in the administration of the AOP Program at the Hanford Site ensures members of the public have air that does not contain harmful concentrations of pollutants, and permitted facilities do not contaminate critical natural resources. They also preserve visibility at culturally important locations like Rattlesnake Mountain and the Columbia River.

### **Community Inputs and Incorporation:**

See Community Outreach and Engagement response.

## Other Collateral Connections

### **HEAL Act Agencies Supplemental Questions**

Yes, see attached.

### **Puget Sound Recovery:**

N/A

### **State Workforce Impacts:**

N/A

### **Intergovernmental:**

Each of the seven local air authorities have jurisdictional authority in specific counties in Washington, and Ecology has authority in locations where no local authorities exist. Ecology also has authority statewide for some specific sources, such as chemical pulp mills and primary aluminum smelters. Local air authorities or Ecology are responsible for ensuring the ambient air quality within their jurisdiction(s) meets the national ambient air quality standards (NAAQS). Proper implementation of the AOP program is an important component to maintaining the ambient air quality within the NAAQS.

Failure to fully fund the AOP Program could delay economic development, expansion and mitigation of large industrial facilities and implementation of Environmental Justice and work contributing to public health, and the environment around the state. County or regional government planning, economic development, tax base, employment, and environmental objectives could be compromised.

### **Stakeholder Impacts:**

Ecology published the draft WLA in February 2024 and made it available to the public for review and comment. Ecology did not receive any comments from community partners. The final WLA was published in June 2024.

Local air agencies, local economic development interests, and businesses affected by the AOP generally support the fee increase because it will ensure timely permit processing, inspection and compliance tracking, enforcement, and help Ecology provide additional assistance to AOP facilities.

### **State Facilities Impacts:**

N/A

### **Changes from Current Law:**

N/A

### **Legal or Administrative Mandates:**

RCW 70A.15.2270 requires Ecology to develop a WLA, make it available for public review and input, and ensure that fees fully fund the program.

### **Governor's Salmon Strategy:**

N/A

## Reference Documents

[Meeting Air Operating Permit Needs-HEAL Act Attachment.pdf](#)

[Meeting Air Operating Permit Needs-Historical Funding Attachment A.pdf](#)

## IT Addendum

### **Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?**

No

## Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
Obj. A	\$49	\$49	<b>\$98</b>	\$49	\$49	<b>\$98</b>
Obj. B	\$17	\$17	<b>\$34</b>	\$17	\$17	<b>\$34</b>
Obj. E	\$3	\$3	<b>\$6</b>	\$3	\$3	<b>\$6</b>
Obj. G	\$1	\$1	<b>\$2</b>	\$1	\$1	<b>\$2</b>
Obj. J	\$1	\$1	<b>\$2</b>	\$1	\$1	<b>\$2</b>
Obj. T	\$20	\$20	<b>\$40</b>	\$20	\$20	<b>\$40</b>

## Agency Contact Information

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### ATTACHMENT A - RELATED BUDGET ITEMS FUNDED IN THE LAST TWO BIENNIA (2023-25, 2021-23)

Instructions: Enter the following information about any budget items funded over the last two biennia (2021-23 budget, 2022 supplemental budget, 2023-25 budget, 2024 supplemental budget) that is related to your Decision Package for 2025-27.

Biennium	Rec Sum Code/Title	RecSum Description	Fund Source	Duration	Amount
2021-23	PL DD - Meeting Air Operating Permit Needs	The Air Operating Permit program sets air pollution limits for large industrial facilities, who are required to pay the full costs of the program. Each biennium, Ecology prepares a workload model to determine the funding necessary to administer the program. Ongoing funding and staff are provided to match the projected workload.	219-1	Ongoing	\$ 218,000
2023-25	ML AC - Meeting Air Operating Permit Needs	Industrial facilities are required to comply with and pay the full costs of ECY's Air Operating Permit Program, based on an ECY workload analysis. Expenditure authority is provided to match the revenue set by ECY's 2023-25 workload analysis.	219-1	Ongoing	\$ 64,000

# 2025-27 Biennial Budget HEAL Act Template

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## Background

### HEAL Act requirements

The Healthy Environment for All Act (HEAL Act), Chapter 314, Laws of 2021 (RCW [70A.02](#)) requires that “covered and opt in agencies” must implement the requirements of the HEAL Act. This includes the:

- Department of Ecology
- Department of Agriculture
- Department of Commerce
- Department of Health
- Department of Natural Resources
- Department of Transportation
- Puget Sound Partnership
- Office of the Attorney General

HEAL Act agencies that are considering a significant agency action initiated after July 1, 2023, are required to conduct an environmental justice assessment. RCW [70A.02.010](#)(12) specifies that significant agency actions include:

- The development and adoption of significant legislative rules as defined in RCW [34.05.328](#).
- The development and adoption of any new grant or loan program that the agency is explicitly authorized or required by statute to implement.
- A capital project, grant, or loan award costing at least \$12,000,000.
- A transportation project, grant, or loan costing at least \$15,000,000.
- The submission of agency request legislation to the Office of the Governor or OFM.

Under RCW [70A.02.080](#), beginning on or before July 1, 2023, covered and opt in agencies must, where practicable, take specific actions when making expenditure decisions or developing budget requests to OFM and the Legislature for programs that address or may cause environmental harms or provide environmental benefits. This includes:

- Focus applicable expenditures on creating environmental benefits that are experienced by overburdened communities and vulnerable populations, including reducing or eliminating environmental harms, creating community and population resilience, and improving the quality of life of overburdened communities and vulnerable populations.
- Create opportunities for overburdened communities and vulnerable populations to meaningfully participate in agency expenditure decisions.
- Clearly articulate environmental justice goals and performance metrics to communicate the basis for agency expenditures.
- Establish a goal of directing 40% of grants and expenditures that create environmental benefits to vulnerable populations overburdened communities.

To help OFM understand how HEAL Act agency budget requests meet HEAL Act requirements, covered agencies are required to complete additional questions related to the HEAL Act. These questions are shown below and are in addition to the equity related questions required of all agencies. Covered agencies are asked to complete the following questions and submit them through ABS.

#### HEAL Act questions

If you answer YES to any of these bullet points, please answer the six additional questions and submit them as an attachment through ABS.

- Is this decision package part of an agency request legislation that is required to complete an environmental justice assessment (RCW [70A.02.010\(12\)](#))?

Yes

No

- Is this decision package requesting funding to support another significant agency action that is required to complete an environmental justice assessment (RCW [70A.02.010\(12\)](#))?

Yes

No

- Is this decision package requesting funding for a program/project/activity that may **provide environmental benefits or reduce, mitigate, or eliminate environmental harms**, (that is not a significant agency action)? Note: This may include decision packages for programs not purposely directed to provide environmental benefits but may have an indirect or unintentional impact.

Yes

No

**If you answer YES to any of the above bullet points, please complete these additional questions.**

1. Please describe specific likely or probable environmental harms and/or benefits related to your decision package and the associated health impacts to overburdened communities and vulnerable populations.

Ecology does not anticipate that this request would result in negative environmental burdens and/or harms. A primary focus of the initiative is to directly and meaningfully address existing disproportionate impacts through focused improvement of air quality in areas that are overburdened by environmental and health impacts. Up to date permits and timely response to noncompliance help reduce the occurrence and duration of excess emission events, which reduces exposure to the surrounding communities. Vulnerable populations in overburdened communities and Tribal nations near Hanford will benefit from increased funding for a staff

position to carry out the required level of permit coordination. For more information, Air quality disparities for overburdened populations were documented in Ecology's Improving Air Quality in Overburdened Communities Highly Impacted by Air Pollution: 2023 Report published in December 2023.

2. Please describe the estimated percentage and amount of the requested funds that will go towards creating environmental benefits in overburdened communities and vulnerable populations as defined in OFM's the [OBC map](#) or as determined by the agency. If applicable, please include your methodology for making this estimate, including project/award lists if available.

The primary focus of the request is to increase Ecology's staffing for management of air permitting through up-to-date permits, and timely response to noncompliance. Ecology has not developed a method for estimating percentages of staff time and costs that go towards creating direct environmental benefits in overburdened communities and vulnerable populations.

3. Please describe any potential significant impacts to Indian Tribes' rights and interest in their tribal lands, as well as traditional practices.

This initiative includes anticipated direct benefits to Tribes and environmental improvements on Tribal lands as it would provide the funding necessary to ensure effective permitting and compliance of the Air Operating Permit program on the Hanford Site. Hanford lies on ceded lands of the Yakama Nation, Nez Perce Tribe, and Confederated Tribes of the Umatilla Indian Reservation. The Wanapum Band is not a federally recognized Tribe, but state law recognizes the Tribe's right to permits for taking salmon and other freshwater food fish for ceremonial and subsistence reasons. In recent years, Ecology has observed increasing access to the less developed areas of the Hanford Site for traditional hunting, gathering, fishing, and ceremonial reasons. Effective permitting and compliance in the administration of the Air Operating Program ensures members of the public have air that does not contain harmful concentrations of pollutants and permitted facilities do not contaminate critical natural resources. They also preserve visibility at culturally important locations like Rattlesnake Mountain and the Columbia River.

4. Describe how your agency engaged with Tribes in developing this proposal, including offers for tribal consultation including timelines, methods for feedback, and mechanisms for Tribes to express concern, opposition, or support., and any direction provided by Tribes through this engagement.

The proposal is to fund biennial workload adjustments and as such tribal consultation was not conducted.

5. If the decision package is part of agency request legislation or supports another significant agency action that is required to complete an environmental justice assessment under RCW [70A.02.010](#)(12), please submit the assessment as an attachment in ABS.

No. This budget request funds workload adjustments for an existing program and does not require an Environmental Justice Assessment.

6. If the decision package is part of agency request legislation or constitutes a significant agency action that is required to complete an environmental justice assessment, please describe how your agency used the environmental justice assessment process to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits. If your agency determined that you were unable to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits, please provide a justification for not doing so.

N/A

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Department of Ecology  
 2025-27 Regular Budget Session  
 Maintenance Level - EL - DES Training Fee Increases

### Agency Recommendation Summary

Since 2018, the cost of procuring trainings from the Department of Enterprise Services and contracted instructors has increased due to rising administrative fees. To cover these increased costs, Ecology is requesting a maintenance-level funding adjustment to continue providing trainings to Ecology staff. (Multiple Funds)

### Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
<b>Operating Expenditures</b>						
Fund 001 - 1	\$6	\$6	<b>\$12</b>	\$6	\$6	<b>\$12</b>
Fund 044 - 1	\$2	\$2	<b>\$4</b>	\$2	\$2	<b>\$4</b>
Fund 176 - 1	\$6	\$6	<b>\$12</b>	\$6	\$6	<b>\$12</b>
Fund 207 - 1	\$1	\$1	<b>\$2</b>	\$1	\$1	<b>\$2</b>
Fund 20R - 1	\$3	\$3	<b>\$6</b>	\$3	\$3	<b>\$6</b>
Fund 217 - 1	\$1	\$1	<b>\$2</b>	\$1	\$1	<b>\$2</b>
Fund 23P - 1	\$34	\$34	<b>\$68</b>	\$34	\$34	<b>\$68</b>
Fund 26B - 1	\$3	\$3	<b>\$6</b>	\$3	\$3	<b>\$6</b>
Fund 26C - 1	\$1	\$1	<b>\$2</b>	\$1	\$1	<b>\$2</b>
<b>Total Expenditures</b>	<b>\$57</b>	<b>\$57</b>	<b>\$114</b>	<b>\$57</b>	<b>\$57</b>	<b>\$114</b>

### Decision Package Description

Ecology’s Core Training budget covers the cost of required courses available to all Ecology employees. Most courses for Ecology-wide required trainings are provided through third-party facilitators who are subject matter experts in their fields. To make this training available for our workforce, the Core Training Team uses a variety of contracting and procurement methods in alignment with state contracting law, such as competitive procurements, purchasing from statewide contracts, and entering into interagency agreements. Currently, about 36% of the Core Training budget pays third-party vendors for designing, developing, and delivering trainings to our workforce through contracts and purchases of goods and services.

Multiple inflationary factors impact the cost of required training. Several trainers and facilitators who contract through the Department of Enterprise Services (DES) have increased the cost of their courses due to added expenses of software licenses for delivering virtual training and overall economic inflation. DES also increased their administrative fee for Interagency Agreements (IAAs) to provide Ecology only classes. Even though DES IAA costs have increased, this option is still often the most cost-effective. It complies with current Washington State contracting law on competitive procurement, allows Ecology to leverage economies of scale, and meets requirements from state law and agency policy regarding course content.

DES and several instructors also changed the maximum number of learners allowed per class—in most cases reducing the maximum number of learners who may attend. The Core Training Team supports smaller class sizes to allow for attendees to receive individual instructor attention and support the best possible learning. But lower numbers of maximum learners per class mean more classes are needed to reach the same number of learners as in the past. For example, First Aid classes today cost only a small dollar amount more than in 2018; however, because only 12 people may attend today, compared to 20 people in 2018, the per-learner cost for this course increased by more than 67%. The table below shows details about cost changes since 2018 (data provided by DES).

Course Title	2024 IAA Base Cost	2024 Total Cost	2024 Class Max. # Learners	2024 Cost per Learner	% Change per Learner Since 2018	2018 IAA Base Cost
Accessible Document Design for Beginners	\$ 2,200	\$ 2,781	25	\$ 111.24	100%	N/A
Diversity and Inclusion	N/A	N/A	N/A	N/A	-100%	\$ 800
First Aid	\$ 1,300	\$ 1,854	12	\$ 154.50	67%	\$ 1,500
Leading Others (Supervisors)	N/A	\$ 12,000	24	\$ 500.00	0%	N/A
Performance and Development Plan (Supervisors)	N/A	N/A	N/A	N/A	-100%	\$ 750
Sexual Harrassment and Prevention	\$ 1,000	\$ 1,545	24	\$ 64.38	40%	\$ 800
Sexual Harrassment and Prevention for Supervisors	\$ 800	\$ 1,339	20	\$ 66.95	46%	\$ 800
Understanding People Through Strengths	\$ 5,600	\$ 6,283	28	\$ 224.39	6%	\$ 5,600
Violence in the Workplace	\$ 1,800	\$ 2,369	24	\$ 98.71	59%	\$ 1,200
Writing Documents in Plain Talk	\$ 2,200	\$ 2,781	28	\$ 99.32	27%	\$ 1,600

Sometimes Ecology is unable to set up an Ecology-only class, such as when instructors have limited availability or Ecology doesn't have enough learners. When this happens, the Core Training budget pays for staff to attend DES open enrollment classes—classes open to all agencies—which cost more than Ecology-only classes. If it is an Ecology-only training, a better rate can be negotiated; if not, we have to go with the standard rate per attendee. The net impact of these inflationary impacts increased the Core Training budget by nearly \$57,000 in fiscal year 2024, which will mean an increase of \$114,000 over the course of the 2023-25 biennium. Ecology is requesting a maintenance-level appropriation adjustment to support these DES training fee increases heading into the 2025-27 biennium.

**Impacts on Population Served:**

This request will help maintain the current level of training services provided to Ecology staff and support Ecology to best serve our customers in alignment with agency values and goals. Access to training impacts our leadership and staff by helping develop knowledge, skills, and abilities to carry out Ecology's mission and reduce risk to our organization.

**Alternatives Explored:**

The only alternatives to fund this requested increase are to reduce the level of training services purchased through DES for core training classes or to redirect existing environmental program resources. Redirecting resources from environmental programs would reduce core work that helps protect, preserve, and enhance Washington's environment for current and future generations. This is not a viable alternative.

**Consequences of Not Funding This Request:**

If Ecology does not receive an appropriation for this cost increase, staff would either not receive core training or core environmental and public health work would need to be cut to absorb these costs, which will impact Ecology programs and the environment. Specific consequences include reduced business operations, resulting in a reduced level of service to communities and citizens throughout the state.

**Assumptions and Calculations**

**Expansion, Reduction, Elimination or Alteration of a current program or service:**

This request will help to maintain the current level of training services provided to Ecology staff. It is not an expansion or alteration of a current program or service.

**Detailed Assumptions and Calculations:**

Beginning July 1, 2025, and ongoing, Ecology requires \$57,000 per year from multiple funding sources to cover the DES and DES-contracted training fee increases. Expenditure calculations are based on the cost difference per learner between 2024 prices and 2018 prices, the maximum number of learners per class, and the anticipated number of classes per biennium (based on past trends).

The total increase by course was projected over the biennium (multiplying the increased cost per learner by the number of learners per class by the number of classes per biennium). The net impact of cost increases mentioned above is \$57,000 per year (\$114,000 per biennium), which represents the average annual increase in class costs over the past six years. We project 33% (\$20,000/year) will be in Object C, Personal Service Contracts, and about 67% (\$37,000/year) will be in Object E, Goods and Services, based on current usage.

Course Title	Cost Difference/Learner (2018 to 2024)	Number of Learners/Class	Classes/Biennium	Total/Biennium (Cost Difference/Learner x Learners/Class x Classes/Biennium) Rounded to Nearest Thousand
Accessible Document Design for Beginners	111.24	25	24	\$67,000
Diversity and Inclusion	-41.07	28	36	(\$41,000)
First Aid	62.00	12	44	\$33,000
Leading Others (Supervisors)	0.00	24	0	\$0
Performance and Development Plan	-120.00	25	8	(\$24,000)
Sexual Harrassment and Prevention	18.38	24	48	\$21,000
Sexual Harrassment and Prevention for Managers	20.95	20	12	\$5,000
Understanding People Through Strengths	11.98	28	12	\$4,000
Violence in the Workplace	36.71	24	40	\$35,000
Writing Documents in Plain Talk	21.32	28	24	\$14,000
<b>Total Increase in Costs Anticipated (as of FY24)</b>				<b>\$114,000</b>

**Workforce Assumptions:**

Expenditures by Object		FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031
C	Personal Service						
	Contract	20,000	20,000	20,000	20,000	20,000	20,000
E	Goods and Services	37,000	37,000	37,000	37,000	37,000	37,000
<b>Total Objects</b>		<b>57,000</b>	<b>57,000</b>	<b>57,000</b>	<b>57,000</b>	<b>57,000</b>	<b>57,000</b>

Staffing		Salary	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031
Job Class	Total FTEs		0.00	0.00	0.00	0.00	0.00	0.00

**Explanation of costs by object:**

Object C, Personal Service Contracts (\$20,000 per year)  
 Object E, Goods and Services (\$37,000 per year)

**Historical Funding:**

	FY2026	FY2027
FTE (xx direct FTEs)	5.00	5.00
<b>Total Funds</b> (rounded to thousands)	\$818,000	\$818,000
<b>Near General Fund</b> (rounded to thousands)	\$123,000	\$123,000
<b>Other Funds</b> (rounded to thousands)	\$695,000	\$695,000

Administrative Overhead related to this program or service is in the agency's Administration Activity A002 but is not shown in the totals above.

**Strategic and Performance Outcomes**

**Strategic Framework:**

This request is essential to achieving the Governor's Results Washington Goal 4: Healthy and Safe Communities and Goal 5: Efficient, Effective, and Accountable Government, and Ecology's Goal 1: Support and engage our communities, customers, and employees because it will give our workforce the knowledge and skills they need to lead effectively, create accessible documents, prevent sexual harassment, and write using plain language. These knowledge and skills will help us carry out our mission by:

- Providing our customers and employees equal access to easy-to-understand information and technology.
- Supporting respectful working relationships.

**Performance Outcomes:**

The outcome of this request will be employees will have training to do their job effectively.

## Equity Impacts

**Community Outreach and Engagement:**

N/A

**Disproportional Impact Considerations:**

N/A

**Target Communities and Populations:**

N/A

**Community Inputs and Incorporation:**

N/A

## Other Collateral Connections

**HEAL Act Agencies Supplemental Questions**

N/A

**Puget Sound Recovery:**

N/A

**State Workforce Impacts:**

N/A

**Intergovernmental:**

N/A

**Stakeholder Impacts:**

N/A

**State Facilities Impacts:**

N/A

**Changes from Current Law:**

N/A

**Legal or Administrative Mandates:**

N/A

**Governor's Salmon Strategy:**

N/A

## IT Addendum

**Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?**

No

## Objects of Expenditure

<b>Objects of Expenditure</b> <i>Dollars in Thousands</i>	<b>Fiscal Years</b>		<b>Biennial</b>	<b>Fiscal Years</b>		<b>Biennial</b>
	<b>2026</b>	<b>2027</b>	<b>2025-27</b>	<b>2028</b>	<b>2029</b>	<b>2027-29</b>
Obj. C	\$20	\$20	<b>\$40</b>	\$20	\$20	<b>\$40</b>
Obj. E	\$37	\$37	<b>\$74</b>	\$37	\$37	<b>\$74</b>

## Agency Contact Information

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Department of Ecology  
 2025-27 Regular Budget Session  
 Maintenance Level - 8L - Lease Adjustments

### Agency Recommendation Summary

This request supports a maintenance level lease increase for the Department of Ecology’s Central Region Office in Union Gap, WA. This lease increase is negotiated by Department of Enterprise Services Real Estate Services on behalf of Ecology. The work done at this facility benefits public, other state agencies, Tribes, local partners, and helps protect, preserve, and enhance Washington’s environment for current and future generations. (Multiple funds)

### Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
<b>Operating Expenditures</b>						
Fund 001 - 1	\$12	\$12	\$24	\$12	\$12	\$24
Fund 027 - 1	\$1	\$1	\$2	\$1	\$1	\$2
Fund 02P - 1	\$1	\$1	\$2	\$1	\$1	\$2
Fund 044 - 1	\$3	\$3	\$6	\$3	\$3	\$6
Fund 176 - 1	\$13	\$13	\$26	\$13	\$13	\$26
Fund 182 - 1	\$1	\$1	\$2	\$1	\$1	\$2
Fund 199 - 1	\$1	\$1	\$2	\$1	\$1	\$2
Fund 207 - 1	\$2	\$2	\$4	\$2	\$2	\$4
Fund 216 - 1	\$1	\$1	\$2	\$1	\$1	\$2
Fund 217 - 1	\$2	\$2	\$4	\$2	\$2	\$4
Fund 219 - 1	\$1	\$1	\$2	\$1	\$1	\$2
Fund 23P - 1	\$50	\$50	\$100	\$50	\$50	\$100
Fund 25Q - 1	\$1	\$1	\$2	\$1	\$1	\$2
Fund 26B - 1	\$7	\$7	\$14	\$7	\$7	\$14
Fund 26C - 1	\$2	\$2	\$4	\$2	\$2	\$4
Fund 26D - 1	\$1	\$1	\$2	\$1	\$1	\$2
Fund 564 - 1	\$1	\$1	\$2	\$1	\$1	\$2
<b>Total Expenditures</b>	<b>\$100</b>	<b>\$100</b>	<b>\$200</b>	<b>\$100</b>	<b>\$100</b>	<b>\$200</b>

### Decision Package Description

Ecology leases an approximately 41,200 square foot facility in Union Gap, WA that serves as the Central Region Office (CRO). The program has been in this location since July 1, 2015, and the current lease will expire on June 30, 2025. Ecology is working with the Department of Enterprise Services (DES) Real Estate Services to finalize a new lease agreement for the CRO. The effective term of the new agreement, currently being negotiated by DES, will be July 1, 2025, through June 30, 2035. Current lease costs are \$776,620 per year, and the anticipated new lease, based on current DES estimates, will cost \$876,620 per year. This request is for a maintenance level (ML) increase to cover these additional ongoing lease costs, beginning in fiscal year 2026 for a new ten-year term.

Ecology's region and field offices primarily serve an implementation role for business areas such as spill response, permitting, technical assistance, site inspection, sampling, investigation, and enforcement. Ecology locates region and field offices across the state to minimize travel time and expenses related to providing the necessary field presence to accomplish the agency's mission and to be available to local partners and communities.

**Impacts on Population Served:**

This request will help maintain the current level of services provided at the CRO.

**Alternatives Explored:**

When Ecology relocated the CRO to its current location in Union Gap, we worked closely with the Office of Financial Management (OFM) and the Department of Enterprise Services (DES) Real Estate Services to ensure this facility was the best alternative for Ecology and the state. This anticipated lease increase, currently being negotiated by DES has been approved as acceptable in the current OFM Six-Year Facilities Plan and the new cost adjustment will be approved by DES Real Estate Services as part of the new lease agreement to be effective July 1, 2025. The only other alternative to fund this cost increase would be to redirect existing resources from core environmental and public health work. This is not a viable option for Ecology.

**Consequences of Not Funding This Request:**

If Ecology does not receive an appropriation for this cost increase, core environmental work would have to be cut to absorb these costs, which would negatively impact other priority environmental work at Ecology. Specific consequences include reduced business operations, resulting in a reduced level of service to communities and residents throughout the state.



**Assumptions and Calculations**

**Expansion, Reduction, Elimination or Alteration of a current program or service:**

This request does not expand or alter a current program or service. It will help maintain the current level of services provided at this facility.

**Detailed Assumptions and Calculations:**

Expenditure calculations: Beginning in fiscal year 2026 and ongoing, Ecology will require \$100,000 per year from multiple funding sources to cover the increased lease costs for the CRO.

Ecology does not yet know how much the lease cost will increase; however, expenditure calculations are based on the lease agreement currently being negotiated by DES, which is anticipated to increase to \$876,620/year starting fiscal year 2026. Ecology’s base funding for the CRO lease costs in the 2023-25 biennium were \$776,620 per year. The requested annual increase is calculated as follows: \$876,620 (anticipated new lease cost) - \$776,620 (base lease funding per year) = \$100,000 in fiscal year 2026 and ongoing.

The anticipated new lease costs work out to an annual rate of \$21.28/square foot (\$876,620/41,200 square feet). This compares favorably with current market rates for commercial storage/shop spaces being roughly \$31.67/square foot nationally (<https://www.commercialedge.com/blog/national-office-report/#:~:text=The%20average%20rates%20for%20A,-over-year%20in%20June>)

Ecology will update both OFM and the Legislature with the final cost increase when the new lease is finalized.

**Workforce Assumptions:**

Expenditures by Object			<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>	<u>FY 2030</u>	<u>FY 2031</u>
E	Goods and Services		100,000	100,000	100,000	100,000	100,000	100,000
	<b>Total Objects</b>		<b>100,000</b>	<b>100,000</b>	<b>100,000</b>	<b>100,000</b>	<b>100,000</b>	<b>100,000</b>
Staffing								
Job Class	Salary		<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>	<u>FY 2030</u>	<u>FY 2031</u>
	<b>Total FTEs</b>		<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**Explanation of costs by object:**  
 All costs are Goods and Services (Object E)

**Historical Funding:**

	<b>FY2026</b>	<b>FY2027</b>
<b>FTE</b> (0.00 direct FTE)	0.00	0.00
<b>Total Funds</b> (rounded to thousands)	\$877,000	\$877,000
<b>Near General Fund</b> (rounded to thousands)	\$105,000	\$105,000
<b>Other Funds</b> (rounded to thousands)	\$772,000	\$772,000

## Strategic and Performance Outcomes

### **Strategic Framework:**

This request is essential to achieving all of Ecology's goals because it will help maintain the current level of environmental services provided at this facility, which include the goals to:

- Goal 1: Support and engage our communities, customers, and employees
- Goal 2: Reduce and prepare for climate impacts
- Goal 3: Prevent and reduce waste, toxic threats, and pollution
- Goal 4: Protect and manage our state's waters

This request also provides essential support to the Governor's Results Washington goals because it will help maintain the current level of environmental services provided at this facility, which include the goals to:

- Goal 3: Sustainable Energy and Clean Environment
- Goal 5: Efficient, Effective, & Accountable Government

### **Performance Outcomes:**

The outcome of this request will be maintaining the current level of service Ecology provides. The services provided at this facility are important to helping Ecology achieve outcomes linked to Ecology's mission to protect, preserve, and enhance Washington's environment for current and future generations.

## Equity Impacts

### **Community Outreach and Engagement:**

N/A

### **Disproportional Impact Considerations:**

N/A

### **Target Communities and Populations:**

N/A

### **Community Inputs and Incorporation:**

N/A

**Other Collateral Connections**

**HEAL Act Agencies Supplemental Questions**

N/A

**Puget Sound Recovery:**

N/A

**State Workforce Impacts:**

N/A

**Intergovernmental:**

The CRO supports not only Ecology programs, but also provides technical and analytical support to state agencies, local governments, and Tribes.

**Stakeholder Impacts:**

N/A

**State Facilities Impacts:**

N/A

**Changes from Current Law:**

N/A

**Legal or Administrative Mandates:**

N/A

**Governor's Salmon Strategy:**

N/A

**IT Addendum**

**Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?**

No

**Objects of Expenditure**

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
Obj. E	\$100	\$100	\$200	\$100	\$100	\$200

**Agency Contact Information**

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### Agency Recommendation Summary

The Clean Diesel Grant Program provides pass-through grant funding to Washington school districts to reduce greenhouse gases and protect residents from toxic diesel emissions. This grant's primary purpose is to fund the replacement of fossil fuel buses with electric buses. Ecology received additional funding for this ongoing program in the 2024 supplemental budget; however, because electric school bus delivery can take approximately 12 months, Ecology will be unable to fully obligate and expend these funds prior to the 2025-27 biennium. Ecology is requesting reappropriation of \$19.7 million to allow sufficient time for school bus owners to receive their school buses, test them, and put them into operation. (Model Toxics Control Capital Account, Carbon Emissions Reduction Account)

### Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
<b>Operating Expenditures</b>						
Fund 23N - 1	\$7,858	\$7,857	<b>\$15,715</b>	\$0	\$0	<b>\$0</b>
Fund 26A - 1	\$2,000	\$2,000	<b>\$4,000</b>	\$0	\$0	<b>\$0</b>
Total Expenditures	<b>\$9,858</b>	<b>\$9,857</b>	<b>\$19,715</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

### Decision Package Description

Of the approximately 10,400 school buses operating in Washington this year, about 2,100 diesel school buses do not meet EPA’s 2010 nitrogen oxide (NOx) emissions standards, and 1,200 do not meet EPA’s 2007 diesel particulate emissions standards.

As a result of Ecology’s Clean Diesel Grant Program, Washington’s school districts will have over 125 electric school buses in operation by the 2024-2025 school year. This is a significant accomplishment, but Washington’s school bus fleet is still far from meeting emissions standards and is less than 1% of the way toward full electrification.

Diesel exhaust is the state’s highest risk toxic air pollutant. The International Agency for Research on Cancer has concluded that diesel exhaust is carcinogenic to humans. It contains fine particles, carcinogenic substances, black carbon, nitrogen oxides, and carbon dioxide. Fine particles, and the chemicals attached on the surface of those particles, increase the risk of serious heart and lung diseases and some cancers. These particles also eventually fall to the ground in rain or dust and provide a way for toxic substances to get into stormwater and, ultimately, downstream water bodies, including Puget Sound. The nitrogen oxides contained in diesel exhaust react with other chemicals and sunlight in the atmosphere to create ozone—a toxic air pollutant known to cause serious adverse health effects. Carbon dioxide and black carbon emissions from diesel exhaust both contribute to climate change.

Widespread community exposure occurs when many engines operate or idle in concentrated areas. Communities clustered near major highways and road networks often include people who are economically disadvantaged, communities of color, and Tribal communities. These populations are disproportionately exposed to higher amounts of air pollution than people in other areas. It is an important public health and environmental justice concern and a high priority for Ecology to continue reducing these emissions.

Reducing children’s and other sensitive populations’ exposure to diesel emissions is a high priority in both urban and rural areas. Although Ecology has made an initial investment to help Washington school districts purchase electric buses, additional funding is needed to allow more districts to access electric buses, understand the performance characteristics and economics of operating electric buses, and plan for further electrification efforts.

Depending on size and type, electric school buses cost \$225,000 to \$340,000 more than a comparable diesel school bus, not including the associated charging infrastructure. Ecology currently helps to cover 68% of costs through the current grant program. Ecology estimates it will cost an additional \$450 million over the next nine years to replace diesel buses with zero-emission buses (including refueling infrastructure) before the total cost of ownership is the same for zero-emission school buses and diesel buses. This investment is substantial and will require several years to complete. Transforming the state’s school bus fleet to zero-emissions without grant funding places an enormous financial strain on school district budgets.

Washington has adopted aggressive goals for reducing greenhouse gases (GHG), including limiting emissions to 45% below 1990 levels by 2030 and achieving net zero-emissions by 2050. Transportation is the largest source of climate pollution in Washington, accounting for nearly 39% of all GHG emissions in the state. Electrifying on-road transportation, which represents 23% of the state’s emissions, is a critical opportunity to reduce GHG emissions.

In 2024, the Legislature passed ESHB 1368, requiring Ecology to administer a zero-emission school bus grant program to support the transition of school buses to zero-emission fleets. The primary focus for this pass-through grant program is to support the transition of school buses from fossil-fueled to zero-emission, support the development of zero-emission vehicle infrastructure, fund the replacement of other fossil fuel vehicles,

and fund zero-emission vehicle vocational training programs. Ecology will prioritize projects serving people from sensitive populations and in overburdened communities and replacing the oldest diesel fueled vehicles.

To support the passage of ESHB 1368, the Legislature provided \$19.7 million in the 2024 supplemental transportation budget (sec. 108) for Ecology to provide grants to school districts to transition from diesel school buses and other student transport vehicles to zero emission vehicles and for the necessary fueling infrastructure needed for zero emission student transportation. Ecology must prioritize school districts serving tribes and vulnerable populations in overburdened communities as defined under RCW 70A.02.010.

This request to reappropriate these funds supports the continued reduction of the financial burden faced by school districts by providing grant funding to replace old buses and close the gap between the cost of a zero-emission school bus and a conventional diesel school bus. Electric buses require less maintenance than conventional diesel buses and, with the high cost of diesel, transforming school bus fleets to zero-emissions will significantly reduce school transportation operating costs.

In summary, this reappropriation request will support grants that will:

- Reduce emissions that cause climate change.
- Reduce public exposure to harmful toxic and carcinogenic pollutants.
- Address the disproportionate impact of harmful pollutants on Washington's most sensitive people.
- Reduce health care costs for Washington residents.
- Reduce deposition of harmful pollutants to protect rivers, streams, lakes, and Puget Sound.
- Reduce fuel use and equipment operating and maintenance costs.

**Is this request related to any budget items funded in the past two biennia?**

Yes, see attached.

**Alternatives Explored:**

Diesel equipment and vehicles tend to be extremely durable and are expensive to replace, upgrade, or retrofit, so a highly polluting diesel engine can remain in service for decades. This means relying on natural fleet turnover to drive the transition to electric vehicles will take generations, leaving Washington little chance of meeting the GHG emission limits set by the Legislature and leaving communities across our state still exposed to toxic air pollution. Although electrification can be more than twice the cost of a standard diesel replacement, it is the only option to make the transformation to a zero-emission transportation system.

Financial incentives encourage owners to upgrade, replace, retrofit, or supplement engines and operating systems to make them cleaner. This reappropriation will continue to accelerate the introduction of advanced technology, leading to reduced emissions significantly sooner than under normal fleet turnover. It will also provide fleet operators with the operational and financial experience needed to continue the transition to zero-emission vehicles.

**Consequences of Not Funding This Request:**

If this request is not funded:

- Grantees awarded funds from the planned Clean Diesel Round 3 funding opportunity (Q1 2025) will not have enough time to receive buses ordered (current delivery time is approximately 12 months from date of order).
- Grantees receiving funding from this source in the Clean Diesel Round 2 funding opportunity (Q2-Q3 2024) may not have enough time to receive buses ordered in Fall 2024 before June 30, 2025.
- Ecology would not be able to fully support the Governor's and Legislature's policies and initiatives to address climate change and improve air quality and public health for vulnerable and sensitive populations and in overburdened communities. In 2020, the Washington Legislature revised the state's long-term GHG emission reduction limit to 95% below 1990 levels by 2050.
- Ecology would not be able to fully support Washington's Electric Vehicle Coordinating Council's statewide Transportation Electrification Strategy (TES), intended to ensure electric vehicle incentives and infrastructure are accessible and available to all people in Washington.
- The state's school bus fleet would have less grant funding, placing additional financial strain on school district budgets already challenged by budget shortfalls.
- Older, high-polluting diesel school bus engines would continue to generate toxic air pollutants for decades to come. This would affect our state's children, who breathe 50% more air per pound of body weight than adults do. In addition, schools would continue to reinvest in new diesel-powered school buses that will produce GHGs for at least another 20 years.
- High-polluting diesel engines would continue to expose many people from sensitive populations, as well as overburdened communities, to excessive levels of highly toxic diesel emissions.
- Ecology would miss an opportunity to reduce future health care costs. Failing to fund this request would cause ongoing levels of serious

disease with associated preventable future health care. (According to EPA’s calculations of health benefits, diesel emissions reduction projects are cost-effective, with monetized health benefits estimated to exceed federal funding by a factor of 10).

**Assumptions and Calculations**

**Expansion, Reduction, Elimination or Alteration of a current program or service:**

This request is not an expansion, reduction, elimination or alteration of a current program or service. The requested reappropriation in the amount of \$19.7 million is to align the budget with current project completion and delivery schedules. This adjustment does not change the scope of total project costs on reappropriated projects. Reappropriation calculations are based on updated project schedules and reflect the estimated amounts that will be payable during the 2025-27 biennium. Reappropriation costs are one-time costs.

**Detailed Assumptions and Calculations:**

Expenditures are for pass-through grant funding to Washington school districts to fund the replacement of fossil fuel buses with electric buses.

**Workforce Assumptions:**

Expenditures by Object		<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>	<u>FY 2030</u>	<u>FY 2031</u>
N	Grants, Benefits, and Client Services	9,858,000	9,857,000				
	<b>Total Objects</b>	<b>9,858,000</b>	<b>9,857,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Staffing			<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>	<u>FY 2030</u>	<u>FY 2031</u>
Job Class	Salary							
	<b>Total FTEs</b>		<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**Explanation of costs by object:**

All costs are Grants (Object N).

**Historical Funding:**

	<b>FY2026</b>	<b>FY2027</b>
FTE (xx direct FTE)	0.0	0.0
<b>Total Funds</b> (rounded to thousands)	\$0	\$0
<b>Near General Fund</b> (rounded to thousands)	\$0	\$0
<b>Other Funds</b> (rounded to thousands)	\$0	\$0

**Strategic and Performance Outcomes**

**Strategic Framework:**

This request supports the following Ecology goals:

- Goal 1: Support and Engage Our Communities, Customers, and Employees because it will provide funding to support communities disproportionately impacted by toxic diesel emissions.
- Goal 2: Reduce and Prepare for Climate because it will reduce fuel use and greenhouse gas emissions, such as black carbon and carbon dioxide that contribute to atmospheric warming and climate change.
- Goal 3: Prevent and Reduce Waste, Toxic Threats, and Pollution because it will reduce toxic diesel emissions that include cancer causing fine particulates and poly aromatic hydrocarbons (PAHs).
- Goal 4: Protect and Manage our State’s Waters because it will reduce pollutants emitted into the air that can be deposited onto surfaces that impact stormwater and runoff into the Puget Sound and other water bodies.

This request contributes to the Governor’s Results Washington Goal 3: Sustainable Energy and Clean Environment, addressing climate change by directly reducing statewide toxic diesel emissions and increasing the number of zero-emission vehicles.

This request supports efforts under the Governor’s Executive Order 18-02, Southern Resident Orca Recovery and Task Force and contributes to Goal 5: Reduce the threat from climate change, including ocean acidification, to Southern Residents, the region’s biodiversity and, ultimately, the well-being of Washington’s people and economy by reducing greenhouse gas emissions.

### **Performance Outcomes:**

This reappropriation will support the goals of HB 1368 ZERO EMISSION SCHOOL BUSES and the intent of the proviso in the 2024 transportation budget bill (sec. 108).

## **Equity Impacts**

### **Community Outreach and Engagement:**

Ecology's individual outreach to potential applicants provides funding information, technical information, and one-on-one technical assistance to complete funding applications. Ecology conducts technical workshops and listening sessions to hear from community members, school staff and students, and other potentially impacted groups to understand the needs of the community and solicit feedback on how we can update the program to best meet the needs of the communities we intend to serve. Updates can include streamlining the grant application process or adjusting grant guidelines to support school districts, bus owners, vocational training program administrators, and others to creatively solve implementation challenges. Ecology also conducts pre-application webinars as a touch point with potential applicants to provide relevant information, answer questions, and help prepare for developing and submitting applications.

Ecology is proactive with external communications to reach out to, explain, educate, and engage diverse audiences. Ecology's communication team maintains a public website to provide information about the programs funded by this request and advertise grant opportunities prioritizing grant funding for overburdened communities. All materials provided in webinars and on Ecology's website are reviewed to ensure accessibility for all audiences. Ecology has also partnered with OSPI to provide additional outreach to rural, low-income school districts and small school districts.

Ecology program staff participate in workshops and conferences, like the Washington Association of Pupil Transportation annual meeting, to share information about Ecology's grant programs and encourage participation by stakeholders who are eligible grant recipients in rural, low-income school districts, small school districts, and districts in overburdened communities. There was no direct Tribal engagement in developing this request. Ecology is expanding our coordination efforts with Tribal governments to develop an environmental justice implementation plan. Ecology's efforts include developing a framework for Tribal consultation. When we take significant actions affecting Tribes' rights and interests, the framework will provide improved consultation and coordination.

### **Disproportional Impact Considerations:**

Diesel exhaust is the state's highest risk toxic air pollutant. The International Agency for Research on Cancer has concluded that diesel exhaust is carcinogenic to humans. It contains fine particles, carcinogenic substances, black carbon, nitrogen oxides, and carbon dioxide. The nitrogen oxides contained in diesel exhaust react with other chemicals and sunlight in the atmosphere to create ozone – a toxic air pollutant known to cause serious adverse health effects. Carbon dioxide and black carbon emissions from diesel exhaust both contribute to climate change. Widespread community exposure occurs when many engines operate or idle in concentrated areas. A 2024 Focus Sheet for the Air Quality Environmental Justice Report (<https://apps.ecology.wa.gov/publications/SummaryPages/2402011>) documents the disproportionate impact of criteria air pollutants, including particulates for Washington's 16 overburdened communities highly impacted by air pollution as identified by Ecology.

Communities clustered near major highways and road networks are more likely to be economically disadvantaged and people of color, and these communities are exposed to higher amounts of air pollution than people in other areas. It's critical to continue to equitably prioritize providing environmental benefits to more disproportionately impacted areas to reduce the negative health impacts of diesel exposure for these sensitive population in overburdened communities.

Children riding the bus to school are exposed to higher amounts of harmful diesel pollution. Children are particularly sensitive to the negative health impacts of diesel emission. This funding will support school districts and other school bus owners in eliminating these harmful emissions, which will reduce the negative health impacts like asthma and lung disease for children across Washington.

### **Target Communities and Populations:**

This request will focus grant funding on creating environmental benefits for vulnerable populations and overburdened communities, including reducing or eliminating environmental harms and improving quality of life.

Large numbers of diesel engines operate in or near Washington's urban areas, ports, freight distribution centers, rail yards, schoolyards, and transportation corridors. As a result of historic and ongoing policies and social configurations, these are also the locations where low-income people and communities of color live and work. Diesel emission hotspots adversely impact sensitive and general populations, and overburdened communities bear disproportionate burdens, experiencing an accumulation of multiple harms. Addressing diesel's contribution to this uneven distribution remains a critical environmental and health equity issue.

Target populations for this funding include students, school bus drivers, school staff, and people in communities exposed to diesel exhaust. Ecology will prioritize funding for overburdened communities, using tools like the Department of Health's Environmental Health Disparities (EHD) map, the U.S. EPA's EJ Screen and Ecology's air quality monitoring data. With these tools, Ecology has identified 16 overburdened



communities highly impacted by air pollution, and we are already taking steps through the Climate Commitment Act to expand monitoring and reduce air pollution impacts within, and together with, overburdened communities. This grant program will greatly leverage this activity and will also include funding for Tribal projects and projects that impact Tribal lands.

**Community Inputs and Incorporation:**

See Community Outreach and Engagement response.

**Other Collateral Connections**

**HEAL Act Agencies Supplemental Questions**

N/A

**Puget Sound Recovery:**

N/A

**State Workforce Impacts:**

N/A

**Intergovernmental:**

This request will benefit school districts and local governments by providing funds to transform diesel school buses to zero-emission buses and replace vehicles and equipment to reduce pollution and lower operating costs. It will also support workforce and personnel training for electric vehicles and provide an increased focus on school bus fleet fueling/charging infrastructure. Grant funds will focus on reducing diesel emissions in high health risk, high-exposure areas and for sensitive populations, including thousands of children who ride buses each year. School districts and local governments with limited resources will receive funds to make necessary equipment and vehicle upgrades that can save them money on fuel, maintenance, and capital equipment replacement costs.

**Stakeholder Impacts:**

N/A

**State Facilities Impacts:**

N/A

**Changes from Current Law:**

N/A

**Legal or Administrative Mandates:**

N/A

**Governor's Salmon Strategy:**

N/A

**Reference Documents**

[Electric School Bus Program-Historical Funding Attachment A.pdf](#)

**IT Addendum**

**Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?**

No

## Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
Obj. N	\$9,858	\$9,857	<b>\$19,715</b>	\$0	\$0	<b>\$0</b>

## Agency Contact Information

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**ATTACHMENT A - RELATED BUDGET ITEMS FUNDED IN THE LAST TWO BIENNIA (2023-25, 2021-23)**

Instructions: Enter the following information about any budget items funded over the last two biennia (2021-23 budget, 2022 supplemental budget, 2023-25 budget, 2024 supplemental budget) that is related to your Decision Package for 2025-27.

Biennium	Rec Sum Code/Title	RecSum Description	Fund Source	Duration	Amount
2023-25 (2024 supplemental transportation budget)	Sec. 108 - Electric School Bus Program	Funding for Ecology to provide grants to school districts to transition from diesel school buses and other student transport vehicles to zero emission vehicles and for the necessary fueling infrastructure needed for zero emission student transportation. Ecology must prioritize school districts serving tribes and vulnerable populations in overburdened communities as defined under RCW 70A.02.010.	23P-1, 26A-1	One-Time	\$19,715,000

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## Other Planned OFM Maintenance Level (ML) Adjustments for Ecology

Purpose: Provide a summary of planned Maintenance Level (ML) adjustments identified by the Office of Financial Management (OFM), legislative fiscal staff, and Ecology, which OFM will include in the Governor's proposed 2025-27 Operating Budget. These planned adjustments have been discussed with both OFM and legislative fiscal staff.

Rec. Sum From 2021-23 Operating Budget	Program	Budget	Duration	Rec. Sum Title	Fund Source	Adjustment Needed			Description	
						FY26 \$	FY27 \$	FY26 FTE		FY27 FTE
PL-EA	SEA	Op-ML	Ongoing	Federal Waters of the U.S. Rollback	23P-1-Model Toxics Control Operating	\$ (321,000)	\$ -	(2.9)	-	Per Ecology's 2021-23 decision package (DP), this funding did not go beyond 2023-25, as it was provided so that Ecology could respond to the increase in state authorizations needed to protect state waters after the federal government's definition of waters of the United States (WOTUS) excluded some of Washington wetlands and other waters from federal protection.  EPA's Navigable Waters Protection Rule was vacated in August 2021, and Ecology received new ongoing funding in the 2024 supplemental operating budget (PL-PI - Protecting State Waters) for the increase in state authorizations now needed as a result of the Supreme Court's decision in Sackett v. EPA on May 25, 2023.  This older funding should be reduced in the 2025-27 enacted operating budget, consistent with Ecology's 2021-23 DP. <b>OFM ML adjustment. No DP needed for 2025-27.</b>
<b>From 2022 Supplemental Operating Budget</b>										
PL-KM	WQP	Op-ML	Ongoing	Water Quality Permit Systems	176-1-Water Quality Permit	\$ (500,000)	\$ -	-	-	Per Ecology's 2022 supplemental decision package (DP), this funding was provided for fiscal years 2023 and 2024 to improve the usability and accuracy of the agency's water quality permitting systems. Ecology received new ongoing funding in the 2024 supplemental operating budget (PL-PF - Fix and Modernize WO Permit Systems) to maintain these systems and ensure compliance with federal data reporting requirements on an ongoing basis.  This older funding should be reduced in the 2025-27 enacted operating budget, consistent with Ecology's 2022 DP. <b>OFM ML adjustment. No DP needed for 2025-27.</b>
PL-KP01	ITSO	Op-ML	Ongoing	Stream Mapping Assessment	001-1-General Fund-State	\$ (661,000)	\$ -	(4.6)	-	Per Ecology's 2022 supplemental decision package (DP), this funding was provided for fiscal years 2023 and 2024 to conduct a pilot project in the Stillaguamish Watershed to identify the methodologies and resources needed to maintain the accuracy of the National Hydrography Dataset for Washington. Based on that pilot, Ecology received new ongoing funding in the 2024 supplemental operating budget (PL-PE - Modernize Surface Water Mapping) to complete mapped surface water updates across the state and continue to improve the accuracy of the dataset on an ongoing basis as new information and technologies become available.  This older funding should be reduced in the 2025-27 enacted operating budget, consistent with Ecology's 2022 DP. <b>OFM ML adjustment. No DP needed for 2025-27.</b>
PL-KY01	SEA	Op-ML	Ongoing	WCC Cost Share Adjustment	001-1-General Fund-State	\$ (984,000)	\$ (246,000)	-	-	Per Ecology's 2022 supplemental decision package (DP), this funding was provided for WCC service years 2022-23 (October 2022 – September 2023) and 2023-24 (October 2023 – September 2024) to conduct a pilot project to provide five Washington Conservation Corps (WCC) crews with no partner-provided cost-share to further the state's goals around service equity and environmental justice. Based on that pilot, Ecology received new ongoing funding in the 2024 supplemental operating budget (PL-PD - WCC Service Equity & E Initiative) to continue providing these crews at no partner-provided cost-share for projects in areas of the state where assistance is most needed.  This older funding should be reduced in the 2025-27 enacted operating budget, consistent with Ecology's 2022 DP. <b>OFM ML adjustment. No DP needed for 2025-27.</b>

Rec Sum	Program	Budget	Duration	Rec Sum Title	Fund Source	FY26 \$	FY27 \$	FY26 FTE	FY27 FTE	Description
From 2023-25 Operating Budget										
PL-5104	SEA	Op-ML	Ongoing	Marine Shoreline Habitat	001-1-General Fund-State	\$ (633,000)	\$ 632,000	-	-	Adjustment aligns funding level needed each year in 2025-27 after carry-forward level (CFL) with the final fiscal note for SB 5014 (1,105,000 FY26, 1,105,000). Without this adjustment, the current fiscal year split at CFL provides more funding in FY1 than is needed and not enough in FY2. <b>OFM ML adjustment. No DP needed for 2025-27.</b>
PL-5144	SWM	Op-ML	One-Time	Batteries / Environment	23P-1-Model Toxics Control Operating	\$ 191,000	\$ 192,000	2.5	2.5	Adjustment aligns funding level for 2025-27 after carry-forward level (CFL) with the final fiscal note for SB 5144, which establishes a stewardship program for the disposal of batteries.
			Ongoing			\$ 336,000	\$ 337,000			
PL-CSPC	HWTR	Op-ML	Ongoing	Cosmetic Product Chemicals	23P-1-Model Toxics Control Operating	\$ 420,000	\$ 689,000	2.7	4.4	Adjustment aligns funding level for 2025-27 after carry-forward level (CFL) with the final fiscal note for HB 1047, which bans the sale of cosmetic products that contain certain chemicals.
PL-PL	SWM	Op-ML	One-time	Plastic Pollution	23P-1-Model Toxics Control Operating	\$ 213,000	\$ 9,000	1.4	0.1	Adjustment aligns funding level for 2025-27 after carry-forward level (CFL) with the final fiscal note for HB 1085, which prohibits certain plastic structures over water and single-use plastic products at lodging establishments.
			Ongoing			\$ 3,000,000	\$ 3,000,000			This adjustment will provide the funding and staff resources needed to prepare guidance and outreach materials on the new requirements or industry, the public, and other interested parties, as well as develop compliance monitoring, technical assistance, and enforcement protocols for these bans. <b>OFM ML adjustment. No DP needed for 2025-27.</b>
PL-OH	WRP	Op-ML	Ongoing	Drought Preparedness and Response	28E-1-Emergency Drought Response	\$ 3,000,000	\$ 3,000,000	-	-	HB 1138, passed in 2023, created the Emergency Drought Response Account and established a reoccurring statutory revenue transfer from the General Fund to the new account of up to \$3 million per fiscal year in years with an emergency drought declaration. Appropriation authority from the new account was provided in 2023-25 to respond to drought emergencies, but only on a one-time basis.
										This adjustment will provide the appropriation authority needed on an ongoing basis so that the revenue available in the account can be accessed and used to respond to impacts from drought conditions in each year where a declaration is issued. <b>OFM ML adjustment. No DP needed for 2025-27.</b>

Rec Sum	Program	Budget	Duration	Rec Sum Title	Fund Source	FY26 \$	FY27 \$	FY26 FTE	FY27 FTE	Description
From 2024 Supplemental Operating Budget										
PL-6121	AQP	Op-ML	One-Time	Ag. And Forestry Biomass	216-1-Air Pollution Control	\$ 52,000	\$ 51,000	1.1	1.1	Adjustment aligns funding level for 2025-27 after carry-forward level (CFL) with the final fiscal note for SB 6121, which pertains to biochar production from agriculture and forestry biomass.  This adjustment will provide the funding and staff resources needed to complete rulemaking in fiscal year 2026 and add functionality to the Burn Permit Application (BPA) and the Air Quality Burn Permit System (AOBPS) for calculating permit fees. <b>OFM ML adjustment. No DP needed for 2025-27.</b>
PL-PH	AGENCY	Op-ML	Ongoing	BIL/IRA Grants	001-2-General Fund-Federal	\$ 6,671,000	\$ 6,221,000	6.1	4.9	Adjustment aligns funding level for 2025-27 after carry-forward level (CFL) with Ecology's 2024 decision package (DP) update to the Legislature in February 2024, and the outlook for the enacted 2024 supplemental operating budget.  This adjustment provides the additional federal spending authority needed in 2025-27 to leverage 11 funding opportunities that had been applied for and/or awarded to Ecology under the federal Bipartisan Infrastructure Law or Inflation Reduction Act as of February 2024. <b>OFM ML adjustment. No DP needed for 2025-27.</b>
PL-PK	CPR	Op-ML	Ongoing	Climate Pollution Reduction (only 26B-1 portion)	26B-1-Climate Investment	\$ 1,420,000	\$ 1,272,000	-	-	Adjustment aligns funding level for 2025-27 after carry-forward level (CFL) in fund 26B-1 with Ecology's 2024 decision package (DP) and the outlook for the enacted 2024 supplemental operating budget.  This adjustment is needed to help ensure the continued successful implementation of climate initiatives passed by the Legislature since 2019, which are designed to 1) help transition Washington's economy from being based primarily on fossil fuels to having net zero emissions; 2) help slow the causes of climate change; and 3) support communities already impacted by the effects of climate change. <b>OFM ML adjustment. No DP needed for 2025-27.</b>
PL-TBG1	CPR	Op-ML	Ongoing	Tribal Capacity Funding	26B-1-Climate Investment	\$ 32,000	\$ 32,000	-	-	Adjustment aligns funding level for 2025-27 after carry-forward level (CFL) with the outlook for the 2024 supplemental enacted operating budget so that Ecology can continue to effectively administer its expanded Tribal Consultation Grant Program, which supports the ability of Tribes to engage in climate change resilience projects and clean energy development. <b>OFM ML adjustment. No DP needed for 2025-27.</b>
PL-WAST	SWM	Op-ML	Ongoing	Waste Material Management	23P-1-Model Toxics Control Operating	\$ (202,000)	\$ (176,000)	-	-	Adjustment aligns funding level for 2025-27 after carry-forward level (CFL) with the final fiscal note for HB 2301, which pertains to improving the outcomes associated with waste material management systems, including products affecting organic material management systems. <b>OFM ML adjustment. No DP needed for 2025-27.</b>
<b>Totals</b>						<b>\$ 9,034,000</b>	<b>\$ 12,013,000</b>	<b>6.3</b>	<b>13.0</b>	



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Department of Ecology  
2025-2027 Operating Budget

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## Agency Recommendation Summary

As directed by the Legislature, Ecology is leading an update to the state’s climate resilience strategy by September 30, 2024. As part of that work, Ecology must recommend a durable governance structure to support interagency coordination and strategy implementation. With our nine agency partners, Ecology has identified a preferred governance structure, which requires core staff housed at Ecology and funding to support capacity for and participation of overburdened communities, vulnerable populations, and Tribes. We are proposing agency request legislation to formalize and establish the governance structure. Ecology requests funding and staff resources to implement the state’s climate resilience strategy. This request is also related to implementing the Puget Sound Action Agenda and Governor’s Salmon Strategy. (General Fund-State)

## Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
<b>Staffing</b>						
FTEs	3.5	3.5	3.5	3.5	3.5	3.5
<b>Operating Expenditures</b>						
Fund 001 - 1	\$579	\$579	\$1,158	\$579	\$579	\$1,158
Total Expenditures	\$579	\$579	\$1,158	\$579	\$579	\$1,158

## Decision Package Description

### Background:

Many state agencies play roles in supporting and advancing climate resilience in Washington. As directed by the Legislature, Ecology is leading an interagency process to update the state’s climate resilience strategy by September 30, 2024. Once published, the updated strategy will be posted here: <https://ecology.wa.gov/air-climate/responding-to-climate-change/washingtons-climate-strategy>.

RCW 70A.05.020(3) requires Ecology, in coordination with other partner agencies, to also recommend a durable governance structure for coordinating and implementing the state’s climate resilience strategy. With our nine state agency partners, we have identified a preferred governance structure that requires core staff housed at Ecology and funding to support capacity for and participation of frontline communities and Tribes. Some agency partners also require new funding to support their participation in the governance structure. We are proposing agency request legislation to formalize and establish the governance structure.

This proposed funding will ensure the state has the resources to establish and implement an ongoing interagency governance structure for strategic alignment, collaboration, transparency, accountability and engagement on climate resilience and implementation of the strategy. Ecology lacks existing, dedicated resources to implement the recommended governance structure.

### Is this request related to any budget items funded in the past two biennia?

Yes, see attached.

### Opportunity:

Climate impacts are already affecting Washington’s communities and ecosystems, and scientists note these impacts will continue for decades to come, even with concerted efforts to reduce greenhouse gas emissions. Extreme heat, more severe flooding, drought, wildfires, and smoke are among the impacts due to climate change that have caused preventable deaths, destroyed homes and infrastructure, harmed public health and wellbeing, reduced economic output, and damaged and stressed our natural resources.

State agencies play an important role in helping Washingtonians prepare for and adapt to these changes, which reduces the social, economic, and environmental costs of climate change. The multifaceted nature of climate change impacts requires our state agencies to advance our climate resilience work in a strategic and integrated manner to ensure our collective efforts are having their intended outcomes. Without a governance structure to coordinate across agencies, track and report progress, conduct outreach and engagement, and have the necessary support staff, we risk duplication, conflicting and competing priorities, and not gaining the necessary traction to advance this work at the speed and scale needed to prepare for and adapt to climate change.

Climate change has disproportionate impacts on certain populations and communities who are already overburdened by environmental and social inequities and who face additional barriers to participating in state processes. Therefore, additional resources and different approaches are needed to improve ongoing engagement with these frontline communities on their climate resilience priorities and needs to ensure more equitable outcomes. This funding will also ensure the state can more efficiently and effectively conduct ongoing outreach and engagement with affected communities on their climate resilience priorities and needs.

**Proposed Solution:**

Ecology is proposing to establish an interagency governance structure for coordinating implementation of the state’s newly updated climate resilience strategy through request legislation that will amend Chapter 70A.05 RCW. If agency request legislation is not approved or enacted, a different mechanism will still be necessary to establish a durable governance structure, such as an executive order or memorandum of understanding.

The 10 agencies involved in the climate resilience strategy update process have identified a recommended governance structure, which will consist of:

- An interagency climate resilience coordinating council comprised of agency leaders (10 agencies developing the state strategy), which will set overall direction and priorities for strategy implementation.
- A staff-level Climate Resilience Coordinating Committee comprised of agency lead staff who will coordinate activities on a regular basis.
- A dedicated set of core resilience state agency staff (housed at Ecology) to support strategy implementation, tracking and reporting, and outreach and engagement.
- Consultation and engagement mechanisms that particularly focus on Tribes and on frontline communities, such as hosting climate assemblies, attending existing forums and meetings, and including funding to reduce barriers to engagement.

**Impacts on Population Served:**

This request is expected to help all state residents better cope with the most pressing climate impacts in Washington. It will do so by helping the state agencies deliver more strategic investments and coordinated progress to foster climate resilience in our communities, infrastructure, and natural and working lands. This request will also help the state evaluate how well those investments are translating to improvements in climate resilient outcomes, including reduced social, environmental, and economic costs and avoided future costs.

In addition, this request will help the state build awareness of this work and develop ongoing processes for outreach and engagement on the implementation of the strategy. The strategy has a special focus on prioritizing actions that address the needs of overburdened communities, vulnerable populations, and Tribes across the state to build their resilience to climate impacts. This includes marginalized and underserved communities such as communities of color, Tribes, immigrants, low-income and rural communities, and populations such as people living with disabilities, people experiencing homelessness, people with underlying health disparities, and older and younger people.

By creating a structure for interagency coordination and funding the associated agency outreach and engagement, coordination, tracking, and reporting, the state will be better able to connect with more of these diverse audiences across the state, incorporate their needs and perspectives, and create more equitable outcomes.

**Alternatives Explored:**

Federal funding

With a variety of funding available for climate resilience, we have examined whether federal funds could be used to support this type of work. Unfortunately, the funding available is typically not oriented to this type of foundational and broad interagency coordination. Instead, federal funds are usually targeted toward more specific topics or projects or to ongoing implementation of existing federally supported programs (e.g., the Clean Water State Revolving Fund). Federal funding is neither guaranteed nor sustainable over the long term for the type of continuous interagency coordination recommended in the state climate resilience strategy.

No new funding

We are leveraging existing staff and roles in our interagency team and will continue to do so. However, we have found that this work requires dedicated, new staff to support interagency coordination, tracking and reporting, and outreach and engagement. Without these resources, we will be severely limited in what we can accomplish.

No agency-request legislation

We have also explored other pathways for establishing the governance structure, such as an executive order, directive, or memorandum of understanding. Even if we choose to use one of these alternative pathways for establishing the governance structure, it will still require Ecology to establish new staffing to be able to execute the optimal coordination and implementation of the strategy.

**Consequences of Not Funding This Request:**

We must advance this funding now to take advantage of what will be a timely update to the state’s climate resilience strategy, including establishing the recommended durable governance structure that the legislature requested in RCW 70A.05.020(3).

If we don’t advance funding and the legislation, we will lack the staffing and the mechanism for a coordinated interagency approach to climate resilience and the resources needed to implement the strategy as envisioned. Instead, we will be left to rely on the informal network and good will of agencies to collaborate on implementation. This haphazard and voluntary approach to coordination has been tried previously and, while helpful for subject matter experts within agencies, tends not to produce the type of strategic outputs nor leadership level buy-in necessary for addressing climate impacts more comprehensively.

## Assumptions and Calculations

### **Expansion, Reduction, Elimination or Alteration of a current program or service:**

This request expands Activity A063, Climate Change Mitigation and Adaptation because it provides funding for staff to continue Ecology’s update of the state’s climate resilience strategy. Below is a summary of the 2021-23 and 2023-25 base funding and FTEs for this activity. Administrative Overhead related to this activity is also in the agency’s Administration Activity A002, but is not shown in the totals below.

<b>A063 and Climate Change Mitigation and Adaptation</b>		
	<b>2021-23</b>	<b>2023-25</b>
FTEs Total	85.25	115.75
001-1 General Fund-State	\$28,523,000	\$2,082,000
216-1 Air Pollution Control	\$928,000	\$1,253,000
23P-1 Model Toxics Control Operating - State	\$3,316,000	\$1,320,000
25Q-1 Clean Fuels Program	\$348,000	\$4,702,000
25T-1 Refrigerant Emissions Management	\$0	\$2,828,000
26B-1 Climate Investment	\$6,709,000	\$53,092,000
26C-1 Climate Commitment	\$0	\$1,320,000
<b>TOTAL</b>	<b>\$39,824,000</b>	<b>\$66,597,000</b>

### **Detailed Assumptions and Calculations:**

#### **Governance Structure**

Ecology assumes the interagency coordinating council established in the proposed request legislation will convene approximately four times per year on an ongoing basis. Ecology’s Director, or designee, will be required to participate in these meetings, which will be provided on an in-kind basis. Ecology will provide support staff to oversee administration of the council, schedule meetings and develop agendas, facilitate meetings, research, draft and prepare plans, analyses, and decision documents to support council deliberation, and communicate with council members on all these items. Ecology staff will also need to provide updates to the Legislature and Governor’s office on council efforts and implementation of the strategy through regular briefings and required progress reports and work plans.

Ecology assumes that the recommended governance structure in the state climate resilience strategy that will be published by September 30, 2024, will support and guide the more detailed aspects of implementation that are not specified in this request, where those details are consistent with the broader direction and language in this request. This will include assuming the formation of a staff-level subcommittee, comprised of one representative for each of the named agencies, that will meet on a roughly monthly basis (12 meetings per year, 1-2 hours per meeting) to facilitate more detailed aspects of coordinating and implementing the strategy. Ecology assumes it will provide staff support for this subcommittee, including scheduling meetings, communicating with work group members, developing agendas, facilitating, summarizing outcomes of the meeting, and carrying out analyses and other action items. Ecology further assumes that implementation of several interagency actions contained in the climate resilience strategy will be partially or fully supported by coordination of Ecology staff.

To support the new work described above, beginning July 1, 2025, and ongoing, Ecology requires salaries, benefits, and associated staff costs for 1.0 FTE of an Environmental Planner 5.

#### **Outreach and Engagement Development and Support**

For other named agencies participating in the council and committee, Ecology assumes that agencies with existing staff already focused on climate resilience as part of their duties could leverage those existing resources for the ongoing staff-level coordination under the strategy, while agencies that lack dedicated staff on these topics may require additional resources.

Ecology assumes it will be primarily responsible for outreach and engagement with external stakeholders and governments. We assume this will be an ongoing need through strategy implementation and update cycles to build awareness of the state’s work under the climate resilience strategy, foster dialogue and build relationships, gather input on implementation, identify emerging gaps and needs, and update and adapt priorities to address needs.

Ecology activities will include developing a draft outreach and engagement plan for council deliberation and approval, designing and carrying out outreach and engagement efforts across the state to target audiences (including the range of approaches listed in this request), and working with community-based organizations and other partners to design and implement outreach, particularly for overburdened communities and vulnerable populations.

To complete this work, beginning July 1, 2025, and ongoing, Ecology requires salaries, benefits, and associated staff costs for 1.0 FTE of a Community Outreach and Environmental Education Specialist 4 to focus on fostering mechanisms for engaging and consulting with overburdened communities and Tribes. In addition to this position, Ecology will also require \$75,000 per year, beginning July 1, 2025, to support agreements

with community-based organizations to reduce barriers to participation and host events such as climate assemblies focused on engaging and consulting with overburdened communities and Tribes in the implementation of the climate resilience strategy (shown in Object C).

**Data Tracking and Reporting**

Beginning July 1, 2025, and ongoing, Ecology will require salaries, benefits, and associated staff costs for a 1.0 FTE of a Management Analyst 4 to develop and support agency tracking and reporting required by the statute and reinforced in this request, as well as the broader reporting on implementation of the climate resilience strategy. The draft strategy to be published by September 30, 2024, contains a framework for reporting and metrics, yet more work is needed to operationalize this framework. This will include identifying or developing data sources for reporting on outcome metrics. These metrics are critical to linking performance metrics, which are typically process or output- oriented, to broader climate resilience indicators and goals. These metrics will also aid in evaluating the effectiveness of actions and identifying key remaining gaps.

**Other Agency Costs**

Ecology anticipates some other agencies will have staffing needs related to this effort. These needs will be identified through the fiscal note process associated with the draft agency request legislation. However, an alternative could be to identify funding needed, include that in Ecology’s budget, and execute the necessary resources through interagency agreements with relevant agencies.

**Workforce Assumptions:**

<b>Expenditures by Object</b>		<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>	<b>FY 2030</b>	<b>FY 2031</b>
A	Salaries and Wages	272,886	272,886	272,886	272,886	272,886	272,886
B	Employee Benefits	93,054	93,054	93,054	93,054	93,054	93,054
	Personal Service						
C	Contract	75,000	75,000	75,000	75,000	75,000	75,000
E	Goods and Services	18,144	18,144	18,144	18,144	18,144	18,144
G	Travel	6,615	6,615	6,615	6,615	6,615	6,615
J	Capital Outlays	3,858	3,858	3,858	3,858	3,858	3,858
	Intra-Agency						
T	Reimbursements	109,417	109,417	109,417	109,417	109,417	109,417
	<b>Total Objects</b>	<b>578,974</b>	<b>578,974</b>	<b>578,974</b>	<b>578,974</b>	<b>578,974</b>	<b>578,974</b>

**Staffing**

<b>Job Class</b>	<b>Salary</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>	<b>FY 2030</b>	<b>FY 2031</b>
ENVIRONMENTAL PLANNER 5	105,612	1.00	1.00	1.00	1.00	1.00	1.00
COMM OUTRCH & ENVIRO ED SPEC 4	78,476	1.00	1.00	1.00	1.00	1.00	1.00
MANAGEMENT ANALYST 4	88,798	1.00	1.00	1.00	1.00	1.00	1.00
FISCAL ANALYST 2		0.30	0.30	0.30	0.30	0.30	0.30
IT APP DEVELOPMENT-JOURNEY		0.15	0.15	0.15	0.15	0.15	0.15
	<b>Total FTEs</b>	<b>3.45</b>	<b>3.45</b>	<b>3.45</b>	<b>3.45</b>	<b>3.45</b>	<b>3.45</b>

**Explanation of costs by object:**

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 34.1% of salaries.

Contracts include \$75,000 per year, beginning in fiscal year 2026, ongoing to support contracts with community-based organizations. Goods and Services are the agency average of \$6,048 per direct program FTE.

Travel is the agency average of \$2,205 per direct program FTE.

Equipment is the agency average of \$1,286 per direct program FTE.

Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 29.9% of direct program salaries and benefits and is shown as object T. Agency Administrative Overhead FTEs are included at 0.15 FTE per direct program FTE and are identified as Fiscal Analyst 2 and IT App Development-Journey.

**Historical Funding:**

	<b>FY2026</b>	<b>FY2027</b>
FTE (xx direct FTE)	0.70	0.70
<b>Total Funds</b> (rounded to thousands)	\$248,000	\$232,000
<b>Near General Fund</b> (rounded to thousands)	\$0	\$0
<b>Other Funds</b> (rounded to thousands)	\$248,000	\$232,000



## Strategic and Performance Outcomes

### **Strategic Framework:**

This request is essential to achieving Ecology's Goal 2: Reduce and prepare for climate impacts because it will increase the resilience of communities and ecosystems to climate impacts through agency coordination and implementation of the state's climate resilience strategy.

This request is essential to achieving the following Governor's Results Washington goals:

- Goal 5: Efficient, Effective and Accountable Government because it will aid cross-agency coordination on climate resilience activities to:
  - Improve efficiency of state government efforts.
  - Reduce conflict and duplication among agency efforts.
  - Provide routine evaluation of the efficacy of agency actions.
  - Improve accountability toward shared outcomes for climate resilience through regular reporting on metrics and updates of the climate resilience strategy.
  
- Goal 4: Healthy and Safe Communities because it will aid the implementation of and reporting on a wide range of resilience activities that promote healthier communities and reduce impacts to public health caused by climate impacts.
  
- Goal 3: Sustainable Energy and Clean Environment because it will assist agencies in coordinating and reporting on how to incorporate climate change impacts into the stewardship of our natural resources and environment to sustain them for future generations.

### **Performance Outcomes:**

The primary outcomes of this request will be:

- A durable governance structure that supports an efficient and lasting process to make Washington climate resilient.
- Policies, programs, and decisions are aligned across agencies to support the state's shared vision for climate resilience.
- Communities trust that the Washington state government is preparing for and adapting to climate change.

## Equity Impacts

### **Community Outreach and Engagement:**

During the development of the strategy, Ecology contracted with Front and Centered to assist with gathering early input from climate and social justice organizations representing overburdened communities and vulnerable populations on the strategy. We also held a follow-up conversation that focused on how best to structure ongoing outreach and engagement with overburdened communities and vulnerable populations and the proposed approach to governance.

We held separate Tribal listening sessions, presented at several state and Tribal climate roundtables held by the Governor's Office of Indian Affairs and other Tribal forums, and hosted broader listening sessions. We offered Tribal consultation on the strategy process and plan to offer consultation on the associated agency request legislation. A public comment period on the strategy concluded on July 11, 2024.

This request incorporates the resources needed to carry out some of the recommended outreach and engagement mechanisms heard through these forums, such as hosting climate assemblies and topic-based meetings, supporting community-based organizations as partners, attending and presenting at gatherings hosted by other groups, and providing compensation for those with lived experiences or otherwise addressing participatory barriers (e.g., funding travel).

### **Disproportional Impact Considerations:**

There are no anticipated disproportionate impacts. This request helps support state implementation of the climate resilience strategy, including providing resources needed to foster ongoing outreach and engagement with overburdened communities, vulnerable populations, and Tribes. By implementing the strategy, the state will reduce risks and harms caused by climate impacts, create benefits, and support more equitable outcomes for these communities.

Tribes have significant interests that are threatened by climate impacts. Tribes are undertaking many climate adaptation and resilience actions on their own, and this request does not interfere with Tribally led activities or rights. This request does not have any direct impacts on Tribal rights or interests. The request helps provide resources and a forum for additional state and Tribal coordination, consultation, and engagement on implementation of the state's climate resilience strategy and actions.

### **Target Communities and Populations:**

This request helps the state implement the statewide climate resilience strategy. Broadly, this strategy aims to prioritize actions that address the needs of overburdened communities, vulnerable populations, and Tribes across the state to support building community resilience to climate impacts. This includes marginalized and underserved communities such as communities of color, Tribes, immigrants, low-income and rural communities, and populations such as people living with disabilities, people experiencing homelessness, people with underlying health disparities, and older and younger people.

### **Community Inputs and Incorporation:**

See Community Outreach and Engagement response.

## Other Collateral Connections

### **HEAL Act Agencies Supplemental Questions**

Yes, see attached.

### **Puget Sound Recovery:**

This request supports the 2022-2026 Puget Sound Action Agenda implementation through various Vital Signs, Strategies, Desired Outcomes, and Actions included in the agenda. See attachment C for a complete list of linkages between this request and the agenda.

This request also supports Orca Task Force Recommendations 45. Mitigate the impact of a changing climate by accelerating and increasing action to increase the resiliency and vitality of salmon populations and the ecosystems on which they depend.

### **State Workforce Impacts:**

N/A

### **Intergovernmental:**

Participating state agencies in the recommended governance structure are all supportive of this proposal. This includes the Washington State Departments of: Agriculture, Commerce, Fish and Wildlife, Health, Natural Resources, Transportation, State Conservation Commission, Puget Sound Partnership, and the Emergency Management Division (Military Department).

Other agencies have been consulted on the strategy and have actions included in the climate resilience strategy, including Labor & Industries, Corrections, and State Parks. They may have an interest in formalizing their role within the governance structure, though so far, they have been supportive of the opportunity for informal consultation and coordination.

We anticipate local governments and Tribes will likely be supportive of the state doing more on climate resilience and forming this coordinating group. However, some groups may desire more details or different mechanisms for engagement with or a more formally designated role as part of the proposed governance structure. Additionally, some may be concerned about downstream impacts to future regulations or guidance that stem from actions in the climate resilience strategy.

This budget request is related to actions currently proposed in the draft Washington's Climate Resilience Strategy, which is being developed under Chapter 70A.05 RCW and will be finalized and published by September 30, 2024.

**Stakeholder Impacts:**

While stakeholders may not be directly affected by the establishment of the governance structure that fosters agency coordination, many entities may have interest in engaging in the work being implemented under the climate resilience strategy. Many groups will likely be supportive of the state doing more on climate resilience and forming this coordinating group. However, some groups may desire more details or different mechanisms for engagement with or a more formally designated role as part of the proposed governance structure. Some groups may request additional funding be allocated to further reduce barriers to participation and to increase support available for climate assemblies and other engagement mechanisms.

**State Facilities Impacts:**

N/A

**Changes from Current Law:**

Ecology proposes to establish the governance structure through agency request legislation that amends Chapter 70A.05 RCW (see attached). The changes to the law required include establishing the governance structure, specifying members, roles, and duties of the interagency climate resilience coordinating council, and identifying staffing roles and responsibilities.

**Legal or Administrative Mandates:**

RCW 70A.05.020(3) requires Ecology, in coordination with other partner agencies, to recommend a durable governance structure for coordinating and implementing the state's climate resilience strategy. With our nine state agency partners, we have identified a recommended governance structure that requires core staff housed at Ecology and funding to support capacity for and participation of frontline communities and Tribes. This proposal provides resources to implement this recommended governance structure.

**Governor's Salmon Strategy:**

This request also directly implements the following recommended priority and action in the 2021 Governor's salmon strategy update:

- Strategic Priority: 4. Build climate resiliency
- Action: 4d. Technical capacity for climate resilience

**Reference Documents**

- [Implementing Climate Resilience-HEAL Act Attachment.pdf](#)
- [Implementing Climate Resilience-Historical Funding Attachment B.pdf](#)
- [Implementing Climate Resilience-PS Attachment C.pdf](#)
- [Implementing Climate Resilience-Z Draft Bill Attachment.pdf](#)

**IT Addendum**

***Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?***

No

### Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
Obj. A	\$273	\$273	<b>\$546</b>	\$273	\$273	<b>\$546</b>
Obj. B	\$93	\$93	<b>\$186</b>	\$93	\$93	<b>\$186</b>
Obj. C	\$75	\$75	<b>\$150</b>	\$75	\$75	<b>\$150</b>
Obj. E	\$18	\$18	<b>\$36</b>	\$18	\$18	<b>\$36</b>
Obj. G	\$7	\$7	<b>\$14</b>	\$7	\$7	<b>\$14</b>
Obj. J	\$4	\$4	<b>\$8</b>	\$4	\$4	<b>\$8</b>
Obj. T	\$109	\$109	<b>\$218</b>	\$109	\$109	<b>\$218</b>

### Agency Contact Information

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**BILL REQUEST - CODE REVISER'S OFFICE**

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BILL REQ. #: Z-0020.1/25

ATTY/TYPIST: ML:jlb

BRIEF DESCRIPTION: Implementing the state's integrated climate response strategy through an interagency coordinating council.

1 AN ACT Relating to establishing a durable governance structure  
2 for coordinating implementation of the state's integrated climate  
3 response strategy; and adding new sections to chapter 70A.05 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 70A.05  
6 RCW to read as follows:

7 (1) To implement the recommendations developed under RCW  
8 70A.05.020(3), there is created an interagency climate resilience  
9 coordinating council comprised of the director or director's designee  
10 of the following agencies:

- 11 (a) The department of agriculture;
- 12 (b) The department of commerce;
- 13 (c) The department of ecology;
- 14 (d) The emergency management division;
- 15 (e) The department of fish and wildlife;
- 16 (f) The department of health;
- 17 (g) The department of natural resources;
- 18 (h) The Puget Sound partnership;
- 19 (i) The state conservation commission;
- 20 (j) The department of transportation; and
- 21 (k) The office of financial management.

1 (2) The department of ecology shall provide staff to coordinate  
2 the interagency climate resilience coordinating council's meetings,  
3 coordinate any committees or work groups established, support  
4 tracking and progress reporting, conduct outreach and engagement,  
5 provide updates to the governor's office and key committees of the  
6 state legislature, and assist with implementation of the state's  
7 strategy and future required updates of the strategy developed under  
8 this chapter.

9 (3) The department of ecology may invite other state agencies  
10 with key roles in climate resilience efforts to participate in either  
11 the interagency climate resilience coordinating council, committee,  
12 or work group meetings.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 70A.05  
14 RCW to read as follows:

15 (1) Interagency climate resilience coordinating council  
16 responsibilities include, but are not limited to:

17 (a) Implementing the state's strategy under this chapter,  
18 including:

19 (i) Coordinating state funding requests for climate resilience  
20 activities;

21 (ii) Identifying additional actions to improve Washington's  
22 resilience to climate change impacts;

23 (iii) Providing recommendations to the governor and the state  
24 legislature to address identified policy gaps and emerging needs; and

25 (iv) Reporting on progress and developing additional metrics to  
26 support evaluation;

27 (b) Guiding and supporting the department of ecology in future  
28 updates to the strategy as required in RCW 70A.05.020(4);

29 (c) Developing a robust outreach and engagement plan to support  
30 ongoing input from interested parties on how to improve state agency  
31 actions related to improving climate resilience. The plan must  
32 include engaging with:

33 (i) Community organizers and organizations involved in social and  
34 environmental justice to address climate resilience priorities and  
35 needs in overburdened communities and for vulnerable populations; and

36 (ii) Local and tribal governments to explore opportunities for  
37 coordinating on activities that support climate resilience;



1 (d) Establishing committees or work groups as needed to focus on  
2 specific climate resilience topics or generally support the council;  
3 and

4 (e) Creating advisory committees deemed necessary to inform the  
5 council's duties.

6 (2) With assistance from the interagency climate resilience  
7 coordinating council, the department of ecology shall develop and  
8 provide required work plans and progress reports under RCW  
9 70A.05.020(4).

10 (3) The department of ecology shall conduct ongoing outreach and  
11 engagement on behalf of the interagency climate resilience  
12 coordinating council and implement the engagement plan developed  
13 under subsection (1)(c) of this section. The department of ecology  
14 should explore using approaches such as climate assemblies, topic-  
15 based forums, work groups, and attending relevant meetings and events  
16 hosted by other entities to raise awareness and gather input from key  
17 groups. Throughout this work, the department of ecology shall work to  
18 reduce barriers to participation from tribes, overburdened  
19 communities, and vulnerable populations, including providing  
20 compensation or partnering with community-based organizations, when  
21 appropriate.

--- END ---

**ATTACHMENT B - RELATED BUDGET ITEMS FUNDED IN THE LAST TWO BIENNIA (2023-25, 2021-23)**

Instructions: Enter the following information about any budget items funded over the last two biennia (2021-23 budget, 2022 supplemental budget, 2023-25 budget, 2024 supplemental budget) that is related to your Decision Package for 2025-27.

Biennium	Rec Sum Code/Title	RecSum Description	Fund Source	Duration	Amount
2023-25	CRS1-Climate Change Response Straegy	Funding is provided for Engrossed Second Substitute House Bill 1170 (Climate response strategy), which directs Ecology to update the statewide Climate Change Response Strategy in coordination with multiple other state agencies.	26D-1	Custom	\$ 1,123,000

## Attachment C

### Linkages to the Puget Sound Action Agenda

This attachment provides additional supporting details for the following decision package (DP) as it relates to the Puget Sound 2022-2026 Action Agenda implementation.

**DP Title:** Implementing Climate Resilience

#### Vital Signs

- Freshwater
- Marine Water
- Streams and Floodplains
- Beaches and Marine Vegetation
- Good Governance

#### Strategies

- 20. Climate Adaptation and Resilience
- 23. Transparent and Inclusive Governance
- B. Promote strategic leadership and collaboration to support Puget Sound recovery.

#### Desired Outcomes

- 4.1.1 Better understand and communicate the effects of climate change on Puget Sound.
- 4.3.1. Increase the resilience of the Puget Sound ecosystem and recovery efforts by adapting to changing climate and ocean conditions when conducting protection and restoration activities.

#### Actions

- 137. Implement multi-benefit projects and programs that synergistically advance Puget Sound recovery goals and reduce greenhouse gas emissions, increase greenhouse gas sequestration in Puget Sound ecosystems, increase climate adaptation, and promote climate resilience.
- 147. Increase legislative support to accelerate funding and implementation of projects, programs, and initiatives that reduce emissions and decrease the vulnerability of Puget Sound to changing climate and ocean conditions.
- 149. Increase availability of data, tools, and training, and increase the technical capacity of partners in the recovery community, to reduce the magnitude of and vulnerability to climate change, and advance adaptation of the Puget Sound socio-ecological system.
- 150. Ensure that vulnerable populations and underserved communities are welcomed and engaged as full partners and support the priorities identified by communities when working to decrease the magnitude of climate change, advance climate change adaptation, and increase resilience to climate change.
- 171. Ensure that tribal nations' treaty and sovereign rights are honored when working to decrease the magnitude of climate change, advance climate change adaptation, and increase resilience to climate change.

#### Orca Task Force Recommendations

- 45. Mitigate the impact of a changing climate by accelerating and increasing action to increase the resiliency and vitality of salmon populations and the ecosystems on which they depend.

# 2025-27 Biennial Budget HEAL Act Template

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## Background

### HEAL Act requirements

The Healthy Environment for All Act (HEAL Act), Chapter 314, Laws of 2021 (RCW [70A.02](#)) requires that “covered and opt in agencies” must implement the requirements of the HEAL Act. This includes the:

- Department of Ecology
- Department of Agriculture
- Department of Commerce
- Department of Health
- Department of Natural Resources
- Department of Transportation
- Puget Sound Partnership
- Office of the Attorney General

HEAL Act agencies that are considering a significant agency action initiated after July 1, 2023, are required to conduct an environmental justice assessment. RCW [70A.02.010](#)(12) specifies that significant agency actions include:

- The development and adoption of significant legislative rules as defined in RCW [34.05.328](#).
- The development and adoption of any new grant or loan program that the agency is explicitly authorized or required by statute to implement.
- A capital project, grant, or loan award costing at least \$12,000,000.
- A transportation project, grant, or loan costing at least \$15,000,000.
- The submission of agency request legislation to the Office of the Governor or OFM.

Under RCW [70A.02.080](#), beginning on or before July 1, 2023, covered and opt in agencies must, where practicable, take specific actions when making expenditure decisions or developing budget requests to OFM and the Legislature for programs that address or may cause environmental harms or provide environmental benefits. This includes:

- Focus applicable expenditures on creating environmental benefits that are experienced by overburdened communities and vulnerable populations, including reducing or eliminating environmental harms, creating community and population resilience, and improving the quality of life of overburdened communities and vulnerable populations.
- Create opportunities for overburdened communities and vulnerable populations to meaningfully participate in agency expenditure decisions.
- Clearly articulate environmental justice goals and performance metrics to communicate the basis for agency expenditures.
- Establish a goal of directing 40% of grants and expenditures that create environmental benefits to vulnerable populations overburdened communities.

To help OFM understand how HEAL Act agency budget requests meet HEAL Act requirements, covered agencies are required to complete additional questions related to the HEAL Act. These questions are shown below and are in addition to the equity related questions required of all agencies. Covered agencies are asked to complete the following questions and submit them through ABS.

#### HEAL Act questions

If you answer YES to any of these bullet points, please answer the six additional questions and submit them as an attachment through ABS.

- Is this decision package part of an agency request legislation that is required to complete an environmental justice assessment (RCW [70A.02.010\(12\)](#))?

Yes

No

- Is this decision package requesting funding to support another significant agency action that is required to complete an environmental justice assessment (RCW [70A.02.010\(12\)](#))?

Yes

No

- Is this decision package requesting funding for a program/project/activity that may **provide environmental benefits or reduce, mitigate, or eliminate environmental harms**, (that is not a significant agency action)? Note: This may include decision packages for programs not purposely directed to provide environmental benefits but may have an indirect or unintentional impact.

Yes

No

**If you answer YES to any of the above bullet points, please complete these additional questions.**

1. Please describe specific likely or probable environmental harms and/or benefits related to your decision package and the associated health impacts to overburdened communities and vulnerable populations.

This request helps support state implementation of the climate resilience strategy, including providing resources needed to foster ongoing outreach and engagement with overburdened communities, vulnerable populations and tribes. The strategy aims to prioritize state actions that address needs of overburdened communities, vulnerable populations and tribes across the state to build their resilience to climate impacts. By implementing the strategy, the state will reduce risks and harms caused by climate impacts, create benefits and support more equitable outcomes for these communities.

2. Please describe the estimated percentage and amount of the requested funds that will go towards creating environmental benefits in overburdened communities and vulnerable populations as defined in OFM's the [OBC map](#) or as determined by the agency. If applicable, please include your methodology for making this estimate, including project/award lists if available.

Not Applicable for proposed staffing in this package. It's not possible to estimate how staff resources and time in this package that will result in creating environmental benefits in overburdened communities and vulnerable populations. However, staff funding proposed in this package will support overall implementation of the climate resilience strategy, which targets creating more benefits for overburdened communities and vulnerable populations by helping support greater resilience to climate impacts. The requested staff funding will help support implementation of the strategy and particularly, ongoing engagement with overburdened communities and vulnerable populations to assist in building awareness of the state's strategy, identifying their priorities and needs and creating mechanisms for feedback and dialogue about how best to meet those needs.

100% of the proposed \$150,000 in contracts will benefit overburdened communities and vulnerable populations, as it will support their ongoing involvement in implementation of the state's climate resilience strategy. This funding will go to community-based organizations that work with these groups or be provided as direct funding to reduce their barriers to participation.

3. Please describe any potential significant impacts to Indian Tribes' rights and interest in their tribal lands, as well as traditional practices.

Tribes have significant interests that are threatened by climate impacts. Tribes are undertaking many climate adaptation and resilience actions on their own and this request does not interfere with tribally-led activities or rights. The request helps provide resources and a forum for additional state-tribal coordination, consultation, and engagement on implementation of the state's climate resilience strategy and actions.

4. Describe how your agency engaged with Tribes in developing this proposal, including offers for tribal consultation including timelines, methods for feedback, and mechanisms for Tribes to express concern, opposition, or support., and any direction provided by Tribes through this engagement.

We held separate tribal listening sessions, presented at several state-tribal climate roundtables held by the Governor's Office of Indian Affairs and other tribal forums, and hosted broader listening sessions. We offered tribal consultation on the strategy process. We plan to offer consultation on the associated agency request legislation. A public comment period on the strategy wrapped up on July 11, 2024. Additional feedback as part of the comment period will assist with any final revisions to this request.

If the decision package is part of agency request legislation or supports another significant agency action that is required to complete an environmental justice assessment under [RCW 70A.02.010](#)(12), please submit the assessment as an attachment in ABS.

Agency Request Legislation -- See attachment.

5. If the decision package is part of agency request legislation or constitutes a significant agency action that is required to complete an environmental justice assessment, please describe how your agency used the environmental justice assessment process to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits. If your agency determined that you were unable to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits, please provide a justification for not doing so.

The environmental justice assessment process was used to evaluate environmental harms and benefits of the proposed agency request legislation. We did not identify any additional environmental harms resulting from the proposal. We identified benefits for improving outreach and engagement and targeted these resources toward reducing barriers for communities with environmental justice concerns.





## Agency Recommendation Summary

The Clean Fuel Standard, passed in 2021 (E3SHB 1091), requires fuel suppliers to gradually reduce the carbon intensity of their products 20% below 2017 levels by 2038. As part of implementing this law, Ecology developed the Washington Fuels Reporting System, an online market platform that allows regulated entities to register for the new program, report fuel transactions, calculate the credits and deficits generated by these transactions, and trade credits to achieve compliance. However, the system that went live in January 2023 was based on aging technology from California that needed to be replaced, and, in 2023, the Legislature provided funding for a three-year period for Ecology to collaborate with the state of California in co-developing market platforms for each state. Unfortunately, California was delayed in starting the project, and therefore, Ecology is requesting that the funding appropriated for the 2023-25 biennium, which will go unspent, be appropriated again for fiscal years 2027 and 2028 so that Ecology has the resources needed to complete the project once reinitiated by California by summer 2025. (Clean Fuels Program Account)

## Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
<b>Staffing</b>						
FTEs	0.8	0.8	0.8	0.8	0.0	0.4
<b>Operating Expenditures</b>						
Fund 25Q - 1	\$158	\$1,158	\$1,316	\$1,158	\$0	\$1,158
Total Expenditures	\$158	\$1,158	\$1,316	\$1,158	\$0	\$1,158

## Decision Package Description

### Background:

Transportation is by far the largest source of greenhouse gas (GHG) emissions in Washington, accounting for almost 40% of total emissions, with almost half of those emissions coming from personal cars and trucks. Reducing the carbon intensity of the fuels that power those vehicles is an important step in cutting Washington’s statewide GHG emissions and other types of air pollution.

The Clean Fuel Standard, passed by the Legislature in 2021 (E3SHB 1091), does just that – requiring fuel suppliers to gradually reduce the carbon intensity of their products to 20% below 2017 levels by 2038. This is expected to cut statewide GHG emissions by 4.3 million metric tons per year by 2038, while stimulating economic development through new investments in clean fuel technology and production. There are several ways for fuel suppliers to achieve these reductions, including:

- Improving the efficiency of their fuel production processes.
- Producing and/or blending low-carbon biofuels into the fuel they sell.
- Purchasing credits generated by low-carbon fuel providers, including electric vehicle charging providers.

As statutorily required under Chapter 70A.535 RCW, prior to January 1, 2023, Ecology adopted rules to establish the Clean Fuels Standard (CFS) Program. California, Oregon, and British Columbia have also already adopted their own clean fuel standards. In Washington, the CFS Program works beside the Climate Commitment Act to target the largest source of emissions in Washington. For more information of the CFS Program, please visit: <https://ecology.wa.gov/AirClimate/Climatechange/Reducinggreenhousegases/CleanFuelStandard>.

### Washington Fuels Reporting System

As part of implementing the CFS Program, Ecology assigns and tracks tradable and bankable compliance obligations and credits to participants. In each year of the program, Ecology sets a carbon intensity standard, and anyone selling a fuel with a carbon intensity above that threshold generates deficits (called “compliance obligations”), while anyone selling a fuel with a carbon intensity below the standard generates credits. At the end of the year, deficit holders need to zero out their accounts by acquiring and retiring credits.

Producers and importers of transportation fuels, along with entities looking to generate credits for selling low carbon fuels, are required to register with Ecology. Therefore, the ability to provide a secure registration, reporting, and credit exchange platform is a key requirement of the CFS Program.

To meet this need, Ecology developed the Washington Fuels Reporting System (WFRS), which allows regulated entities to:

- Register for the program.
- Report fuel transactions.
- Calculate the credits and deficits generated by these transactions.
- Trade credits to achieve compliance.

To meet the January 1, 2023, legislative deadline to implement the CFS Program, Ecology adopted and modified source code provided by

CARB for their Low Carbon Fuel Standard (LCFS) Data Management System (LDMS) to implement the initial version of the Washington Fuels Reporting System (WFRS). While effective to stand up Washington's CFS, Ecology was aware the source code for CARB's current system would need to be replaced.

CARB's current LDMS, initially designed in 2010, is unable to support California's growing program which has increased from 78 registered users in 2001 to 602 in 2020. The original system was not designed to integrate complex reporting features, nor accommodate the current amount of data and number of users. Certain functions must be handled manually which increases operating costs and risk of error. Over the next five years, it will become increasingly difficult to update, maintain, and secure the system, increase the risk and cost of its continued use.

CARB's LDMS, like Washington's WFRS, must be capable of growing and expanding over the coming decade as additional low carbon fuels are developed and scaled up. This means that these systems need to be able to add additional program participants, accommodate more complex credit generation mechanisms, track and monitor a growing number of market trades, and protect against new and evolving security risks.

To address these needs, in 2022, the California Legislature funded a \$5.5 million budget request from CARB to support the development of a new LDMS market platform. CARB planned to contract for new market platform development starting in mid2023 and proposed a membership model to allow multiple states to share ongoing operational costs. This approach would allow multiple jurisdictions to leverage the same or similar services for their own programs, while helping to achieve broader GHG reduction goals. Under the membership model, California will:

- Fund development of a new system that can accommodate the necessary expansions and more efficiently meet the needs of its LCFS program.
- Invite other states to build their systems on the same platform, sharing any features common to California's program, and separately funding any state specific features needed. Washington has already agreed to participate.
- Share costs for ongoing maintenance, resulting in lower operational costs for members.

**Is this request related to any budget items funded in the past two biennia?**

Yes, see attached.

**Problem and Proposed Solution:**

To take advantage of this opportunity, the 2023 Legislature provided funding over a three-year period (fiscal years 2024 through 2026) for Ecology to contract with the service provider selected by California to develop and host the next generation of the WFRS market platform. Participating in the shared development of our systems would save Washington money compared to developing our own standalone platform and would allow for faster system implementation.

Unfortunately, CARB experienced delays in procuring a contractor, which has shifted the project timeline by two years. However, CARB resecured its funding for the project from the California Legislature in June 2024, and is now back on track to reinstate the project by summer 2025.

Ecology's funding in the 2023-25 biennium for this project is currently in unallotted status, as work can't begin until a contractor is selected by California. The funding that Ecology requested for fiscal 2026 as part of its 2023-25 decision package (\$500,000) is included at carryforward-level (CFL) for 2025-27, so we will be able to begin the work on this project once reinstated by CARB, but will need the funding that has/will go unspent this biennium to be appropriated again in fiscal years 2027 and 2028 to complete the project.

Once a contractor has been selected, CARB's planned membership model approach will allow multiple jurisdictions to leverage the same or similar services for their own programs, while helping to achieve GHG reduction goals. And this request will ensure that Ecology can participate, as originally planned and supported by the Legislature, in the shared development of our systems, which will save Washington money, compared to developing our own standalone platform and allow for faster system implementation.

**Impacts on Population Served:**

The CFS is one of Washington's key policies reducing our GHG emissions to levels required by state law. These reductions are necessary to avoid the worst impacts of climate change, including increased frequency and severity of wildfire, drought, extreme weather, and flooding. The CFS will also lower the cost of transportation in the long term because many alternative fuels are cheaper than fossil fuels, and having a wider range of fuel choices makes consumers less vulnerable to oil price spikes. Having a modern, efficient market platform to support the CFS Program will ensure that the program will be effective and cost-efficient in achieving these outcomes, which will benefit all Washingtonians.

**Alternatives Explored:**

We explored developing a new market platform independent of other states. However, this alternative is not preferred because it would be more expensive than a cost-sharing partnership with other states that have or will have CFS-related programs. Additionally, developing our own market platform would take longer to implement and we would not be contributing to lowering barriers for other states to establish similar

programs.

**Consequences of Not Funding This Request:**

If this request is not funded, we would not be able to codevelop our new WFRS system alongside California and Oregon. Instead, we would be faced with an outdated platform and the full cost of replacement in a future biennium. It is important to build and maintain robust technology to support the CFS Program.

Additionally, the cost of maintaining an aging system is expected to be comparable to or greater than the cost of codeveloping the new one with other jurisdictions. By choosing to forgo the opportunity to leverage the LDMS system with CARB, Washington would be duplicating processes and requirements, and incurring costs otherwise avoided if shared with other programs.

## Assumptions and Calculations

***Expansion, Reduction, Elimination or Alteration of a current program or service:***

This request does not expand or alter a current program or service beyond what the Legislature already approved and funded in the 2023-25 enacted operating budget. This request simply seeks to appropriate the funding that will go unspent this biennium again in fiscal years 2027 and 2028 so that the original project can be completed, once it is reinitiated by CARB in summer 2025.

***Detailed Assumptions and Calculations:***

For fiscal years 2027 and 2028, Ecology requires a total of \$2 million to contract with the service provider selected by CARB to support the development of a cloud-based platform service to replace the WFRS, an IT tool currently in development to support the Washington CFS Program.

Ecology cost estimates for development of the platform are based on discussions with CARB, ODEQ, and a contractor capable of building a system with the required capabilities. Below is the estimated cost breakdown by fiscal year:

- \$500,000 in fiscal year 2026 (already included in 2025-27 CFL)
- \$1,000,000 in fiscal year 2027
- \$1,000,000 in fiscal year 2028

Beginning July 1, 2025, through June 30, 2028, Ecology also requires salaries, benefits, and associated staff costs for 0.7 FTE IT App Developer Senior Specialist to manage the project, test the system during development, and migrate the data from the current market platform to the new platform when it is ready to go live. Please note, while the \$500,000 in contractor costs for fiscal year 2026 were included at CFL for 2025-27, the associated costs for staff in fiscal year 2026 were not, and therefore are included in this request.

Please note, ongoing maintenance costs for the new system are indeterminate at this time, as they will be based on the contractor selected by CARB, and the number of states participating in the membership model. Should the ongoing maintenance and operation costs for the new system exceed the ongoing funding level established for this work by 2027-29 CFL, Ecology may need to submit future maintenance level (ML) budget requests to ensure we can effectively maintain the new market platform into the future.

For fiscal years 2027 and 2028, Ecology requires a total of \$2 million to contract with the service provider selected by CARB to support the development of a cloud-based platform service to replace the WFRS, an IT tool currently in development to support the Washington CFS Program.

**Workforce Assumptions:**

<b>Expenditures by Object</b>		<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>	<b>FY 2030</b>	<b>FY 2031</b>
A	Salaries and Wages	86,850	86,850	86,850			
B	Employee Benefits	29,616	29,616	29,616			
C	Personal Service Contract		1,000,000	1,000,000			
E	Goods and Services	4,234	4,234	4,234			
G	Travel	1,544	1,544	1,544			
J	Capital Outlays	900	900	900			
T	Intra-Agency Reimbursements	34,823	34,823	34,823			
<b>Total Objects</b>		<b>157,967</b>	<b>1,157,967</b>	<b>1,157,967</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Staffing**

<b>Job Class</b>	<b>Salary</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>	<b>FY 2030</b>	<b>FY 2031</b>
IT APP DEVELOPMENT-SR/SPEC	124,071	0.70	0.70	0.70			
FISCAL ANALYST 2		0.07	0.07	0.07			
IT APP DEVELOPMENT-JOURNEY		0.04	0.04	0.04			
<b>Total FTEs</b>		<b>0.81</b>	<b>0.81</b>	<b>0.81</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**Explanation of costs by object:**

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 34.1% of salaries.

Personal Service Contract costs are \$1,000,000 in fiscal year 2027, and \$1,000,000 in fiscal year 2028 for support developing a cloud-based platform.

Goods and Services are the agency average of \$6,048 per direct program FTE.

Travel is the agency average of \$2,205 per direct program FTE.

Equipment is the agency average of \$1,286 per direct program FTE.

Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 29.9% of direct program salaries and benefits, and is shown as object T. Agency Administrative Overhead FTEs are included at 0.15 FTE per direct program FTE, and are identified as Fiscal Analyst 2 and IT App Development-Journey.

**Historical Funding:**

	<b>FY2026</b>	<b>FY2027</b>
<b>FTE</b> (xx direct FTE)	0.0	0.0
<b>Total Funds</b> (rounded to thousands)	\$500,000	\$0
<b>Near General Fund</b> (rounded to thousands)	\$0	\$0
<b>Other Funds</b> (rounded to thousands)	\$0	\$0

Administrative Overhead related to this program or service is in the agency's Administration Activity A002, but is not shown in the totals above.

## Strategic and Performance Outcomes

### **Strategic Framework:**

This request is essential to achieving the following Governor's Results Washington goals:

- Goal 3: Sustainable Energy and a Clean Environment because it will support the effective and efficient operation of the Clean Fuel Standard, which is critical to meeting our GHG emission limits.
- Goal 5: Efficient, Effective, and Accountable Government because it will:
  - Lower operation and maintenance costs compared to the current market platform.
  - Reduce paperwork burden.
  - Coordinate requirements with similar programs in other states.

This request is essential to achieving the following Ecology goals:

- Goal 1: Support and Engage our Communities, Customers, and Employees because it will provide an updated, improved, and more secure market platform. Participants in the Clean Fuel Standard Program will reduce their paperwork burden, and lower their operation and maintenance costs. Many of these entities are building economic opportunity in Washington while decarbonizing the economy by expanding our supply of low carbon fuels.
- Goal 2: Reduce and Prepare for Climate Impacts because it will provide a stable, secure market platform, which is central to Ecology's ability to carry out the Clean Fuel Standard. This is a key policy to achieving Washington's GHG emission reduction requirements; and is predicted to reduce emissions by 4.3 million metric tons per year by 2038.
- Goal 3: Prevent and Reduce Toxic Threats and Pollution because it will help ensure that the Clean Fuel Standard lowers emissions from transportation, which is the largest source of greenhouse gases in Washington. It will also reduce vehicle emissions of criteria and toxic air pollutants. This will benefit all Washingtonians, especially those in overburdened communities near major roadways, ports, and industrial centers.

Additionally, this request supports the following Enterprise Technology Strategic Plan;

- Goal 1: "Efficient and Effective Government". It promotes the efficient use of state resources. It increases the degree of harmonization between Clean Fuels reporting tools in California, Oregon, and Washington, adhering to legislative guidance to harmonize Washington's Clean Fuel Standard with programs in other states and improving the customer experience for entities that participate in multiple programs.
- Goal 5 of the Enterprise Technology Strategic Plan, "Security and Privacy." It improves the security and privacy of user data, including confidential business information.

### **Performance Outcomes:**

The outcome of this request will be an updated, more secure tool designed to meet the initial needs of the Washington CFS Program and future expansions and additions. If this request is funded, the market platform that will go live on January 1, 2023, will be retired. The new platform will provide the same services as this platform, but with greater security, ease of use, and efficiency. Increased maintenance costs and security risks that will exist in the initial platform will be eliminated.

## Equity Impacts

### **Community Outreach and Engagement:**

Community engagement and outreach was done for the initial budget request, but Ecology has not solicited input from the community on California's delayed implementation and how that affects Washington. Engagement will begin again once the contractor is selected.

### **Disproportional Impact Considerations:**

A key benefit of the CFS to many Washingtonians will be reduced fuel costs when they switch to transportation technologies (such as electric vehicles) that do not rely on fossil fuels. However, these benefits will only be available to those who have the means to switch. The benefits will be less accessible to lower income drivers.

The CFS may result in construction and expansion of fuel production and other industrial facilities in Washington, which could lead to increased emissions in nearby communities. Although these activities would be caused by the underlying policy and not by the market platform itself, their impacts are important to avoid or mitigate. The Low Carbon Energy Project Siting Improvement Study (<https://apps.ecology.wa.gov/publications/documents/2206013.pdf>) (required by the same bill that created the CFS) and related activities is an effort to minimize the negative impacts of clean energy facilities in Washington (including alternative fuel producers). This study recommended improvements to the siting process for facilities that minimize negative impacts and unintended consequences.

A key benefit of the CFS to many Washingtonians will be reduced fuel costs when they switch to transportation technologies (such as electric vehicles) that do not rely on fossil fuels. However, these benefits will only be available to those who have the means to switch. The benefits will be less accessible to lower income drivers.

### **Target Communities and Populations:**

A stable, secure market platform is central to Ecology's ability to carry out the CFS Program, which will lower emissions from Washington's largest source of greenhouse gases: transportation. This will also reduce vehicle emissions of criteria and toxic air pollutants. Lowering air pollution will benefit all Washingtonians, especially those in overburdened communities near major roadways, ports, and industrial centers.

The CFS has multiple provisions designed to improve access to low carbon transportation in overburdened communities. Ecology's ability to implement these provisions may be enhanced by new features in the new market platform. For example, the new platform may allow better tracking of electric utilities' required investments in transportation electrification in overburdened communities. It may also allow better tracking of where electric vehicle charging credits are being generated, which could help identify underserved areas where charging infrastructure is needed.

### **Community Inputs and Incorporation:**

See Community Outreach and Engagement response.

## Other Collateral Connections

### **HEAL Act Agencies Supplemental Questions**

Yes, see attached.

### **Puget Sound Recovery:**

N/A

### **State Workforce Impacts:**

N/A

### **Intergovernmental:**

This project will positively impact all CFS Program participants, which may include Tribal, regional, county, city governments, and state agencies. All of these participants will be eligible to generate credits for fueling electric fleet vehicles. The new platform will be easier to use and better meet users' needs. Users are likely to support this request.

The project will have a positive impact on the Department of Commerce, which uses CFS data to produce an annual fuel supply forecast. Ecology will ask the Department of Commerce to provide input into platform development, and they are likely to support this request.

This project will impact the California Air Resources Board, a partner with Washington in developing the new platform. It will also impact Oregon Department of Environmental Quality, if Oregon decides to join the partnership. Ecology already has memoranda of understanding with these agencies covering collaboration and information sharing related to CFS programs. Ecology will complete new agreements as needed to support this project. Both states support this request.

### **Stakeholder Impacts:**

The primary stakeholders affected by this request will be fuel suppliers (including electric vehicle charging) participating in the CFS Program. We expect the new market platform to have a positive impact. We expect the new platform to be easier to use and better meet the needs of both staff and program participants. It will be easier to add new features and will provide better data security. The new platform will have the potential to be more integrated with California's and Oregon's low-carbon fuels programs, which could eliminate duplicate data entry and lower the compliance burden for entities participating in multiple states' programs. Users will need to learn the new platform, and the cost to implement will increase the CFS Program fee. We plan to develop educational materials in multiple formats (e.g., user's guide, information sheets, and webinars) to help users navigate the transition.

### **State Facilities Impacts:**

N/A

### **Changes from Current Law:**

N/A

### **Legal or Administrative Mandates:**

N/A

### **Governor's Salmon Strategy:**

N/A

## Reference Documents

- [Washington Fuel Report System-HEAL Act Attachment.pdf](#)
- [Washington Fuel Report System-Historical Funding Attachment.pdf](#)
- [Washington Fuel Report System-IT Addendum Attachment.docx](#)



### IT Addendum

**Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?**

Yes

### Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
Obj. A	\$87	\$87	<b>\$174</b>	\$87	\$0	<b>\$87</b>
Obj. B	\$30	\$30	<b>\$60</b>	\$30	\$0	<b>\$30</b>
Obj. C	\$0	\$1,000	<b>\$1,000</b>	\$1,000	\$0	<b>\$1,000</b>
Obj. E	\$4	\$4	<b>\$8</b>	\$4	\$0	<b>\$4</b>
Obj. G	\$2	\$2	<b>\$4</b>	\$2	\$0	<b>\$2</b>
Obj. J	\$1	\$1	<b>\$2</b>	\$1	\$0	<b>\$1</b>
Obj. T	\$34	\$34	<b>\$68</b>	\$34	\$0	<b>\$34</b>

### Agency Contact Information

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**ATTACHMENT A - RELATED BUDGET ITEMS FUNDED IN THE LAST TWO BIENNIA (2023-25, 2021-23)**

Instructions: Enter the following information about any budget items funded over the last two biennia (2021-23 budget, 2022 supplemental budget, 2023-25 budget, 2024 supplemental budget) that is related to your Decision Package for 2025-27.

Biennium	Rec Sum Code/Title	RecSum Description	Fund Source	Duration	Amount
2023 -25	PI - Washington Fuel Reporting System	To implement the Clean Fuel Standard, Chapter 317, Laws of 2021 (E3SHB 1091), Ecology is developing the Washington Fuel Reporting System, an online market platform that will allow regulated entities to register for the program, report fuel transactions, calculate the credits and deficits generated by these transactions, and trade credits to achieve compliance. Funding is provided over the next three years to collaborate with the state of California in co-developing a new market platform. (Clean Fuels Program Account)	25Q	Custom	1,796,000

# 2025-27 Biennial Budget HEAL Act Template

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## Background

### HEAL Act requirements

The Healthy Environment for All Act (HEAL Act), Chapter 314, Laws of 2021 (RCW [70A.02](#)) requires that “covered and opt in agencies” must implement the requirements of the HEAL Act. This includes the:

- Department of Ecology
- Department of Agriculture
- Department of Commerce
- Department of Health
- Department of Natural Resources
- Department of Transportation
- Puget Sound Partnership
- Office of the Attorney General

HEAL Act agencies that are considering a significant agency action initiated after July 1, 2023, are required to conduct an environmental justice assessment. RCW [70A.02.010](#)(12) specifies that significant agency actions include:

- The development and adoption of significant legislative rules as defined in RCW [34.05.328](#).
- The development and adoption of any new grant or loan program that the agency is explicitly authorized or required by statute to implement.
- A capital project, grant, or loan award costing at least \$12,000,000.
- A transportation project, grant, or loan costing at least \$15,000,000.
- The submission of agency request legislation to the Office of the Governor or OFM.

Under RCW [70A.02.080](#), beginning on or before July 1, 2023, covered and opt in agencies must, where practicable, take specific actions when making expenditure decisions or developing budget requests to OFM and the Legislature for programs that address or may cause environmental harms or provide environmental benefits. This includes:

- Focus applicable expenditures on creating environmental benefits that are experienced by overburdened communities and vulnerable populations, including reducing or eliminating environmental harms, creating community and population resilience, and improving the quality of life of overburdened communities and vulnerable populations.
- Create opportunities for overburdened communities and vulnerable populations to meaningfully participate in agency expenditure decisions.
- Clearly articulate environmental justice goals and performance metrics to communicate the basis for agency expenditures.
- Establish a goal of directing 40% of grants and expenditures that create environmental benefits to vulnerable populations overburdened communities.

To help OFM understand how HEAL Act agency budget requests meet HEAL Act requirements, covered agencies are required to complete additional questions related to the HEAL Act. These questions are shown below and are in addition to the equity related questions required of all agencies. Covered agencies are asked to complete the following questions and submit them through ABS.

#### HEAL Act questions

If you answer YES to any of these bullet points, please answer the six additional questions and submit them as an attachment through ABS.

- Is this decision package part of an agency request legislation that is required to complete an environmental justice assessment (RCW [70A.02.010\(12\)](#))?

Yes

No

- Is this decision package requesting funding to support another significant agency action that is required to complete an environmental justice assessment (RCW [70A.02.010\(12\)](#))?

Yes

No

- Is this decision package requesting funding for a program/project/activity that may **provide environmental benefits or reduce, mitigate, or eliminate environmental harms**, (that is not a significant agency action)? Note: This may include decision packages for programs not purposely directed to provide environmental benefits but may have an indirect or unintentional impact.

Yes

No

**If you answer YES to any of the above bullet points, please complete these additional questions.**

1. Please describe specific likely or probable environmental harms and/or benefits related to your decision package and the associated health impacts to overburdened communities and vulnerable populations.

A stable, secure market platform is central to Ecology's ability to carry out the CFS Program, which will lower emissions from Washington's largest source of greenhouse gases: transportation. This will also reduce vehicle emissions of criteria and toxic air pollutants. Lowering air pollution will benefit all Washingtonians, especially those in overburdened communities near major roadways, ports, and industrial centers.

A key benefit of the CFS to many Washingtonians will be reduced fuel costs when they switch to transportation technologies (such as electric vehicles) that do not rely on fossil fuels.

However, certain benefits, such as electrification, will only be available to those who have the means to switch. The benefits will be less accessible to lower income drivers. Liquid fuels with lower carbon intensities, such as ethanol and renewable diesel, will reduce greenhouse gas emissions until full electrification is possible.

The CFS may result in construction and expansion of fuel production and other industrial facilities in Washington, which could lead to increased emissions in nearby communities. Although these activities would be caused by the underlying policy and not by the market platform itself, their impacts are important to avoid or mitigate.

2. Please describe the estimated percentage and amount of the requested funds that will go towards creating environmental benefits in overburdened communities and vulnerable populations as defined in OFM's the [OBC map](#) or as determined by the agency. If applicable, please include your methodology for making this estimate, including project/award lists if available.

As this request will fund an updated reporting system designed to reduce transportation-fuel based greenhouse gas emissions across Washington State and in other participatory states (e.g. CA), all funds would indirectly go towards creating environmental benefits in overburdened communities. However, for this type of agency activity, Ecology does not currently have data or a methodology to estimate what percentage of funds would create environmental benefits in overburdened communities.

3. Please describe any potential significant impacts to Indian Tribes' rights and interest in their tribal lands, as well as traditional practices.

Because this proposal is of limited design, to reappropriate currently approved funds, to maintain a technologically up-to-date platform, we expect no impacts to Indian Tribes from this request. Maintaining a technologically up-to-date reporting platform with reduced operational costs and therefore reduce the fees associated with program implementation, including any Tribal entities choosing to participate in the Clean Fuel Standard marketplace.

4. Describe how your agency engaged with Tribes in developing this proposal, including offers for tribal consultation including timelines, methods for feedback, and mechanisms for Tribes to express concern, opposition, or support., and any direction provided by Tribes through this engagement.

Because this a request to reappropriate already approved funds, no Tribal impacts are anticipated or identified, and consultation was not offered.

5. If the decision package is part of agency request legislation or supports another significant agency action that is required to complete an environmental justice assessment under RCW [70A.02.010](#)(12), please submit the assessment as an attachment in ABS.

N/A

6. If the decision package is part of agency request legislation or constitutes a significant agency action that is required to complete an environmental justice assessment, please describe how your agency used the environmental justice assessment process to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits. If your agency determined that you were unable to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits, please provide a justification for not doing so.

N/A

# 2025-27 IT ADDENDUM

## Only use this addendum if your decision package includes IT costs

### Part 1: Itemized IT costs

Complete the **25-27 IT Fiscal Estimate Workbook** imbedded below. This workbook will identify the IT portion of the decision package.

In the workbook, agencies must itemize all IT-related costs, including hardware, software, services (including cloud-based services), contracts (including professional services, quality assurance, and independent verification and validation), or IT staff as required in ESSB 5693 Sec. 150(4)(a)(i-ix).

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2025-27PrioritizationWorksheetIT.xlsx #

### Part 2: Questions about facial recognition and supporting the reuse of existing state resources

- A. Will this investment renew or procure a facial recognition service?  Yes  No
- B. Does this investment provide for acquisition of, or enhancement to, an administrative or financial system as required by technology policy EA- 122 - administrative and financial system investment approval ?  Yes  No

[Technology Policy EA-122 – Administrative and Financial System Investment Approval](#)

- D. For DCYF, DOH, DSHS, HCA and the Washington Health Benefit Exchange only: Has this project been screened for inclusion in the HHS Coalition portfolio?  Yes  No
- E. Does this decision package support the adoption of modern, cloud-based technologies?  Yes  No

### Part 3: Maintenance level decision packages

The questions in Part 3 are for **Maintenance level** decision packages and need to be answered. (If this is a policy-level decision package, skip Part 3 questions and respond to all questions in Part 4 and Part 5.)

- A. Is this renewal for an existing software or subscription?  Yes  No
- B. Does this continue a current maintenance contract?  Yes  No
- C. Does this decision package fund the acquisition or expansion of hardware capacity?  Yes  No

If **Yes**, where is the hardware solution hosted?  State Data Center.



External Cloud.

Other location.

D. Is this a routine, planned replacement of aging hardware or equipment?  Yes  No

If **Yes**, where will the hardware solution be hosted?  State Data Center.

External Cloud.

Other location.

E. Has the agency performed research to determine if a modern cloud solution is available for this maintenance investment?  Yes  No

#### Part 4: Policy level decision packages

The questions in Part 4 are general questions for **policy-level** decision packages.

A. Type of Investment - Identify the decision package investment classification from the following list:

Addresses technical debt.

Cloud advancement.

Continues existing project.

Critical hardware upgrade.

Improves existing service.

Introduces new capabilities.

System modernization.

B. Does this decision package fund the acquisition, development, enhancement, or replacement of a new or existing software solution?  Yes  No

If **Yes**, where will the software solution be hosted?  State Data Center

External Cloud

Other location.

C. Do you expect this solution to exchange information with the state financial system (AFRS) or the OneWA solution (WorkDay)?  Yes  No

D. Does this decision package fund the acquisition or expansion of hardware capacity?  Yes  No

If **Yes**, where will the hardware solution be hosted?  State Data Center

External Cloud

Other location.

E. Does this decision package fund the continuation of a project that is, or will be, under OCIO oversight? (See [Technology policy 121.](#))  Yes  No

If Yes, name the project:

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(Project name published on the [IT Dashboard](#))

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### Part 5: IT investment prioritization and scoring questions

All policy level decision packages must provide a response to the following questions. Responses will be evaluated and ranked by the OCIO as required by [RCW 43.88.092](#). The criteria scoring scale being used by the OCIO to evaluate and rank decision packages is available on the OCIO [Decision Package Prioritization](#) website. See [23-25 Decision Package Prioritization Criteria](#).

Agency Readiness

**Due diligence.** Summarize the research, feasibility or due diligence work completed to support this decision package. Attach a copy of the feasibility study or other documentation of due diligence to the decision package.

This decision package will support the development of a cloud-based service to replace the Washington Fuel Reporting System (WFRS), an IT tool currently supporting the Washington Clean Fuel Standard. WFRS was developed based on source code provided by the California Air Resources Board (CARB), which hosts its own tool with nearly identical functionality. Because of a hard legislative deadline, Ecology needed to implement CARB's source code and did not have time to develop its own tool. CARB is preparing to replace its tool and has done significant due diligence work, including preparing the high-level requirements document. In this decision package, Ecology proposes continuing to collaborate with CARB to share the costs of developing the new cloud-based service. The Oregon Department of Environmental Quality (ODEQ) may also collaborate and share costs.

Ecology staff have had multiple conversations with CARB and ODEQ staff to ensure that our needs and goals are aligned. CARB has received funding from the California Legislature for this project and is moving forward. Ecology received funding for FY 2024 thru FY 2026 which are unspent, and we would like to reallocate to future fiscal years. We believe that the shared cost model is significantly less expensive than developing a tool on our own. We have spoken to one contractor capable of developing the new service who agreed that the shared cost model is the more cost effective option.

**Governance and management.** What governance processes will support this project? Examples of governance processes include appropriately placed executive sponsor, representative steering committee, resourced vendor/contract management, change control, and incorporating stakeholder feedback into decision making processes. Provide examples of how your proposed budget includes adequate funding and planning for governance processes, if applicable.

This request includes funding for a Project Manager to manage the project. The Greenhouse Gas Inventory and Transportation Section Manager in the Climate Pollution Reduction Program (CPRP), who oversees the Washington Clean Fuels team, will be the Executive Sponsor. A steering committee consisting of Clean Fuels and CPRP IT Unit staff will guide the project and provide recommendations for decision making. Conflicts or challenges that arise throughout the project will be discussed with both stakeholders and the steering committee, providing ample opportunity for feedback and inclusion into

decision making. The project will implement change control procedures. Contracts will be managed by CPRP contract staff.

**Planning and readiness.** Describe how your agency will resource the implementation of this investment request. Will in-house resources be used, or will resources be acquired? How has organizational change management been factored into planning and approach? Does the investment require a project management approach to be used? Describe whether project and organizational change management resources are included in this request or will be provided by in-kind resources. Describe whether the proposed budget includes costs associated with independent quality assurance.

This request includes funding to cover staff time for this effort. A Project Manager will manage the project. An Application Developer will participate in requirements development, testing, and project oversight. A System Administrator will migrate data from the current system (WFRS) to the new system. Based on the risk profile of this project, oversight is not likely so independent quality assurance costs have not been included.

Technical alignment

**Strategic alignment.** Using specific examples, describe how this investment aligns with strategic and technical elements of the **Enterprise IT Strategic Plan**. Examples of strategic principles that tie back to tenets of the strategic plan include, but are not limited to, initiatives focused on improving government experiences and emphasizing service delivery, improving equitable outcomes across communities through technology, improving service delivery through data and insights, using data and insights to drive strategic decisions, deploying solutions emphasizing access, technology, or innovation to solve business problems, and advancing skillsets to instill an innovation culture. Decision packages should include references to the Pillars (Digital Trust, Shared Governance, Equitable Outcomes, Service Excellence) and Values (Human-centered, Inclusive ideas, Courageous innovation, Accessibility, Nimble, Community + connectivity) of the strategic plan.

This proposal supports Goal 1 of the Enterprise Technology Strategic Plan; “Efficient and Effective Government”. It promotes the efficient use of state resources. It increases the degree of harmonization between Clean Fuels reporting tools in California, Oregon, and Washington, adhering to legislative guidance to harmonize Washington’s Clean Fuel Standard with programs in other states and improving the customer experience for entities that participate in multiple programs.

This proposal also supports Goal 5 of the Enterprise Technology Strategic Plan, “Security and Privacy.” It improves the security and privacy of user data, including confidential business information.

**Reuse and interoperability.** Does the proposed solution support interoperability and/or interfaces of existing systems within the state? Does this proposal reuse an existing solution or existing components of a solution already in use elsewhere in the state including an evaluation of services provided by WaTech? If the solution is a new proposal, will it allow for such principles in the future? Provide specific examples.

This proposal leverages the resources of multiple states with similar regulatory programs to develop a solution with significant shared components. Although each state’s tool will be separate from the others and remain under each state’s control, the functionality of the three platforms is nearly identical and the majority of the code will be shared/reused.

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## Agency Recommendation Summary

The United States Environmental Protection Agency is releasing two federal rules to regulate greenhouse gas emissions from power plants. The Greenhouse Gas Standards and Guidelines for Fossil Fuel-Fired Power Plants require Ecology to complete a state implementation plan detailing how Washington’s power plants will be brought into compliance with these new federal regulations. This request will support the staffing resources needed to create the state plan and update any associated rules. It will also allow Ecology to coordinate Washington State’s response to anticipated forthcoming federal climate regulations impacting our state that legally require a state response. (General Fund-State)

## Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
<b>Staffing</b>						
FTEs	2.9	2.9	2.9	2.9	1.2	2.05
<b>Operating Expenditures</b>						
Fund 001 - 1	\$426	\$426	\$852	\$426	\$157	\$583
Total Expenditures	\$426	\$426	\$852	\$426	\$157	\$583

## Decision Package Description

### Background:

The United States Environmental Protection Agency (EPA) has been working for a decade to regulate greenhouse gas (GHG) emissions for fossil fuel-fired power plants. The Clean Power Plan was proposed by the federal government in 2015 with the intent to reduce carbon pollution from power plants. The plan was stayed by the Supreme Court in 2016 and struck down by the same court in 2022. The EPA has since been working to replace that plan with two rulemakings that together represent Greenhouse Gas Standards and Guidelines for Fossil Fuel-Fired Power Plants (<https://www.epa.gov/stationary-sources-air-pollution/greenhouse-gas-standards-and-guidelines-fossil-fuel-fired-power#rule-history>).

On May 9, 2024, the EPA finalized regulations for power plants that set carbon dioxide (CO<sub>2</sub>) emission limits for new gas-fired combustion turbines and CO<sub>2</sub> emission guidelines for existing coal, oil, and gas-fired steam-generating units, securing important climate benefits and protecting public health. These rules are intended to significantly reduce GHG emissions from existing coal-fired power plants and from new natural gas turbines, ensuring that all long-term coal-fired plants and baseload new gas-fired plants reduce or offset emissions by 90% of their carbon pollution. Existing coal-fired power plants are the largest source of GHGs from the power sector. New natural gas-fired combustion turbines are some of the largest new sources of GHGs being built today, and these updated standards will ensure that they are constructed to minimize their GHG emissions.

The rules finalized in May are unlikely to impact Washington, as the state has only one coal-fired power plant that will be closing in 2025, and it is unlikely that any new coal or gas-fired power plants will be built in the future. However, the EPA also opened a non-regulatory docket (<https://www.regulations.gov/docket/EPA-HQ-OAR-2024-0135>) to gather input about ways to design a broad and environmentally protective approach to GHG regulation of the entire fleet of existing gas combustion turbines in the power sector under Clean Air Act Section 111(d). This action by the EPA is expected to lead to new GHG emissions regulations for existing natural gas-fired power plants, which will significantly impact Washington’s power sector, which currently has 21 natural-gas fired power plants.

### Problem/Opportunity:

When the EPA finalizes their rule governing GHG emissions from natural gas-fired power plants, Washington will be required to develop a state implementation plan. Based on past EPA timelines, it is expected that states will need to comply within 24 months of the EPA’s adoption. Developing and implementing this plan will require significant effort that will include engagement with interested parties, including power plants under the new federal regulations, public communication, coordination with the EPA region staff, completing a state plan that meets EPA requirements, and assessing needs for updates to Washington administrative rules. This is entirely new work, as there is no relevant existing Washington State plan to update. Ecology will need staffing capacity to create the plan and liaise with the EPA to ensure compliance. Further, Ecology is required to track and engage in federal climate-related regulation that is anticipated in the coming years.

### Proposed Solution:

Since the drafting of the 2015 Clean Power Plan, the federal government has been attempting to regulate GHG emissions from fossil fuel-fired power plants. The updated federal rule, expected as early as the fall of 2024, will give Washington 24 months from the date of publication in the Federal Register to complete an implementation plan for the state. The EPA’s previous efforts to adopt rules under Section 111 of the Clean Air Act, including the 2015 Clean Power Plan, required Ecology’s substantial coordination with other states and EPA region staff, facilitation of interested party input, and drafting of a plan. We expect the forthcoming rule governing existing natural gas-fired power plants to require a similar level of effort. For an example of what must be included in the state plans for the adopted carbon pollution standards for fossil fuel-fired power plants, see <https://www.epa.gov/system/files/documents/2024-04/cps-111-fact-sheet-state-plans-2024.pdf>.

Currently, Ecology does not have staff dedicated to conduct federal GHG policy engagement. Ecology needs staffing resources to address this current series of EPA regulations on GHG-emitting power plants. In addition, due to ongoing updates of climate policy impacting Washington, Ecology will need staffing capacity to track and monitor federal regulatory developments, coordinate federal engagement, and implement these rules to comply with federal law.

**Impacts on Population Served:**

This request will impact the power sector in Washington State, which requires a clear and stable regulatory environment to assure that they can sell power to utilities, customers, and the power market at the lowest cost to businesses and consumers. Washington has a well-regulated power sector that is moving towards decarbonization as a result of state climate policies such as the Clean Energy Transformation Act (<https://www.commerce.wa.gov/growing-the-economy/energy/ceta/>) and the Climate Commitment Act (<https://ecology.wa.gov/Air-Climate/Climate-Commitment-Act>). State air quality and GHG emissions regulators must work to align federal requirements with existing state mandates to ensure regulations create a clear path to meeting Washington’s power demand. In this way, this proposal will support all Washingtonians and impact the cost of operations for Washington businesses.

**Alternatives Explored:**

This request funds the implementation of new federal rules related to the Clean Air Act provisions. Ecology does not have the qualified staff to absorb this work. Attempting to complete this work within existing resources will require the postponement of other critical climate work that is underway.

If Washington does not develop an implementation plan, we risk losing our authority to implement federal Clean Air Act provisions as we currently do in cooperation with the EPA. This is not a viable alternative.

**Consequences of Not Funding This Request:**

If Ecology is not adequately staffed to enable Washington State to implement federal regulations, Ecology could lose state regulator authority currently granted by the federal government to regulate GHG emissions and other air quality regulations that the state manages under agreement with the EPA. This loss of authority would result in the federal government regulating Washington power plants directly, and Washington would limit our ability to comply with federal law in a way that best meets Washington state’s needs.

**Assumptions and Calculations**

**Expansion, Reduction, Elimination or Alteration of a current program or service:**

This request expands Activity A063 - Climate Change Mitigation and Adaptation because it provides funding for staff to address anticipated EPA rule updates and allows for continuous monitoring of EPA rule updates that relate to Ecology’s climate pollution reduction goals. Below is a summary of the 2021-23 and 2023-25 base funding and FTEs for this activity. Administrative Overhead related to this activity is also in the agency’s Administration Activity A002 but is not shown in the totals below.

A063 – Climate Change Mitigation and Adaptation		
	2021-23	2023-25
FTEs Total	85.25	115.75
001-1 General Fund-State	\$28,523,000	\$2,082,000
216-1 Air Pollution Control	\$928,000	\$1,253,000
23P-1 Model Toxics Control Operating	\$3,316,000	\$1,320,000
25Q-1 Clean Fuels Program	\$348,000	\$4,702,000
25T-1 Refrigerant Emissions Management	\$0	\$2,828,000
26B-1 Climate Investment	\$6,709,000	\$53,092,000
26C-1 Climate Commitment	\$0	\$1,320,000
<b>TOTAL</b>	<b>\$39,824,000</b>	<b>\$66,597,000</b>

**Detailed Assumptions and Calculations:**

Beginning July 1, 2025, through June 30, 2028, Ecology requires salaries, benefits, and associated staff costs for the following staff resources to produce the required state implementation plan within 24 months of EPA finalizing rules governing existing natural gas-fired power plants:

- 1.0 FTE Environmental Planner 3 (Implementation Plan – Lead), will serve as the lead subject matter expert on plan development. They will write and develop the implementation plan, hold public meetings, incorporate feedback from interested parties, and work with the power sector engineering lead on the technical aspects of plan development. Once the implementation plan is submitted to EPA for approval, this position will answer questions and complete plan updates or changes requested. Then, once the plan is in effect, this position will spend fiscal year 2028 providing outreach and technical assistance to regulated industries.

- 0.5 FTE Environmental Engineer 5 (Power Sector Engineering – Lead), will be responsible for determining facility-specific emissions rates and other technical details essential to plan development and implementation.

Beginning July 1, 2025, and ongoing, Ecology will also require salaries, benefits, and associated staff costs for 1.0 FTE Environmental Specialist 3 (Federal Rules and Policy Lead) to track and represent WA on federal rules, policy development, and legal challenges related to federal GHG regulation. Federal greenhouse gas legislation and the EPA rulemaking are dynamic and constant, with several revised laws, rulemaking, legal challenges, and state funding resources in process at any one time. These federal legal and administrative changes create mandates that must be completed by states within timeframes set by the federal government.

In fiscal years 2026 through 2029, the AGO requires the equivalent of 0.06 FTE Assistant Attorney General at a cost of \$17,400 each year to provide legal guidance on interpretation of the updated EPA rules and plan requirements and guidelines. Ecology will be charged for these expenses.

**Workforce Assumptions:**

<b>Expenditures by Object</b>		<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>	<b>FY 2030</b>	<b>FY 2031</b>
A	Salaries and Wages	220,938	220,938	220,938	74,489	74,489	74,489
B	Employee Benefits	75,340	75,340	75,340	25,401	25,401	25,401
E	Goods and Services	32,520	32,520	32,520	23,448	6,048	6,048
G	Travel	5,513	5,513	5,513	2,205	2,205	2,205
J	Capital Outlays Intra-Agency	3,215	3,215	3,215	1,286	1,286	1,286
T	Reimbursements	88,587	88,587	88,587	29,867	29,867	29,867
<b>Total Objects</b>		<b>426,113</b>	<b>426,113</b>	<b>426,113</b>	<b>156,696</b>	<b>139,296</b>	<b>139,296</b>

**Staffing**

<b>Job Class</b>	<b>Salary</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>	<b>FY 2030</b>	<b>FY 2031</b>
ENVIRONMENTAL PLANNER 3	86,716	1.00	1.00	1.00			
ENVIRONMENTAL SPEC 3	74,489	1.00	1.00	1.00	1.00	1.00	1.00
ENVIRONMENTAL ENGINEER 5	119,465	0.50	0.50	0.50			
FISCAL ANALYST 2		0.25	0.25	0.25	0.10	0.10	0.10
IT APP DEVELOPMENT-JOURNEY		0.13	0.13	0.13	0.05	0.05	0.05
<b>Total FTEs</b>		<b>2.88</b>	<b>2.88</b>	<b>2.88</b>	<b>1.15</b>	<b>1.15</b>	<b>1.15</b>

**Explanation of costs by object:**

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 34.1% of salaries.

Goods and Services are the agency average of \$6,048 per direct program FTE. Goods and Services also include \$17,400 per year in fiscal years 2026-2029 for AGO support.

Travel is the agency average of \$2,205 per direct program FTE.

Equipment is the agency average of \$1,286 per direct program FTE.

Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 29.9% of direct program salaries and benefits and is shown as object T. Agency Administrative Overhead FTEs are included at 0.15 FTE per direct program FTE and are identified as Fiscal Analyst 2 and IT App Development-Journey.

**Historical Funding:**

	<b>FY2026</b>	<b>FY2027</b>
<b>FTE (xx direct FTE)</b>	0.00	0.00
<b>Total Funds (rounded to thousands)</b>	\$0	\$0
<b>Near General Fund (rounded to thousands)</b>	\$0	\$0
<b>Other Funds (rounded to thousands)</b>	\$0	\$0

Administrative Overhead related to this program or service is in the agency’s Administration Activity A002, but is not shown in the totals above.



## Strategic and Performance Outcomes

### **Strategic Framework:**

This request is essential to achieving the Governor's Results Washington Goals 3: Sustainable Energy and a Clean Environment and Goal 4: Healthy and Safe Communities, as well as Ecology's Goal 2: Reduce and prepare for climate impacts and Goal 3: Prevent and reduce waste, toxic threats, and pollution because it will implement federal regulations to reduce GHG emissions from fossil fuel-fired power plants and will likely also result in the reduction of criteria air pollution.

### **Performance Outcomes:**

The outcome(s) of this request will be the development of a state plan that integrates Washington's state regulatory framework for existing GHG emissions with new federal rules governing power plant GHG emissions standards for both existing and new coal and gas-fired power plants. In addition, the state will be better positioned to engage in federal climate policy, putting Washington State in a strong position to influence federal climate policy in the best interest of businesses and Washingtonians. The resources requested will mitigate the risk of non-compliance with federal laws and increase our ability to influence federal policy consistent with the interests of our state.

## Equity Impacts

### **Community Outreach and Engagement:**

This is an administrative request for staff capacity to complete a required GHG implementation plan. Ecology has not conducted community outreach and engagement with communities in the development of this request. Currently, the timing or rulemaking and actual outcomes are not yet complete, making tangible engagement challenging. Ecology will plan outreach and engagement as part of the process of developing our state plan.

### **Disproportional Impact Considerations:**

This request is not anticipated to create any probable environmental or health impacts. It is expected that new federal power plant standards for GHG emissions will have positive impacts on overburdened communities, vulnerable populations, and Tribes, depending on their location in relation to emitting power plants.

### **Target Communities and Populations:**

This administrative request creates staff capacity to complete an implementation plan that is required within 24 months of the EPA finalizing the update of its greenhouse gases GHG rules. This implementation plan will detail how Washington's power plants will be brought into compliance. There are no specific target populations or communities related to this request.

Compliance with the new federal rules will benefit Washingtonians through the broad reduction of greenhouse gases and through the reduction of criteria air pollutants in the vicinity of power plants regulated by the Clean Air Act rules. This plan will cover the entire state and potentially specific communities within the airshed of natural gas plants.

### **Community Inputs and Incorporation:**

See Community Outreach and Engagement response.

## Other Collateral Connections

### **HEAL Act Agencies Supplemental Questions**

Yes, see attached.

### **Puget Sound Recovery:**

N/A

### **State Workforce Impacts:**

N/A

### **Intergovernmental:**

This plan will be developed and implemented by Ecology and will have minimal impacts on other agencies. We plan to consult with the Department of Commerce and the Utilities and Transportation Commission in the development of the plan. Because the federal rules have not all been finalized, the financial impact of the plan on electricity rates is currently indeterminate. To the extent that existing state laws and regulations can be relied upon to demonstrate compliance with the new federal regulations, the financial impact of the plan on power plants will be minimal. To the extent that the federal regulations create significant new requirements for power plants, there is the potential for electricity rates in the state to increase, which will increase energy costs for government agencies at all levels.

### **Stakeholder Impacts:**

Ecology expects the power sector, including owners of individual plants, to be largely supportive of a coordinated approach led by Ecology, though there may be variable support for different components of the new federal requirements established by the EPA.

### **State Facilities Impacts:**

N/A

### **Changes from Current Law:**

N/A

### **Legal or Administrative Mandates:**

Ecology must follow federal rules to create carbon pollution standards for power plants announced under the federal Clean Air Act, Section 111.

### **Governor's Salmon Strategy:**

N/A

## Reference Documents

[Federal Rules for Power Plants-HEAL Act Attachment.pdf](#)

## IT Addendum

### **Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?**

No

## Objects of Expenditure

<b>Objects of Expenditure</b> <i>Dollars in Thousands</i>	<b>Fiscal Years</b>		<b>Biennial</b>	<b>Fiscal Years</b>		<b>Biennial</b>
	<b>2026</b>	<b>2027</b>	<b>2025-27</b>	<b>2028</b>	<b>2029</b>	<b>2027-29</b>
Obj. A	\$221	\$221	<b>\$442</b>	\$221	\$75	<b>\$296</b>
Obj. B	\$75	\$75	<b>\$150</b>	\$75	\$26	<b>\$101</b>
Obj. E	\$33	\$33	<b>\$66</b>	\$33	\$23	<b>\$56</b>
Obj. G	\$5	\$5	<b>\$10</b>	\$5	\$2	<b>\$7</b>
Obj. J	\$3	\$3	<b>\$6</b>	\$3	\$1	<b>\$4</b>
Obj. T	\$89	\$89	<b>\$178</b>	\$89	\$30	<b>\$119</b>

## Agency Contact Information

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# 2025-27 Biennial Budget HEAL Act Template

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## Background

### HEAL Act requirements

The Healthy Environment for All Act (HEAL Act), Chapter 314, Laws of 2021 (RCW [70A.02](#)) requires that “covered and opt in agencies” must implement the requirements of the HEAL Act. This includes the:

- Department of Ecology
- Department of Agriculture
- Department of Commerce
- Department of Health
- Department of Natural Resources
- Department of Transportation
- Puget Sound Partnership
- Office of the Attorney General

HEAL Act agencies that are considering a significant agency action initiated after July 1, 2023, are required to conduct an environmental justice assessment. RCW [70A.02.010](#)(12) specifies that significant agency actions include:

- The development and adoption of significant legislative rules as defined in RCW [34.05.328](#).
- The development and adoption of any new grant or loan program that the agency is explicitly authorized or required by statute to implement.
- A capital project, grant, or loan award costing at least \$12,000,000.
- A transportation project, grant, or loan costing at least \$15,000,000.
- The submission of agency request legislation to the Office of the Governor or OFM.

Under RCW [70A.02.080](#), beginning on or before July 1, 2023, covered and opt in agencies must, where practicable, take specific actions when making expenditure decisions or developing budget requests to OFM and the Legislature for programs that address or may cause environmental harms or provide environmental benefits. This includes:

- Focus applicable expenditures on creating environmental benefits that are experienced by overburdened communities and vulnerable populations, including reducing or eliminating environmental harms, creating community and population resilience, and improving the quality of life of overburdened communities and vulnerable populations.
- Create opportunities for overburdened communities and vulnerable populations to meaningfully participate in agency expenditure decisions.
- Clearly articulate environmental justice goals and performance metrics to communicate the basis for agency expenditures.
- Establish a goal of directing 40% of grants and expenditures that create environmental benefits to vulnerable populations overburdened communities.

To help OFM understand how HEAL Act agency budget requests meet HEAL Act requirements, covered agencies are required to complete additional questions related to the HEAL Act. These questions are shown below and are in addition to the equity related questions required of all agencies. Covered agencies are asked to complete the following questions and submit them through ABS.

#### HEAL Act questions

If you answer YES to any of these bullet points, please answer the six additional questions and submit them as an attachment through ABS.

- Is this decision package part of an agency request legislation that is required to complete an environmental justice assessment (RCW [70A.02.010\(12\)](#))?

Yes

No

- Is this decision package requesting funding to support another significant agency action that is required to complete an environmental justice assessment (RCW [70A.02.010\(12\)](#))?

Yes

No

- Is this decision package requesting funding for a program/project/activity that may **provide environmental benefits or reduce, mitigate, or eliminate environmental harms**, (that is not a significant agency action)? Note: This may include decision packages for programs not purposely directed to provide environmental benefits but may have an indirect or unintentional impact.

Yes

No

**If you answer YES to any of the above bullet points, please complete these additional questions.**

1. Please describe specific likely or probable environmental harms and/or benefits related to your decision package and the associated health impacts to overburdened communities and vulnerable populations.

This request is not anticipated to create any negative environmental or health impacts. It is expected that new federal power plant standards for GHG emissions will have positive impacts on overburdened communities, vulnerable populations, and Tribes, depending on their location in relation to emitting power plants. State compliance with the new federal rules will benefit Washingtonians through the reduction of greenhouse gases broadly, and through reduction of criteria air pollutants in the vicinity of power plants regulated by the Clean Air Act rules. This plan will cover the entire state and potentially specific communities within the airshed of natural gas plants.

2. Please describe the estimated percentage and amount of the requested funds that will go towards creating environmental benefits in overburdened communities and vulnerable populations as defined in OFM's the [OBC map](#) or as determined by the agency. If applicable, please include your methodology for making this estimate, including project/award lists if available.

This is an administrative request for staff capacity to complete a required greenhouse gas (GHG) implementation plan. Ecology has not developed a method for estimating percentages of staff time and costs that go towards creating direct environmental benefits in overburdened communities and vulnerable populations.

3. Please describe any potential significant impacts to Indian Tribes' rights and interest in their tribal lands, as well as traditional practices.

There are not anticipated potential significant impacts to Indian Tribes' rights and interest in their Tribal lands, as well as traditional practices. It is expected that new federal power plant standards for GHG emissions will have positive impacts on overburdened communities, vulnerable populations, and Tribes, depending on their location in relation to emitting power plants.

4. Describe how your agency engaged with Tribes in developing this proposal, including offers for tribal consultation including timelines, methods for feedback, and mechanisms for Tribes to express concern, opposition, or support., and any direction provided by Tribes through this engagement.

This is an administrative request for staff capacity to complete a required GHG implementation plan. Ecology has not engaged with Tribes in developing this proposal.

5. If the decision package is part of agency request legislation or supports another significant agency action that is required to complete an environmental justice assessment under RCW [70A.02.010](#)(12), please submit the assessment as an attachment in ABS.

This decision package is not part of a significant agency action.

6. If the decision package is part of agency request legislation or constitutes a significant agency action that is required to complete an environmental justice assessment, please describe how your agency used the environmental justice assessment process to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits. If your agency determined that you were unable to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits, please provide a justification for not doing so.

N/A

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Department of Ecology  
2025-2027 Operating Budget

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## Agency Recommendation Summary

Ecology’s Laboratory Accreditation Unit is responsible for auditing environmental and drinking water labs that do business in or with Washington State. These audits are a key component of the accreditation process and help ensure analyses are conducted properly, according to prescribed methods, and that Washington makes informed decisions based on credible, defensible data. The workload for this unit has increased significantly over the last decade as the need for technical assistance has grown, along with the demand to accredit new labs looking to analyze complex, novel compounds like 6PPD-quinone. In 2023-25, the Legislature provided one-time bridge funding for five auditor positions to help Ecology address this increased workload and respond to a 2021 audit finding by the Environmental Protection Agency that found 34 drinking water labs had not been audited within three years, which is required under the federal Safe Drinking Water Act. Ecology completed rulemaking in 2023 to increase fees to support additional staff. These fees are now adjusted, and this request will provide funding needed to continue the five auditor positions on an ongoing basis so Ecology can remain current on drinking water lab audits and continue to address the backlog of environmental labs that need to be audited. This request also shifts Ecology’s base funding for this work so it aligns with where lab accreditation fees are deposited. (General Fund-State, Model Toxics Control Operating Account)

## Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
<b>Staffing</b>						
FTEs	5.8	5.8	5.8	5.8	5.8	5.8
<b>Operating Expenditures</b>						
Fund 001 - 1	\$1,971	\$2,054	\$4,025	\$1,971	\$2,054	\$4,025
Fund 23P - 1	(\$1,004)	(\$1,087)	(\$2,091)	(\$1,004)	(\$1,087)	(\$2,091)
Total Expenditures	\$967	\$967	\$1,934	\$967	\$967	\$1,934
<b>Revenue</b>						
001 - 0299	\$967	\$967	\$1,934	\$967	\$967	\$1,934
Total Revenue	\$967	\$967	\$1,934	\$967	\$967	\$1,934

## Decision Package Description

### Background:

Laboratories that analyze environmental and drinking water samples must be capable of providing accurate and defensible analytical data. Currently, 433 labs maintain accreditation through Ecology’s Laboratory Accreditation Unit (LAU); 114 drinking water labs and 319 non-drinking water environmental labs. The labs must adhere to numerous proficiency standards to seek and maintain accreditation, which demonstrates a lab can perform the analytical methods for which they are accredited and is a key component of quality assurance measures. Ecology, most other governmental agencies, and many grant providers require all scientific samples be assessed by an accredited lab.

Labs seeking accreditation must apply with Ecology. As part of that process, labs must have a quality assurance manual and include proficiency testing study reports with their application. Then, an initial onsite audit is required for labs directly accredited by Ecology; or, if the lab is accredited by a third party, that entity does the initial onsite audit.

Throughout the accreditation process, Ecology staff assist labs in achieving quality results. From the smallest accredited labs in wastewater or drinking water facilities to large international firms that analyze samples for research projects in Washington, the LAU ensures the labs can perform the tests they claim to, they follow appropriate protocols, and they have a quality management system in place. Washington relies on the competence of these labs to ensure safe drinking water is available and that these labs deliver credible testing results for making important policy decisions.

### Is this request related to any budget items funded in the past two biennia?

Yes, see attached.

### Problem/Opportunity:

Over the past decade, the workload facing the LAU has increased significantly, as has the need for technical assistance—especially at smaller labs—and the demand to accredit new labs looking to analyze complex, novel compounds, such as 6PPD-quinone (6PPD-q) and PFAS (per- and poly-fluoroalkyl substances), has grown. Ecology does not currently have sufficient permanent staff to keep up with this increased workload, and this has resulted in a backlog of both drinking water and nondrinking water labs that need to be audited.

### Drinking Water Labs

Ecology audits drinking water labs through a Memorandum of Agreement (MOA) with the Department of Health (DOH). We are required to conduct audits for these facilities every three years to protect public health under the federal Safe Drinking Water Act. In 2021, the

Environmental Protection Agency (EPA) audited Ecology's accreditation program and found 34 of these labs had not been audited according to the required three-year cycle. As of August 1, 2022, 27 drinking water labs had not been audited in over three years.

After a 2022 supplemental budget request to address the audit finding was not funded in the enacted budget, our partners at DOH were able to help by providing \$135,000 in one-time funding for fiscal year 2023 so Ecology could hire a contract accreditation provider to conduct audits and help reduce the backlog. Then, for the 2023-25 biennium, Ecology received one-time funding in the enacted biennial budget for five project position auditors for the current biennium to help reduce or eliminate the backlog. However, the cycle of labs needing audits will continue, and funding is needed on an ongoing basis, starting in 2025-27, to help ensure we don't fall behind again in meeting the federal requirements for drinking water labs and addressing the audit and technical assistance needs for labs that handle both drinking water and/or other environmental parameters.

#### Environmental Labs

In addition to the drinking water labs, Ecology also currently accredits 319 environmental labs across the state and country. These include commercial, municipal, industrial, and academic labs of varying shapes, sizes, and needs. Some large commercial labs have extensive experience, a high level of expertise, and the infrastructure in place to provide the quality assurance needed for regulatory data. In contrast, other labs, such as those at small wastewater treatment plants, have only one operator who analyzes data important to protecting the waters of the state.

The number of labs accredited by Ecology has remained relatively steady over the years, but the rigor and complexity of the audit process; the need to analyze new, emerging compounds; and the demand for technical assistance have all increased over the last decade.

In 2011, the LAU changed how they accredited for organic compounds and began to accredit labs for each individual organic compound it analyzed. Prior to this change, accreditation applications for organic compounds were reviewed, and accreditation was granted for broad groupings of related compounds, such as PAHs (polycyclic aromatic hydrocarbons), Carbamates, Phthalates, PCBs (polychlorinated biphenyls), and PBDEs (polybrominated diphenyl ethers), instead of each individual compound within that group. Under this previous grouping method, it was possible for a lab to be accredited for compounds they had never attempted to analyze because the compound happened to fall under a particular group. This potentially missed important method differences among compounds within a group.

The move to accrediting individual compounds provides assurances that the data generated by accredited labs is accurate and legally defensible. This decision was made to match what the National Environmental Laboratories Accreditation Program (a group of 14 state accrediting bodies including Oregon, Utah, Louisiana, and Florida) had done. Since 2011, many other accrediting agencies have followed suit.

In recent years, there has been an increase in the number of contaminants of emerging concern, due in part to greater awareness of these contaminants, a desire to protect both environmental and public health, and advances in technology that now allow these contaminants to be measured. The two most recent examples the LAU has dealt with are PFAS and 6PPD-q. With newer compounds like these, the methods used to analyze them are not as well refined as other methods in the industry. When a published analytical lab method does not exist, the labs must have their in-house developed procedures reviewed for accreditation. This requires a thorough review of the lab's documents, such as their standard operating procedures and data.

In addition to this increased complexity, the LAU has also seen an uptick in the demand for technical assistance, with most of that need coming from small Wastewater Treatment Plants (WWTPs) and academic labs. Small WWTPs often have only one operator running the facility, and we have found the accreditation work can be very challenging for these operators. We developed process improvements and tools to help these plant operators, but this requires more time from our auditors to provide this assistance.

This increasing workload, coupled with the fact Ecology has had to prioritize drinking water labs to meet the three-year audit requirement (unsuccessfully to this point), has meant many of our non-drinking water environmental labs have not been audited for many years. There is no current federal or state requirement for how often these labs should be audited, like there is for drinking water labs. However, Ecology's goal, based on industry standards, is to audit each of these environmental labs at least every three years. Prior to 2009, Chapter 173-50 WAC included language and increased fees to hold all labs to the same three-year requirement. As of July 1, 2024, 249 of our 269 environmental labs that require audits have not been audited in over four years. These labs need to be audited on a regular basis so we can ensure they are producing accurate and defensible data.

#### **Proposed Solution:**

This request accomplishes two things. First, it provides the funding to continue the five lab accreditation auditors hired this biennium on an ongoing basis to ensure the LAU can stay up to date on drinking water lab audits and continue to address the backlog of environmental labs that need to be audited. They will also continue helping to address the increased need for technical assistance and provide resources to help accredit labs that are working to analyze novel, complex compounds, such as 6PPD-q, PFAS, PBDE, and others.

Second, this request shifts Ecology's base carryforward level funding supporting the LAU from the Model Toxics Control Act (MTCA) Operating Account back to General Fund-State (GF-S). Lab accreditation fees authorized under RCW 43.21A.230 and WAC 173-50-190 have always been deposited into GF-S, but the funding for the LAU was shifted from GF-S to MTCA during the great recession, and fee revenue has continued to be deposited into GF-S.

On September 1, 2023, Ecology adopted rule updates to WAC 173-50-190 that amended the lab accreditation fee schedule to meet the current and future implementation costs of the LAU. The new fees, which are being phased in over fiscal years 2024 and 2025, are now set at a level that will cover the costs of the LAU, including continuing the five new auditors included in this request.

**Impacts on Population Served:**

This request will affect all residents in Washington. It is a requirement of the federal Safe Drinking Water Act that state drinking water labs be audited every three years, and this is a critical element to ensuring municipal drinking water is safe for consumption. Additionally, being able to start reducing the audit backlog for environmental labs affects residents across the state because the data from these labs are the data we use to make environmental and public health decisions. For example, if we are not auditing a lab that tests fish for mercury and the data coming from that lab is inaccurate, DOH may not post a fish consumption advisory when it is needed.

This request affects private, municipal, industrial, and academic labs, as well as all Washington residents who rely on credible testing of drinking water, toxic chemicals, etc. This request will allow us to stay up to date on drinking water lab audits and provide the technical assistance needed for municipal and academic labs seeking accreditation. The labs will get better, faster service for their requests to add to and/or revise their scope of accreditation and/or be audited.

**Alternatives Explored:**

One alternative explored was to request funding to hire a contract accreditation provider to complete the audits for both drinking water and environmental labs. This alternative, while possible, is not preferable. There are several benefits to having in-house accreditation staff. First and foremost, our accreditation program is focused on the mission of protecting our land, air, and water for current and future generations, unlike a private company that is primarily focused on running a business.

In addition, our auditors are experts in their field (inorganic chemistry, organic chemistry, microbiology, or toxicology) and in accreditation. Typically, most private companies do not have auditors that specialize in the fields they are auditing. Finally, having our accreditation in-house provides additional communication between Ecology’s WWTP inspectors and our auditors. This is important because the inspectors are typically the first to be informed when a facility’s lab data are believed to be inaccurate.

Another alternative explored was not including the shift of the LAU’s base budget from MTCA to GF-S and just requesting the continuation of the five new auditors from GF-S. This alternative is not an option because it will result in the deposit of accreditation fees continuing to be out of alignment with where the work is funded. Ecology’s accreditation fees, starting in fiscal year 2026, will fully cover the costs of the LAU, including the five new auditors. It would not make sense for the LAU’s funding to continue to come from MTCA when the intent is for the work to be supported by the fees collected.

**Consequences of Not Funding This Request:**

If this request is not funded, the backlog of drinking water audits would begin to grow again next biennium, once the 2023-25 bridge funding ends. Ecology also would not be able to make progress on reducing the audit backlog for environmental labs, which are relied on by Ecology, DOH, and the Department of Agriculture to make important regulatory decisions. Some examples of the types of decisions made with environmental data include:

- Issuing fish consumption advisories
- Developing TMDLs (total maximum daily loads, i.e., water cleanup plans)
- Banning or restricting toxic chemicals
- Closing swimming beaches due to contamination

If this request is not funded, we would have to continue prioritizing accreditation and audits for drinking water labs to meet federal requirements, which would continue to grow the backlog of environmental labs needing to be audited. This would have impacts on human health (drinking water and fish), environmental health (discharges from facilities), and the economy (upgrades to facilities based on inaccurate lab data). Additionally, we would not be able to provide technical assistance to small Wastewater Treatment Plants and academic labs analyzing emerging chemicals as discussed above.

Finally, if this request is not funded, lab accreditation fees would continue to be out of alignment with how the LAU is funded.

## Assumptions and Calculations

***Expansion, Reduction, Elimination or Alteration of a current program or service:***

This request expands Activity A012 – Ensure Environmental Laboratories Provide Quality Data, by increasing the number of auditors to help the LAU stay up to date on audits of drinking water and environmental labs. Below is a summary of the 2021-23 and 2023-25 base funding and FTEs for this activity. Administrative Overhead related to this activity is also in the agency’s Administration Activity A002 but is not shown in the totals below.

<b>A012 Ensure Environmental Laboratories Provide Quality Data</b>		
	<b>2021-23</b>	<b>2023-25</b>
FTEs Total	7.50	12.85
23P-1 MTCA-Operating	\$1,727,000	\$3,542,000
315-1 Dedicated Cannabis Account	\$530,000	\$0
<b>TOTAL</b>	<b>\$2,257,000</b>	<b>\$3,542,000</b>

**Detailed Assumptions and Calculations:**

Beginning July 1, 2025, and ongoing, Ecology requires salaries, benefits, and associated staff costs for:

- 3.0 FTEs Chemist 4. Two of these positions will be inorganic chemists, and one will be an organic chemist. These positions will conduct onsite and virtual audits of labs, review quality assurance manuals and standard operating procedures of applicant labs, provide technical assistance to labs, and perform other activities required to determine whether labs are capable of producing accurate and defensible analytical data.
- 1.0 FTE Microbiologist 4. This position will be a microbiology specialist and will conduct onsite and virtual audits of labs, review quality assurance manuals and standard operating procedures of applicant labs, provide technical assistance to labs, and perform other activities required to determine whether labs are capable of producing accurate and defensible analytical data.
- 1.0 FTE Toxicologist 2. This position will be a toxicology specialist and will conduct onsite and virtual audits of labs, review quality assurance manuals and standard operating procedures of applicant labs, provide technical assistance to labs, and perform other activities required to determine whether labs are capable of producing accurate and defensible analytical data.

This estimated staff need is based on the following information and analysis: Ecology’s LAU currently accredits 433 labs, of which 342 require onsite audits. Ecology currently has four permanent auditors to cover these 342 labs, which includes 73 drinking water labs and 269 environmental labs.

Each of the 73 drinking water labs must be audited every three years under the federal Safe Drinking Water Act (an average of 24 audits per year), and Ecology’s goal is to audit the 269 environmental labs every three to four years, based on industry standards (average of 77 audits per year). Currently, Ecology’s existing four permanent auditors can complete an average of 12 audits per auditor per year. Based on that ratio, Ecology needs 4.4 additional direct FTEs (8.4 in total) to complete 101 audits per year. The additional 0.6 direct FTE requested will continue helping address the growing demand for technical assistance at smaller labs, which lack technical expertise, and labs requesting accreditation for new and novel chemicals.

In addition to the new/continuing FTEs identified above, this request shifts \$2,090,000 per biennia beginning July 1, 2025, and ongoing from MTCA Operating (-\$2,090,000) to GF-S (+\$2,090,000), based on Ecology’s base carryforward level funding for 2025-27 supporting the LAU. This fund shift will align the fund source supporting the LAU with where lab accreditation fees are deposited, which is GF-S.

The revenue increase included in this request, plus the base level revenue included in Ecology’s ML-90 estimates, is assumed to fully cover the costs of operating the LAU, including administrative and oversight costs, as authorized under RCW 43.21A.230 and WAC 173-50-190.

**Workforce Assumptions:**

<b>Expenditures by Object</b>		<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>	<b>FY 2030</b>	<b>FY 2031</b>
A	Salaries and Wages	527,979	527,979	527,979	527,979	527,979	527,979
B	Employee Benefits	180,041	180,041	180,041	180,041	180,041	180,041
E	Goods and Services	30,240	30,240	30,240	30,240	30,240	30,240
G	Travel	11,025	11,025	11,025	11,025	11,025	11,025
J	Capital Outlays	6,430	6,430	6,430	6,430	6,430	6,430
T	Intra-Agency Reimbursements	211,699	211,699	211,699	211,699	211,699	211,699
<b>Total Objects</b>		<b>967,414</b>	<b>967,414</b>	<b>967,414</b>	<b>967,414</b>	<b>967,414</b>	<b>967,414</b>

**Staffing**

<b>Job Class</b>	<b>Salary</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>	<b>FY 2030</b>	<b>FY 2031</b>
CHEMIST 4	108,152	3.00	3.00	3.00	3.00	3.00	3.00
MICROBIOLOGIST 4	103,002	1.00	1.00	1.00	1.00	1.00	1.00
TOXICOLOGIST 2	100,521	1.00	1.00	1.00	1.00	1.00	1.00
FISCAL ANALYST 2		0.50	0.50	0.50	0.50	0.50	0.50
IT APP DEVELOPMENT-JOURNEY		0.25	0.25	0.25	0.25	0.25	0.25
<b>Total FTEs</b>		<b>5.75</b>	<b>5.75</b>	<b>5.75</b>	<b>5.75</b>	<b>5.75</b>	<b>5.75</b>

**Explanation of costs by object:**

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 34.1% of salaries.

Goods and Services are the agency average of \$6,048 per direct program FTE.

Travel is the agency average of \$2,205 per direct program FTE.

Equipment is the agency average of \$1,286 per direct program FTE.

Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 29.9% of direct program salaries and benefits and is shown as object T. Agency Administrative Overhead FTEs are included at 0.15 FTE per direct program FTE and are identified as Fiscal Analyst 2 and IT App Development-Journey.

**Historical Funding:**

	<b>FY2026</b>	<b>FY2027</b>
<b>FTE (xx direct FTE)</b>	7.6	7.5
<b>Total Funds (rounded to thousands)</b>	\$913,000	\$996,000
<b>Near General Fund (rounded to thousands)</b>	\$0	\$0
<b>Other Funds (rounded to thousands)</b>	\$913,000	\$996,000

Administrative Overhead related to this program or service is in the agency's Administration Activity A002 but is not shown in the totals above.

**Strategic and Performance Outcomes**

**Strategic Framework:**

This request is essential to achieving Governor's Results Washington Goal 2: Prosperous Economy because it will accredit private sector commercial labs in a timelier manner, enabling them to earn an income in the state sooner.

This request is essential to achieving the Governor's Results Washington Goal 5: Efficient, Effective, and Accountable Government and Ecology's Goal 1: Support and engage our communities, customers, and employees because it will provide the technical assistance to labs they need and are asking for and provide more timely service.

This request is essential to achieving the Governor's Results Washington Goals and Ecology's goals below because it will make sure labs are capable of reporting data we can use to make regulatory decisions that ensure communities have healthy and safe drinking water:

- Results Washington Goal 3: Sustainable Energy and a Clean Environment
- Results Washington Goal 4: Health and Safe Communities
- Ecology's Goal 3: Prevent and reduce waste, toxic threats, and pollution
- Ecology's Goal 4: Protect and manage our state's waters



Performance Measures	Incremental Changes 2026	Incremental Changes 2027	Incremental Changes 2028	Incremental Changes 2029
001161 - Percentage of acceptable proficiency testing analyses completed by accredited labs	1%	1%	1%	1%

**Performance Outcomes:**

The outcome of this request will be that labs will properly conduct analyses according to prescribed methods, and Washington will make informed decisions based on credible and defensible data, including ensuring safe drinking water is available.

**Equity Impacts**

**Community Outreach and Engagement:**

This request is driven by federal requirements and the need for ongoing staff capacity to ensure labs can perform the tests they claim to, they follow appropriate protocols, and they have a quality management system in place. Washington relies on the competence of these labs to ensure safe drinking water is available and that these labs deliver credible testing results for making important policy decisions. Ecology did not conduct community outreach or engagement related to this request.

**Disproportional Impact Considerations:**

Ecology does not anticipate any disproportionate impacts related to this request. However, this request supports beneficial work that is critical in communities that rely solely on municipal drinking water, which can become contaminated with lead, PFAS, nitrates, and many other contaminants that disproportionately impact disadvantaged communities. This request helps ensure labs are audited according to the requirements of the Safe Drinking Water Act and can provide services to these communities.

Laboratory accreditation also provides technical assistance to labs, many of which are small businesses. This request provides technical assistance to small, rural WWTPs, which is a key component of ensuring water from these facilities is safe for discharge to our marine and freshwater environments. Ecology’s technical support also allows these businesses to expand their scope of analysis, improve the quality of their products, and grow.

**Target Communities and Populations:**

This request ensures labs are audited according to Safe Drinking Water Act requirements. Ecology audits over 400 labs that conduct environmental testing for the state of Washington. Many of these labs conduct drinking water testing, which is a critical aspect of ensuring drinking water is safe for consumption for communities across the state

**Community Inputs and Incorporation:**

See Community Outreach and Engagement response.

## Other Collateral Connections

### **HEAL Act Agencies Supplemental Questions**

Yes, see attached.

### **Puget Sound Recovery:**

N/A

### **State Workforce Impacts:**

N/A

### **Intergovernmental:**

Tribal, state agency, county, and city government labs will receive better, faster service. We anticipate support from these entities. This request impacts DOH because we are required to conduct drinking water lab audits every three years for DOH to have primacy over drinking water labs and to protect public health under the federal Safe Drinking Water Act.

This also impacts Ecology and all the EPA's National Estuary Program (NEP) Strategic Initiative Lead agencies, along with anyone who receives funding through Ecology (counties, cities, etc.). These groups depend on high-quality environmental data from accredited labs. Lastly, this impacts municipal WWTPs that are required to be accredited and may need more technical assistance to achieve and maintain that status.

### **Stakeholder Impacts:**

All private labs are impacted by this request. Ecology accredits over 400 labs across the state and country that produce data for use by Ecology and our funding recipients. We anticipate that labs will support this request because they will receive the auditing services and technical assistance they have requested. This will allow these labs to continue or expand drinking water and/or environmental testing services to customers.

### **State Facilities Impacts:**

N/A

### **Changes from Current Law:**

N/A

### **Legal or Administrative Mandates:**

This request is in part in response to 2021 and 2024 EPA audit findings. Ecology is required to conduct drinking water lab audits every three years to protect public health under the federal Safe Drinking Water Act. The EPA audits found a significant number of labs did not meet the federal audit requirement.

### **Governor's Salmon Strategy:**

N/A

## Reference Documents

[Laboratory Accreditation Auditors-HEAL Act Attachment.pdf](#)

[Laboratory Accreditation Auditors-Historical Funding Attachment A.pdf](#)

## IT Addendum

### **Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?**

No

### Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
Obj. A	\$528	\$528	<b>\$1,056</b>	\$528	\$528	<b>\$1,056</b>
Obj. B	\$180	\$180	<b>\$360</b>	\$180	\$180	<b>\$360</b>
Obj. E	\$30	\$30	<b>\$60</b>	\$30	\$30	<b>\$60</b>
Obj. G	\$11	\$11	<b>\$22</b>	\$11	\$11	<b>\$22</b>
Obj. J	\$6	\$6	<b>\$12</b>	\$6	\$6	<b>\$12</b>
Obj. T	\$212	\$212	<b>\$424</b>	\$212	\$212	<b>\$424</b>

### Agency Contact Information

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## ATTACHMENT A - RELATED BUDGET ITEMS FUNDED IN THE LAST TWO BIENNIA (2023-25, 2021-23)

Instructions: Enter the following information about any budget items funded over the last two biennia (2021-23 budget, 2022 supplemental budget, 2023-25 budget, 2024 supplemental budget) that is related to your Decision Package for 2025-27.

Biennium	Rec Sum Code/Title	RecSum Description	Fund Source	Duration	Amount
2023-25	PJ-Laboratory Accreditation Auditors	Ecology provides accredita on for drinking water laboratories. Funding is provided to increase the rate of drinking water lab audits for the 2023-25 biennium.	23P	One-Time	\$1,774,000

# 2025-27 Biennial Budget HEAL Act Template

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## Background

### HEAL Act requirements

The Healthy Environment for All Act (HEAL Act), Chapter 314, Laws of 2021 (RCW [70A.02](#)) requires that “covered and opt in agencies” must implement the requirements of the HEAL Act. This includes the:

- Department of Ecology
- Department of Agriculture
- Department of Commerce
- Department of Health
- Department of Natural Resources
- Department of Transportation
- Puget Sound Partnership
- Office of the Attorney General

HEAL Act agencies that are considering a significant agency action initiated after July 1, 2023, are required to conduct an environmental justice assessment. RCW [70A.02.010](#)(12) specifies that significant agency actions include:

- The development and adoption of significant legislative rules as defined in RCW [34.05.328](#).
- The development and adoption of any new grant or loan program that the agency is explicitly authorized or required by statute to implement.
- A capital project, grant, or loan award costing at least \$12,000,000.
- A transportation project, grant, or loan costing at least \$15,000,000.
- The submission of agency request legislation to the Office of the Governor or OFM.

Under RCW [70A.02.080](#), beginning on or before July 1, 2023, covered and opt in agencies must, where practicable, take specific actions when making expenditure decisions or developing budget requests to OFM and the Legislature for programs that address or may cause environmental harms or provide environmental benefits. This includes:

- Focus applicable expenditures on creating environmental benefits that are experienced by overburdened communities and vulnerable populations, including reducing or eliminating environmental harms, creating community and population resilience, and improving the quality of life of overburdened communities and vulnerable populations.
- Create opportunities for overburdened communities and vulnerable populations to meaningfully participate in agency expenditure decisions.
- Clearly articulate environmental justice goals and performance metrics to communicate the basis for agency expenditures.
- Establish a goal of directing 40% of grants and expenditures that create environmental benefits to vulnerable populations overburdened communities.

To help OFM understand how HEAL Act agency budget requests meet HEAL Act requirements, covered agencies are required to complete additional questions related to the HEAL Act. These questions are shown below and are in addition to the equity related questions required of all agencies. Covered agencies are asked to complete the following questions and submit them through ABS.

#### HEAL Act questions

If you answer YES to any of these bullet points, please answer the six additional questions and submit them as an attachment through ABS.

- Is this decision package part of an agency request legislation that is required to complete an environmental justice assessment (RCW [70A.02.010\(12\)](#))?

Yes

No

- Is this decision package requesting funding to support another significant agency action that is required to complete an environmental justice assessment (RCW [70A.02.010\(12\)](#))?

Yes

No

- Is this decision package requesting funding for a program/project/activity that may **provide environmental benefits or reduce, mitigate, or eliminate environmental harms**, (that is not a significant agency action)? Note: This may include decision packages for programs not purposely directed to provide environmental benefits but may have an indirect or unintentional impact.

Yes

No

**If you answer YES to any of the above bullet points, please complete these additional questions.**

1. Please describe specific likely or probable environmental harms and/or benefits related to your decision package and the associated health impacts to overburdened communities and vulnerable populations.

Ecology does not anticipate any disproportionate impacts related to this request. However, this request supports beneficial work that is critical in communities that rely solely on municipal drinking water, which can become contaminated with lead, PFAS, nitrates, and many other contaminants that disproportionately impact disadvantaged communities. This request helps ensure laboratories are audited according to the requirements of the Safe Drinking Water Act and can provide services to these communities.

2. Please describe the estimated percentage and amount of the requested funds that will go towards creating environmental benefits in overburdened communities and vulnerable populations as defined in OFM's the [OBC map](#) or as determined by the agency. If applicable, please include your methodology for making this estimate, including project/award lists if available.

It is estimated that approximately 50% (\$484,000) of the requested funds will go towards creating environmental benefits in overburdened communities and vulnerable populations. This estimate is based on an assumption that at least half of the laboratories audited and provided technical assistance will be small, rural wastewater treatment plant labs and health district labs located in areas identified on the OBC map.

3. Please describe any potential significant impacts to Indian Tribes' rights and interest in their tribal lands, as well as traditional practices.

There are no anticipated potential significant negative impacts to Indian tribes' rights or interest in their tribal lands. There may be potential benefits to Tribal lands and resources since this request provides technical assistance to small, rural wastewater treatment plants, which is a key component of ensuring water from these facilities is safe for discharge to our marine and freshwater environments.

4. Describe how your agency engaged with Tribes in developing this proposal, including offers for tribal consultation including timelines, methods for feedback, and mechanisms for Tribes to express concern, opposition, or support., and any direction provided by Tribes through this engagement.

This administrative request ensures ongoing staff capacity to provide technical assistance and audit drinking water and environmental laboratories. Ecology did not engage with Tribes in the development of this proposal. The need for this request was driven by federal requirements for the frequency of drinking water lab audits, as well as the need to audit environmental labs to help assure quality data is coming to Ecology.

5. If the decision package is part of agency request legislation or supports another significant agency action that is required to complete an environmental justice assessment under RCW [70A.02.010](#)(12), please submit the assessment as an attachment in ABS.

N/A



6. If the decision package is part of agency request legislation or constitutes a significant agency action that is required to complete an environmental justice assessment, please describe how your agency used the environmental justice assessment process to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits. If your agency determined that you were unable to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits, please provide a justification for not doing so.

N/A

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## Agency Recommendation Summary

The Legislature provided one-time funding to Ecology in both the current and previous biennia to address 6PPD and its transformation product, 6PPD-quinone, which is lethal to Coho salmon and other aquatic life. However, the work to address this toxic chemical is ongoing, and Ecology is requesting funding and staff resources to continue the work needed to identify effective stormwater treatments, find safer alternatives, monitor the environment, and develop laboratory methods in water and sediment. This request directly implements recommended priorities and actions in the 2021 Governor’s Salmon Strategy Update and is related to Puget Sound Action Agenda Implementation. (General Fund-State, Model Toxics Control Operating Account, Water Quality Permit Account)

## Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
<b>Staffing</b>						
FTEs	16.1	16.1	16.1	16.1	16.1	16.1
<b>Operating Expenditures</b>						
Fund 001 - 1	\$3,328	\$3,328	\$6,656	\$1,525	\$1,525	\$3,050
Fund 176 - 1	\$411	\$411	\$822	\$748	\$748	\$1,496
Fund 23P - 1	\$748	\$748	\$1,496	\$748	\$748	\$1,496
Total Expenditures	\$4,487	\$4,487	\$8,974	\$3,021	\$3,021	\$6,042

## Decision Package Description

### Background:

6PPD stands for the chemical N-(1,3-dimethylbutyl)-N'-phenyl-p-phenylenediamine. It's a chemical that prevents automotive tires from degrading (i.e., breaking down) and helps them last longer. When 6PPD is exposed to air, it reacts with ozone to create 6PPD-quinone (also known as 6PPDQ). 6PPDQ is lethal to Coho salmon and can contaminate water systems.

Driving causes tires to release dust and small particles because of friction on the road. These particles contain 6PPDQ, which then washes into stormwater and can then spread to rivers, streams, and Puget Sound. In 2020, after decades of investigative work by a cross-disciplinary research consortium, scientists from the University of Washington Tacoma, Washington State University Puyallup, and their collaborators identified 6PPDQ as the chemical that causes pre-spawn mortality in Coho salmon.

Since 2020, there has been a lot done to address 6PPD and 6PPDQ, and Ecology’s work has identified four areas that need additional focus moving forward:

1. **Source Reduction:** Finding ways to reduce or eliminate the use of 6PPD to prevent the release of 6PPDQ into the environment.
2. **Stormwater Management:** Determining how to prevent 6PPDQ from reaching critical spawning grounds and other waterways once it is in the environment and updating water permits to require use of best management practices (BMPs) to reduce 6PPD compounds in stormwater runoff.
3. **Environmental Monitoring:** Conducting and reviewing research to test and monitor 6PPDQ in the environment to characterize and identify areas of concentrations lethal to salmonids and aquatic species to prioritize stormwater treatment.
4. **Waste Management:** Evaluating tire recycling, management, storage, and disposal practices to prevent 6PPD and 6PPDQ releases in waste tires, waste containing tire wear particles, and recycled tire products.

Ecology’s strategy to understand and limit 6PPD’s impact on salmon recovery includes:

- Monitoring 6PPDQ levels in high-priority watersheds to find locations that need stormwater treatment.
- Optimizing and testing effectiveness of stormwater infrastructure and BMPs to remove 6PPD compounds from stormwater.
- Exploring alternative chemicals to identify a safer chemical and restrict the use of 6PPD in tires.
- Developing a 6PPD Action Plan to identify near-term, priority actions and comprehensive strategies to reduce 6PPD’s impacts.

## Work Currently Underway

### Monitoring 6PPDQ in Watersheds

Ecology has made great strides in developing the collaborative science needed to characterize and analyze 6PPDQ in the environment. With one-time funding provided in the 2023-25 operating budget, Ecology hired a project lead and field scientist to develop effective approaches using automated and passive sampling. These methods were field tested and effective for measuring 6PPDQ in stormwater sampling. Ecology's Manchester Environmental Lab (MEL) developed analytical methods and became the first (and currently only) accredited lab in the nation for surface water analysis for 6PPDQ. The MEL is also working on accreditation for sediment and animal tissue methods.

Ecology continues work to expand and integrate its 6PPDQ monitoring efforts with other existing, parallel toxics monitoring efforts. We are designing field studies to determine the most effective methods for evaluating the scope and scale of 6PPDQ pollution in rivers, streams, and estuaries, and mapping tools are helping to determine how traffic contributes to Coho salmon and rainbow trout mortality, including pre-spawn adults and juveniles.

### Effectiveness of Stormwater Infrastructure

Ecology received one-time funding in the 2022 supplemental operating budget to assess existing BMP options and their likelihood to manage 6PPDQ, reported in Stormwater Treatment of Tire Contaminants Best Management Practices Effectiveness ([https://fortress.wa.gov/ecy/ezshare/wq/Permits/Flare/2019SWMMWW/Content/Resources/DocsForDownload/2022\\_SWTreatmentOfTireContaminants-BMPEffectiveness.pdf](https://fortress.wa.gov/ecy/ezshare/wq/Permits/Flare/2019SWMMWW/Content/Resources/DocsForDownload/2022_SWTreatmentOfTireContaminants-BMPEffectiveness.pdf)). Ecology subsequently received one-time funding in the 2023-25 operating budget to identify effective stormwater BMPs that remove 6PPDQ from stormwater runoff. BMP treatment research is critical to protecting salmon and trout from 6PPDQ. This research is now underway, and some preliminary results will be available in June 2025. However, the scope of information gaps and the amount of research needed on BMPs to prove their effectiveness at treating 6PPDQ in the field takes longer than one biennium to study. While research continues, Ecology is addressing 6PPDQ in our water quality permits and aquatic life criteria in the following ways:

- Issuing an updated municipal stormwater permits and manuals July 1, 2024, that include BMPs to help address 6PPDQ.
- Issuing an updated industrial stormwater general permit by the end of 2024 that, as currently proposed, will require 6PPDQ monitoring for certain industrial facilities.
- Proposing acute aquatic life freshwater criterion for 6PPDQ—the first state in the nation to do so—with plans to issue a final criterion for Environmental Protection Agency (EPA) approval by August 2024.

### Source Reduction and Exploring Alternative Chemicals

Finally, using one-time funding provided in the 2023-25 operating budget, Ecology is prioritizing source reduction efforts and researching ways to avoid the use of 6PPD in tires by identifying safer alternatives. This includes critical planning and coordination efforts to develop a cohesive and transparent response to 6PPD. To address these needs, Ecology is developing two products: a 6PPD Action Plan and a 6PPD Alternatives Assessment.

The 6PPD Action Plan will include an assessment of 6PPD and 6PPDQ and recommend actions for these chemicals. It will summarize existing information on the hazards of 6PPD, share the current state of safer alternatives, and identify stormwater management and best management practices to reduce the impacts of 6PPD and 6PPDQ. The Alternatives Assessment will analyze research to determine whether safer alternatives are feasible and available. This work will include expanded hazard assessments, research to fill data needs, performance data collection, and report development.

### **Is this request related to any budget items funded in the past two biennia?**

Yes, see attached.

### **Problem and Proposed Solution:**

The work to address 6PPDQ in our environment is underway. However, without ongoing funding continuing into 2025-27 and beyond, the progress made so far will halt. The funding Ecology requested in 2023-25 was intended to be ongoing because it will take multiple years to conduct watershed monitoring, identify and implement effective stormwater best management practices, and identify safer alternatives for tire manufacturing. This budget request is based on Ecology's previous request for longer-term, ongoing funding to address the following needs:

### Monitoring 6PPDQ in Watersheds

This portion of the request has two parts: developing science and monitoring strategies and regional collaboration.

### ***1. Developing Science and Monitoring Strategies***

Field-based science and monitoring requires consistent lab and field science staff, equipment, and resources for standardized field collections and lab analysis. Ongoing development of this science is needed to help Washington State resource managers prioritize where to invest treatment infrastructure to reduce impacts to salmonids and other aquatic species. With the requested funding in this area, Ecology will:

- a. Continue developing field sampling methods for 6PPDQ in water, sediments, biota, and periphyton.
- b. Continue developing laboratory methods for measuring 6PPDQ in sediments, biota, and periphyton.
- c. Continue to support lab capacity for 6PPDQ monitoring and research.
- d. Continue to identify collaborative sampling opportunities with parallel monitoring efforts to characterize 6PPDQ across the urban gradient.
- e. Conduct source ID monitoring when high levels of 6PPDQ are found.

### ***2. Regional Collaboration***

There is an ongoing need to coordinate and standardize 6PPD science and monitoring activities in Washington State. Ecology is currently working with several partners, including:

- Department of Fish and Wildlife
- Washington Department of Transportation (WSDOT)
- University of Washington
- Washington State University
- Washington Stormwater Center
- U.S. EPA
- United States Geological Survey
- National Oceanic and Atmospheric Administration (NOAA)
- Puget Sound Ecosystem Monitoring Program
- Conservation and Parks Commission
- Recreation and Conservation Office
- Department of Natural Resources
- Tribal partners

This request will provide ongoing funding to continue coordinating and providing technical assistance across organizations working to address 6PPDQ.

#### Effectiveness of Stormwater Infrastructure

It is critical the research currently underway continues into the most effective BMPs, so stormwater permittees have the best guidance to support them meeting their water quality permit conditions. When more BMPs are scientifically verified, Ecology can update guidance for permittees.

This portion of the request has three parts: continue the stormwater BMP research started this biennium and increase resources for addressing 6PPDQ in stormwater permits.

#### ***1. Continue Stormwater BMP Research***

Ecology received one-time funding from the Legislature in the 2021-23 and 2023-25 operating budgets to support BMP effectiveness research. The 2023-25 funding is supporting several pilot studies to assess BMP effectiveness, including testing bioretention soil media mixes, street sweeping effectiveness, stormwater characterization for different land uses and geographies, and monitoring for 6PPDQ.

Funding in this request will continue this research for two more years in preparation for the 2029 municipal stormwater permit renewal. Research needs include:

- a. Test BMP effectiveness at reducing 6PPDQ concentrations in the field and over time. Examples include bioretention, road embankments, swales, and other frequently prescribed BMPs.
- b. Identify other potential sources of 6PPDQ—such as artificial turf fields, ports, and industrial facilities—that may contribute to

concentrations of 6PPDQ in stormwater.

- c. Stormwater characterization of different traffic densities and land uses to identify concentrations of 6PPDQ in stormwater.
- d. Review stormwater operations and maintenance practices, such as cleaning catch basins, to determine if they are effective at reducing 6PPDQ.
- e. Investigate the effectiveness of frequent street sweeping to reduce 6PPDQ from stormwater runoff.
- f. Identify proper sediment and street waste disposal guidelines.
- g. Understand geographic differences in the performance of BMPs (e.g., Western compared to Eastern Washington).

## **2. Stormwater Permit Management**

As new research becomes available, knowledge and best practices need to be incorporated into stormwater permits, manuals, and technical guidance documents. This must be done in a timely way, so permittees have the most up-to-date methods for removing pollutants, improving stormwater management for 6PPDQ and other pollutants, and improving the health of watersheds. Staff resources are needed on an ongoing basis to translate research results into permit guidance and update permit language and stormwater manuals. The requested permit staff will also advise the team leading the BMP effectiveness research to ensure research outcomes will be directly applicable and translatable to the permits.

In addition to updating permits, manuals, and guidance documents, communication and coordination of 6PPDQ permit implementation issues needs to be coordinated through the Stormwater Work Group (SWG), which is an external oversight committee advising on stormwater permit management issues. The SWG is the established, recognized organization that represents diverse interests in vetting stormwater permit issues and monitoring approaches. The SWG also oversees the Stormwater Action Monitoring Program, which is a collective effort to collaborate on monitoring needs under the municipal stormwater permits. Ecology is a member of SWG and provides staffing coordination. Staff resources are needed to expand Ecology's coordination role with the SWG to address 6PPDQ permit monitoring and implementation issues. This expanded effort helps inform Ecology and permittees whether water quality conditions are getting better or worse, whether we are protecting key resources, and whether our BMPs are effective at achieving desired results. In particular, Ecology is staffing a newly formed SWG 6PPDQ subgroup (100+ people) that meets regularly to exchange information and share BMP knowledge. Ecology will also be expanding its support of the SWG overall with the addition of 24 Eastern Washington municipalities to the Stormwater Action Monitoring Program.

### Source Reduction and Exploring Alternative Chemicals

One-time funding was provided in both 2021-23 and 2023-25 to support alternative assessments, but the research and work needed to find safer alternatives to 6PPD is ongoing and will continue to be so for the foreseeable future. There are still many unanswered questions regarding the performance and hazards of potential alternatives. Replacing 6PPD with a chemical that isn't effective or has adverse health impacts on humans or other species could create even more human health and environmental problems.

Ecology has used a portion of the funding provided over the last two biennia to contract with the WSU Stormwater Center to conduct toxicity tests on potential 6PPD alternatives in Coho salmon and rainbow trout. We also convened a workshop with interested parties to discuss next steps, identify tire performance requirements, and needs to define and develop a safer alternative.

However, the scientific uncertainties surrounding 6PPD and potential alternatives are significant, and we still have data gaps. Ongoing funding is needed to continue filling these data gaps and identify safer alternatives. It is not possible to immediately stop using 6PPD in tires. Even when safer alternatives are eventually identified, transitioning to those alternatives will take time.

In the meantime, it is also essential that we continue to consider other ways to reduce the impacts of 6PPD compounds to help prevent aquatic toxicity to salmon and other species. Ecology finalized a draft of the first of multiple phases of a 6PPD Action Plan in 2024, providing recommendations for filling existing data gaps and research needs and identifying critical next steps to find solutions to 6PPD and 6PPDQ. Ecology will submit a progress report on the 6PPD Action Plan to the Legislature in December 2024.

Without the resources included in this request, Ecology will not be able to continue its work to identify safer alternatives to 6PPD, conduct alternative assessments for possible replacement chemicals, develop the next phase of the 6PPD Action Plan, or begin implementing recommendations from the plan after June 30, 2025.

### **Impacts on Population Served:**

Restoring water quality is an obligation for Washington under the federal Clean Water Act and ensures our waters support recreation and businesses that rely on clean water, clean drinking water, and protection of fish, shellfish, wildlife, and public health. Addressing pollutants is critical for fish and aquatic life to survive and protecting human health. Restoring water quality means the public will be better protected from pollution sources from direct discharges to surface waters and to the ground.

This request will ultimately limit 6PPDQ from stormwater runoff and help with the successful recovery of salmonid populations. Toxicity of 6PPDQ in stormwater ties together two larger stormwater and salmon recovery problems facing our state and all those involved. Most of the paved surfaces in our urban landscapes are dedicated to motorized vehicle use, and the vast majority of roads and parking area infrastructure is old and may lack stormwater treatments that are now required with new development and redevelopment. Ecology's role is to provide guidance to stormwater permittees, other regulatory agencies, and the broader stormwater stakeholder community on how to protect water quality—including emerging issues like tire wear particles and chemicals like 6PPDQ.

The potential long-term benefits of safer alternatives to 6PPD and the development of a 6PPD Action Plan include more abundant salmon populations and safer recycled tire products. Protecting Coho salmon and other salmonid species supports other species higher in the food chain, including Orca whales. People benefit from more abundant salmon and other species populations nutritionally, economically, and culturally. Some populations may benefit more from restored salmon populations, including Tribes, indigenous people, and populations with higher fish consumption, including those who fish for subsistence or for sport.

People will also benefit from safer products made from recycled tires. Crumb rubber and rubber mulch are found in playfields and other areas where children learn and play. 6PPD is primarily a concern for salmon toxicity, but it is also a reproductive toxicant in humans. Reducing children's exposure to 6PPD will have human health benefits as well, provided it is replaced with a safer alternative.

#### **Alternatives Explored:**

Ecology explored several alternatives to this request, but none were a viable option. Ecology has been able to leverage some existing one-time federal funding this biennium for laboratory analysis and incorporate elements of 6PPDQ work into several other existing projects, which has helped expedite the use of the state funding provided this biennium. However, these opportunities are not a suitable alternative for the funding Ecology needs to continue addressing 6PPD and 6PPDQ.

For municipal stormwater permittees who need to comply with their permits, they could conduct BMP research on their own without assistance from Ecology, but that would be inefficient and take longer to reach conclusions. This would delay the state's response to 6PPDQ and continue to further impact Coho salmon over multiple life cycles.

Ecology considered redirecting existing resources to support this ongoing work, but that is not feasible because it would require redirecting resources from work directed by the Legislature to reduce toxic chemicals in consumer products, such as Safer Products for Washington (SPWA) and the Toxic-Free Cosmetics Act (TFCA). This alternative would compromise our ability to meet the statutory deadlines for SPWA and TFCA. It would also reduce our capacity for green chemistry and safer alternatives research that allows us to get out in front of toxic chemicals and practice pollution prevention.

#### **Consequences of Not Funding This Request:**

6PPDQ continues to be found throughout the environment with toxic impacts to salmon and other aquatic species. If this request is not funded, Ecology would not have the resources we need to continue research, monitoring, analysis, or collaboration with our partners to address this issue. Without resources for monitoring and analysis, BMP implementation would lack crucial data to identify priority areas and would cost the state more money in the long run.

Furthermore, if this request is not funded, Ecology would not provide permittees with the guidance needed to achieve essential water quality goals in addressing 6PPDQ. Short-term studies limit our ability to include scientifically valid results in our permitting processes. Ecology is under scrutiny from Tribes and the public on 6PPD, and not continuing our work on this emerging contaminant puts us at risk for addressing Tribal treaty resources and not meeting requirements to provide the best available guidance.

Finally, if this request is not funded, our work to identify safer alternatives to 6PPD, conduct hazard assessments for possible replacement chemicals, and develop a 6PPD Action Plan would end at the conclusion of the current biennium, and any progress to find a safer alternative would drastically slow down. Without continued work to identify safer alternatives, Coho salmon and other aquatic species would continue to be exposed to 6PPDQ and potentially be vulnerable to unknown toxic effects from unvetted 6PPD alternatives. Similarly, without continued development of a 6PPD Action Plan, state agencies, local governments, and Tribal governments would be left without recommended actions to respond to the impacts of 6PPD and 6PPDQ on fish, humans, and the environment.

## Assumptions and Calculations

### **Expansion, Reduction, Elimination or Alteration of a current program or service:**

This request expands Activity A008 – Control Stormwater Pollution by providing additional permit and research staff and contract funding to



conduct stormwater studies to identify the appropriate BMP design and construction specifications to reduce the level of 6PPDQ from discharging to waterways and harming salmon.

This request also expands Activity A026 – Measure Contaminants in the Environment by Performing Laboratory Analyses by providing additional staff to develop a sediment lab method and analyze water and sediment samples.

This request expands Activity A065 – Prevent the Use of Toxic Chemicals in Products and Promote Safer Alternatives by adding staff and contract resources to continue research on safer alternatives to 6PPD, conduct hazard assessments for possible replacement chemicals, and continue development of a 6PPD Action Plan.

Below is a summary of the 2021-23 and 2023-25 base funding and FTEs for these activities. Administrative Overhead related to this activity is in the agency’s Administration Activity A002 and is not included in the totals below.

<b>A008 Control Stormwater Pollution</b>		
	<b>2021-23</b>	<b>2023-25</b>
FTEs Total	51.55	60.85
001-2 General Fund – Federal	\$0	\$161,000
001-7 General Fund - Local	\$6,153,000	\$6,142,000
176-1 Water Quality Permit Account	\$12,199,000	\$13,497,000
23P-1 Model Toxics Control Operating - State	\$6,740,000	\$12,091,000
26C-1 Climate Commitment Account	\$0	\$325,000
<b>TOTAL</b>	<b>\$25,092,000</b>	<b>\$32,216,000</b>

<b>A026 Measure Contaminants in the Environment by Performing Laboratory Analysis</b>		
	<b>2021-23</b>	<b>2023-25</b>
FTEs Total	30.60	30.70
001-7 General Fund - Local	\$294,000	\$294,000
176-1 Water Quality Permit Account	\$282,000	\$282,000
23P-1 Model Toxics Control Operating - State	\$4,126,000	\$4,485,000
<b>TOTAL</b>	<b>\$4,702,000</b>	<b>\$5,061,000</b>

<b>A065 Prevent the Use of Toxic Chemicals in Products and Promote Safer Alternatives</b>		
	<b>2021-23</b>	<b>2023-25</b>
FTEs Total	27.50	36.85
001-2 General Fund - Federal	\$495,000	\$582,000
207-1 Hazardous Waste Assistance	\$1,834,000	\$1,898,000
23P-1 Model Toxics Control Operating - State	\$9,227,000	\$12,961,000
<b>TOTAL</b>	<b>\$11,556,000</b>	<b>\$15,441,000</b>

**Detailed Assumptions and Calculations:**

Ecology requires the following combination of one-time and ongoing funding to develop a sediment lab method and analyze water and sediment samples, conduct stormwater studies to identify the appropriate BMP design and construction specifications to reduce the level of 6PPDQ from discharging to waterways, continue research on safer alternatives to 6PPD, and continue development of a 6PPD Action Plan.

**Monitoring 6PPDQ in Watersheds**

Beginning July 1, 2025, and ongoing, Ecology requires salaries, benefits, and associated staff costs for the following positions:

- 1.0 FTE Natural Resource Scientist 4 (NRS4) position to oversee Ecology's 6PPDQ monitoring program. This position will be key in developing field methods, designing the monitoring and source identification strategy, and leading the science for Ecology. Additionally, this position will coordinate 6PPD science with agencies, Tribes, federal partners, and academia through the Salmon Recovery Office, the Puget Sound Partnership workgroups, Puget Sound Stormwater and Transportation workgroup, and other groups across Puget Sound and the Columbia Basin.
- 1.0 FTE Natural Resource Scientist 2 (NRS2) position to assist the NRS4 6PPD lead and conduct sampling for 6PPDQ in water, sediments, biota, and periphyton. This position will help with 6PPDQ monitoring across the urban gradient and with conducting source ID monitoring when high levels of 6PPDQ are found.
- 1.0 FTE Chemist 3 position to develop laboratory methods for 6PPDQ analysis in sediment, biota, and periphyton and complete laboratory analysis of routine samples for the monitoring program.
- 1.0 FTE Chemist 3 position for laboratory project management. This position will work with field project managers and laboratory analysts to ensure all laboratory work is conducted within the specifications of the Quality Assurance Project Plan (QAPP), logistics are coordinated to meet holding times, facilitates scheduling of samples with laboratory capacity in mind, and all accreditation requirements or accreditation waivers are in place.
- 0.5 FTE Engineering Technician 2 to enhance and maintain current toxics monitoring stations for collecting 6PPDQ samples and to provide field support to the NRS2 monitoring lead.

Ecology will also require \$25,000 per fiscal year, beginning July 1, 2025, and ongoing, for laboratory consumables (chemicals and supplies) needed to conduct laboratory analyses (shown in object E).

**Effectiveness of Stormwater Infrastructure**

Beginning July 1, 2025, and ongoing, Ecology requires salaries, benefits, and associated staff costs for the following positions to support stormwater infrastructure in responding to 6PPDQ:

- 1.0 FTE Environmental Engineer 3 to be the lead engineer to assess BMP research effectiveness on stormwater management and provide project management assistance. This person will also be the project manager for the Stormwater Work Group, build relations with municipal stormwater permittees by providing technical assistance, and engage with the additional 24 permittees from Eastern Washington.
- 1.0 FTE Environmental Planner 5 as the statewide stormwater policy lead that will work collaboratively with internal and external subject matter experts to incorporate science-based stormwater BMPs that address 6PPDQ into permits and technical guidance documents. This person will also collaborate externally on complex policy, regulatory, and scientific initiatives and decision-making on the effective pollution control of 6PPDQ with interested parties, such as the Puget Sound Ecosystem Monitoring Program (PSEMP), EPA, NOAA, other state agencies, municipalities, and Tribes.
- 1.0 FTE Environmental Engineer 5 to review, verify, and advise on scientifically-sound BMPs to incorporate into Ecology's portfolio of stormwater permits and guidance manuals as they are identified, keeping manuals and guidance documents up to date. Permittees and project proponents use this guidance as they install new stormwater facilities when land is developed, implement source control activities, and plan and implement stormwater treatment retrofit projects in areas of existing development.
- 1.0 FTE Management Analyst 3 to manage contracts and agreements to conduct 6PPDQ research on BMPs for use in future updates of the stormwater manuals. This position will track expenditures and deliverables and help with the Stormwater Action Monitoring program and Stormwater Work Group development.

Ecology also requires \$2,932,000 in funding from July 1, 2025, through June 30, 2027, to continue the current 6PPDQ studies from this biennium (shown in object C). This work will continue to expand the scope of research to provide a suite of BMP options that are specific to certain locations and land uses. The result will be a full four years of data during rainy and dry seasons and across landscapes that can be confidently incorporated into the next round of municipal stormwater permit updates in 2029.

### **Source Reduction and Exploring Alternative Chemicals**

Beginning July 1, 2025, and ongoing, Ecology requires salaries, benefits, and associated staff costs for the following positions to continue work toward reducing the use of 6PPD in tires and prevent the release of 6PPDQ into the environment through continued development of the 6PPD Action Plan and 6PPD Alternatives Assessment:

- 1.0 FTE Environmental Planner 5 to serve as the 6PPD agency lead coordinator.
- 1.0 FTE Toxicologist 2 to help in Action Plan development, data research and analysis, and implementing priority recommendations identified in Phase 1 of the 6PPD Action Plan. This work includes beginning PPD chemical class and product research and supporting research of recycled-rubber-based recreational surfaces.
- 1.0 FTE Communications Consultant 3 to conduct outreach and coordination with state agency partners and engaging interest groups in the Action Plan.
- 1.0 FTE Environmental Planner 3 to assist in Action Plan development and coordination.
- 1.0 FTE Chemist 3 to lead work on alternatives assessments and implementing priority recommendations identified through development of Phase 1 of the 6PPD Action Plan. This work includes beginning PPD chemical class and product research and supporting research of recycled-rubber-based recreational surfaces.
- 0.5 FTE Environmental Specialist 5 to develop and manage interagency agreements, outside contracts necessary to support alternatives assessments, and data research and analysis.

Ecology also requires approximately \$1,158,266 million per biennium beginning July 1, 2025, and ongoing to contract for research, hazard assessments of possible substitute chemicals, toxicity testing to help fill existing data gaps, and performance testing to help evaluate feasibility of alternatives (shown in object C).

**Workforce Assumptions:**

<b>Expenditures by Object</b>		<b><u>FY 2026</u></b>	<b><u>FY 2027</u></b>	<b><u>FY 2028</u></b>	<b><u>FY 2029</u></b>	<b><u>FY 2030</u></b>	<b><u>FY 2031</u></b>
A	Salaries and Wages	1,310,883	1,310,883	1,310,883	1,310,883	1,310,883	1,310,883
B	Employee Benefits Personal Service	447,013	447,013	447,013	447,013	447,013	447,013
C	Contract	2,045,133	2,045,133	579,133	579,133	579,133	579,133
E	Goods and Services	109,672	109,672	109,672	109,672	109,672	109,672
G	Travel	30,871	30,871	30,871	30,871	30,871	30,871
J	Capital Outlays	18,004	18,004	18,004	18,004	18,004	18,004
T	Intra-Agency Reimbursements	525,609	525,609	525,609	525,609	525,609	525,609
	<b>Total Objects</b>	<b>4,487,185</b>	<b>4,487,185</b>	<b>3,021,185</b>	<b>3,021,185</b>	<b>3,021,185</b>	<b>3,021,185</b>

**Staffing**

<b>Job Class</b>	<b>Salary</b>	<b><u>FY 2026</u></b>	<b><u>FY 2027</u></b>	<b><u>FY 2028</u></b>	<b><u>FY 2029</u></b>	<b><u>FY 2030</u></b>	<b><u>FY 2031</u></b>
MANAGEMENT ANALYST 3	76,612	1.00	1.00	1.00	1.00	1.00	1.00
ENVIRONMENTAL ENGINEER 3	105,612	1.00	1.00	1.00	1.00	1.00	1.00
ENVIRONMENTAL ENGINEER 5	119,465	1.00	1.00	1.00	1.00	1.00	1.00
ENVIRONMENTAL PLANNER 5	105,612	2.00	2.00	2.00	2.00	2.00	2.00
TOXICOLOGIST 2	100,521	1.00	1.00	1.00	1.00	1.00	1.00
COMMUNICATIONS CONSULTANT 3	71,149	1.00	1.00	1.00	1.00	1.00	1.00
ENVIRONMENTAL PLANNER 3	86,716	1.00	1.00	1.00	1.00	1.00	1.00
CHEMIST 3	93,238	3.00	3.00	3.00	3.00	3.00	3.00
ENVIRONMENTAL SPEC 5	95,387	0.50	0.50	0.50	0.50	0.50	0.50
NATURAL RESOURCE SCIENTIST 4	105,394	1.00	1.00	1.00	1.00	1.00	1.00
NATURAL RESOURCE SCIENTIST 2	72,923	1.00	1.00	1.00	1.00	1.00	1.00
ENGINEERING TECHNICIAN 2	67,717	0.50	0.50	0.50	0.50	0.50	0.50
FISCAL ANALYST 2		1.40	1.40	1.40	1.40	1.40	1.40
IT APP DEVELOPMENT-JOURNEY		0.70	0.70	0.70	0.70	0.70	0.70
	<b>Total FTEs</b>	<b>16.10</b>	<b>16.10</b>	<b>16.10</b>	<b>16.10</b>	<b>16.10</b>	<b>16.10</b>

**Explanation of costs by object:**

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 34.1% of salaries.

Personal Service Contract costs are \$1,466,000 in fiscal years 2026 and 2027 for pass through funding to extend existing research contracts and address research gaps. Also included is \$579,133 per year on-going for research, alternative assessments, and toxicity and performance tests.

Goods and Services are the agency average of \$6,048 per direct program FTE. Goods and Services costs also include \$25,000 per year ongoing for laboratory chemicals and supplies to conduct analyses.

Travel is the agency average of \$2,205 per direct program FTE.

Equipment is the agency average of \$1,286 per direct program FTE.

Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 29.9% of direct program salaries and benefits, and is shown as object T. Agency Administrative Overhead FTEs are included at 0.15 FTE per direct program FTE, and are identified as Fiscal Analyst 2 and IT App Development-Journey.

**Historical Funding:**

	FY2026	FY2027
FTE (xx direct FTE)	0.0	0.0
<b>Total Funds</b> (rounded to thousands)	\$0	\$0
<b>Near General Fund</b> (rounded to thousands)	\$0	\$0
<b>Other Funds</b> (rounded to thousands)	\$0	\$0

Administrative Overhead related to this program or service is in the agency’s Administration Activity A002, but is not shown in the totals above.

**Strategic and Performance Outcomes**

**Strategic Framework:**

This request is essential to achieving the Governor’s Goal 5: Efficient, Effective, and Accountable Government and Ecology’s Goal 1: Support and engage our communities, customers, and employees because it will provide the resources Ecology needs to:

- Build relations with municipal stormwater and general permittees through technical assistance to ensure they are properly managing their stormwater runoff to reduce the pollution and sources of 6PPDQ from tires in Washington.
- Partner with Tribal government representatives and members from other impacted communities throughout our alternatives assessment and Action Plan processes to integrate Tribal and community concerns.

This request is essential to achieving the Governor’s Results Washington Goal 3: Sustainable Energy and a Clean Environment and Goal 4: Health and Safe Communities, and Ecology’s Goal 3: Prevent and reduce waste, toxic threats, and pollution and Goal 4: Protect and Manage our State’s Waters because it will provide the resources Ecology needs to:

- Update stormwater management manuals with new or revised BMPs that remove 6PPDQ from stormwater runoff.

Monitor the environment by sampling and testing water and sediment to identify areas of 6PPDQ concentrations lethal to salmonids and other aquatic species. This will help prioritize locations for stormwater treatment to protect salmon.

**Performance Outcomes:**

The outcome of this request will be identification of safer alternatives to 6PPD in tires and development and beginning implementation of recommended actions to address 6PPDQ statewide. Another outcome of this request will be a decrease in the amount of 6PPDQ discharged to stormwater to support continued recovery and health of salmon populations. This is an important outcome for Tribes, indigenous people, and populations that rely on fish for sustenance and economics.

## Equity Impacts

### **Community Outreach and Engagement:**

Our 6PPD Action Plan and Alternative Assessment work has included extensive outreach and participation from communities and Tribes. For our 6PPD Action Plan processes, we established the 6PPD Action Plan Advisory Committee to inform phase 1 of the plan. Invitations to participate on the advisory committee reflected federal, state, and Tribal governments; municipalities; researchers; and community-based organizations most engaged and knowledgeable on 6PPD. Representatives of the Skokomish Indian Tribe, Confederated Tribes and Bands of the Yakama Nation, Suquamish Tribe, Nisqually Indian Tribe, and the Spokane Tribe of Indians have participated in the advisory committee. The Upper Columbia United Tribes (UCUT), Affiliated Tribes of Northwest Indians (ATNI), and the Northwest Indian Fisheries Commission (NWIFC) also participated. The advisory committee identified the need to further engage communities most impacted by this pollution, including representatives from Tribal governments, subsistence fishing communities, and other people representing overburdened communities or vulnerable populations.

For our alternative assessments, we anticipate continued collaboration as we work toward safer alternatives. As our work on 6PPD progresses and we begin implementing priority actions to reduce 6PPD's impacts, we will identify and work in collaboration with communities that are most affected. The draft of Phase 1 of the 6PPD Action Plan includes recommendations to include a Tribal Advisory Committee and create a 6PPD community collaborative that represents overburdened communities and guides the overarching environmental justice work for the 6PPD Action Plan recommendations. This group is intended to act as an advisory and communications body to build relationships with overburdened communities, educate their communities on the latest research and policies concerning 6PPD compounds, and identify appropriate ways to benefit communities through the 6PPD Action Plan.

In addition, Ecology permitting, and rule processes include Tribal outreach, offers to engage in government-to-government consultations, and public comment and engagement opportunities. Our rulemaking also complies with the HEAL Act for environmental justice assessments, including engaging overburdened communities in rulemaking. During our public comment periods for rules and permits, we received extensive feedback from Tribes, Tribal organizations, environmental groups, and individuals that more needs to be done to address 6PPD.

### **Disproportional Impact Considerations:**

This request is intended to reduce disproportionate impacts on Tribes and tribally reserved rights and resources. It will support work that restores salmon and environmental and natural resources critical to the vitality of Tribal cultures and indigenous people in Washington. Maintaining a healthy salmon population is critical to protecting Tribal treaty resources, cultural practices, economic welfare, and subsistence uses. It will also reduce impacts to fishers from immigrant populations and populations with limited English proficiency who are culturally and economically connected to subsistence fishing practices.

### **Target Communities and Populations:**

We do not yet know the extent to which 6PPDQ impacts human health, but we do know that residents who face existing cumulative health impacts from disproportionate environmental harms will have the most impacts from any health and ecological impacts from 6PPDQ. We also know that a variety of Washingtonians' (including indigenous Tribes and communities) cultural and subsistence practices are disproportionately impacted by threats to salmon. Washington State government is a co-manager of salmon per U.S. government treaties with numerous federally-recognized Tribes. There are multiple vulnerable populations and overburdened communities, defined under the HEAL Act, that are affected by 6PPD and would benefit from the work described in this request, including:

- Tribes, indigenous people, and populations with higher fish consumption, including those who fish for subsistence or for sport.
- Communities of color and low-income communities in areas with sensitive salmonid populations, based on stormwater runoff and watershed mapping.
- Subsistence fishers from low-income or communities of color in areas vulnerable to impacts from 6PPDQ.
- Workers who are disproportionately exposed to 6PPD compounds (e.g., people who work in the tire manufacturing industry, people who install artificial turf, workers who are overexposed to stormwater runoff in the construction, maintenance, and landscaping industries).
- Communities and groups that live, work, or play near areas potentially contaminated with 6PPD compounds (e.g. community gardens, landfills, artificial turf playfields).

### **Community Inputs and Incorporation:**

See Community Outreach and Engagement response.

## Other Collateral Connections

**HEAL Act Agencies Supplemental Questions**

Yes, see attached.

**Puget Sound Recovery:**

This request supports the 2022-2026 Puget Sound Action Agenda implementation through various Vital Signs, Strategies, Targets, Desired Outcomes, Actions, Ongoing Programs, and Science Work Plans included in the Action Agenda. See attachment B for a complete list of linkages between this request and the agenda.

This request also supports Orca Task Force Recommendation 30. Identify, prioritize and take action on chemicals that impact orcas and their prey.

**State Workforce Impacts:**

N/A

**Intergovernmental:**

Continuous research, synthesis, adaptation, communication, and coordination across disciplines, agencies, states, Tribes, governments, and countries will be needed in the years to come to address 6PPDQ in stormwater runoff. There are many critical information gaps identified in the June 2022 report [Stormwater Treatment of Tire Contaminants Best Management Practices Effectiveness](#) for researchers to address to better inform how effective BMPs are in controlling 6PPDQ contamination. Because stormwater runoff from tens of thousands of road lane miles, parking areas, and other vehicle use areas must be managed, the stormwater BMPs must be implemented across multiple justifications in the most sensitive and priority habitat areas for salmonids.

The need for understanding the occurrence and persistence of 6PPDQ was identified during the development of Phase 1 of the 6PPD Action Plan. The development of the 6PPD Action Plan is supported by multiple partners. The draft of Phase 1 of the 6PPD Action Plan highlights the ongoing need to decompartmentalize and standardize 6PPD science and monitoring activities in Washington State.?

We plan to continue working closely with WDFW, who conducts regional indicator species tissue sampling as a Vital Sign of Puget Sound health. Ecology will complement their work by co-locating environmental waterway scale sampling to help understand when and where the fish species are exposed to 6PPDQ. Ecology will work closely with the Puget Sound Partnership and PSEMP work groups to identify areas of concern and help prioritize mitigation efforts.

The Washington Stormwater Center and the Center for Urban Waters participated in the Action Plan process, and their recommendations were incorporated. Washington Tribes are very supportive of sampling streams of concern and are working with us to develop and implement the sampling design. WSDOT and Ecology are supporting sampling and analytical needs. King County has been very supportive and will continue to be an important partner contributing data gap filling.

Many jurisdictions conduct long-term stormwater infrastructure planning through the Growth Management Act and municipal permit requirements. In the past, there was no expectation their planning would address 6PPDQ because the chemical was unknown. Stormwater management and salmon recovery are two major statewide efforts. With 6PPDQ tying these efforts together, increased coordination capacity is needed for both Ecology and our permittees involved in salmon recovery.

Tribal partners have been supportive of continuing 6PPD Action Plan and Alternatives Assessment work, though they would likely prefer it done on a much shorter timeline because of the 6PPDQ toxicity to salmon populations and other not yet known impacts to consumed natural resources of indigenous peoples. Many Tribes are very concerned about 6PPD and would like to see it banned, but they understand why this is not a reasonable short-term expectation.

**Stakeholder Impacts:**

We have discussed this request with interest groups. For development of Phase 1 of the 6PPD Action Plan, we convened an advisory committee comprised of federal, state, and Tribal governments; municipalities; university researchers; and community-based organizations. These groups worked closely with us on development of Phase 1 of the 6PPD Action Plan. They are aware of the need to continue and expand our current work to begin implementing priority recommendations identified by the committee.



The 6PPD Action Plan Advisory Committee supported the elements of this budget request and identified priority recommendations they would like to see implemented sooner than possible at previous funding levels. This request will align with content in the progress report Ecology will submit to the Legislature in December 2024.

The environmental community also supports continuing this work. There is interest in moving to a ban as soon as possible, but the environmental community is also concerned about other chemicals in the same class as 6PPD.

The U.S. Tire Manufacturer Association is tracking our work. They had concerns when we received initial funding for this work, mostly because they did not want to be required to complete an alternatives assessment for Washington in addition to the assessment they prepared for California. However, we do not require manufacturers to complete an alternatives assessment, and we plan to leverage the information manufacturers submit to California. So far, industry has engaged with us and communicated their interest in additional toxicity testing information. Salmon toxicity testing is complex and not part of a standard toxicity screening. They would like more information on potentially safer alternatives so they can start researching the performance and feasibility elements.

**State Facilities Impacts:**

N/A

**Changes from Current Law:**

N/A

**Legal or Administrative Mandates:**

There is no specific legal requirement for Ecology to address 6PPD, but there are actions at the federal level that warrant moving forward quickly. In 2023, the EPA granted a petition from Washington and California Tribes to address 6PPD under the Toxics Substances Control Act (TSCA). EPA plans to issue an advanced notice of proposed rulemaking under TSCA this fall. EPA developed a draft laboratory method for detection of 6PPDQ in surface water and stormwater and developed a draft screening value for 6PPDQ and 6PPD. They are also drafting updates to federally issued stormwater permits in Washington State to include 6PPDQ requirements.

**Governor's Salmon Strategy:**

This request also directly implements the following recommended priority and action in the 2021 Governor's Salmon Strategy Update:

- Strategic Priority: 2. Invest in clean water infrastructure for salmon and people
- Action: 2a. Toxics reduction

**Reference Documents**

[Reduce Toxic Tire Chemical Exposure-HEAL Act Attachment.pdf](#)

[Reduce Toxic Tire Chemical Exposure-Historical Funding Attachment A.pdf](#)

[Reduce Toxic Tire Chemical Exposure-PS Attachment B.pdf](#)

**IT Addendum**

***Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?***

No

## Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
Obj. A	\$1,311	\$1,311	<b>\$2,622</b>	\$1,311	\$1,311	<b>\$2,622</b>
Obj. B	\$447	\$447	<b>\$894</b>	\$447	\$447	<b>\$894</b>
Obj. C	\$2,045	\$2,045	<b>\$4,090</b>	\$579	\$579	<b>\$1,158</b>
Obj. E	\$110	\$110	<b>\$220</b>	\$110	\$110	<b>\$220</b>
Obj. G	\$31	\$31	<b>\$62</b>	\$31	\$31	<b>\$62</b>
Obj. J	\$18	\$18	<b>\$36</b>	\$18	\$18	<b>\$36</b>
Obj. T	\$525	\$525	<b>\$1,050</b>	\$525	\$525	<b>\$1,050</b>

## Agency Contact Information

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### ATTACHMENT A - RELATED BUDGET ITEMS FUNDED IN THE LAST TWO BIENNIA (2023-25, 2021-23)

Instructions: Enter the following information about any budget items funded over the last two biennia (2021-23 budget, 2022 supplemental budget, 2023-25 budget, 2024 supplemental budget) that is related to your Decision Package for 2025-27.

Biennium	Rec Sum Code/Title	RecSum Description	Fund Source	Duration	Amount
2023-25	PW-Toxic Tire Wear in Stormwater	One-time funding is provided to continue research on the ability of stormwater systems to filter out 6PPD chemical compounds and develop best management practices to treat contaminated stormwater. This work was funded one-time in the 2021-23 and 2022 supplemental operating budgets.	23P-1	One-Time	\$5,195,000
2023-25	AK-Address Toxic Tire Wear Chemical	One-time funding is provided to continue a safer alternatives assessment of the 6PPD chemical compounds used in tires and evaluate the toxicity of potential alternative materials on Coho salmon and other species.	23P-1	One-Time	\$2,702,000
2021-23 (2022 Suppl)	S39-Address Toxic Tire Wear Chemical	One-time funding is provided for materials science expertise and collection of industry data necessary to evaluate the feasibility of alternatives to tire chemicals, related to the 6PPD chemical.	23P-1	One-Time	\$1,322,000
2021-23 (2022 Suppl)	S35-Toxic Tire Wear in Stormwater	One-time funding is provided to study the ability of stormwater systems to filter out tire dust and develop best management practices to treat contaminated stormwater. Untreated stormwater containing high concentrations of 6PPD chemical compounds from tire wear pose a significant risk to the health of Coho salmon.	23P-1	One-Time	\$1,382,000
2021-23	S6PD-Tire Chemical Studies	One-time funding is provided for the department to conduct two studies: one on the assessment of potential hazards of certain chemicals used in tires, the other in collaboration with the Department of Transportation, the University of Washington and Washington State University to identify priority areas affected by 6PPD or other related chemicals toxic to aquatic life from roads and transportation infrastructure and on best management practices for reducing toxicity.	23P-1	One-Time	\$718,000

## Attachment B

### Linkages to Puget Sound Action Agenda Implementation

This attachment provides additional supporting details for the following decision package (DP) as it relates to the Puget Sound 2022-2026 Action Agenda implementation.

**DP Title:** Reduce Toxic Tire Chemical Exposure

#### Vital Signs

- Freshwater
- Toxics in Aquatic Life

#### Strategies

- 8. Prevent Pollution
- 10. Stormwater Runoff and Legacy Contamination

**Targets** – Reduce the amount of toxic chemicals used or generated hazardous waste an additional 8,000 pounds above their existing goal of 160,000 pound and realize an additional cost savings for participating businesses of \$20,000 above their existing cost-savings goal of \$400,000.

#### Desired Outcomes

- 2.1.2. Presence of chemicals of emerging concern in consumer goods reduced.
- 2.1.3. Proper disposal of goods containing chemicals of emerging concern increased.
- 5.6.4. Levels and patterns of pollutants and biotoxins in surface waters do not threaten the health of Puget Sound communities or vulnerable populations.

#### Actions

- 31. Encourage retrofits and restoration through education and incentives.
- 32. Increase local stormwater management capacity (including funding, staffing resources, and management tools and information).
- 33. Incentivize redevelopment in areas associated with high loads of toxic chemicals.
- 41. Find and fix toxic hotspots (information, planning, education, funding, and implementation).
- 42. Promote the development and use of safer alternatives to toxic chemicals.
- 43. Prioritize, prevent, and manage (regulations, permits, and incentives) chemicals of emerging concern.
- 45. Develop and implement programs that incentivize, remove, or replace toxic laden products with safer alternatives, and ensure proper disposal of toxic products.

#### Ongoing Program

- OGP\_ECY54 Hazardous Waste and Toxics Reduction - Reducing Toxic Threats, Safer Products WA, Chemicals in Products Compliance
- OGP\_ECY34 Water Quality - Control Stormwater and Wastewater Pollution

**Orca Task Force Recommendation** - 30. Identify, prioritize and take action on chemicals that impact orcas and their prey.

**Science Work Plan** - 7. PRIMARY and 8. PRIMARY

# 2025-27 Biennial Budget HEAL Act Template

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## Background

### HEAL Act requirements

The Healthy Environment for All Act (HEAL Act), Chapter 314, Laws of 2021 (RCW [70A.02](#)) requires that “covered and opt in agencies” must implement the requirements of the HEAL Act. This includes the:

- Department of Ecology
- Department of Agriculture
- Department of Commerce
- Department of Health
- Department of Natural Resources
- Department of Transportation
- Puget Sound Partnership
- Office of the Attorney General

HEAL Act agencies that are considering a significant agency action initiated after July 1, 2023, are required to conduct an environmental justice assessment. RCW [70A.02.010](#)(12) specifies that significant agency actions include:

- The development and adoption of significant legislative rules as defined in RCW [34.05.328](#).
- The development and adoption of any new grant or loan program that the agency is explicitly authorized or required by statute to implement.
- A capital project, grant, or loan award costing at least \$12,000,000.
- A transportation project, grant, or loan costing at least \$15,000,000.
- The submission of agency request legislation to the Office of the Governor or OFM.

Under RCW [70A.02.080](#), beginning on or before July 1, 2023, covered and opt in agencies must, where practicable, take specific actions when making expenditure decisions or developing budget requests to OFM and the Legislature for programs that address or may cause environmental harms or provide environmental benefits. This includes:

- Focus applicable expenditures on creating environmental benefits that are experienced by overburdened communities and vulnerable populations, including reducing or eliminating environmental harms, creating community and population resilience, and improving the quality of life of overburdened communities and vulnerable populations.
- Create opportunities for overburdened communities and vulnerable populations to meaningfully participate in agency expenditure decisions.
- Clearly articulate environmental justice goals and performance metrics to communicate the basis for agency expenditures.
- Establish a goal of directing 40% of grants and expenditures that create environmental benefits to vulnerable populations overburdened communities.

To help OFM understand how HEAL Act agency budget requests meet HEAL Act requirements, covered agencies are required to complete additional questions related to the HEAL Act. These questions are shown below and are in addition to the equity related questions required of all agencies. Covered agencies are asked to complete the following questions and submit them through ABS.

### HEAL Act questions

If you answer YES to any of these bullet points, please answer the six additional questions and submit them as an attachment through ABS.

- Is this decision package part of an agency request legislation that is required to complete an environmental justice assessment (RCW [70A.02.010](#)(12))?
  - Yes
  - No
- Is this decision package requesting funding to support another significant agency action that is required to complete an environmental justice assessment (RCW [70A.02.010](#)(12))?
  - Yes
  - No
- Is this decision package requesting funding for a program/project/activity that may **provide environmental benefits or reduce, mitigate, or eliminate environmental harms**, (that is not a significant agency action)? Note: This may include decision packages for programs not purposely directed to provide environmental benefits but may have an indirect or unintentional impact.
  - Yes
  - No

**If you answer YES to any of the above bullet points, please complete these additional questions.**

1. Please describe specific likely or probable environmental harms and/or benefits related to your decision package and the associated health impacts to overburdened communities and vulnerable populations.

This proposal is intended to reduce disproportionate impacts to Tribes and tribally reserved rights and resources, overburdened communities, and vulnerable populations. It will support work that restores salmon and environmental and natural resources critical to the vitality of Tribal cultures and indigenous people in Washington. Maintaining a healthy salmon population is critical to protect Tribal treaty resources, cultural practices, economic welfare, and subsistence uses. It will also reduce impacts to fishers from immigrant populations and populations with LEP who are culturally and economically connected to subsistence fishing practices.

2. Please describe the estimated percentage and amount of the requested funds that will go towards creating environmental benefits in overburdened communities and vulnerable populations as defined in OFM's the [OBC map](#) or as determined by the agency. If applicable, please include your methodology for making this estimate, including project/award lists if available.

No portion of this package dedicates funds directly to overburdened communities. 6PPD is a statewide issue.

The activities in this package fully (100%) support recovery and protection of culturally relevant species (specifically salmon), fulfillment of Tribal Treaty Rights, and advancing environmental justice in communities overburdened with poor environmental conditions, including impacts from toxic tire chemicals and insufficient stormwater infrastructure.

3. Please describe any potential significant impacts to Indian Tribes' rights and interest in their tribal lands, as well as traditional practices.

This proposal addresses a key pollution impact to salmon, which is a natural resource essential to Tribes and Tribal communities. 6PPDQ is a known contributor to salmon and trout mortality. Addressing these toxics in stormwater runoff directly addresses Tribal treaty resources to harvest healthy, sustainable fish populations. Attention has been

focused in the Puget Sound area, but 6PPDQ is a chemical of concern in runoff throughout Washington State. There is many potential high return, low risk road vehicle runoff projects across the state that will benefit from this research and coordination. Reduced stormwater impacts are expected to improve abundance and health of fish populations, an important outcome for Tribes and communities accords Washington. Further, the proposal would strengthen Ecology's capacity to engage with Tribes by adding staff and expertise focused on coordination and consultation with Tribes and other affected entities. It will also reduce impacts to fishers from immigrant populations and populations with LEP who are culturally and economically connected to subsistence fishing practices.

4. Describe how your agency engaged with Tribes in developing this proposal, including offers for tribal consultation including timelines, methods for feedback, and mechanisms for Tribes to express concern, opposition, or support., and any direction provided by Tribes through this engagement.

Our 6PPD Action Plan and Alternative Assessment work has included extensive outreach and participation from communities and Tribes. For our 6PPD Action Plan processes, we established an advisory committee to inform phase 1 of the plan. Invitations to participate on the advisory committee reflected federal, state, and Tribal governments; municipalities; researchers; and community-based organizations most engaged and knowledgeable on 6PPD. Representatives of the Skokomish Indian Tribe, Confederated Tribes and Bands of the Yakama Nation, Suquamish Tribe, Nisqually Indian Tribe, and the Spokane Tribe of Indians have participated in the advisory committee. The Upper Columbia United Tribes (UCUT), Affiliated Tribes of Northwest Indians (ATNI), and the Northwest Indian Fisheries Commission (NWIFC) have also participated. The advisory committee identified the need to further engage communities most impacted by this pollution, including, but not limited to, representatives from Tribal governments, subsistence fishing communities, and other people representing overburdened communities or vulnerable populations. For our alternatives assessments, we anticipate continued collaboration as we work toward safer alternatives. As our work on 6PPD progresses and we begin implementing priority actions to reduce 6PPD's impacts, we will identify and work in collaboration with communities that are most affected. The draft 6PPD Action Plan includes recommendations to include a Tribal Advisory Committee and create a 6PPD community collaborative that represents overburdened communities and guides the overarching environmental justice work for the 6PPD Action Plan recommendations. This group is intended to act as an advisory and communications body to build relationships with overburdened communities, educate their communities on the latest research and policies concerning 6PPD compounds, and identify appropriate ways to benefit communities through the 6PPD Action Plan.

In addition, Ecology permitting and rule processes includes Tribal outreach, offers to engage in government to government consultations, and public outreach. Our rulemaking also complies with the HEAL Act for environmental justice assessments. During our public comment periods for rules and permits we have received extensive feedback from Tribes, Tribal organizations, environmental groups and individuals that more needs to be done to address 6PPD.

5. If the decision package is part of agency request legislation or supports another significant agency action that is required to complete an environmental justice assessment under RCW [70A.02.010](#)(12), please submit the assessment as an attachment in ABS.

N/A

6. If the decision package is part of agency request legislation or constitutes a significant agency action that is required to complete an environmental justice assessment, please describe how your agency used the environmental justice assessment process to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits. If your agency determined that you were unable to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits, please provide a justification for not doing so.

N/A



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## Agency Recommendation Summary

Per- and polyfluoroalkyl substances (PFAS) are a family of more than 12,000 synthetic organic chemicals used in many products, including waterproof clothing, furniture, food packaging, and firefighting foam. Recently, there have been significant regulatory changes, including new federal drinking water standards and proposed federal PFAS waste regulations that will affect some cleanup sites. To further clean up PFAS-contaminated sites, Ecology needs additional funding and staff resources, enhance testing and monitoring of PFAS contamination throughout the state to identify sites requiring remediation and areas where clean drinking water is threatened, work to reduce or eliminate the use of PFAS by businesses around the state, and research PFAS in stormwater and municipal and industrial wastewater. This request supports a series of recommended actions in the PFAS Statewide Funding Strategy that were required in Section 3035 of the 2023-25 capital budget. It is also directly related to implementing the Governor’s Salmon Strategy and Puget Sound Action Agenda. (General Fund State, Water Quality Permit Account)

## Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
<b>Staffing</b>						
FTEs	10.9	10.9	10.9	10.9	10.9	10.9
<b>Operating Expenditures</b>						
Fund 001 - 1	\$1,954	\$1,954	\$3,908	\$1,904	\$1,904	\$3,808
Fund 176 - 1	\$100	\$0	\$100	\$0	\$0	\$0
Total Expenditures	\$2,054	\$1,954	\$4,008	\$1,904	\$1,904	\$3,808

## Decision Package Description

### Background:

Per- and polyfluoroalkyl substances (PFAS) are a family of more than 12,000 synthetic organic chemicals. PFAS does not break down in the environment and are colloquially called “forever chemicals.” In addition to being toxic, these chemicals accumulate in human and animal tissues. Exposure to some PFAS is harmful to human health. They are in many products, including waterproof clothing, furniture, food packaging, and firefighting foam. These chemicals contain at least one fully fluorinated carbon atom, meaning that they have at least one fluorine atom attached to a carbon atom. When fluorine binds with carbon, it forms a bond that is extremely difficult to break, which is why they are referred to as forever chemicals. That strong bond gives the molecule many of the features that make PFAS useful chemicals, such as resistance to water and oil.

Unfortunately, that usefulness comes at a cost, because the strong bond also means these toxic chemicals do not break down in the environment. Human exposure to some PFAS is associated with a wide range of adverse health impacts, including increased cholesterol levels, suppressed response to vaccines, lower birthweights, reproductive problems, liver and thyroid problems, and a higher risk of some cancers, such as testicular and kidney cancers (<https://nap.nationalacademies.org/resource/26156/PFAS%20Guidance%20Highlights.pdf>). PFAS are water soluble and highly mobile. They can easily contaminate groundwater and are hard to filter out. Since these substances don’t break down naturally, our exposure to PFAS could continue for hundreds or thousands of years.

PFAS never disappear from the environment, which is why they're called "forever chemicals."

43 states have PFAS-contaminated water, affecting more than 19 million people.

PFAS in firefighting foam (aka AFFF) are a key suspected source of PFAS-contaminated drinking water in Washington.

Almost 100% of Americans have some type of PFAS in their blood.

### PFAS Chemical Action Plan

As part of our work to reduce the use and risk of toxic chemicals, Ecology is responsible for completing Chemical Action Plans (CAP) for

chemicals and metals of concern according to WAC 173-333-410. These comprehensive plans identify, characterize, and evaluate all known uses and releases of a specific chemical of concern. Each CAP also provides recommendations for actions to protect human health and the environment. These plans do not ban or regulate chemicals, but the recommendations in the plans can lead to legislative or regulatory action. The plans are developed in cooperation with the Washington State Department of Health (DOH), local government, industry stakeholders, and environmental advocates.

The PFAS CAP (<https://apps.ecology.wa.gov/publications/summarypages/2104048.html>) was completed by Ecology and DOH in November of 2021. It identifies, characterizes, and evaluates uses and releases of PFAS. The CAP recommends actions to address PFAS in the environment and mitigate impacts on humans. Since publication of the CAP, the work to reduce these chemicals has become more complex. We have uncovered more information and additional science and policy about PFAS.

### **Aquatic Life Criteria**

The Environmental Protection Agency (EPA) proposed the first aquatic life criteria for both short-term and long-term toxic effects of perfluoro octane sulfonic acid/perfluorooctanoic acid (PFOS/PFOA) in April of 2022. PFOS and PFOA represent two chemicals in the PFAS family. They are some of the most-found chemicals in the environment and have been studied extensively compared to others. The aquatic life criteria are the highest concentrations of PFOA and PFOS that can exist in ambient waters that are not expected to pose a significant risk to a majority of species in a given environment or waterbody. Ecology has adopted the EPA's criteria in Chapter 173-201A WAC Aquatic Life Toxics Criteria. This rule was adopted in August 2024 and will be effective September 14, 2024.

There is enough toxicity data to develop criteria for PFOS and PFOA, but not for other PFAS chemicals. The aquatic life toxics criteria are implemented as pollutant limits, when necessary, in permitting programs to limit the impacts of discharges on aquatic life health. For permits that may have certain chemicals in their discharge, adding new aquatic life toxics criteria or revising the current criteria will likely result in updates to permits during their five-year renewal and could also require updates to the water quality assessment methodology (Ecology Policy 1-11: <https://ecology.wa.gov/water-shorelines/water-quality/water-improvement/assessment-of-state-waters-303d/assessment-policy-1-11#:~:text=Water%20Quality%20Policy%201-11,in%20the%20water%20quality%20assessment>). In addition, an increase in protective aquatic life toxics criteria could lead to more cleanup plans. Facilities with the National Pollutant Discharge Elimination System (NPDES) or State Waste Discharge Permits may be required to monitor for additional chemicals or receive new or lower pollutant limits as part of this new rule if they are discharging these chemicals.

If this happens, it will create additional demands for science-based guidance on source control and treatment best management practices (BMPs) to control or treat PFAS compounds at facilities and wastewater treatment plants (WWTPs). Commercial and industrial pre-treatment facilities that need to ensure they minimize the amount of PFAS being discharged to WWTP's are of particular concern.

### **Is this request related to any budget items funded in the past two biennia?**

Yes, see attached.

### **Problems and Proposed Solutions:**

PFAS continues to be found in drinking water, surface water, groundwater, soil, sediments, air, animal and fish tissue, milk, and crops. State agencies are still in the early stages of determining where PFAS is most prevalent in Washington, where people are being exposed at unhealthy levels, and where it needs to be cleaned up.

Several drinking water sources, both public and private, have been identified as contaminated by PFAS and unsafe for human consumption. Ecology currently manages over 38 confirmed PFAS cleanup sites across Washington and is aware of 36 additional sites that are suspected to be contaminated with PFAS, including facilities such as airports and fire stations. There are also a total of 935 landfills, dry cleaners, and metal plating and finishing sites in Washington State that have the potential to be contaminated with PFAS. Ecology expects PFAS contamination will result in the addition of many new sites and has the potential to reopen sites previously considered closed, including many with impacts to drinking water.

Washington currently lacks a systematic approach that other states, such as Michigan and North Carolina, have taken to test and identify sources of contamination as a key initial step to respond to PFAS contamination. Testing drinking water, groundwater, biosolids, wastewater effluent, and fish is an important strategy in identifying contamination hot spots and their sources. The state also needs to work with manufacturers and industry to identify and potentially reduce or eliminate sources of PFAS used by businesses. Contaminated site remediation is also crucial to protecting human health and the environment.

### **PFAS Statewide Funding Strategy**

As part of the 2023-25 capital budget, the Legislature directed Ecology to work with DOH to develop a multiyear, statewide funding strategy

for reducing PFAS in the environment. This funding strategy report is due to the Legislature on December 1, 2024.

### **Sec. 3035. FOR THE DEPARTMENT OF ECOLOGY**

#### **PFAS Statewide Funding Strategy (91000382)**

*The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the department, in consultation with the department of health, to develop a multiyear statewide funding strategy for reducing perfluoroalkyl and polyfluoroalkyl substances (PFAS) in the environment. The strategy must build upon the recommendations contained in the department's 2022 per- and polyfluoroalkyl substances chemical action plan and focus on funding for future capital projects related to safe drinking water, managing environmental contamination, and evaluating perfluoroalkyl and polyfluoroalkyl substances waste management options. The department must submit the strategy in a report to the governor and the appropriate fiscal and policy committees of the legislature by December 1, 2024. It is the intent of the legislature to identify future funding sources for perfluoroalkyl and polyfluoroalkyl substances mitigation, informed by the strategy developed under this section, that do not include the model toxics control capital account.*

This request supports a series of the recommended actions that will be included in this strategy.

#### Investigation and monitoring of PFAS in the environment

The need to investigate PFAS sources and impacts is becoming more and more evident as detections of PFAS in drinking water and the environment become more increasingly pervasive. Drinking water testing has uncovered many contaminated areas, but the state currently lacks a systematic approach to test and identify sources in the environment. To address these data gaps and better understand the extent of the problem, more sampling of potential hotspots is needed, which includes those near landfills, airports, military bases, refineries, chemical plants, fire stations, fire training areas, sites where biosolids have been applied, and industrial facilities that use PFAS.

Ecology's CAP Implementation Monitoring Program could support this need by conducting preliminary investigations into potential sources and delineating the extent of PFAS contamination in areas of concern. However, to do this, we need additional resources. In its present form, this monitoring program has the capacity to complete one to two of the highest-priority projects per year, but it lacks flexibility to respond to priorities beyond these, even for small projects.

With additional resources included in this request, the monitoring program will have the capacity to take on one to two additional high-priority projects per year, for a total of two to four per year. It will also allow us to respond more quickly to new or changing priorities.

Examples of the types of investigations that will be carried out with these requested resources include sampling groundwater, surface water, sediment, or soils where:

- Drinking water wells have shown PFAS contamination, and there is an unknown source.
- PFAS releases are suspected based on the use and/or storage of products containing PFAS, but no sampling has been carried out.
- PFAS releases have been confirmed, but little is known about the extent or magnitude of environmental impacts.

#### Technical coordination, outreach, and prevention

Before Ecology can effectively offer technical assistance (e.g., information, training, tools, expert advice) to industry, manufacturers, and businesses, we need a solid understanding of the current landscape and a detailed data analysis. Additional resources are needed to support agencywide coordination to ensure the various PFAS projects are aligned with each other and the larger statewide approach and for staff to conduct technical outreach to businesses to help them identify possible sources of PFAS in their work processes and possible safer alternatives, best practices, and new processes that can help prevent further PFAS contamination.

The staff resources included in this request will allow Ecology to identify and reduce the risks posed by PFAS used in industry, manufacturing, and businesses through promoting pollution prevention activities. Key objectives will be to:

- Identify sources and uses of PFAS in industry, manufacturing, and businesses. This includes comprehensive research and data analysis to identify the various sources and uses of PFAS in Washington.
- Prioritize industries based on risks to human health and the environment. This includes analyzing collected data to identify industries in Washington that have used, or are currently using, PFAS quantities that pose risks to human health and the environment.
- Conduct outreach and technical assistance. This includes engaging in non-enforcement outreach and technical assistance to help industries and businesses reduce their PFAS use and developing outreach materials tailored to specific industry sectors.

#### Expand resources for contaminated sites

The increasing workload from PFAS contaminated sites, the urgency of this work due to drinking water impacts, and the complexity of PFAS

cleanups require additional cleanup staff for site management and community outreach to ensure communities understand the impact of contamination on drinking water. The additional site managers included in this request will help ensure that the growing number of PFAS cleanup sites is properly investigated, exposures are addressed, and PFAS contamination is cleaned up. Requested staff will also help educate communities about PFAS, the cleanup sites, and any associated impacts to drinking water in those areas.

#### PFAS in municipal/industrial wastewater systems and stormwater management guidance

There is a need for increased monitoring data on wastewater effluent from publicly owned treatment works (treatment works are designed to treat and clean sewage and wastewater before they are released into the environment) because they are a known pathway to collect, convey, and discharge PFAS into receiving waters. These facilities receive wastewater influent from industrial, commercial, and domestic sources that can contain PFAS.

In addition, certain industry types, such as manufacturing, metal finishing, circuit boarding, and landfills, are suspected to use PFAS actively or historically, and they may convey or release it in their operations. PFAS contaminated wastewater from these industries may be discharged to publicly owned treatment works or to groundwater. Research has shown that PFAS from many diffuse sources, including Aqueous Film Forming Foam (AFFF) releases from firefighting and/or fire training, is commonly found in urban stormwater runoff. Legacy use of AFFF along roadsides and other areas draining to public stormwater infrastructure could be an ongoing source of PFAS contamination of surface waters and groundwater.

To address these pollution prevention and permitting issues, Ecology is requesting funding for additional staff to develop technical PFAS source control, treatment, and toxics reduction strategies; best practices; and procedures to inform regulatory actions. The requested position will be responsible for:

- Developing technical strategies for PFAS source control, treatment, and toxics reduction and procedures to inform regulatory actions related to municipal wastewater facilities.
- Reviewing and synthesizing existing literature and case studies and collaborating closely with other water quality engineers and permit writers through Ecology's Permit Writers Workgroup. Permittees will have updated guidance to reduce sources of PFAS entering publicly-owned treatment works and improve control and treatment of PFAS entering these facilities.
- Performing literature reviews on source control and treatment best practices to remove/mitigate new and historical releases of AFFF-related PFAS and develop technical guidance on the standard operating procedures and best practices necessary to remove and mitigate PFAS releases from stormwater collection, conveyance, and treatment systems.
- Managing contractors that will conduct a study of industrial waste discharge permittees as noted below.
- Responding to needs and demand for science-based guidance on source control and treatment best management practices. Upcoming and recently implemented federal and state level regulatory changes, including to the aquatic life criteria, may result in facilities being required to monitor for additional chemicals or receive new or lower pollutant limits if they are discharging these chemicals.

In addition, Ecology is requesting funding for a study to determine whether state waste discharge permittees, such as manufacturing, metal finishing, circuit boarding, and landfills, are a source of PFAS. Results of this study will support Ecology in making informed decisions about how to manage these discharges.

#### **Impacts on Population Served:**

This request will help manage the effects of PFAS contamination in communities and public areas across the state. Previous PFAS studies have resulted in fish consumption advisories in three Washington lakes for several freshwater fish species, indicating a need for sampling in other waterbodies to assess exposure. Eating fish from contaminated waters is an important PFAS exposure pathway and can especially affect communities that rely on locally caught fish for subsistence. Most waterbodies in Washington State have not been tested for PFAS. Funding this request will allow Ecology to conduct additional testing and identify other sources of both water and fish contamination, which will allow for additional protection for residents who rely on well water and subsistence fishing.

This request will also provide resources to oversee cleanup of PFAS contamination at sites that have or previously had dangerous waste permits, many of which are in overburdened communities and highly impacted communities. These clean ups will help prevent the spread of contamination and help protect groundwater and drinking water sources in these communities. In addition, new technical outreach to businesses will help identify possible sources of PFAS in various communities around the state, including overburdened communities. This work will also help identify and reduce the risks posed by PFAS used in industry, manufacturing, and businesses and will help reduce worker exposure to PFAS.

The expansion of Ecology cleanup capacity, both for site management and outreach, will allow the agency to more readily address high-priority PFAS sites, including those with drinking water impacts. For communities across the state dealing with PFAS, this will allow projects to readily begin the cleanup process, shortening the exposure window to contamination and decreasing associated health risks.

This request will also support communities throughout the state by preventing contamination of drinking water sources from wastewater and stormwater discharges. Preventing PFAS contamination of drinking water sources is expected to reduce adverse health impacts, such as increased cholesterol levels, suppressed response to vaccines, lower birthweights, reproductive problems, liver and thyroid problems, and a higher risk of some cancers, such as testicular and kidney cancers.

**Alternatives Explored:**

Ecology considered several alternatives when developing this request, including trying to add PFAS sampling to existing monitoring programs. However, this approach would provide only intermittent snapshots of PFAS levels in select waterbodies. Because PFAS is persistent, bioaccumulative, toxic, and widespread, it needs a comprehensive, strategic approach that identifies hotspots, traces sources of contamination, and considers environmental justice.

Ecology also looked at redirecting staff currently working on other technical assistance and pollution activities. However, this is not viable because it would compromise the agency's ability to help other businesses implement their pollution prevention plans, reduce hazardous waste, and switch to safer alternatives.

There are over 14,000 sites across the state that have confirmed or suspected contamination of some type, including 74 sites with confirmed or suspected PFAS contamination. There are also a total of 935 landfills, dry cleaners, and metal plating and finishing sites in Washington that have the potential to be contaminated with PFAS. Ecology expects that PFAS contamination will result in the addition of many new sites and has the potential to reopen sites previously considered closed, including many with impacts to drinking water.

Ecology cannot absorb this workload without stopping work at other sites with active cleanups, which could result in increased costs to the state or liable parties, causing delays or ultimately stopping cleanups and damaging relationships with liable parties or other interested parties. Ultimately, to support the number of high-priority PFAS sites, specifically those impacting drinking water likely to be identified, Ecology needs increased outreach and site management capacity.

Another alternative explored was having publicly owned treatment works and industrial facilities that have National Pollutant Discharge Elimination System (NPDES) and/or State Waste Discharge Permits perform PFAS sampling and analysis and report the results to Ecology on their discharge monitoring reports. However, that alternative was not selected because of the need for a systematic and credible sampling and data collection approach using an approved Quality Assurance Project Plan so the study results meet data quality objectives and can be used to inform future regulatory requirements.

For clarity, Ecology has begun to require PFAS monitoring and reporting in some permits, and we expect to continue that approach. The data from this permit-required monitoring will be useful. However, to make regulatory decisions on industrial pretreatment, the proposed study included in this request is necessary to ensure quality objectives are met. Ecology also explored the alternative of leaving it up to municipal wastewater, industrial, and stormwater permittees to develop technical approaches to pollution prevention, source control, and treatment approaches, but this would not be efficient, effective, or consistent nor likely to meaningfully reduce PFAS discharges to the environment as quickly as Ecology-led initiatives.

**Consequences of Not Funding This Request:**

Without additional staff, we would continue to operate at a reduced capacity for PFAS monitoring and source investigations in areas of concern. Without additional funding for analyzing fish tissue, our long-term fish contaminant monitoring programs would be unable to collect and test fish for PFAS as part of its annual monitoring program. Testing fish tissue for PFAS would continue to be sporadic and opportunistic, resulting in data gaps. Overall, not receiving the funding would reduce our ability to respond to public health concerns related to PFAS contamination of water resources and fish tissue.

Without the requested funding, Ecology would also not be able to move forward with work to understand sources and uses of PFAS in industry, manufacturing, and businesses in Washington or prioritize industries based on risks. It would leave the agency ill-equipped to take on the increased workload as new sites are identified with PFAS contamination. As a result, there would not be available site managers or outreach staff to readily assign to these sites.

Not funding this request would also reduce Ecology's ability to understand and control PFAS related to wastewater and stormwater management and permitted discharges. Failure to understand and control PFAS based on sound science could contribute to a loss of public and political trust, increased threats to human health and the environment, and potential threats to NPDES delegation and funding.

## Assumptions and Calculations

***Expansion, Reduction, Elimination or Alteration of a current program or service:***

This request expands the following activities within the Environmental Assessment, Hazardous Waste and Toxic Reduction, Toxics Cleanup, and Water Quality programs to support the state's response to PFAS contamination and cleanup in Washington. Below is a summary of the 2021-23 and 2023-25 base funding and FTEs for this activity. Administrative Overhead related to this activity is also in the agency's Administration



Activity A002, but is not shown in the totals below.

**Expand resources for contaminated sites**

This request expands activity A005 - Clean up the Most Contaminated Sites First (Upland and Aquatic) by adding three cleanup project managers to oversee cleanup and one community engagement staff member to help begin to identify and address the additional PFAS sites in Washington.

**Investigation and monitoring of PFAS in the environment**

This request expands Activity A007 – Conduct Environmental Studies for Pollution Source Identification and Control because it doubles our capacity for conducting this monitoring work by adding another field team. Below is a summary of the 2021-23 and 2023-2025 base funding and FTEs for this activity. Administrative Overhead related to this activity is also in the agency’s Administrative Activity A002 but is not shown in the totals below.

**PFAS in municipal/industrial wastewater systems and stormwater management guidance**

This request expands Activity A032 – Prevent Point Source Water Pollution. Ecology carried out a study in 2021 to evaluate concentrations of PFAS for three municipal wastewater treatment plants that receive influent likely to contain PFAS. The study collected samples of influent, effluent, sludge, and biosolids. The goal of the study was to have an initial reconnaissance of PFAS in wastewater in Washington and to assess the potential need for increased monitoring.

**Technical coordination, outreach, and prevention**

This request expands Activity A065 – Prevent the Use of Toxic Chemicals in Products and Promote Safer Alternatives by adding staff and contract resources to coordinate PFAS technical outreach and implementation for Ecology, coordinate contract development, and provide technical assistance to businesses.

<b>A005 - Clean up the Most Contaminated Sites First</b>		
	<b>2021-23</b>	<b>2023-25</b>
FTEs Total	174.20	200.55
001-2 General Fund - Federal	\$7,082,000	\$9,319,000
001-7 General Fund - Private/Local	\$3,004,000	\$2,974,000
176-1 Water Quality Permit	\$1,616,000	\$1,819,000
23P-1 Model Toxics Control Operating - State	\$46,167,000	\$55,181,000
23P-7 Model Toxics Control Operating - Local	\$499,000	\$1,000,000
<b>TOTAL</b>	<b>\$58,368,000</b>	<b>\$70,293,000</b>

<b>A007 - Conduct Environmental Studies for Pollution Source Identification and Control</b>		
	<b>2021-23</b>	<b>2023-25</b>
FTEs Total	86.40	82.40
001-1 General Fund - State	\$2,063,000	\$0
001-2 General Fund - Federal	\$4,615,000	\$4,795,000
176-1 Water Quality Permit	\$5,668,000	\$6,328,000
23P-1 Model Toxics Control Operating - State	\$17,087,000	\$22,097,000
<b>TOTAL</b>	<b>\$29,433,000</b>	<b>\$33,220,000</b>

<b>A032 - Prevent Point Source Water Pollution</b>		
	<b>2021-23</b>	<b>2023-25</b>
FTEs Total	101.70	141.55
001-1 General Fund - State	\$943,000	\$1,240,000
001-2 General Fund - Federal	\$307,000	\$476,000
176-1 Water Quality Permit	\$22,256,000	\$35,984,000
21H-1 Wastewater Treatment Plant Op Cert	\$512,000	\$725,000
23P-1 Model Toxics Control Operating - State	\$1,253,000	\$1,410,000
<b>TOTAL</b>	<b>\$25,271,000</b>	<b>\$39,835,000</b>



<b>A065 – Prevent the Use of Toxic Chemicals in Products and Promote Safer Alternatives</b>		
	<b>2021-23</b>	<b>2023-25</b>
FTEs Total	27.50	36.85
001-2 General Fund - Federal	\$495,000	\$582,000
207-1 Hazardous Waste Assistance	\$1,834,000	\$1,898,000
23P-1 Model Toxics Control Operating - State	\$9,227,000	\$12,961,000
<b>TOTAL</b>	<b>\$11,556,000</b>	<b>\$15,441,000</b>

**Detailed Assumptions and Calculations:**

**Investigation and monitoring of PFAS in the environment**

Beginning July 1, 2025, and ongoing, Ecology requires salaries, benefits, and associated staff costs for the following positions:

- 1.0 FTE Natural Resource Scientist 2 to serve as an independent field lead, support field work and data entry/management, and help with writing project plans and reports.
- 1.0 FTE Hydrogeologist 2 to serve as an independent field lead to focus on groundwater, support field work and data entry/management, and help with writing project plans and reports.

Ecology will also require \$112,500 per fiscal year, beginning July 1, 2025, and ongoing, for laboratory consumables (chemicals and supplies) needed to conduct laboratory analyses (shown in object C), and \$11,268 per year for a field vehicle (shown in object G).

**Technical coordination, outreach, and prevention**

Beginning July 1, 2025, and ongoing, Ecology requires salaries, benefits, and associated staff costs for the following positions:

- 1.0 FTE Environmental Planner 5 for a PFAS technical outreach and implementation lead position.
- 1.5 FTEs Environmental Specialist 4 to provide technical assistance to businesses to identify sources of PFAS in their production and possible safer alternatives, best practices, and new processes to reduce contamination.

Ecology will also require \$45,000 per year in ongoing costs, beginning July 1, 2025, for agreements with local businesses across Washington to replace products containing PFAS and provide technical assistance in local communities. (\$25,000 per year shown in object N; \$20,000 per year shown in object C.)

Ecology will also require \$100,000 in one-time costs in 2025-27 for research and data analysis contracts (shown in object C).

**Expand resources for contaminated sites**

Beginning July 1, 2025, and ongoing, Ecology requires salaries, benefits, and associated staff costs for the following positions:

- 3.0 FTEs Environmental Engineer 5 (EE5) for site management and oversight of PFAS cleanup sites.
- 1.0 FTE Community Outreach Education and Engagement Specialist 3 for community outreach and engagement activities surrounding contaminated sites.

**PFAS in municipal/industrial wastewater systems and stormwater management guidance**

Beginning July 1, 2025, and ongoing, Ecology requires salaries, benefits, and associated staff costs for the following position:

- 1.0 FTE EE5 to develop technical strategies for PFAS source control, treatment, and toxics reduction and procedures to inform regulatory actions related to municipal wastewater facilities.

Ecology will also require \$100,000 in one-time costs in 2025-27 for a one-time study of state waste discharge permittees (shown in object E).

Consistent with the legislative intent included in Sec. 3035 of the 2023-25 capital budget to identify funding sources for PFAS substances mitigation that do not include the Model Toxics Control Act accounts, Ecology is requesting funding for this request from General Fund-State and Fund 176-Water Quality Permit Account.

**Workforce Assumptions:**

<b>Expenditures by Object</b>		<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>	<b>FY 2030</b>	<b>FY 2031</b>
A	Salaries and Wages	944,089	944,089	944,089	944,089	944,089	944,089
B	Employee Benefits	321,935	321,935	321,935	321,935	321,935	321,935
C	Personal Service Contract	182,500	182,500	132,500	132,500	132,500	132,500
E	Goods and Services	157,456	57,456	57,456	57,456	57,456	57,456
G	Travel	32,216	32,216	32,216	32,216	32,216	32,216
J	Capital Outlays	12,217	12,217	12,217	12,217	12,217	12,217
N	Grants, Benefits, and Client Services	25,000	25,000	25,000	25,000	25,000	25,000
T	Intra-Agency Reimbursements	378,540	378,540	378,540	378,540	378,540	378,540
<b>Total Objects</b>		<b>2,053,953</b>	<b>1,953,953</b>	<b>1,903,953</b>	<b>1,903,953</b>	<b>1,903,953</b>	<b>1,903,953</b>

**Staffing**

<b>Job Class</b>	<b>Salary</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>	<b>FY 2030</b>	<b>FY 2031</b>
ENVIRONMENTAL ENGINEER 5	119,465	3.00	3.00	3.00	3.00	3.00	3.00
COMM OUTRCH & ENVIRO ED SPEC 3	67,717	1.00	1.00	1.00	1.00	1.00	1.00
KING CO - ENVIRONMENTAL ENGINEER 5	125,438	1.00	1.00	1.00	1.00	1.00	1.00
NATURAL RESOURCE SCIENTIST 2	72,923	1.00	1.00	1.00	1.00	1.00	1.00
HYDROGEOLOGIST 2	84,518	1.00	1.00	1.00	1.00	1.00	1.00
ENVIRONMENTAL PLANNER 5	105,612	1.00	1.00	1.00	1.00	1.00	1.00
ENVIRONMENTAL SPEC 4	86,324	1.50	1.50	1.50	1.50	1.50	1.50
FISCAL ANALYST 2		0.95	0.95	0.95	0.95	0.95	0.95
IT APP DEVELOPMENT-JOURNEY		0.48	0.48	0.48	0.48	0.48	0.48
<b>Total FTEs</b>		<b>10.93</b>	<b>10.93</b>	<b>10.93</b>	<b>10.93</b>	<b>10.93</b>	<b>10.93</b>

**Explanation of costs by object:**

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 34.1% of salaries.

Contracts include \$112,500 per year for ongoing laboratory costs and \$50,000 per year in fiscal years 2026 and 2027 for research and data analysis contracts. Contracts also include \$20,000 per year for interagency agreements (IAAs) with local governments.

Goods and Services are the agency average of \$6,048 per direct program FTE. Goods and services also include \$100,000 in fiscal years 2026 and 2027 for a one-time study.

Travel is the agency average of \$2,205 per direct program FTE. Travel also includes \$11,268 per year for a field vehicle through our Department of Enterprise Systems (DES) agreement.

Equipment is the agency average of \$1,286 per direct program FTE.

Grants include \$25,000 per year for the voucher program that replaces toxic equipment or products.

Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 29.9% of direct program salaries and benefits and is shown as object T. Agency Administrative Overhead FTEs are included at 0.15 FTE per direct program FTE and are identified as Fiscal Analyst 2 and IT App Development-Journey.

**Historical Funding:**

<b>Water Quality Program</b>	<b>FY2026</b>	<b>FY2027</b>
FTE (xx direct FTE)	0.0	0.0
<b>Total Funds</b> (rounded to thousands)	\$0	\$0
<b>Near General Fund</b> (rounded to thousands)	\$0	\$0
<b>Other Funds</b> (rounded to thousands)	\$0	\$0

Administrative Overhead related to this program or service is in the agency's Administration Activity A002, but is not shown in the totals above.

<b>Toxics Cleanup Program</b>	<b>FY2026</b>	<b>FY2027</b>
FTE (xx direct FTE)	0.0	0.0
<b>Total Funds</b> (rounded to thousands)	\$0	\$0
<b>Near General Fund</b> (rounded to thousands)	\$0	\$0
<b>Other Funds</b> (rounded to thousands)	\$0	\$0

Administrative Overhead related to this program or service is in the agency's Administration Activity A002, but is not shown in the totals above.

<b>Environmental Assessment Program</b>	<b>FY2026</b>	<b>FY2027</b>
FTE (xx direct FTE)	2.2	2.2
<b>Total Funds</b> (rounded to thousands)	\$938,000	\$938,000
<b>Near General Fund</b> (rounded to thousands)	\$0	\$00
<b>Other Funds</b> (rounded to thousands)	\$938,000	\$938,000

Administrative Overhead related to this program or service is in the agency’s Administration Activity A002, but is not shown in the totals above.

<b>Hazardous Waste &amp; Toxics Reduction Program</b>	<b>FY2026</b>	<b>FY2027</b>
FTE (xx direct FTE)	9.5	9.5
<b>Total Funds</b> (rounded to thousands)	\$4,569,000	\$4,569,000
<b>Near General Fund</b> (rounded to thousands)	\$0	\$0
<b>Other Funds</b> (rounded to thousands)	\$4,569,000	\$4,569,000

Administrative Overhead related to this program or service is in the agency’s Administration Activity A002, but is not shown in the totals above.

## Strategic and Performance Outcomes

### **Strategic Framework:**

This request is essential to achieving the Results Washington Goal 3: Sustainable Energy and a Clean Environment and Goal 4: Health and Safe Communities because it will fund the resources we need to:

- Identify and reduce PFAS contamination in the environment and in people’s drinking water.
- Provide other state and local agencies with data to support their efforts to ensure clean water to drink and clean fish to eat.
- Support PFAS related clean ups and keep communities appropriately informed about cleanup activity and potential risks to their drinking water.

This request is essential to achieving Ecology’s Goal 1: Support and engage our communities, customers, and employees, Goal 3: Prevent and reduce waste, toxic threats, and pollution, and Goal 4: Protect and manage our state’s waters because it will fund the resources we need to:

- Identify sources of the toxic chemicals in leachate, groundwater, surface waters, and biosolids.
- Inform source control strategies and our pollution reduction efforts.
- Reduce human exposures and environmental contamination from the PFAS family of toxic chemicals.
- Increase our ability to initiate and supervise PFAS related cleanup activities.
- Increase community outreach and Attorney General support for the formal process. Washingtonians, especially those near contaminated and land application sites, are increasingly concerned and vocal about the potential impacts of PFAS pollution.

### **Performance Outcomes:**

The outcome of this request includes:

- More Washingtonians will understand risks and actions to protect themselves from PFAS in drinking water.
- Reduced exposure to PFAS contamination in water, air, and soil.
- Shared vision, goals, and a pathway for improved PFAS coordination across agencies.
- Expanded knowledge of the extent of PFAS contamination and ongoing monitoring.
- People will be provided improved access to up-to-date information about PFAS contamination risks and how it affects them, especially those directly affected by PFAS contamination.
- More opportunities for communities to participate in decisions that affect them, especially those in overburdened communities and vulnerable populations.
- Reduced number of products sold containing PFAS in Washington so the amount of PFAS entering landfills, leachate, and wastewater is reduced.

## Equity Impacts

### **Community Outreach and Engagement:**

No outreach or engagement has been conducted related to this request, and no Tribal consultation has been conducted related to this request. However, we have engaged with a variety of interested parties related to the PFAS Statewide Funding Strategy, which this request is intended to support. Those stakeholders were supportive of doing as much as possible related to PFAS prevention, remediation, and testing.

### **Disproportional Impact Considerations:**

As far as we can reasonably foresee, this request does not make decisions that are anticipated to result in negative health impacts and environmental burdens or harm. Studies on environmental disparities and PFAS exposures suggest that PFAS point sources may be disproportionately sited next to low-income communities and communities of color. PFAS contamination is likely to disproportionately impact low-income communities, communities of color, and Tribal lands. This request will protect the health and environment of likely vulnerable populations and overburdened communities from contamination at cleanup sites across the state by increasing resources available to affected communities.

Securing new staff resources to support PFAS sites will allow Ecology to prioritize cleanup of PFAS sites generally, but also specifically those within overburdened communities. A critical element of this PFAS request includes staff resources specific to community outreach, especially for communities with drinking water impacts. This request will help ensure Ecology has dedicated outreach staff to help identify communication needs like translation services and methods of communication and to assist in coordination with other entities like DOH. This outreach work is critical to ensuring impacted communities understand clean up, clean up timelines, and any impacts to their drinking water and, subsequently, their health. This request will also help ensure the agency is able to identify sources of contamination and test for new affected communities throughout the state.

### **Target Communities and Populations:**

Those most vulnerable to harmful impacts from potential environmental and health threats created by PFAS exposure are Tribal and indigenous people, overburdened communities, and low-income populations. The regulatory environment for PFAS is new and constantly changing. We are still in the early stages of identifying cleanup sites contaminated with PFAS. However, of the 74 sites where PFAS is currently confirmed or suspected, 36% score a 9 or 10 on the Environmental Health Disparities Index from the DOH's EHD Map, 32% score in the 80<sup>th</sup> percentile on EJ Screen for the Demographic Index, and 25% score in the 80th percentile on EJ Screen for the Supplemental Demographic Index.

In addition, 47% flag on the Office of Financial Management's Overburdened Communities of Washington State dataset by 2010 Census Tracts. The work carried out under this request is directly intended to help mitigate harm to overburdened communities and vulnerable populations by finding PFAS contamination in communities where human health may be affected through drinking water, irrigation use, and eating locally caught fish. Ecology's PFAS investigations are designed to help bridge funding gaps to address contamination in areas of the state that are under-resourced.

### **Community Inputs and Incorporation:**

See Community Outreach and Engagement response.

## Other Collateral Connections

### **HEAL Act Agencies Supplemental Questions**

Yes, see attached.

### **Puget Sound Recovery:**

This request supports the 2022-2026 Puget Sound Action Agenda implementation through various Vital Signs, Strategies, Targets, Desired Outcomes, Actions, Ongoing Programs, and Science Work Plan included in the Action Agenda. *See attachment B* for a complete list of linkages between this request and the agenda.

This request also supports Orca Task Force Recommendation 30. Identify, prioritize and take action on chemicals that impact orcas and their prey.

### **State Workforce Impacts:**

N/A

### **Intergovernmental:**

This request supports a series of recommended actions in the PFAS Statewide Funding Strategy that were required in Sec. 3035 of the 2023-25 capital budget. Development of the strategy has included participation from five state agencies, including DOH, the Washington Department of Fish and Wildlife, the Department of Agriculture, and the Department of Commerce.

Increasing Ecology's ability to support formal cleanups, which does require Attorney General's Office support, is expected to be incremental and below the level of an FTE currently. However, future requests will likely need to include additional legal support.

This request will expand site management capacity, which could include local government projects. This could then help PFAS contaminated sites where a local government is the liable party begin the cleanup process and become eligible for grant funding over time.

### **Stakeholder Impacts:**

Stakeholder input received in response to the Statewide Funding Strategy was supportive of additional testing and assistance to businesses, local governments, and communities affected by PFAS contamination. We do not anticipate any significant opposition to the work described in this request, unless it is from stakeholders who advocate for even more resources than are being requested. Ecology does expect to make future requests to further expand cleanup resources once the workload is better identified and after the Legislature decides how to implement the Statewide Funding Strategy.

### **State Facilities Impacts:**

N/A

### **Changes from Current Law:**

N/A

### **Legal or Administrative Mandates:**

Stakeholder input received in response to the Statewide Funding Strategy was supportive of additional testing and assistance to businesses, local governments, and communities affected by PFAS contamination. We do not anticipate any significant opposition to the work described in this request, unless it is from stakeholders who advocate for even more resources than are being requested. Ecology does expect to make future requests to further expand cleanup resources once the workload is better identified and after the Legislature decides how to implement the Statewide Funding Strategy.

### **Governor's Salmon Strategy:**

This request also directly implements the following recommended priority and action in the 2021 Governor's salmon strategy update:

- Strategic Priority: 2. Invest in clean water infrastructure for salmon and people
- Action: 2a. Toxics reduction

## Reference Documents

[PFAS Response-HEAL Act Attachment.pdf](#)

[PFAS Response-Historical Funding Attachment A.pdf](#)

[PFAS Response-PS Attachment B.pdf](#)

## IT Addendum

***Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?***

No

## Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
Obj. A	\$944	\$944	<b>\$1,888</b>	\$944	\$944	<b>\$1,888</b>
Obj. B	\$322	\$322	<b>\$644</b>	\$322	\$322	<b>\$644</b>
Obj. C	\$183	\$183	<b>\$366</b>	\$133	\$133	<b>\$266</b>
Obj. E	\$157	\$57	<b>\$214</b>	\$57	\$57	<b>\$114</b>
Obj. G	\$32	\$32	<b>\$64</b>	\$32	\$32	<b>\$64</b>
Obj. J	\$12	\$12	<b>\$24</b>	\$12	\$12	<b>\$24</b>
Obj. N	\$25	\$25	<b>\$50</b>	\$25	\$25	<b>\$50</b>
Obj. T	\$379	\$379	<b>\$758</b>	\$379	\$379	<b>\$758</b>

## Agency Contact Information

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### ATTACHMENT A - RELATED BUDGET ITEMS FUNDED IN THE LAST TWO BIENNIA (2023-25, 2021-23)

Instructions: Enter the following information about any budget items funded over the last two biennia (2021-23 budget, 2022 supplemental budget, 2023-25 budget, 2024 supplemental budget) that is related to your Decision Package for 2025-27.

Biennium	Rec Sum Code/Title	RecSum Description	Fund Source	Duration	Amount
2023-25 (Capital Budget)	PFAS Statewide Funding Strategy	One-time funding to develop a multiyear statewide funding strategy for reducing perfluoroalkyl and polyfluoroalkyl substances (PFAS) in the environment. The strategy must build upon the recommendations contained in the department's 2022 per- and polyfluoroalkyl substances chemical action plan and focus on funding for future capital projects related to safe drinking water, managing environmental contamination, and evaluating perfluoroalkyl and polyfluoroalkyl substances waste management options. The department must submit the strategy in a report to the governor and the appropriate fiscal and policy committees of the legislature by December 1, 2024. It is the intent of the legislature to identify future funding sources for perfluoroalkyl and polyfluoroalkyl substances mitigation, informed by the strategy developed under this section, that do not include the model toxics control capital account.	23N-1	One-Time	\$400,000
2021-23	PFAS Alternative Assessments	Pursuant to Chapter 138, Laws of 2018 (ESHB 2658), funding was provided in the 2018 supplemental operating budget for an alternatives assessment of Per- and polyfluoroalkyl substances (PFAS) use in food packaging. Funding is adjusted ongoing to align with the 2021-23 funding level identified in Ecology's final fiscal note for the bill.	23N-1	Ongoing	\$135,000



## **Attachment B**

### **Linkages to Puget Sound Action Agenda Implementation**

This attachment provides additional supporting details for the following decision package (DP) as it relates to the Puget Sound 2022-2026 Action Agenda implementation.

**DP Title:** PFAS Response (Operating)

#### **Vital Signs**

- Freshwater
- Marine Water
- Streams and Floodplains
- Toxics in Aquatic Life
- Estuaries
- Forests and Wetlands
- Forage Fish
- Groundfish and Benthic Invertebrates
- Orcas
- Salmon
- Outdoor Activity
- Shellfish Beds
- Economic Vitality
- Good Governance
- Sense of Place
- Sound Stewardship

#### **Strategies**

- 2. Protect Working Lands
- 7. Freshwater Availability
- 8. Prevent Pollution
- 10. Stormwater Runoff and Legacy Contamination
- 11. Wastewater Systems
- 12. Working Lands Runoff
- 22. Recreation and Stewardship
- 23. Transparent and Inclusive Governance
- 24. Cultural Practices
- 25. Natural Resource Industries
- 26. Human Health
  - A. Funding
  - B. Strategic Leadership & Collaboration

**Targets** - Reduce the amount of toxic chemicals used or generated hazardous waste an additional 8,000 pounds above their existing goal of 160,000 pound and realize an additional cost savings for participating businesses of \$20,000 above their existing cost-savings goal of \$400,000

#### **Desired Outcomes**

- 2.1 Reduce toxic chemicals entering Puget Sound and connected waters, including from contaminated sediments and industrial lands
- 5.2 Engagement in and trust of Puget Sound environmental and natural resource governance is increased.

- 5.3 Participation in environmentally related cultural practices and opportunities for harvesting of quality local foods are enhanced.
- 5.6.2 Levels and patterns of contaminants in drinking water do not threaten Puget Sound communities or vulnerable populations with adverse health outcomes.
- 5.6.3 Levels and patterns of contamination in fish and shellfish harvested from Puget Sound waters do not threaten the health of Puget Sound communities or vulnerable populations.
- 5.6.4 Levels and patterns of pollutants and biotoxins in surface waters do not threaten the health of Puget Sound communities or vulnerable populations.

## **Actions**

- 33. Incentivize redevelopment in areas associated with high loads of toxic chemicals.
- 41. Find and fix toxic hotspots (information, planning, education, funding, and implementation).
- 78. Engage with community groups, educational institutions, and communication specialists to develop and share relevant, trans-created, and accessible information on civic engagement and decision-making opportunities.
- 96. Conduct and coordinate research to improve the understanding of ecosystem-industry interactions, opportunities, and benefits.
- 126. Build issue awareness and understanding to increase public support and engagement in recovery actions.
- 128. Advance diversity, equity, inclusion, and environmental justice in Puget Sound recovery efforts.
- 147. Increase legislative support to accelerate funding and implementation of projects, programs, and initiatives that reduce emissions and decrease the vulnerability of Puget Sound to changing climate and ocean conditions.
- 149. Increase availability of data, tools, and training, and increase the technical capacity of partners in the recovery community, to reduce the magnitude of and vulnerability to climate change, and advance adaptation of the Puget Sound socio-ecological system.
- 150. Ensure that vulnerable populations and underserved communities are welcomed and engaged as full partners and support the priorities identified by communities when working to decrease the magnitude of climate change, advance climate change adaptation, and increase resilience to climate change.
- 161. Ecosystem recovery processes and decision making are inclusive of a broader set of committed stakeholders, including vulnerable populations and underserved communities, and diverse forms of knowledge.

## **Ongoing Program**

- OGP\_ECY34 Water Quality - Control Stormwater and Wastewater Pollution
- OGP\_ECY54 Hazardous Waste and Toxics Reduction - Reducing Toxic Threats, Safer Products WA, Chemicals in Products Compliance

### **Orca Task Force Recommendations**

- 30. Identify, prioritize and take action on chemicals that impact orcas and their prey.

### **Science Work Plan**

- 7. PRIMARY: Characterize human health and environmental risks from chemicals of emerging concern
- 8. PRIMARY: Assess toxic contaminant sources, (both historic and ongoing) and prioritize their clean-up or replacement based on environmental and human health impacts

# 2025-27 Biennial Budget HEAL Act Template

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## Background

### HEAL Act requirements

The Healthy Environment for All Act (HEAL Act), Chapter 314, Laws of 2021 (RCW [70A.02](#)) requires that “covered and opt in agencies” must implement the requirements of the HEAL Act. This includes the:

- Department of Ecology
- Department of Agriculture
- Department of Commerce
- Department of Health
- Department of Natural Resources
- Department of Transportation
- Puget Sound Partnership
- Office of the Attorney General

HEAL Act agencies that are considering a significant agency action initiated after July 1, 2023, are required to conduct an environmental justice assessment. RCW [70A.02.010](#)(12) specifies that significant agency actions include:

- The development and adoption of significant legislative rules as defined in RCW [34.05.328](#).
- The development and adoption of any new grant or loan program that the agency is explicitly authorized or required by statute to implement.
- A capital project, grant, or loan award costing at least \$12,000,000.
- A transportation project, grant, or loan costing at least \$15,000,000.
- The submission of agency request legislation to the Office of the Governor or OFM.

Under RCW [70A.02.080](#), beginning on or before July 1, 2023, covered and opt in agencies must, where practicable, take specific actions when making expenditure decisions or developing budget requests to OFM and the Legislature for programs that address or may cause environmental harms or provide environmental benefits. This includes:

- Focus applicable expenditures on creating environmental benefits that are experienced by overburdened communities and vulnerable populations, including reducing or eliminating environmental harms, creating community and population resilience, and improving the quality of life of overburdened communities and vulnerable populations.
- Create opportunities for overburdened communities and vulnerable populations to meaningfully participate in agency expenditure decisions.
- Clearly articulate environmental justice goals and performance metrics to communicate the basis for agency expenditures.
- Establish a goal of directing 40% of grants and expenditures that create environmental benefits to vulnerable populations overburdened communities.

To help OFM understand how HEAL Act agency budget requests meet HEAL Act requirements, covered agencies are required to complete additional questions related to the HEAL Act. These questions are shown below and are in addition to the equity related questions required of all agencies. Covered agencies are asked to complete the following questions and submit them through ABS.

#### HEAL Act questions

If you answer YES to any of these bullet points, please answer the six additional questions and submit them as an attachment through ABS.

- Is this decision package part of an agency request legislation that is required to complete an environmental justice assessment (RCW [70A.02.010](#)(12))?

Yes

No

- Is this decision package requesting funding to support another significant agency action that is required to complete an environmental justice assessment (RCW [70A.02.010](#)(12))?

Yes

No

- Is this decision package requesting funding for a program/project/activity that may **provide environmental benefits or reduce, mitigate, or eliminate environmental harms**, (that is not a significant agency action)? Note: This may include decision packages for programs not purposely directed to provide environmental benefits but may have an indirect or unintentional impact.

Yes

No

**If you answer YES to any of the above bullet points, please complete these additional questions.**

1. Please describe specific likely or probable environmental harms and/or benefits related to your decision package and the associated health impacts to overburdened communities and vulnerable populations.

#### Hazardous Waste & Toxics Reduction Program:

This request will protect the health and environment of likely vulnerable populations and overburdened communities from contamination at cleanup sites across the state by increasing resources available to affected communities. Securing new staffing resources to support PFAS sites would allow Ecology to prioritize cleanup of PFAS sites generally, but also specifically those within overburdened communities. A critical element of this PFAS request includes staff resources specific to community outreach, especially for communities with drinking water impacts. This request will help ensure the agency has dedicated outreach staff to help identify communication needs like translation services, methods of communication, and to assist in coordination with other entities like Department of Health. This outreach work is critical to ensuring impacted communities understand the cleanup, cleanup timeline, and any impacts to their drinking water and subsequently their health. This request will also help ensure that the agency is able to identify sources of contamination and test for new affected communities throughout the state.

#### Toxics Cleanup Program:

PFAS has been found in drinking water, surface water, groundwater, soil, sediments, air, animal and fish tissue, milk, and crops. State agencies are still in the early stages of determining where PFAS is most prevalent in the state of Washington, where people are being exposed at unhealthy levels and where it needs to be cleaned up. However, several drinking water sources, both public and private, have been identified as contaminated by PFAS and unsafe for human consumption. Ecology is still in the early stages but has identified PFAS cleanups impacting drinking water as both a new and high priority workload to protect communities throughout Washington State.

2. Please describe the estimated percentage and amount of the requested funds that will go towards creating environmental benefits in overburdened communities and vulnerable populations as defined in OFM's the [OBC map](#) or as determined by the agency. If applicable, please include your methodology for making this estimate, including project/award lists if available.

#### Hazardous Waste & Toxics Reduction Program:

The regulatory environment for PFAS is new and constantly changing. We are still in the early stages of identifying cleanup sites contaminated with PFAS. However, of the 74 sites where PFAS is currently confirmed or suspected, 36 percent score a 9 or 10 on the Environmental Health Disparities Index from the Department of Health's EHD Map, 32 percent score in the 80th percentile on EJ Screen for the Demographic Index, and 25 percent score in the 80th percentile on EJ Screen for the Supplemental Demographic Index. In addition, 47 percent flag on the Office of Financial Management's Overburdened Communities of Washington State dataset by 2010 Census Tracts. The work carried out under this proposal is directly intended to help mitigate harm to overburdened communities and vulnerable populations by finding PFAS contamination in communities where human health may be affected through drinking water, irrigation use, and eating locally caught fish. Ecology's PFAS investigations are designed to help bridge funding gaps to address contamination in areas of the state that are under-resourced.

#### Toxics Cleanup Program:

Of the sites that are either confirmed or suspected to have PFAS 47% flagged as an overburdened community on OFM's OBC map. The list of sites and subsequently the demographic data are all very preliminary. It is possible the percentage of PFAS sites in overburdened communities will increase as more sites are discovered.

3. Please describe any potential significant impacts to Indian Tribes' rights and interest in their tribal lands, as well as traditional practices.

#### Hazardous Waste & Toxics Reduction Program:

There are no anticipated impacts to Indian Tribes' rights and interests in their tribal lands or traditional practices. Tribal governments are independent of state regulatory oversight, but some elect to participate in public health partnerships in Washington state. Tribes have varying levels of participation and oversight of water, wastewater, and solid waste management. While they are subject to federal jurisdiction, some ay have delegated authority from EPA, just like state government does. State agencies work with Tribes on coordination of technical advice and funding options.

#### Toxics Cleanup Program:

There are no anticipated impacts to Indian Tribes' rights and interest in their tribal lands or traditional practices.

4. Describe how your agency engaged with Tribes in developing this proposal, including offers for tribal consultation including timelines, methods for feedback, and mechanisms for Tribes to express concern, opposition, or support., and any direction provided by Tribes through this engagement.

Hazardous Waste & Toxics Reduction Program:

No outreach or engagement has been conducted related to this request. However, we have engaged with a variety of interested parties related to the PFAS Statewide Funding Strategy, which this decision package is intended to support. Those stakeholders were supportive of doing as much as possible related to PFAS prevention, remediation, and testing.

Toxics Cleanup Program:

All the formal cleanups are subject to the public participation and tribal engagement requirements in our state's cleanup rules. Under those rules, Ecology seeks meaningful engagement with affected Indian tribes throughout the cleanup process and conducts cultural resource consultations with Indian tribes in accordance with Governor's Executive Order 21-02 (GEO 21-02) and WAC 173-340-815 at each appropriate step in the cleanup process to enable Tribes to provide input on the overall design and scope of each project. Further, Ecology will develop a tribal engagement plan to provide Indian Tribes with timely information, effective communication, continuous opportunities for collaboration and, when necessary, government-to-government consultation, as appropriate for each site (WAC 173-340-620(3)).

5. If the decision package is part of agency request legislation or supports another significant agency action that is required to complete an environmental justice assessment under RCW [70A.02.010](#)(12), please submit the assessment as an attachment in ABS.

N/A

6. If the decision package is part of agency request legislation or constitutes a significant agency action that is required to complete an environmental justice assessment, please describe how your agency used the environmental justice assessment process to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits. If your agency determined that you were unable to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits, please provide a justification for not doing so.

N/A





## Agency Recommendation Summary

Wood smoke from residential wood heating (RWH) is the largest source of fine particle air pollution from human activity in Washington and has negative health and regulatory implications. Washington’s RWH laws and rules, once a leading national example, are outdated and have been surpassed by more protective federal regulations. Regulating RWH devices in Washington is now challenging and relies on a patchwork of state and federal policies. Ecology is seeking to align and clarify Washington’s RWH policies through agency-request legislation. This request is for funding and resources to update Chapter 173-433 WAC, review test results for new solid fuel burning devices, and develop a list of devices approved for sale in Washington. Related to Puget Sound Action Agenda implementation. (General Fund-State, Wood Stove Education & Enforcement Account)

## Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
<b>Staffing</b>						
FTEs	0.9	1.5	1.2	1.5	1.5	1.5
<b>Operating Expenditures</b>						
Fund 001 - 1	\$163	\$128	\$291	\$0	\$0	\$0
Fund 160 - 1	\$0	\$115	\$115	\$242	\$242	\$484
Total Expenditures	\$163	\$243	\$406	\$242	\$242	\$484

## Decision Package Description

### Background:

Wood smoke from residential wood heating (RWH) contains significant amounts of harmful air pollution, including fine particles, and several toxic air pollutants, including benzene, formaldehyde, acetaldehyde, acrolein, and polycyclic aromatic hydrocarbons (PAHs). Wood smoke from RWH devices is the primary human-caused source of fine particle emissions in the state during the winter months. In some counties, RWH is responsible for as much as 60% of total fine particle emissions. Wintertime wood smoke puts areas in Washington at risk of nonattainment (not meeting the federal standard) for the fine particle National Ambient Air Quality Standards (NAAQS) and negatively affects the health and environment of communities in those areas.

Wood smoke penetrates deep into the lungs, resulting in long-term health effects such as emphysema, bronchitis, cancer, and premature death. While wood smoke can affect everyone, the most vulnerable populations are at greater risk. This includes children, teenagers, older adults, people with lung disease, people with heart disease, outdoor workers, and socially and economically disadvantaged people.

From 1993 to 2020, Ecology adopted and implemented statewide performance standards for fine particle emissions from new solid fuel burning devices that were stricter than federal standards. Ecology also reviewed manufacturer test results and maintained a state certification program and list of approved devices. These emission standards were part of a suite of control strategies to address residential wood smoke and were essential for bringing six former nonattainment areas (Kent, Thurston County, Tacoma, Seattle, Spokane, and Wallula) for fine and coarse particle pollution back into attainment.

As of May 15, 2020, the second phase of the Environmental Protection Agency’s (EPA) 2015 New Source Performance Standards (NSPS) for RWH (specifically 40 CFR part 60 subparts AAA and QQQQ) took effect. These updated standards were more stringent for some devices than Washington’s standards. This has effectively made many of Washington’s RWH standards obsolete because the stricter federal standards now apply. However, there is broad ongoing concern that the EPA’s solid fuel burning device certification program is insufficient.

This concern comes not just from states and regional organizations but also from the EPA Office of Inspector General (OIG). The OIG’s review of the EPA’s certification program found that it did not assure new 2015 NSPS-certified wood heaters are cleaner than devices sold under the 1988 performance standards and that the EPA’s failures stemmed from unclear test methods, an ineffective third-party certification review process, and a lack of audits. Although this resulted in the EPA eliminating some problematic and previously approved test methods for solid fuel burning devices, there is still a large amount of uncertainty as to the validity of the existing EPA list of certified devices. While the EPA is working to resolve the issues in its program and update the NSPS, the timeline for doing so is prolonged.

### Problem/Opportunity:

Strong RWH emission standards are a critical component of keeping fine particle levels in check in high-smoke communities. With the recent lowering of the annual fine particle NAAQS, several areas in Washington are near nonattainment. These at-risk communities are located across the state and include Clarkston, Colville, Darrington, Marysville, Omak, Sunnyside, Tacoma, Toppenish, Vancouver, and Yakima. Ensuring Washington emissions standards for solid fuel heating devices are at least as stringent as the federal standards ensures regulatory consistency, continued progress in reducing emissions, and protection of public health, while continuing to keep wood home heating as a viable option. The

current lack of consistency creates confusion over which standards apply to each specific solid fuel heating device. Ecology is proposing legislation that will be the first step in resolving this confusion and will enable the agency to update and clarify the rules related to this law.

Furthermore, an accurate list of certified devices is important for informing both RWH consumers and distributors as to which devices are allowed for sale and installation in the state. Importantly, this list informs which devices can be used for state-funded changeouts through Washington's Woodsmoke Reduction Program. Washington currently relies on the EPA's list of certified solid fuel burning devices; however, the EPA certification issues detailed in the OIG report demonstrate that the EPA-certified list is now unreliable. Continuing to rely on this questionable list could mean adding a large quantity of avoidable fine particle emissions to already overburdened airsheds. Ecology's proposed legislation will allow the state to address shortcomings in EPA's oversight of the federal program.

**Proposed Solution:**

Given the updates to the RWH NSPS and the noted issues with the EPA certification program, Ecology will request legislation (see attached) that will amend the state Clean Air Act to:

1. Provide Ecology authority to adopt by rule EPA's emission standards for new solid fuel burning devices to align with current and future more stringent emission standards for wood heaters, hydronic heaters, and forced-air furnaces adopted by rule by EPA in 40 CFR 60 Subpart AAA and subpart QQQQ.
2. Update state definitions and terms to align with federal definitions and terms.
3. Prohibit the installation or sale of new or used solid fuel burning devices unless they are certified by Washington as meeting emission standards.
4. Retain and clarify Ecology's authority to review and approve acceptable test methods, review test reports, certify devices, and update and approve devices for sale in Washington.
5. Remove outdated terms and references and make other changes to increase clarity and consistency.

These legislative changes will subsequently require Ecology staff to work on a Level 2 (moderately complex) rulemaking to update RWH rules in Chapter 173-433 WAC. It will also require staff who are trained and assigned to review test results for new solid fuel burning devices to determine if they meet the revised state standards, to update the list of approved devices that meet Washington's revised standards, and to work with manufacturers and vendors to provide compliance assistance. To meet these needs, Ecology is requesting additional staff to complete rulemaking and implement the new regulations.

This request will provide Ecology the resources necessary to engage in rulemaking to adopt emissions standards set by the EPA. This request will benefit people living in areas affected by wood smoke from RWH devices. It will also benefit people who use RWH devices for home heating because it will reduce air pollution inside and outside of the home.

**Impacts on Population Served:**

This request will impact any residents of the state that use RWH devices and is also intended to improve fine particle pollution levels across the state and can potentially impact any of the eight million residents of the state exposed to RWH emissions.

**Alternatives Explored:**

No alternatives were explored. Rule changes will be necessary to align Chapters 173-433 WAC with changes to RCW 70A.15.3510, RCW 70A.15.3520, RCW 70A.15.3530, RCW 70A.15.3540, RCW 70A.15.3550, RCW 70A.15.3580, and RCW 70A.15.3600 if Ecology's request legislation becomes law.

**Consequences of Not Funding This Request:**

Without this funding and resulting clarification of existing solid fuel burning device regulations in Washington, many higher-polluting devices may be installed (including through Washington's Woodsmoke Reduction Grant program) that do not meet the required regulations, such as emissions standards. This would lead to worsening levels of fine particles in Washington, especially in those communities that rely heavily on wood heating—many of which are economically disadvantaged.

If these areas are unable to reduce their fine particle levels, causing them to exceed the NAAQS, they may be designated as nonattainment. This could have negative economic impacts on the community. People may not want to move to the area due to poor air quality. Businesses may decide not to locate to the area due to more stringent permitting requirements and costly emission controls.

Nonattainment could also lead to a variety of required emission control measures for wood smoke being implemented through a State Implementation Plan. In this plan, the state must demonstrate how the nonattainment area will come back into compliance with the NAAQS. These control measures could mean that solid fuel devices become even more tightly regulated in these communities. This requested funding is necessary to ensure that wood heating continues to be an option for communities in Washington.

## Assumptions and Calculations

### **Expansion, Reduction, Elimination or Alteration of a current program or service:**

This request will expand Activity A048 - Reduce Health and Environmental Threats from Smoke because it will provide one-time resources to update the Solid Fuel Burning Devices rule in Chapter 173-433 WAC and will provide ongoing resources to review test reports, implement certification protocols, and maintain a list of certified devices. Below is a summary of the 2021-23 and 2023-25 base funding and FTEs for this activity. Administrative Overhead related to this activity is also in the agency's Administration Activity A002, but is not shown in the totals below.

<b>A048 – Reduce Health and Environmental Threats from Smoke</b>		
	<b>2021-23</b>	<b>2023-25</b>
FTEs Total	15.90	16.40
160-1 Wood Stove Education and Enforcement	\$553,000	\$573,000
216-1 Air Pollution Control	\$753,000	\$840,000
23P-1 Model Toxics Control Operating	\$2,575,000	\$2,971,000
<b>TOTAL</b>	<b>\$3,881,000</b>	<b>\$4,384,000</b>

### **Detailed Assumptions and Calculations:**

#### **Rulemaking**

Beginning July 1, 2025, Ecology requires salaries, benefits, and associated staff costs for the following positions to conduct rulemaking to adopt the EPA federal emission standards and performance standards. Ecology assumes that it may amend the rules to maintain consistency with EPA's standards.

- 0.5 FTE Environmental Planner 3 in fiscal year 2026 and 0.25 FTE in fiscal year 2027. This position will be the rulemaking lead and coordinate the rulemaking effort.
- 0.25 FTE Environmental Engineer 6 in fiscal year 2026 and 0.13 FTE in fiscal year 2027. This position will be the technical lead and advise on rule language and drive the overall policy change of the program.

Ecology estimates that rulemaking will be moderately complex and generate public interest and input. It will require 18 months, from July 2025 to December 2026. This type of rulemaking will include two preproposal meetings. One to gather input from stakeholders and develop the Environmental Justice Assessment, and one public hearing to accept comments on the rule proposal. Goods and services estimates include facility rental costs estimated at \$1,000 per hearing (\$2,000 fiscal year 2026 and \$1,000 fiscal year 2027). The following position will oversee the two meetings:

- 0.08 FTE Community Outreach & Environmental Education Specialist 3. This position will provide the Environmental Justice Assessment outreach on the rulemaking during FY 2026. This includes public meetings, hearings, and meetings with overburdened communities and vulnerable populations.

The following positions will complete an economic and regulatory analysis of the rule:

- 0.2 FTE Economic Analyst 3 in fiscal year 2027
- 0.05 FTE Regulatory Analyst 2 in fiscal year 2027

The Attorney General's Office estimates 0.04 FTE Assistant Attorney General at a cost of \$11,600 in fiscal year 2026, 0.05 FTE at a cost of \$13,100 in fiscal year 2027, and 0.05 FTE at a cost of \$13,100 in fiscal year 2028 and ongoing to advise Ecology on rulemaking and implementation efforts. Expenditures are shown in Goods and Services.

#### **Implementation**

Once rulemaking is complete, Ecology requires salaries, benefits, and associated staff costs for the following positions, beginning January 1, 2027, and ongoing, to provide compliance assistance to ensure alignment between federal and state rules, review of device certification protocols, and maintaining the list of certified devices, including woodstoves, fireplaces, forced air furnaces, and hydronic heaters.

- 0.13 FTE Environmental Engineer 3 in fiscal year 2027 and 0.25 FTE in fiscal year 2028 and ongoing. This position will review and approve 1) test results submitted by manufacturers for review and 2) state certification and recertification of existing and new makes and models of woodstoves.
- 0.5 FTE Environmental Planner 4 in fiscal year 2027 and 1.0 FTE in fiscal year 2028 and ongoing. This position will provide support to update device certification protocol to align with the federal and state rules and provide compliance assistance and maintain the list of certified devices, including woodstoves, fireplaces, forced air furnaces, and hydronic heaters.

Ecology estimates an additional \$2,000 in travel costs in fiscal year 2027 and \$4,000 in travel costs per year beginning in fiscal year 2028 and nd services.

Ecology is requesting funding from the General Fund-State for the rulemaking. For costs related to implementation, Ecology is requesting funding from the Wood Stove Education & Enforcement Account to provide compliance assistance, develop device certification protocols, and provide ongoing maintenance of the list of certified devices established in the request legislation.

**Workforce Assumptions:**

<b>Expenditures by Object</b>		<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>	<b>FY 2030</b>	<b>FY 2031</b>
A	Salaries and Wages	80,932	123,521	122,053	122,053	122,053	122,053
B	Employee Benefits	27,598	42,121	41,620	41,620	41,620	41,620
E	Goods and Services	18,620	23,720	24,660	24,660	24,660	24,660
G	Travel	1,830	2,779	2,756	2,756	2,756	2,756
J	Capital Outlays	1,068	1,620	1,608	1,608	1,608	1,608
T	Intra-Agency Reimbursements	32,451	49,526	48,938	48,938	48,938	48,938
<b>Total Objects</b>		<b>162,499</b>	<b>243,287</b>	<b>241,635</b>	<b>241,635</b>	<b>241,635</b>	<b>241,635</b>

<b>Job Class</b>	<b>Salary</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>	<b>FY 2030</b>	<b>FY 2031</b>
ENVIRONMENTAL PLANNER 3	86,716	0.50	0.25				
ENVIRONMENTAL ENGINEER 6	128,628	0.25	0.13				
ECONOMIC ANALYST 3	95,627		0.20				
REGULATORY ANALYST 2	88,798		0.05				
ENVIRONMENTAL PLANNER 4	95,650		0.50	1.00	1.00	1.00	1.00
ENVIRONMENTAL ENGINEER 3	105,612		0.13	0.25	0.25	0.25	0.25
COMM OUTRCH & ENVIRO ED SPEC 3	67,717	0.08					
FISCAL ANALYST 2		0.08	0.13	0.13	0.13	0.13	0.13
IT APP DEVELOPMENT-JOURNEY		0.04	0.06	0.06	0.06	0.06	0.06
<b>Total FTEs</b>		<b>0.95</b>	<b>1.45</b>	<b>1.44</b>	<b>1.44</b>	<b>1.44</b>	<b>1.44</b>

**Explanation of costs by object:**

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 34.1% of salaries.

Goods and Services are the agency average of \$6,048 per direct program FTE. Also included are AGO costs of \$11,600 in FY 2026, \$13,100 in FY 2027, and \$13,100 in FY 2028 and ongoing, as well as costs for public hearings of \$2,000 in FY 2026 and \$1,000 in FY 2027.

Travel is the agency average of \$2,205 per direct program FTE. An additional \$2,000 in travel costs in FY 2027 and \$4,000 in travel costs per year beginning in FY 2028 and ongoing is included for travel costs to support compliance assistance requirements.

Equipment is the agency average of \$1,286 per direct program FTE.

Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 29.9% of direct program salaries and benefits and is shown as object 9. Agency Administrative Overhead FTEs are included at 0.15 FTE per direct program FTE and are identified as Fiscal Analyst 2 and IT App Development - Journey.

**Historical Funding:**

	<b>FY2026</b>	<b>FY2027</b>
<b>FTE</b> (xx direct FTE)	1.41	1.41
<b>Total Funds</b> (rounded to thousands)	\$305,000	302,000
<b>Near General Fund</b> (rounded to thousands)	\$0	\$0
<b>Other Funds</b> (rounded to thousands)	\$305,000	302,000

Administrative Overhead related to this program or service is in the agency's Administration Activity A002, but is not shown in the totals above.

## Strategic and Performance Outcomes

### **Strategic Framework:**

This request is essential to achieving Ecology's Goal 3: Prevent and reduce waste, toxic threats, and pollution, the Governor's Results Washington Goal 3: Sustainable Energy and a Clean Environment and Goal 4: Health and Safe Communities because updates to emission standards and certification requirements will ensure solid fuel burning devices sold in Washington are clean burning and meet emission standards, which will lead to:

- A decrease in fine particle and toxic air pollution.
- Improvements in air quality and public health in overburdened communities highly impacted by air pollution.
- Compliance with air quality standards.

### **Performance Outcomes:**

The outcomes of this request will be that solid fuel burning devices in Washington meet updated emission standards, only devices that meet the standards are approved for sale in Washington, fine particle emissions from solid fuel burning devices are reduced, and health and environmental threats from smoke are reduced.

## Equity Impacts

### **Community Outreach and Engagement:**

Ecology has ongoing engagement with local and other state agencies, community-based organizations, environmental justice organizations, and the public within overburdened communities highly impacted by air pollution. Ecology met with Front and Centered, Duwamish River Community Coalition, Washington Conservation Action, Climate Solutions, The Nature Conservancy, and Washington Physicians for Social Responsibility about this budget request. We received general support, primarily because of enthusiasm for strategies to improve community health by reducing fine particles and other toxic air pollutants from wood smoke. The feedback includes support from state organizations networked with and representing environmental justice and equity organizations at the local and regional levels.

Ecology plans to participate in outreach efforts to Tribes in the summer of 2024 regarding the full suite of agency request legislation and associated budget requests. Ecology will offer government-to-government consultation as part of the coordinated agency outreach effort.

### **Disproportional Impact Considerations:**

Ecology does not anticipate this request will result in any negative disproportionate impacts to overburdened communities and vulnerable populations. Many communities across the state are impacted by particle pollution. This request will align and clarify the applicable emission standards and RWH devices covered and provide better assurances that those devices are meeting the required emission standards; this will reduce the amount of RWH device-caused fine particle emissions in the state. This will, in turn, provide improved air quality for those impacted, especially physically, economically, and socially vulnerable people reliant on the use of wood burning to heat their homes. Jurisdictions that are currently at high risk of violating national fine particle air quality standards because of pollution from RWH devices will also benefit. These communities at risk of nonattainment are located across the state and include Clarkston, Colville, Darrington, Marysville, Omak, Sunnyside, Tacoma, Toppenish, Vancouver, and Yakima.

The agency's request for legislation will be particularly beneficial to vulnerable populations most susceptible to the health impacts and increased mortality resulting from exposure to wood smoke. This includes socially and economically disadvantaged people of color, children, teenagers, older adults, people with lung disease, people with heart disease, and outdoor workers.

### **Target Communities and Populations:**

This request is intended to reduce fine particle pollution levels across the state anywhere solid fuel burning devices are being used for home heating. It will especially benefit the 16 overburdened communities and Tribes found to be the most highly impacted by air pollution. Reduced RWH smoke will also benefit the health and life span of people especially vulnerable to fine particle air pollution, including people of color, children, those 65 and older, people with existing heart and lung problems, and pregnant people.

### **Community Inputs and Incorporation:**

See Community Outreach and Engagement response.

## Other Collateral Connections

### **HEAL Act Agencies Supplemental Questions**

Yes, see attached.



### ***Puget Sound Recovery:***

This request supports the 2022-2026 Puget Sound Action Agenda implementation through Ongoing Program OGP\_ECY33 Air - Reducing Toxic Woodstove Emissions, the Air Quality Vital Sign, and through the following Strategies, Desired Outcomes, and Actions:

#### **Strategies**

- 8. Prevent Pollution - Prevent pollution by promoting the development and use of safer alternatives to toxic chemicals and ensuring proper disposal.
- 26. Human Health - Protect human health, considering disproportionate impacts on sensitive populations, through programs that educate communities and limit harmful exposures from air and water contaminants.

#### **Desired Outcomes and Actions**

- 5.6.1. Levels and patterns of air pollution do not threaten Puget Sound communities or sensitive populations with adverse health outcomes.
- Action 112. Direct beneficial environmental activities, investments, and community research towards better understanding and improving areas with environmental health disparities and where the environmental health improvements will be greatest.
- Action 199. Limit people's exposures to harmful air pollution.

### ***State Workforce Impacts:***

N/A

### ***Intergovernmental:***

This request will have impacts on the RWH laws and rules that Ecology implements and enforces statewide and will improve air quality in local air agency jurisdictions. Ecology met with local air agencies to discuss this request, and they were supportive because it will advance local efforts to reduce fine particle pollution.

Ecology met with the Department of Health, and they expressed support for this request and for the reduction in harmful health effects from fine particle pollution. Ecology met with the Department of Commerce to discuss the potential interactions of this request with clean energy, weatherization, and clean biomass programs and incentives, and Commerce was supportive of this request. Ecology is meeting with the State Building Code Council (SBCC) to discuss potential intersections with the state building code and whether updates may be needed to statutory language directing SBCC to set emission standards and requirements for fireplaces. We anticipate that SBCC will be supportive of this request.

Tribal populations affected by fine particle pollution will benefit from cleaner air and will also benefit from having assurance that devices available for sale and installation are clean burning. As noted above, we plan to offer government-to-government consultation on this request as part of the coordinated agency outreach for request legislation. We anticipate Tribes will support this request.

### ***Stakeholder Impacts:***

Ecology met with Front and Centered, the Duwamish River Community Coalition, the Washington Conservation Action, Climate Solutions, the Nature Conservancy, and the Washington Physicians for Social Responsibility about this budget request and related agency request legislation. We have received general support primarily for strategies to reduce fine particles and other toxic air pollutants from wood smoke.

Ecology held several stakeholder outreach meetings before finalizing the budget request and related agency request legislation. Ecology expects general support from the public as well as many businesses in areas at risk for violating the federal standard for fine particle pollution. Preventing nonattainment helps these regions avoid tighter restrictions on wood burning and tighter controls on other commercial and industrial sources of pollution in the airshed. Ecology anticipates support from local health jurisdictions due to the health benefits associated with reducing fine particle pollution.

Ecology expects that woodstove manufacturers and retailers will support alignment of Washington standards with federal standards; they have long called for a consistent national program to avoid a patchwork of state regulations. However, we expect that manufacturers, testers, and retailers will express opposition to Washington having a separate state certification program because it could potentially limit stoves for sale that are using problematic test methods or that are approved under the national program, but that Washington has found to have deficiencies in their tests and/or certification. It could also increase their costs if they are required to perform additional testing to demonstrate compliance with the standard or if certain devices are not certified for sale in Washington.

### ***State Facilities Impacts:***

N/A

**Changes from Current Law:**

This budget request is needed to implement agency request legislation to update and align emission performance standards in the state Clean Air Act with EPA standards and to provide Ecology authority to operate a state certification program. Rule changes will be necessary to align Chapters 173-433 WAC with changes to RCW 70A.15.3510, RCW 70A.15.3520, RCW 70A.15.3530, RCW 70A.15.3540, RCW 70A.15.3550, RCW 70A.15.3580, and RCW 70A.15.3600 if Ecology’s request legislation becomes law.

**Legal or Administrative Mandates:**

N/A

**Governor's Salmon Strategy:**

N/A

**Reference Documents**

- [Solid Fuel Burning Devices-HEAL Act Attachment.pdf](#)
- [Solid Fuel Burning Devices-Z Draft Bill Attachment.pdf](#)

**IT Addendum**

**Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?**

No

**Objects of Expenditure**

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
Obj. A	\$81	\$123	\$204	\$122	\$122	\$244
Obj. B	\$28	\$42	\$70	\$41	\$41	\$82
Obj. E	\$19	\$24	\$43	\$25	\$25	\$50
Obj. G	\$2	\$3	\$5	\$3	\$3	\$6
Obj. J	\$1	\$2	\$3	\$2	\$2	\$4
Obj. T	\$32	\$49	\$81	\$49	\$49	\$98

**Agency Contact Information**

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**BILL REQUEST - CODE REVISER'S OFFICE**

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BILL REQ. #: Z-0018.1/25

ATTY/TYPIST: ML:jlb

BRIEF DESCRIPTION: Concerning wood burning devices.

1 AN ACT Relating to wood burning devices; amending RCW  
2 70A.15.3520, 70A.15.3530, 70A.15.3540, 70A.15.3550, 70A.15.3580, and  
3 70A.15.3600; and reenacting and amending RCW 70A.15.3510.

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

5 **Sec. 1.** RCW 70A.15.3510 and 2020 c 20 s 1115 are each reenacted  
6 and amended to read as follows:

7 Unless the context clearly requires otherwise, the definitions in  
8 this section apply throughout RCW 70A.15.3510 through 70A.15.3620:

9 (1) "Authority" means any air pollution control agency whose  
10 jurisdictional boundaries are coextensive with the boundaries of one  
11 or more counties.

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

13 (3) "Fireplace" means: (a) Any permanently installed masonry  
14 fireplace; or (b) any factory-built metal (~~(solid-fuel)~~) wood burning  
15 device designed to be used with an open combustion chamber and  
16 without features to control the air to fuel ratio.

17 (4) "New woodstove" means: (a) A woodstove that is sold at  
18 retail, bargained, exchanged, or given away for the first time by the  
19 manufacturer, the manufacturer's dealer or agency, or a retailer; and  
20 (b) has not been so used to have become what is commonly known as  
21 "secondhand" within the ordinary meaning of that term.

1 (5) "Opacity" means the degree to which an object seen through a  
2 plume is obscured, stated as a percentage. The methods ~~((approved))~~  
3 adopted by the department in accordance with RCW 70A.15.3000 shall be  
4 used to establish opacity for the purposes of this chapter.

5 (6) "Residential forced air furnace" has the same meaning as set  
6 forth in 40 C.F.R. Part 60, subpart QQQQ (2024).

7 (7) "Residential hydronic heater" has the same meaning as set  
8 forth in 40 C.F.R. Part 60, subpart QQQQ (2024).

9 (8) "~~((Solid fuel)) Wood burning device" means any device for~~  
10 burning wood~~((, coal, or any other nongaseous and nonliquid fuel,~~  
11 including a woodstove and fireplace)) or pellet fuel, including a  
12 woodstove, fireplace, masonry heater, residential forced-air furnace,  
13 and residential hydronic heater.

14 ~~((7))~~ (9) "Woodstove" means a ~~((solid fuel))~~ wood burning  
15 device ~~((other than a fireplace not meeting the requirements of RCW~~  
16 ~~70A.15.3530)), including any fireplace insert, ~~((woodstove, wood~~  
17 ~~burning heater)) pellet stove, wood stick boiler, ~~((coal-fired~~  
18 ~~furnace, coal stove,)) or similar device burning any ~~((solid))~~ wood~~~~~~

19 or pellet fuel, used for aesthetic or space-heating purposes in a  
20 private residence or commercial establishment, which has a heat input  
21 less than one million British thermal units per hour. The term  
22 "woodstove" does not include ~~((wood cook stoves))~~ fireplaces, masonry  
23 heaters, residential forced-air furnaces, or residential hydronic  
24 heaters. For purposes of this chapter, the term "woodstove" includes  
25 any residential wood heater as defined in 40 C.F.R. Part 60, Subpart  
26 AAA (2024).

27 **Sec. 2.** RCW 70A.15.3520 and 1991 c 199 s 503 are each amended to  
28 read as follows:

29 ~~((After January 1, 1992, no used solid fuel))~~ No wood burning  
30 device shall be installed in new or existing buildings unless such  
31 device ~~((is either Oregon department of environmental quality phase~~  
32 ~~II or United States environmental protection agency certified or a~~  
33 ~~pellet stove either certified or exempt from certification by the~~  
34 ~~United States environmental protection agency)) meets the applicable  
35 emission standard and certification requirements adopted by the  
36 department under this section. The department may adopt certification  
37 procedures and requirements for wood burning devices by rule. The  
38 department may also adopt by rule emission standards and other  
39 requirements for residential home heating devices burning solid fuels~~

1 other than wood or pellet fuel, including devices burning coal and  
2 other nongaseous and nonliquid fuels.

3 (1) By July 1, 1992, the state building code council shall adopt  
4 rules requiring an adequate source of heat other than woodstoves in  
5 all new and substantially remodeled residential and commercial  
6 construction. This rule shall apply (a) to areas designated by a  
7 county to be an urban growth area under chapter 36.70A RCW; and (b)  
8 to areas designated by the environmental protection agency as being  
9 in nonattainment for particulate matter.

10 (2) For purposes of this section, "substantially remodeled" means  
11 any alteration or restoration of a building exceeding (~~sixty~~) 60  
12 percent of the appraised value of such building within a (~~twelve-~~  
13 ~~month~~) 12-month period.

14 **Sec. 3.** RCW 70A.15.3530 and 1995 c 205 s 3 are each amended to  
15 read as follows:

16 The department of ecology shall establish by rule under chapter  
17 34.05 RCW:

18 (1) Statewide emission performance standards for new (~~solid~~  
19 ~~fuel~~) wood burning devices. The department may adopt rules to  
20 implement the federal emission standards for new residential wood  
21 heaters in 40 C.F.R. Part 60, subpart AAA (2024), and to implement  
22 the federal emission standards for new residential forced-air  
23 furnaces and new residential hydronic heaters in 40 C.F.R. Part 60,  
24 subpart QQQQ (2024). The department may also adopt rules to establish  
25 and implement emission standards for masonry heaters, which may  
26 include incorporation of federal emission standards adopted by the  
27 United States environmental protection agency in 40 C.F.R. Part 60,  
28 subpart RRRR (2024). If the department adopts rules as authorized in  
29 this section, the department shall adopt the emission performance  
30 standards as they exist on January 1, 2025, and shall amend the rules  
31 from time to time, to maintain consistency with the emission  
32 performance standards adopted by the United States environmental  
33 protection agency. Notwithstanding any other provision of this  
34 chapter which allows an authority to adopt more stringent emission  
35 standards, no authority shall adopt any emission standard for new  
36 (~~solid fuel~~) wood burning devices other than the statewide standard  
37 adopted by the department under this section.

38 (a) (~~After January 1, 1995, no solid fuel~~) No wood burning  
39 device shall be offered for sale in this state to residents of this

1 state that does not meet the (~~following particulate air contaminant~~  
2 ~~emission standards under the test methodology of the United States~~  
3 ~~environmental protection agency in effect on January 1, 1991, or an~~  
4 ~~equivalent standard under any test methodology adopted by the United~~  
5 ~~States environmental protection agency subsequent to such date: (i)~~  
6 ~~Two and one-half grams per hour for catalytic woodstoves; and (ii)~~  
7 ~~four and one-half grams per hour for all other solid fuel burning~~  
8 ~~devices. For purposes of this subsection, "equivalent" shall mean the~~  
9 ~~emissions limits specified in this subsection multiplied by a~~  
10 ~~statistically reliable conversion factor determined by the department~~  
11 ~~that compares the difference between the emission test methodology~~  
12 ~~established by the United States environmental protection agency~~  
13 ~~prior to May 15, 1991, with the test methodology adopted subsequently~~  
14 ~~by the agency. Subsection (a) of this subsection does not apply to~~  
15 ~~fireplaces)) statewide emission performance standards adopted by the  
16 department under this section, using: (i) An applicable test  
17 methodology adopted by the department by rule; or (ii) if the  
18 department has not adopted an applicable test methodology by rule, an  
19 applicable test methodology adopted by the United States  
20 environmental protection agency under 40 C.F.R. Part 60 (2024).~~

21 (b) After January 1, 1997, no fireplace, except masonry  
22 fireplaces, shall be offered for sale unless such fireplace meets the  
23 1990 United States environmental protection agency standards for  
24 woodstoves or equivalent standard that may be established by the  
25 state building code council by rule. Prior to January 1, 1997, the  
26 state building code council shall establish by rule a methodology for  
27 the testing of factory-built fireplaces. The methodology shall be  
28 designed to achieve a particulate air emission standard equivalent to  
29 the 1990 United States environmental protection agency standard for  
30 woodstoves. In developing the rules, the council shall include on the  
31 technical advisory committee at least one representative from the  
32 masonry fireplace builders and at least one representative of the  
33 factory-built fireplace manufacturers.

34 (c) Prior to January 1, 1997, the state building code council  
35 shall establish by rule design standards for the construction of new  
36 masonry fireplaces in Washington state. In developing the rules, the  
37 council shall include on the technical advisory committee at least  
38 one representative from the masonry fireplace builders and at least  
39 one representative of the factory-built fireplace manufacturers. It  
40 shall be the goal of the council to develop design standards that

1 generally achieve reductions in particulate air contaminant emissions  
2 commensurate with the reductions being achieved by factory-built  
3 fireplaces at the time the standard is established.

4 (d) Actions of the department and local air pollution control  
5 authorities under this section shall preempt actions of other state  
6 agencies and local governments for the purposes of controlling air  
7 pollution from ~~((solid fuel))~~ wood burning devices, except where  
8 authorized by chapter 199, Laws of 1991.

9 (e) Subsection (1)(a) of this section shall not apply to  
10 fireplaces.

11 ~~((Notwithstanding (a) of this subsection, the department is  
12 authorized to adopt, by rule, emission standards adopted by the  
13 United States environmental protection agency for new woodstoves sold  
14 at retail.))~~ For ~~((solid fuel))~~ wood burning devices for which the  
15 United States environmental protection agency has not established  
16 emission standards, the department may exempt or establish, by rule,  
17 statewide standards including emission levels and test procedures for  
18 such devices ~~((and such emission levels and test procedures shall be  
19 equivalent to emission levels per pound per hour burned for other new  
20 woodstoves and fireplaces regulated under this subsection))~~.

21 (2) A program to:

22 (a) Determine whether a new ~~((solid fuel))~~ wood burning device  
23 complies with the statewide emission performance standards  
24 ~~((established in))~~ and certification requirements adopted under  
25 subsection (1) of this section; and

26 (b) ~~((Approve the sale))~~ Publish a list of devices that comply  
27 with the statewide emission performance standards and certification  
28 requirements.

29 **Sec. 4.** RCW 70A.15.3540 and 2020 c 20 s 1116 are each amended to  
30 read as follows:

31 ~~((After July 1, 1988, no))~~ No person shall sell, offer to sell,  
32 or knowingly advertise to sell a ~~((new woodstove))~~ wood burning  
33 device in this state to a resident of this state unless the  
34 ~~((woodstove has been approved by the department under the program~~  
35 ~~established))~~ wood burning device meets the applicable emission  
36 standard and certification requirements adopted by the department  
37 under RCW 70A.15.3530.

1       **Sec. 5.** RCW 70A.15.3550 and 2020 c 20 s 1117 are each amended to  
2 read as follows:

3       (~~After July 1, 1988, any~~) Any person who sells, offers to sell,  
4 or knowingly advertises to sell a (~~new woodstove~~) wood burning  
5 device in this state in violation of RCW 70A.15.3540 shall be subject  
6 to the penalties and enforcement actions under this chapter.

7       **Sec. 6.** RCW 70A.15.3580 and 2020 c 20 s 1119 are each amended to  
8 read as follows:

9       (1) Any person in a residence or commercial establishment which  
10 has an adequate source of heat without burning wood shall:

11       (a) Not burn wood in any (~~solid fuel~~) wood burning device  
12 whenever the department has determined under RCW 70A.15.6010 that any  
13 air pollution episode exists in that area;

14       (b) Not burn wood in any (~~solid fuel~~) wood burning device  
15 except those which are (~~either Oregon department of environmental~~  
16 ~~quality phase II or United States environmental protection agency~~  
17 ~~certified or~~) certified by the department under RCW 70A.15.3530(1)  
18 (~~or a pellet stove either certified or issued an exemption by the~~  
19 ~~United States environmental protection agency in accordance with~~  
20 ~~Title 40, Part 60 of the Code of Federal Regulations~~), in the  
21 geographical area and for the period of time that a first stage of  
22 impaired air quality has been determined, by the department or any  
23 authority, for that area.

24       (i) A first stage of impaired air quality is reached when  
25 forecasted meteorological conditions are predicted to cause fine  
26 particulate levels to exceed (~~thirty-five~~) 35 micrograms per cubic  
27 meter, measured on a (~~twenty-four~~) 24-hour average, within (~~forty-~~  
28 ~~eight~~) 48 hours, except for areas of fine particulate nonattainment  
29 or areas at risk for fine particulate nonattainment;

30       (ii) A first stage burn ban for impaired air quality may be  
31 called for a county containing fine particulate nonattainment areas  
32 or areas at risk for fine particulate nonattainment, and when  
33 feasible only for the necessary portions of the county, when  
34 forecasted meteorological conditions are predicted to cause fine  
35 particulate levels to reach or exceed (~~thirty~~) 30 micrograms per  
36 cubic meter, measured on a (~~twenty-four~~) 24-hour average, within  
37 (~~seventy-two~~) 72 hours; and

38       (c) (i) Not burn wood in any (~~solid fuel~~) wood burning device in  
39 a geographical area and for the period of time that a second stage of



1 impaired air quality has been determined by the department or any  
2 authority, for that area. A second stage of impaired air quality is  
3 reached when a first stage of impaired air quality has been in force  
4 and has not been sufficient to reduce the increasing fine particulate  
5 pollution trend, fine particulates are at an ambient level of  
6 (~~(twenty-five)~~) 25 micrograms per cubic meter measured on a (~~(twenty-~~  
7 ~~four)~~) 24-hour average, and forecasted meteorological conditions are  
8 not expected to allow levels of fine particulates to decline below  
9 (~~(twenty-five)~~) 25 micrograms per cubic meter for a period of  
10 (~~(twenty-four)~~) 24 hours or more from the time that the fine  
11 particulates are measured at the trigger level.

12 (ii) A second stage burn ban may be called without calling a  
13 first stage burn ban only when all of the following occur and shall  
14 require the department or the local air pollution control authority  
15 calling a second stage burn ban under this subsection to comply with  
16 the requirements of subsection (3) of this section:

17 (A) Fine particulate levels have reached or exceeded (~~(twenty-~~  
18 ~~five)~~) 25 micrograms per cubic meter, measured on a (~~(twenty-four)~~)  
19 24-hour average;

20 (B) Meteorological conditions have caused fine particulate levels  
21 to rise rapidly;

22 (C) Meteorological conditions are predicted to cause fine  
23 particulate levels to exceed the (~~(thirty-five)~~) 35 micrograms per  
24 cubic meter, measured on a (~~(twenty-four)~~) 24-hour average, within  
25 (~~(twenty-four)~~) 24 hours; and

26 (D) Meteorological conditions are highly likely to prevent  
27 sufficient dispersion of fine particulate.

28 (iii) In fine particulate nonattainment areas or areas at risk  
29 for fine particulate nonattainment, a second stage burn ban may be  
30 called for the county containing the nonattainment area or areas at  
31 risk for nonattainment, and when feasible only for the necessary  
32 portions of the county, without calling a first stage burn ban only  
33 when (c)(ii)(A), (B), and (D) of this subsection have been met and  
34 meteorological conditions are predicted to cause fine particulate  
35 levels to reach or exceed (~~(thirty)~~) 30 micrograms per cubic meter,  
36 measured on a (~~(twenty-four)~~) 24-hour average, within (~~(twenty-four)~~)  
37 24 hours.

38 (2) Actions of the department and local air pollution control  
39 authorities under this section shall preempt actions of other state  
40 agencies and local governments for the purposes of controlling air

1 pollution from (~~solid-fuel~~) wood burning devices, except where  
2 authorized by chapter 199, Laws of 1991.

3 (3) (a) The department or any local air pollution control  
4 authority that has called a second stage burn ban under the authority  
5 of subsection (1) (c) (ii) of this section shall, within (~~ninety~~) 90  
6 days, prepare a written report describing:

7 (i) The meteorological conditions that resulted in their calling  
8 the second stage burn ban;

9 (ii) Whether the agency could have taken actions to avoid calling  
10 a second stage burn ban without calling a first stage burn ban; and

11 (iii) Any changes the department or authority is making to its  
12 procedures of calling first stage and second stage burn bans to avoid  
13 calling a second stage burn ban without first calling a first stage  
14 burn ban.

15 (b) After consulting with affected parties, the department shall  
16 prescribe the format of such a report and may also require additional  
17 information be included in the report. All reports shall be sent to  
18 the department and the department shall keep the reports on file for  
19 not less than five years and available for public inspection and  
20 copying in accordance with RCW 42.56.090.

21 (4) For the purposes of chapter 219, Laws of 2012, an area at  
22 risk for nonattainment means an area where the three-year average of  
23 the annual (~~ninety-eighth~~) 98th percentile of (~~twenty-four~~) 24  
24 hour fine particulate values is greater than (~~twenty-nine~~) 29  
25 micrograms per cubic meter, based on the years 2008 through 2010  
26 monitoring data.

27 (5) (a) Nothing in this section restricts a person from installing  
28 or repairing a certified (~~solid-fuel~~) wood burning device  
29 (~~approved by the department under the program established~~) that  
30 meets the applicable emission standard and certification requirements  
31 adopted by the department under RCW 70A.15.3530 in a residence or  
32 commercial establishment or from replacing a (~~solid-fuel~~) wood  
33 burning device with a certified (~~solid-fuel~~) wood burning device  
34 that meets the applicable emission standard and certification  
35 requirements adopted by the department under RCW 70A.15.3530. Nothing  
36 in this section restricts a person from burning wood in a (~~solid~~  
37 ~~fuel~~) wood burning device, regardless of whether a burn ban has been  
38 called, if there is an emergency power outage. In addition, for the  
39 duration of an emergency power outage, nothing restricts the use of a  
40 (~~solid-fuel~~) wood burning device or the temporary installation,

1 repair, or replacement of a (~~solid-fuel~~) wood burning device to  
2 prevent the loss of life, health, or business.

3 (b) For the purposes of this subsection, an emergency power  
4 outage includes:

5 (i) Any natural or human-caused event beyond the control of a  
6 person that leaves the person's residence or commercial establishment  
7 temporarily without an adequate source of heat other than the (~~solid~~  
8 ~~fuel~~) wood burning device; or

9 (ii) A natural or human-caused event for which the governor  
10 declares an emergency in an area under chapter 43.06 RCW, including a  
11 public disorder, disaster, or energy emergency under RCW  
12 43.06.010(12).

13 **Sec. 7.** RCW 70A.15.3600 and 2020 c 20 s 1121 are each amended to  
14 read as follows:

15 (1) Unless allowed by rule under chapter 34.05 RCW, a person  
16 shall not cause or allow any of the following materials to be burned  
17 in any residential (~~solid-fuel~~) wood burning device:

18 (a) Garbage;

19 (b) Treated wood;

20 (c) Plastics;

21 (d) Rubber products;

22 (e) Animals;

23 (f) Asphaltic products;

24 (g) Waste petroleum products;

25 (h) Paints; (~~or~~)

26 (i) Coal; or

27 (j) Any substance, other than properly seasoned fuel wood, which  
28 normally emits dense smoke or obnoxious odors.

29 (2) To achieve and maintain attainment in areas of nonattainment  
30 for fine particulates in accordance with section 172 of the federal  
31 clean air act, a local air pollution control authority or the  
32 department may, after meeting requirements in subsection (3) of this  
33 section, prohibit the use of (~~solid-fuel~~) wood burning devices,  
34 except:

35 (a) Fireplaces as defined in RCW 70A.15.3510(3), except if needed  
36 to meet federal requirements as a contingency measure in a state  
37 implementation plan for a fine particulate nonattainment area; or

38 (b) Woodstoves meeting the standards set forth in RCW  
39 70A.15.3580(1) (b) (~~or~~)

1 ~~(c) Pellet stoves~~)).

2 (3) Prior to prohibiting the use of (~~solid fuel~~) wood burning  
3 devices under subsection (2) of this section, the department or the  
4 local air pollution control authority must:

5 (a) Seek input from any city, county, or jurisdictional health  
6 department affected by the proposal to prohibit the use of (~~solid  
7 fuel~~) wood burning devices; and

8 (b) Make written findings that:

9 (i) The area is designated as an area of nonattainment for fine  
10 particulate matter by the United States environmental protection  
11 agency, or is in maintenance status under that designation;

12 (ii) Emissions from (~~solid fuel~~) wood burning devices in the  
13 area are a major contributing factor for violating the national  
14 ambient air quality standard for fine particulates; and

15 (iii) The area has an adequately funded program to assist low-  
16 income households to secure an adequate source of heat, which may  
17 include woodstoves meeting the requirements of RCW 70A.15.3510(~~(+7)~~)  
18 (9).

19 (4) If and only if the nonattainment area is within the  
20 jurisdiction of the department and the legislative authority of a  
21 city or county within the area of nonattainment formally expresses  
22 concerns with the department's written findings, then the department  
23 must publish on the department's website the reasons for prohibiting  
24 the use of (~~solid fuel~~) wood burning devices under subsection (2)  
25 of this section that includes a response to the concerns expressed by  
26 the city or county legislative authority.

27 (5) When a local air pollution control authority or the  
28 department prohibits the use of (~~solid fuel~~) wood burning devices  
29 as authorized by this section, the cities, counties, and  
30 jurisdictional health departments serving the area shall cooperate  
31 with the department or local air pollution control authority as the  
32 department or the local air pollution control authority implements  
33 the prohibition. The responsibility for actual enforcement of the  
34 prohibition shall reside solely with the department or the local air  
35 pollution control authority. A city, county, or jurisdictional health  
36 department serving a fine particulate nonattainment area may agree to  
37 assist with enforcement activities.

38 (6) A prohibition issued by a local air pollution control  
39 authority or the department under this section shall not apply to:

1 (a) A person in a residence or commercial establishment that does  
2 not have an adequate source of heat without burning wood; or

3 (b) A person with a shop or garage that is detached from the main  
4 residence or commercial establishment that does not have an adequate  
5 source of heat in the detached shop or garage without burning wood.

6 (7) On June 7, 2012, and prior to January 1, 2015, the local air  
7 pollution control authority or the department shall, within available  
8 resources, provide assistance to households using (~~(solid-fuel)~~) wood  
9 burning devices to reduce the emissions from those devices or change  
10 out to a lower emission device. Prior to the effective date of a  
11 prohibition, as defined in this section, on the use of uncertified  
12 stoves, the department or local air pollution control authority shall  
13 provide public education in the nonattainment area regarding how  
14 households can reduce their emissions through cleaner burning  
15 practices, the importance of respecting burn bans, and the  
16 opportunities for assistance in obtaining a cleaner device. If the  
17 area is designated as a nonattainment area as of January 1, 2015, or  
18 if required by the United States environmental protection agency, the  
19 local air pollution control authority or the department may prohibit  
20 the use of uncertified devices.

21 (8) As used in this section:

22 (a) "Jurisdictional health department" means a city, county,  
23 city-county, or district public health department.

24 (b) "Prohibit the use" or "prohibition" may include requiring  
25 disclosure of an uncertified device, removal, or rendering  
26 inoperable, as may be (~~(approved)~~) adopted by rule by a local air  
27 pollution control authority or the department. The effective date of  
28 such a rule may not be prior to January 1, 2015. However, except as  
29 provided in RCW 64.06.020 relating to the seller disclosure of wood  
30 burning appliances, any such prohibition may not include imposing  
31 separate time of sale obligations on the seller or buyer of real  
32 estate as part of a real estate transaction.

--- END ---

# 2025-27 Biennial Budget HEAL Act Template

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## Background

### HEAL Act requirements

The Healthy Environment for All Act (HEAL Act), Chapter 314, Laws of 2021 (RCW [70A.02](#)) requires that “covered and opt in agencies” must implement the requirements of the HEAL Act. This includes the:

- Department of Ecology
- Department of Agriculture
- Department of Commerce
- Department of Health
- Department of Natural Resources
- Department of Transportation
- Puget Sound Partnership
- Office of the Attorney General

HEAL Act agencies that are considering a significant agency action initiated after July 1, 2023, are required to conduct an environmental justice assessment. RCW [70A.02.010](#)(12) specifies that significant agency actions include:

- The development and adoption of significant legislative rules as defined in RCW [34.05.328](#).
- The development and adoption of any new grant or loan program that the agency is explicitly authorized or required by statute to implement.
- A capital project, grant, or loan award costing at least \$12,000,000.
- A transportation project, grant, or loan costing at least \$15,000,000.
- The submission of agency request legislation to the Office of the Governor or OFM.

Under RCW [70A.02.080](#), beginning on or before July 1, 2023, covered and opt in agencies must, where practicable, take specific actions when making expenditure decisions or developing budget requests to OFM and the Legislature for programs that address or may cause environmental harms or provide environmental benefits. This includes:

- Focus applicable expenditures on creating environmental benefits that are experienced by overburdened communities and vulnerable populations, including reducing or eliminating environmental harms, creating community and population resilience, and improving the quality of life of overburdened communities and vulnerable populations.
- Create opportunities for overburdened communities and vulnerable populations to meaningfully participate in agency expenditure decisions.
- Clearly articulate environmental justice goals and performance metrics to communicate the basis for agency expenditures.
- Establish a goal of directing 40% of grants and expenditures that create environmental benefits to vulnerable populations or overburdened communities.

To help OFM understand how HEAL Act agency budget requests meet HEAL Act requirements, covered agencies are required to complete additional questions related to the HEAL Act. These questions are shown below and are in addition to the equity related questions required of all agencies. Covered agencies are asked to complete the following questions and submit them through ABS.

#### HEAL Act questions

If you answer YES to any of these bullet points, please answer the six additional questions and submit them as an attachment through ABS.

- Is this decision package part of an agency request legislation that is required to complete an environmental justice assessment (RCW [70A.02.010\(12\)](#))?

Yes

No

- Is this decision package requesting funding to support another significant agency action that is required to complete an environmental justice assessment (RCW [70A.02.010\(12\)](#))?

Yes

No

- Is this decision package requesting funding for a program/project/activity that may **provide environmental benefits or reduce, mitigate, or eliminate environmental harms**, (that is not a significant agency action)? Note: This may include decision packages for programs not purposely directed to provide environmental benefits but may have an indirect or unintentional impact.

Yes

No

**If you answer YES to any of the above bullet points, please complete these additional questions.**

1. Please describe specific, likely, or probable environmental harms and/or benefits related to your decision package and the associated health impacts to overburdened communities and vulnerable populations.

Wood smoke from residential wood heating (RWH) contains significant amounts of harmful air pollution including fine particles known as PM<sub>2.5</sub>, as well as several toxic air pollutants including benzene, formaldehyde, acetaldehyde, acrolein, and polycyclic aromatic hydrocarbons (PAHs). Wood smoke from RWH is the primary human-caused source of PM<sub>2.5</sub> emissions in the state during the winter months. Wood smoke penetrates deep into the lungs, resulting in or long-term health effects such as emphysema, bronchitis, cancer, and premature death. While wood smoke can affect everyone, sensitive populations can be at even greater risk. This includes socially and



economically disadvantaged people, especially people of color, children, teenagers, older adults, people with lung disease, people with heart disease, and outdoor workers.

In some counties RWH is responsible for as much as 60% of total PM<sub>2.5</sub> emissions from human activity. Further, wintertime wood smoke puts areas in Washington at risk of nonattainment (or not meeting the federal standard) for the PM<sub>2.5</sub> National Ambient Air Quality Standards (NAAQS), negatively affecting the communities in those areas.

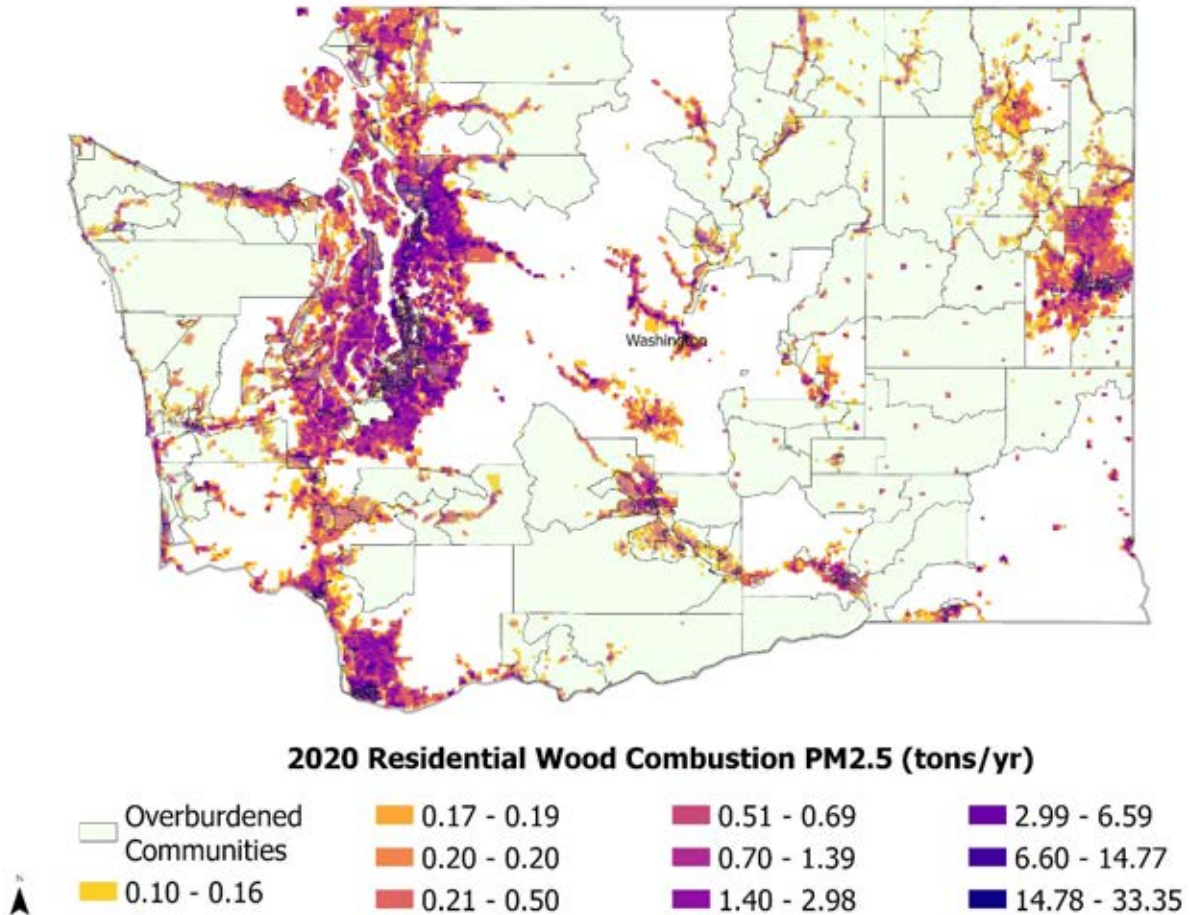
In addition to public health risks, nonattainment can have negative economic impacts to a community. An area's reputation may suffer; new businesses may be unable to locate in the area, and existing businesses looking to expand may see costs increase. Communities may need to postpone investments in human services in order to prioritize returning to attainment, potentially reducing social services, health and educational programs and other sources of support for those most impacted in direct and personal ways from PM<sub>2.5</sub> woodsmoke.

By clarifying the applicable emission standards and the devices covered, as well as providing better assurances that those devices are meeting the required emission standards, our proposed package would reduce the amount of air emissions associated with RWH in the state. This will provide improved air quality to the most vulnerable people in communities and tribes affected by wood smoke from RWH. Those individuals most reliant on the use of wood burning to heat their homes and the communities that are currently at high risk of violating national fine particulate air quality standards because of pollution from wood heating devices will benefit the most. These communities at risk of nonattainment include Clarkston, Colville, Marysville, Omak, Prosser, South Seattle, Sunnyside, Toppenish, and Yakima.

2. Please describe the estimated percentage and amount of the requested funds that will go towards creating environmental benefits in overburdened communities and vulnerable populations as defined in OFM's the [OBC map](#) or as determined by the agency. If applicable, please include your methodology for making this estimate, including project/award lists if available.

N/A Ecology does not have a method or protocol for estimating percentages of staff time for the purpose of HEAL environmental benefits and budget equity goals.

According to the most recent emissions inventory (2020), approximately 41 percent of emissions from residential wood heating (residential wood combustion, RWC) were located in overburdened communities, as defined in OFM's OBC map, for a total of 7,068 tons compared to 17,438 tons statewide.



3. Please describe any potential significant impacts to Indian Tribes' rights and interest in their tribal lands, as well as traditional practices.

We are not aware of tribal corporations that manufacture or sell solid fuel burning devices that would be affected by this proposal. However, RWH is commonly used among Washington's tribes, and several tribes are located near areas at risk of PM<sub>2.5</sub> nonattainment and are affected by air quality concerns. Enacting more consistent RWH regulations and ensuring new devices are meeting the required standards would benefit the tribal members that utilize wood heating and the communities affected by those emissions. This is especially true for the Colville tribes in the Omak area. The area is currently exceeding the NAAQS for annual PM<sub>2.5</sub> and may be designated as a nonattainment area following an evaluation triggered by EPA lowering the primary annual NAAQS in February 2024. The Yakama Nation is also located in or near an area at risk of nonattainment.

4. Describe how your agency engaged with Tribes in developing this proposal, including offers for tribal consultation including timelines, methods for feedback, and mechanisms for Tribes to express concern, opposition, or support, and any direction provided by Tribes through this engagement.

We provided an overview of the proposal to Tyson Oreiro, Ecology's Tribal & Environmental Affairs Senior Advisor. We will also develop a summary of the proposal and an offer for further government to government consultation that will be provided to tribes throughout the state, as part of a larger agency request legislation tribal outreach effort. We will work with our program Tribal liaison to reach out to the tribes that are shown to be the most impacted by PM<sub>2.5</sub> from RWH. We hope to gain feedback from the tribes in response to this effort. We are also coordinating with EPA Region 10 air quality tribal team as part of the NAAQS evaluation.

5. If the decision package is part of agency request legislation or supports another significant agency action that is required to complete an environmental justice assessment under RCW [70A.02.010](#)(12), please submit the assessment as an attachment in ABS.

This decision package is part of agency request legislation, and Ecology is currently conducting the environmental justice assessment. We will submit the completed assessment as an attachment in ABS.

6. If the decision package is part of agency request legislation or constitutes a significant agency action that is required to complete an environmental justice assessment, please describe how your agency used the environmental justice assessment process to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits. If your agency determined that you were unable to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits, please provide a justification for not doing so.

This decision package is part of agency request legislation, and Ecology is currently conducting the environmental justice assessment. We don't expect this request to result in environmental harms. The legislation would establish consistent statewide standards and a certification process, and we are evaluating ways to make sure that the environmental benefits are distributed equitably. We will update this response after we have completed the assessment and will also submit the completed assessment as an attachment in ABS.



## Agency Recommendation Summary

The Legislature passed 2SHB 1551 in 2024, banning the manufacture, sale, and distribution of cookware that contain lead or lead compounds at a level exceeding five parts per million. The bill takes effect January 1, 2026, and consistent with Ecology’s final fiscal note for the bill, this request will provide the funding and staff needed to implement the legislation, beginning July 1, 2025. The requested staff will develop outreach, compliance, and testing programs while also conducting outreach to cookware manufacturers and sellers affected by new restrictions on lead in cookware and consumers, especially those in overburdened communities, to educate them about the dangers of lead in cookware and how to purchase safer pots, pans, and bakeware. (Model Toxics Control Operating Account)

## Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
<b>Staffing</b>						
FTEs	1.7	2.4	<b>2.05</b>	2.4	2.4	<b>2.4</b>
<b>Operating Expenditures</b>						
Fund 23P - 1	\$246	\$358	<b>\$604</b>	\$358	\$358	<b>\$716</b>
Total Expenditures	<b>\$246</b>	<b>\$358</b>	<b>\$604</b>	<b>\$358</b>	<b>\$358</b>	<b>\$716</b>

## Decision Package Description

### Background:

Lead is a known neurotoxin and human health hazard and is dangerous to children even at very low levels. There is no safe level of lead exposure. In partnership with the Department of Health, King County's Hazardous Waste Program identified concerning levels of lead in cookware, especially cookware used by some immigrant populations that are brought from their country of origin (including refugees from Afghanistan).

X-ray screening results have shown that pressure cookers, woks, and aluminum pots can have high levels of lead. King County also performed leach testing on various items of cookware available online and purchased locally, and some items were also found to leach concerning levels of lead. When food is cooked or stored in containers with lead, that lead can leach out of the container and into the food. Cooks can also be exposed to lead from touching cookware containing lead.

No level of lead exposure is safe even small exposures can cause serious problems, including in the development of the brain and nervous system. When exposed at a young age, children may develop shorter attention spans or have trouble reading or learning. This exposure has been tracked to cookware products available on the market today.

In response to King County’s findings, the Legislature passed 2SHB 1551 in 2024, banning the manufacture, sale, and distribution of cookware (including components of that cookware, such as handles or rivets) that contain lead or lead compounds at a level exceeding five parts per million. The bill takes effect January 1, 2026.

### Problem and Proposed Solution:

Because the bill doesn’t take effect until fiscal year 2026, Ecology, consistent with its final fiscal note for 2SHB 1551, did not receive any funding in the 2024 supplemental operating budget because the work doesn’t start until 2025-27. However, beginning July 1, 2025, Ecology will need funding for new staff to implement the bill to conduct the following activities necessary to implement the bill:

- Compliance activities, such as purchasing cookware and testing it for lead.
- Stakeholder activities, such as outreach to and meeting with industry representatives and manufacturers.
- Outreach activities, such as attending community meetings and events to publicize the new law.
- Developing studies to inform possible future rulemaking to lower the level of allowable lead content.

The new staff positions supported by this request will conduct a six-month outreach campaign to educate affected parties, then implement an ongoing enforcement program, including relevant product testing, to ensure marketplace compliance with the new restrictions.

### Outreach Campaign

Ecology will conduct outreach with affected businesses, including trade and industry groups, cookware manufacturers, and retailers, to ensure compliance as of the effective date of the restrictions. We will develop outreach materials, attend meetings with interested parties, and give presentations at meetings and industry conferences. This outreach will mirror similar outreach from previous compliance efforts related to other legislation (e.g., antifouling boat paints, the Toxic Free Cosmetics Act, and the Children’s Safe Products Act).

Outreach to consumers is a secondary focus but still important. In addition to preparing appropriate outreach materials, Ecology staff will attend

community events and meetings to educate consumers about the dangers of lead in cookware. The results of King County Hazardous Waste Management Program’s work in this effort have shown that some immigrant communities are especially at risk from lead in their traditional cookware.

Compliance

As with other legislation, Ecology assumes that affected businesses will voluntarily comply with the new law. Compliance efforts will focus primarily on continuing education for retailers, with a secondary focus on spot checks. In the future, Ecology will purchase cookware items and test for lead, similar to how testing for lead and other heavy metals is being done for the Children’s Safe Products Act. Testing will involve deconstructing purchased cookware, isolating individual components, and testing those components using accredited Environmental Protection Agency (EPA) methodologies.

Tribal Collaboration

A critical element of implementing the bill is our work with Tribal entities around the state. The new law does not apply on Tribal lands because they are subject to their respective sovereign nations. This could result in Tribal lands being seen as a potential dumping ground for cookware that is no longer legal in the rest of the state. A coordinated effort between Ecology’s compliance staff and our Tribal counterparts will be an important element of the state’s enforcement efforts.

The funding and staff resources requested in this Decision Package are consistent with the costs identified by Ecology’s in its final fiscal note for 2SHB 1551.

**Impacts on Population Served:**

The outreach activities funded by this request will educate cookware manufacturers and sellers about the dangers of lead in cookware and the new restrictions. It will also inform consumers about the new restrictions and provide advice on how to purchase safer cookware. Ongoing testing of lead in cookware will assess compliance and provide data to inform the public. Cookware from overburdened communities will be a high priority.

**Alternatives Explored:**

Ecology considered redirecting funds currently allocated to other projects to reduce toxic chemicals in consumer products, such as the Safer Products for Washington program. This option was rejected because the chemicals being addressed under that work are all chemicals that are currently a higher priority. However, Ecology did identify that some existing work and outreach, especially to overburdened and immigrant communities, could be expanded to incorporate messaging related to the new work under this bill.

Ecology also considered redirecting funds currently allocated to other activities, such as A019, Support and Engage our Communities, and Provide Hazardous Substance and Waste Information. This option was rejected because the activities being addressed under that program activity are high priorities.

**Consequences of Not Funding This Request:**

If this request is not funded, Ecology would not be able to implement 2SHB 1551, including:

- Conducting outreach to manufacturers and retailers to inform them about the new restrictions.
- Conducting outreach to communities known to have higher rates of lead exposure.
- Conducting cookware testing to ensure compliance and inform enforcement actions.
- Developing studies to inform possible future rulemaking to lower the level of allowable lead content.

**Assumptions and Calculations**

***Expansion, Reduction, Elimination or Alteration of a current program or service:***

This request expands Activity A065 Prevent the Use of Toxic Chemicals in Products and Promote Safer Alternatives because it creates new restrictions on consumer products covered by the new law. Below is a summary of the 2021-23 and 2023-25 base funding and FTEs for this activity. Administrative Overhead related to this activity is also in the agency’s Administration Activity A002 but is not shown in the totals below.

<b>A065 Prevent the Use of Toxic Chemicals in Products and Promote Safer Alternatives</b>		
	<b>2021-23</b>	<b>2023-25</b>
FTEs Total	27.50	36.85
001-2 General Fund - Federal	\$495,000	\$582,000
207-1 Hazardous Waste Assistance	\$1,834,000	\$1,898,000
23P-1 Model Toxics Control Operating - State	\$9,227,000	\$12,961,000
<b>TOTAL</b>	<b>\$11,556,000</b>	<b>\$15,441,000</b>



**Detailed Assumptions and Calculations:**

Consistent with the final fiscal note for 2SHB 1551, the following resources will be needed to fully implement the bill.

Staff time to conduct a six-month outreach campaign, beginning July 1, 2025, through December 31, 2025, to educate businesses and communities about the new restrictions on the manufacture and sale of cookware containing lead. This includes:

- 0.50 FTE Environmental Specialist 4 (ES4) in fiscal year 2026 to coordinate and lead the outreach campaign, including outreach to communities known to have higher rates of lead exposure and Tribal communities. Tribal outreach is in addition to Tribal consultations.
- 0.50 FTE Communications Consultant 3 (CC3) in fiscal year 2026 to provide communications expertise and support to the campaign, including outreach to communities known to have higher rates of lead exposure and Tribal communities. Tribal outreach is in addition to Tribal consultations.

Staff to determine if any companies are selling non-compliant products and ensure they stop selling those products. Enforcement will begin January 1, 2026. This includes:

- 0.50 FTE ES4 starting in fiscal year 2027 and ongoing to research products available for sale in Washington and evaluate compliance, receive and respond to complaints about products being sold, work with product testing staff in Ecology’s Environmental Assessment Program, and work with Tribal governments as needed.
- 0.25 FTE Chemist 3 starting in fiscal year 2027 and ongoing to support compliance activities and enforcement actions.
- 0.10 FTE CC3 starting in fiscal year 2027 and ongoing to coordinate with enforcement staff, communicate with manufacturers and retailers about restrictions, and develop appropriate outreach materials.

Testing to support compliance and enforcement work will begin July 1, 2026 (fiscal year 2027) and continue into ongoing biennia to ensure ongoing compliance efforts. Staff required:

- 0.50 FTE Chemist 4 in fiscal year 2026 and 0.25 FTE in fiscal year 2027 and ongoing to do method development to inform the lowest detectable level of quantitation in various metal cookware and conduct analysis.
- 1.0 FTE Chemist 3 in fiscal year 2027 and ongoing to develop studies to inform the evaluation of a lower regulatory limit and conduct compliance testing. Sometime after December 2034, this work may include the development, in consultation with the Washington State Department of Health, of an evaluation process for the feasibility and necessity of a regulatory limit of less than five parts per million.

The Attorney General’s Office (AGO) has estimated that nominal staff time (approximately 0.01 AAG FTE per year starting in fiscal year 2025 through fiscal year 2028) will be needed to provide legal support for enforcement efforts. Therefore, the AGO estimated no additional costs for AAG assistance.

**Workforce Assumptions:**

<b>Expenditures by Object</b>		<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>	<b>FY 2030</b>	<b>FY 2031</b>
A	Salaries and Wages	132,813	193,863	193,863	193,863	193,863	193,863
B	Employee Benefits	45,289	66,107	66,107	66,107	66,107	66,107
E	Goods and Services	9,072	12,701	12,701	12,701	12,701	12,701
G	Travel	3,309	4,631	4,631	4,631	4,631	4,631
J	Capital Outlays	1,929	2,702	2,702	2,702	2,702	2,702
T	Intra-Agency Reimbursements	53,252	77,730	77,730	77,730	77,730	77,730
<b>Total Objects</b>		<b>245,664</b>	<b>357,734</b>	<b>357,734</b>	<b>357,734</b>	<b>357,734</b>	<b>357,734</b>

**Staffing**

<b>Job Class</b>	<b>Salary</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>	<b>FY 2030</b>	<b>FY 2031</b>
ENVIRONMENTAL SPEC 4	86,324	0.50	0.50	0.50	0.50	0.50	0.50
COMMUNICATIONS CONSULTANT 3	71,149	0.50	0.10	0.10	0.10	0.10	0.10
CHEMIST 3	93,238		1.25	1.25	1.25	1.25	1.25
CHEMIST 4	108,152	0.50	0.25	0.25	0.25	0.25	0.25
FISCAL ANALYST 2		0.15	0.21	0.21	0.21	0.21	0.21
IT APP DEVELOPMENT-JOURNEY		0.08	0.11	0.11	0.11	0.11	0.11
<b>Total FTEs</b>		<b>1.73</b>	<b>2.42</b>	<b>2.42</b>	<b>2.42</b>	<b>2.42</b>	<b>2.42</b>

**Explanation of costs by object:**

Salary estimates are current biennium actual rates at Step L.  
 Benefits are the agency average of 34.1% of salaries.  
 Goods and Services are the agency average of \$6,048 per direct program FTE.  
 Travel is the agency average of \$2,205 per direct program FTE.  
 Equipment is the agency average of \$1,286 per direct program FTE.  
 Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 29.9% of direct program salaries and benefits and is shown as object T. Agency Administrative Overhead FTEs are included at 0.15 FTE per direct program FTE and are identified as Fiscal Analyst 2 and IT App Development-Journey.

**Historical Funding:**

	<b>FY2026</b>	<b>FY2027</b>
<b>FTE</b> (xx direct FTE)	0.0	0.0
<b>Total Funds</b> (rounded to thousands)	\$0	\$0
<b>Near General Fund</b> (rounded to thousands)	\$0	\$0
<b>Other Funds</b> (rounded to thousands)	\$0	\$0

Administrative Overhead related to this program or service is in the agency’s Administration Activity A002, but is not shown in the totals above.

**Strategic and Performance Outcomes**

**Strategic Framework:**

This request is essential to achieving the Governor’s Results Washington Goal 4: Health and Safe Communities and Ecology’s Goal 3: Prevent and reduce waste, toxic threats, and pollution because it will decrease the number of people exposed to lead, a known neurotoxin.

**Performance Outcomes:**

No level of lead exposure is safe. Even small exposures can cause serious problems, including in the development of the brain and nervous system. When exposed at a young age, children may develop shorter attention spans or have trouble reading or learning. This request will implement 2SHB 1551 and fund outreach, enforcement, and testing efforts related to banning the manufacture, sale, and distribution of cookware (including components of that cookware, such as handles or rivets) that contain lead or lead compounds at a level exceeding five parts per million. When the enforcement plan is complete and ready to implement, which includes product testing, we will begin tracking numbers of products found to be out of compliance and enforcement actions taken—which we expect will decrease over time.



## Equity Impacts

### **Community Outreach and Engagement:**

No outreach or engagement has been conducted related to this request. However, Ecology had external engagement through Toxic-Free Future (representing the state's environmental coalition) and the Afghan Health Initiative on 2SHB 1551 as it proceeded through the legislative process.

### **Disproportional Impact Considerations:**

2SHB 1551 and this budget request are not intended to have disproportionate impacts on overburdened communities or vulnerable populations. There may, however, be direct benefits to overburdened communities and vulnerable populations. Because less expensive cookware (especially aluminum) may be more likely to contain lead, implementing the bill will potentially have higher benefits in these communities by reducing lead exposures more significantly than for higher-income populations.

There may also be indirect and unintended impacts for Tribal communities. Because Washington restrictions do not apply on Tribal lands, it is possible that manufacturers and sellers of cookware known to contain lead could be redirected to Tribal stores. Implementing the bill will involve Tribal representatives to help prevent Tribal lands from becoming recipients of cookware that contains lead or lead compounds at a level exceeding five parts per million.

### **Target Communities and Populations:**

There are multiple target populations and communities that will be affected by this request:

- **Cookware manufacturers and their employees.** This group mostly includes large, multinational corporations but also includes specialty manufacturers that may be small businesses, sole proprietors, and minority or women-owned businesses. These businesses may be located in overburdened communities and may employ immigrant and disadvantaged workers.
- **Cookware distributors.** These businesses also likely include large corporations as well as smaller distributors, some of which may be in overburdened communities or be minority and women-owned businesses.
- **Sellers of new cookware and sellers and resellers of used cookware.** The law covers all sellers, in stores and online. Many stores are located in overburdened communities, and it is likely a higher portion of these locations are minority or women-owned businesses. This is of particular environmental justice interest because the affordability of used cookware may mean those in overburdened communities may be disproportionately more likely to purchase cookware from resellers and second-hand shops and sellers of cheaper cookware that may be more likely to contain lead. So, outreach to these establishments and testing cookware from overburdened communities will be a high priority.
- **Workers manufacturing or handling cookware.** Workers can be exposed to lead in cookware either as employees of manufacturers, sellers, or end users (such as restaurant employees). Many of these people may also be from vulnerable populations or live in overburdened communities and may already be disproportionately exposed to harmful chemicals.
- **Consumers, especially from immigrant communities.** As with workers, many purchasers may be members of vulnerable populations or live in overburdened communities that are already disproportionately exposed to harmful chemicals. Because the limited testing done so far has found cookware intended for different types of Asian-style cooking (*e.g.*, woks and Afghani pressure cookers), outreach with immigrant communities will be important.

### **Community Inputs and Incorporation:**

See Community Outreach and Engagement response.

## Other Collateral Connections

### **HEAL Act Agencies Supplemental Questions**

Yes, see attached.

### **Puget Sound Recovery:**

N/A

### **State Workforce Impacts:**

N/A

### **Intergovernmental:**

This is mostly a state government issue, but King County's Hazardous Waste Program was instrumental in identifying cookware as a source of lead. It is likely they will continue their efforts on this topic, but they are not responsible for any aspect of implementation for 2SHB 1551. They support Ecology's efforts to address lead in cookware.

Ecology is responsible for implementation of the bill. The Department of Health is the lead agency for lead monitoring and blood testing but is not responsible for activities related to implementation of the bill.

Outreach will include consultation with Tribal governments around the state to ensure items of prohibited cookware are not redirected for sale on Tribal lands.

### **Stakeholder Impacts:**

Businesses manufacturing, distributing, or selling cookware in Washington have been mostly neutral or supportive of the provisions of the bill. The main proponent of the bill was an Afghani refugee organization.

### **State Facilities Impacts:**

N/A

### **Changes from Current Law:**

This request is related to a new chapter in 70A RCW, which is not yet codified.

### **Legal or Administrative Mandates:**

This request is in response to passage of 2SHB 1551. The tasks and expenditures noted above are as envisioned in the fiscal note prepared during the 2024 legislative session.

### **Governor's Salmon Strategy:**

N/A

## Reference Documents

[Lead in Cookware-HEAL Act Attachment.pdf](#)

## IT Addendum

### **Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?**

No

## Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
Obj. A	\$133	\$194	\$327	\$194	\$194	\$388
Obj. B	\$45	\$66	\$111	\$66	\$66	\$132
Obj. E	\$9	\$13	\$22	\$13	\$13	\$26
Obj. G	\$4	\$4	\$8	\$4	\$4	\$8
Obj. J	\$2	\$3	\$5	\$3	\$3	\$6
Obj. T	\$53	\$78	\$131	\$78	\$78	\$156

## Agency Contact Information

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# 2025-27 Biennial Budget HEAL Act Template

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## Background

### HEAL Act requirements

The Healthy Environment for All Act (HEAL Act), Chapter 314, Laws of 2021 (RCW [70A.02](#)) requires that “covered and opt in agencies” must implement the requirements of the HEAL Act. This includes the:

- Department of Ecology
- Department of Agriculture
- Department of Commerce
- Department of Health
- Department of Natural Resources
- Department of Transportation
- Puget Sound Partnership
- Office of the Attorney General

HEAL Act agencies that are considering a significant agency action initiated after July 1, 2023, are required to conduct an environmental justice assessment. RCW [70A.02.010](#)(12) specifies that significant agency actions include:

- The development and adoption of significant legislative rules as defined in RCW [34.05.328](#).
- The development and adoption of any new grant or loan program that the agency is explicitly authorized or required by statute to implement.
- A capital project, grant, or loan award costing at least \$12,000,000.
- A transportation project, grant, or loan costing at least \$15,000,000.
- The submission of agency request legislation to the Office of the Governor or OFM.

Under RCW [70A.02.080](#), beginning on or before July 1, 2023, covered and opt in agencies must, where practicable, take specific actions when making expenditure decisions or developing budget requests to OFM and the Legislature for programs that address or may cause environmental harms or provide environmental benefits. This includes:

- Focus applicable expenditures on creating environmental benefits that are experienced by overburdened communities and vulnerable populations, including reducing or eliminating environmental harms, creating community and population resilience, and improving the quality of life of overburdened communities and vulnerable populations.
- Create opportunities for overburdened communities and vulnerable populations to meaningfully participate in agency expenditure decisions.
- Clearly articulate environmental justice goals and performance metrics to communicate the basis for agency expenditures.
- Establish a goal of directing 40% of grants and expenditures that create environmental benefits to vulnerable populations overburdened communities.

To help OFM understand how HEAL Act agency budget requests meet HEAL Act requirements, covered agencies are required to complete additional questions related to the HEAL Act. These questions are shown below and are in addition to the equity related questions required of all agencies. Covered agencies are asked to complete the following questions and submit them through ABS.

#### HEAL Act questions

If you answer YES to any of these bullet points, please answer the six additional questions and submit them as an attachment through ABS.

- Is this decision package part of an agency request legislation that is required to complete an environmental justice assessment (RCW [70A.02.010\(12\)](#))?

Yes

No

- Is this decision package requesting funding to support another significant agency action that is required to complete an environmental justice assessment (RCW [70A.02.010\(12\)](#))?

Yes

No

- Is this decision package requesting funding for a program/project/activity that may **provide environmental benefits or reduce, mitigate, or eliminate environmental harms**, (that is not a significant agency action)? Note: This may include decision packages for programs not purposely directed to provide environmental benefits but may have an indirect or unintentional impact.

Yes

No

**If you answer YES to any of the above bullet points, please complete these additional questions.**

1. Please describe specific likely or probable environmental harms and/or benefits related to your decision package and the associated health impacts to overburdened communities and vulnerable populations.

2SHB 1551 and this budget request are not intended or anticipated to result in environmental harms or negative health impacts to overburdened communities and vulnerable populations. There are anticipated direct benefits to overburdened communities and vulnerable populations. Because less expensive cookware (especially aluminum) may be more likely to contain lead, implementing the bill will potentially have higher benefits in these communities by reducing lead exposure.

2. Please describe the estimated percentage and amount of the requested funds that will go towards creating environmental benefits in overburdened communities and vulnerable populations as defined in OFM's the [OBC map](#) or as determined by the agency. If applicable, please include your methodology for making this estimate, including project/award lists if available.

This is an administrative request for funding and staff capacity to implement 2SHB 1551, banning the manufacture, sale, and distribution of cookware that contain lead or lead compounds at a level exceeding five parts per million. Ecology does not have a method for estimating percentages of staff time and costs that go towards creating direct environmental benefits in overburdened communities and vulnerable populations. Further, the implementation of this law affects manufacturers and sellers across the state. Ecology does not currently have data that would support estimating which communities and vulnerable population might benefit.

3. Please describe any potential significant impacts to Indian Tribes' rights and interest in their tribal lands, as well as traditional practices.

There are no anticipated potential significant impacts to Indian Tribes' rights and interest in their tribal lands, as well as traditional practices.

4. Describe how your agency engaged with Tribes in developing this proposal, including offers for tribal consultation including timelines, methods for feedback, and mechanisms for Tribes to express concern, opposition, or support., and any direction provided by Tribes through this engagement.

The agency did not engage or consult with Tribes in developing this proposal. This is an administrative request for funding and staff capacity to implement 2SHB 1551, banning the manufacture, sale, and distribution of cookware that contain lead or lead compounds at a level exceeding five parts per million.

5. If the decision package is part of agency request legislation or supports another significant agency action that is required to complete an environmental justice assessment under RCW [70A.02.010](#)(12), please submit the assessment as an attachment in ABS.

N/A. This decision package is not a significant agency action.

6. If the decision package is part of agency request legislation or constitutes a significant agency action that is required to complete an environmental justice assessment, please describe how your agency used the environmental justice assessment process to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits. If your agency determined that you were unable to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits, please provide a justification for not doing so.

N/A.



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## Agency Recommendation Summary

Waste generation rates continue to rise, while recycling rates have remained stagnant, and litter pollution continues to increase. Additional investments are needed to support local recycling market development and increase litter control measures. Ecology is requesting funding to increase investments in litter control and the state’s Recycling Market Development Center, including pass-through grants to state and local partners for litter pickup and waste reduction education grants. Related to Puget Sound Action Agenda Implementation. (Waste Reduction, Recycling and Litter Control Account)

## Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
<b>Staffing</b>						
FTEs	2.3	2.3	2.3	2.3	2.3	2.3
<b>Operating Expenditures</b>						
Fund 044 - 1	\$2,500	\$2,500	\$5,000	\$2,500	\$2,500	\$5,000
Total Expenditures	\$2,500	\$2,500	\$5,000	\$2,500	\$2,500	\$5,000

## Decision Package Description

### Background:

In 1971, manufacturers, wholesalers, and retailers of frequently littered consumer products supported a “litter tax” and the Washington State Legislature passed the Model Litter Control Act with broad support. This act levied a .015% tax on retail sales of these items. The tax generates about \$13 million a year for the Waste Reduction, Recycling, and Litter Control Account (WRRLCA). Per RCW 70A.220.140, funding appropriated by the Legislature from WRRLCA is spent in three ways each biennium:

- 40% supports litter pickup and prevention through the Ecology Youth Corps (EYC) and other state agency programs.
- 40% funds Ecology’s waste reduction and recycling efforts.
- 20% is passed through to local governments through several grant programs.

### Is this request related to any budget items funded in the past two biennia?

Yes, see attached.

To improve waste reduction and recycling efforts through market development and litter control in Washington state, Ecology requests ongoing funding to support the following priority efforts:

### Litter Control - \$3 million

Roadside litter is a major problem in Washington. It harms the environment and adds to dangerous road conditions, loss of community pride, and reduced tourism. Based on the 2022 Washington Statewide Litter Study (<https://apps.ecology.wa.gov/publications/SummaryPages/2307038.html>), more than 26 million pounds of litter accumulate annually on Washington roadways, with the highest concentration of litter on state highways and interchanges. The study also revealed that Washington roadways have 42% more pieces of litter per mile than the national average. As litter accumulates on state roads, state agencies, local governments, and elected officials hear complaints that the state needs to address the ongoing litter pollution problem. State highways and interchanges generate the highest volume of complaints.

In 2023, Ecology-funded litter pickup programs collected 5.64 million pounds of litter and cleaned 20,865 miles of road statewide. While impressive, this is only a fraction of the litter that accumulates. Despite significant investments and ongoing efforts each year on litter pickup, state agencies and local governments are only able to pick up about a quarter of the estimated 38 million pounds of litter on our roadways and public recreation areas annually. Even after litter pickup occurs, roadways quickly become littered again, requiring regular ongoing pickup. Studies, such as <https://kab.org/litter/end-litter/>, show that the presence of litter encourages more littering behavior.

Litter in the environment reduces the quality of life in our communities, contaminates our soil and waterways, and harms our wildlife. Expanding litter pickup programs will reduce the pollution of our beautiful state. Litter is not only ugly, but also dangerous and can be hazardous to human health. It can create hazardous roadway conditions, cause car crashes and fatalities, and increase fire risk during dry summer months. Expanded litter control efforts will benefit everyone by reducing litter accumulation and improving safety for those who live, travel, and recreate in Washington.

This request will increase litter cleanup on state through the Ecology Youth (EYC) and the Adopt-A-Highway Maintenance Corporation (AHMC) service contract. This will provide funding for the highest-priority litter areas. In the 2022 supplemental operating budget, Ecology

received \$2 million in one-time funding for litter pickup on state highways. That increased funding allowed the EYC and AHMC crews to clean nearly 5,000 additional miles of state roads, removing over 400,000 additional pounds of litter. This current request will also fund other state agency partners' litter collection programs under RCW 70A.200.170.

This request will also increase financial support to local government and non-profit organization programs for waste reduction, litter control, recycling, and composting activities through three existing grant programs administered by Ecology. Funding will also be used to support other state agency partners' litter collection programs under RCW 70A.200.170. This will allow additional cleanup of local roadways and state highway interchanges and waste reduction and recycling prevention efforts, supporting Ecology's waste reduction priorities (primarily organics and plastics) and litter prevention efforts.

### **Recycling Market Development - \$2 million**

In response to China's 2018 restrictions on exported recyclable materials, the Legislature established Washington's Recycling Market Development Center (RMDC) (Chapter 70A.240 RCW) in 2019. The RMDC is directed to facilitate research and development, marketing, and policy analysis to bolster recycling markets and processing in Washington State.

The RMDC has been operating for more than four years, but more work is needed to meet the intent of the law, which includes investing in innovative approaches to recycling and waste reduction (RCW 70A.240.010). Therefore, this request includes additional funding to support solutions to the challenges of waste prevention and recycling.

The RMDC supports the NextCycle Washington business accelerator (<https://www.nextcyclewashington.com/>), which is a circular economy project that serves businesses and communities across Washington. A circular economy helps keep materials in circulation at the highest value for as long as possible to eliminate waste and support natural regeneration. NextCycle Washington provides technical support and networking connections to integrate more local businesses and organizations working in Washington's waste prevention, reuse, repair, and recycling economy into the circular economy. NextCycle Washington offers a business accelerator to innovative waste prevention and recycling projects. The business accelerator consists of a 6-month training program culminating in a pitch competition in front of potential investors.

NextCycle Washington's support of innovative projects reduces materials in Washington's waste stream through reuse and recycling projects, increasing jobs, economic growth, and greenhouse gas reductions. Investment in Washington's circular economy supports local ideas that address waste prevention and innovative recycling for businesses and residents of Washington State.

In 2022, King County Solid Waste Division developed the NextCycle Washington circular economy business accelerator. The RMDC partnered with King County to offer these opportunities to teams outside of King County. In its first year (2023), NextCycle Washington supported 14 business accelerator teams and offered small grants of up to \$10,000 to 41 teams working on waste prevention and recycling. During this period, NextCycle Washington's 14 accelerator teams created 70 jobs, diverted 4 million pounds of materials from the landfill, and raised \$13 million in capital investments (<https://www.nextcyclewashington.com/s/NCWA-Year-End-Report.pdf>). Examples of the 2023 NextCycle Washington accelerator projects include:

- **Beverage Industry Glass Recyclers:** Established an aggregation hub for container glass in Eastern Washington. During the first six months of operation collected and recycled 158,000 pounds of container glass, up to 95% remanufactured into new bottles with some made into fiberglass insulation. (BIG Recyclers: <https://bigrecyclers.org/>)
- **Birch Biosciences:** Engineering a bio-enzymatic process to break down and recycle PET plastic. Anticipate diverting 10,000 pounds of plastic from the landfill in the first year and support 14 jobs. Following the accelerator, Birch Biosciences raised over \$5.5 million in grants and venture capital. (Birch Biosciences: <https://www.birchbiosciences.com/>)
- **Glacier:** Created an AI-enabled industrial robot that automates sorting in recycling facilities. Diverted 1,900 tons of mixed recyclables, created 16 jobs, and raised \$7 million in investments. (Glacier: Recycling Robots to End Waste: <https://endwaste.io/>)
- **Refugee Artisan Initiative:** RAI trains and uses refugee artisans to upcycle textiles. Diversion of 15,000 pounds of textiles and 2,000 pounds of wildfire firehoses from the waste stream, creating 34 jobs for refugee women remanufacturing waste textiles, and operates in an area that ranks 9 on the Department of Health's environmental health disparities (EHD) map. (Refugee Artisan Initiative: <https://refugeesarts.org/>)
- **Restaurant 2 Garden:** Established a community compost operation in the Chinatown-International District in Seattle using restaurant food scraps. Diverted over 5,000 pounds of food scraps, created over 4,000 pounds of compost, created 1.5 jobs, raised over \$250,000 of investments, and operates in an area that ranks 10 on the EHD map. (Restaurant 2 Garden: <https://restaurant2garden.com>)

During the 2023-25 biennium, the RMDC established a statewide market development contract for NextCycle Washington using the RMDC's base budget for market research and development and a one-time Solid Waste Infrastructure for Recycling grant from the Environmental Protection Agency (EPA). The funds available from the RMDC and the EPA Infrastructure grant are currently being used for one business accelerator for 10 teams per year.

To build on this previous work, this request seeks additional funding to increase NextCycle Washington's current level of technical support offered to business accelerator teams, resulting in more resources and greater networking for participants. We will expand outreach to communities currently unaware of this opportunity, resulting in a more robust network of partners and participants, with the goal of widening the inclusion of projects in overburdened and vulnerable communities. Additionally, more outreach will be conducted to find industry partners that can support the program and provide opportunities to the accelerator teams.

This request would also fund research and analysis providing data and information that accelerator teams can't afford to collect independently, including marketing, networking, and web development support. For example, funding during the initial NextCycle Washington program created the Circular Funding Resource Guide, that accelerator teams use to find grants or loans that fit their funding needs (Circular Funding Resource Guide — NextCycle Washington: <https://www.nextcyclewashington.com/resources/nextcycle-washington-circular-funding-resource-guide>). Another example of information not currently available is an analysis of recyclable materials and end markets in Washington so accelerator teams can reach out to end users of their project materials, like textiles, glass, or compost. This information is available for NextCycle Michigan in a publicly accessible database with maps (<https://nextcyclemichigan.com/end-markets-base-map>).

NextCycle Washington's efforts demonstrate success by diverting waste from landfills, creating jobs, reducing greenhouse gas emissions, and supporting innovative efforts that improve local communities. Continuing this program at a higher funding level will protect our current investment in NextCycle Washington and provide these opportunities to other innovators working on solutions to the challenges of waste management.

#### **Impacts on Population Served:**

This request will impact numerous populations. Nearly all residents and visitors are exposed to litter on state roads and public lands. More funding for litter pickup will help Ecology and our partners provide the services necessary to improve our response to the litter issue and create a culture that values not littering. Less visible litter discourages littering, increases community pride, and benefits everyone, especially those facing cumulative environmental and health disparities in high-ranking areas on the Washington EHD Map.

NextCycle Washington's engagement with community partners has lowered barriers and improved access to communities where it is uncommon to see applicants. This is accomplished by the NextCycle Washington consultants who reach out to communities and establish relationships with local leaders. Local partners help with outreach during the accelerator application process and provide feedback on the program accessibility. As a result, NextCycle Washington successfully reached project teams across Washington State, including a successful tribal project in the current business accelerator.

Further benefits for the public are discussed in the "Focus on Equity" and "Strategic Performance and Outcomes" sections.

#### **Alternatives Explored:**

An alternative is to request a different funding source for this work. However, since this work is directly authorized under Chapter 70A.200 RCW (WRRLCA), and there is an available fund balance in the account, this is the best alternative.

Ecology continues to look for federal grant funding opportunities to support recycling market development and was awarded a one-time federal Solid Waste Infrastructure for Recycling grant in 2023 through EPA that provided some funding for a downsized NextCycle Washington business accelerator program offered in 2024.

#### **Consequences of Not Funding This Request:**

If this request were not funded, there would be continued struggles to keep pace with litter accumulation across the state. High litter volumes would continue, increasing road hazards, attracting more litter, impacting the environment, community pride, tourism, local businesses, and costing state and local governments more in the long term. Washington would continue to have more litter on the roadways than the national average, resulting in continued complaints from residents, elected officials, and visitors to our state.

We would also not be able to meet the needs around Washington's litter pollution issue or make more progress on the following:

- Removing litter from high-priority and heavily burdened areas.
- Building trust and responding to many litter complaints from Washington residents, businesses, and elected officials.
- Reducing traffic crashes (including injuries and fatalities) caused by debris on our roads.
- Reducing littering behavior by keeping areas cleaner and supporting a culture that values not littering via our litter prevention campaign.

The RMDC would have limited ability to fulfill the requirements of the statute that direct efforts to improve recycling markets in Washington State. The RMDC would fail to support innovative waste prevention and recycling approaches that create jobs and reduce greenhouse gas emissions.

Additionally, lack of funding will compromise further research for waste recovery solutions and put Washington behind as other states move investments forward through market development activities like NextCycle Washington.

## Assumptions and Calculations

### **Expansion, Reduction, Elimination or Alteration of a current program or service:**

Waste reduction and litter control work are part of activities A009 Eliminate waste and promote material reuse and A010 Prevent and pick up litter. Below is a summary of the 2021-23 and 2023-25 base funding and FTEs for these activities. Administrative Overhead related to these activities are also in the agency's Administration Activity A002 and are not included in the totals below.

<b>A009 - Eliminate Waste and Promote Material Reuse</b>		
	<b>2021-23</b>	<b>2023-25</b>
FTEs Total	49.10	60.15
001-1 General Fund - State Total	\$1,528,000	\$250,000
001-2 General Fund – Federal	\$0	\$391,000
044-1 Waste Reduction/Recycle/Litter Control	\$14,355,000	\$16,763,000
11J-6 Electronic Products Recycling	\$797,000	\$845,000
16T-6 Product Stewardship Programs	\$243,000	\$247,000
199-1 Biosolids Permit	\$2,501,000	\$2,806,000
22G-6 Photovoltaic Module Recycling	\$76,000	\$76,000
23P-1 Model Toxics Control Operating – State	\$2,047,000	\$10,295,000
23W-1 Paint Product Stewardship – State	\$130,000	\$141,000
25R-6 Recycled Content - Non-Appr	\$438,000	\$1,053,000
<b>TOTAL</b>	<b>\$22,115,000</b>	<b>\$32,867,000</b>

<b>A010 - Prevent and Pick up Litter</b>		
	<b>2021-23</b>	<b>2023-25</b>
FTEs Total	24.65	24.75
044-1 Waste Reduction/Recycle/Litter Control	\$15,393,000	\$15,398,000
<b>TOTAL</b>	<b>\$15,393,000</b>	<b>\$15,398,000</b>

### **Detailed Assumptions and Calculations:**

Beginning July 1, 2025, and ongoing, Ecology requires \$2 million to support recycling market development and \$3 million for litter control efforts per biennia. The \$2 million for recycling market development will be used to continue the statewide market development contract with NextCycle Washington (shown in object C).

The \$3 million for litter control will be used as follows:

- \$1 million per biennia will be used to increase funding for existing local grant programs, including the Community Litter Cleanup Program (CLCP) and Ramp Litter Cleanup Program (RLCP) (shown in object N).
- \$1 million per biennia will be used to increase funding for the Adopt-A-Highway Maintenance Corporation (AHMC) service contract (shown in object C).
- \$825,000 and 2.0 EYC Crew Supervisor FTEs per biennia will support additional EYC crews to pick up litter (note: EYC crew costs are shown in object N, consistent with how those costs are charged, while supervisor costs are spread across all objects, same as other Ecology FTEs).
- \$175,000 per biennia will be used to increase pass through funding to other state agency partners' litter collection programs.

**Workforce Assumptions:**

<b>Expenditures by Object</b>		<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>	<b>FY 2030</b>	<b>FY 2031</b>
A	Salaries and Wages	111,168	111,168	111,168	111,168	111,168	111,168
B	Employee Benefits	37,908	37,908	37,908	37,908	37,908	37,908
	Personal Service						
C	Contract	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000
E	Goods and Services	134,368	134,368	134,368	134,368	134,368	134,368
G	Travel	4,410	4,410	4,410	4,410	4,410	4,410
J	Capital Outlays	2,572	2,572	2,572	2,572	2,572	2,572
N	Grants, Benefits, and Client Services	665,000	665,000	665,000	665,000	665,000	665,000
	Intra-Agency						
T	Reimbursements	44,574	44,574	44,574	44,574	44,574	44,574
	<b>Total Objects</b>	<b>2,500,000</b>	<b>2,500,000</b>	<b>2,500,000</b>	<b>2,500,000</b>	<b>2,500,000</b>	<b>2,500,000</b>

**Staffing**

<b>Job Class</b>	<b>Salary</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>	<b>FY 2030</b>	<b>FY 2031</b>
EYC SUPERVISOR	55,584	2.00	2.00	2.00	2.00	2.00	2.00
FISCAL ANALYST 2		0.20	0.20	0.20	0.20	0.20	0.20
IT APP DEVELOPMENT-JOURNEY		0.10	0.10	0.10	0.10	0.10	0.10
	<b>Total FTEs</b>	<b>2.30</b>	<b>2.30</b>	<b>2.30</b>	<b>2.30</b>	<b>2.30</b>	<b>2.30</b>

**Explanation of costs by object:**

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 34.1% of salaries.

Personal Service Contracts costs are included at \$1,000,000 per fiscal year for NextCycle Washington and \$500,000 per fiscal year for the Adopt-A-Highway Maintenance Corporation (AHMC) service contract.

Goods and Services are the agency average of \$6,048 per direct program FTE. Also includes \$87,500 per fiscal year for other state agency partners' litter collection programs and ~\$34,772 per year for non-standard EYC crew costs.

Travel is the agency average of \$2,205 per direct program FTE.

Equipment is the agency average of \$1,286 per direct program FTE.

Grant costs include \$500,000 per fiscal year for local litter grant programs and \$165,000 per fiscal year for EYC crew costs.

Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 29.9% of direct program salaries and benefits, and is shown as object T. Agency Administrative Overhead FTEs are included at 0.15 FTE per direct program FTE, and are identified as Fiscal Analyst 2 and IT App Development-Journey.

**Historical Funding:**

	<b>FY2026</b>	<b>FY2027</b>
<b>FTEs</b>	40.1	40.1
<b>Total Funds</b>	\$16,143,000	\$16,143,000
<b>Near General Funds</b>	\$0	\$0
<b>Other Funds</b>	\$16,143,000	\$16,143,000

Administrative Overhead related to this program or service is in the agency's Administration Activity A002, but is not shown in the totals above.

## Strategic and Performance Outcomes

### **Strategic Framework:**

This request is essential to achieving the Governor’s Results Washington Goal 2 Prosperous Economy, Goal 3 Sustainable Energy and a Clean Environment, and Goal 4 Healthy and Safe Communities because it will:

- Reduce waste at the source, which reduces greenhouse gas emissions, resource strain, and water and energy demands associated with manufacturing, production, and distribution.
- Inspire new economic opportunities with innovative recycling and reuse projects.
- Provide health benefits to communities by reducing litter accumulation and improving safety for those who live, travel, and recreate in Washington.
- Expand litter control efforts by providing education on topics not currently covered in outreach efforts like unsecured loads to reduce the risk of car crashes and fatalities.

This request is essential to achieving the following Ecology’s goals:

- Goal 1: Support and engage our communities, customers, and employees because reducing litter on the ground is good for community pride, tourism, and attracting economic opportunities. Litter pickup and cleaner roadways also motivates potential litterers to change their behavior and less litter on the roadways can reduce car crashes and fatalities.
- Goal 2: Reduce and prepare for climate impacts because NextCycle Washington invests in waste prevention and recycling that will reduce waste, greenhouse gas emissions, and environmental harm from production and distribution processes.
- Goal 3: Prevent and reduce toxic threats and pollution and Goal 4: Protect and manage our state’s waters because litter can contain harmful chemicals that can leach into our waterways (including Puget Sound and the Columbia River.) effecting public and wildlife.

<b>Performance Measures</b>	<b>Incremental Changes 2026</b>	<b>Incremental Changes 2027</b>	<b>Incremental Changes 2028</b>	<b>Incremental Changes 2029</b>
001485 - Pounds of solid waste disposed annually per person by residents and businesses	10,000,000	10,000,000	10,000,000	10,000,000
001489 - Pounds of litter picked up annually by Ecology-funded activities	350,000	350,000	350,000	350,000
002869 - Miles of roadway cleared of litter annually by Ecology-funded activities	1,200	1,200	1,200	1,200



**Performance Outcomes:**

The investment in NextCycle Washington will produce the following outcomes per fiscal year:

- Providing technical, financial, and business training to 20 innovations in waste prevention, repair, reuse, and recycling to allow those projects to be more successful.
- Improvements to Washington's economy through the creation of new jobs and recovery of materials for remanufacturing.
- Improvements to Washington's environment by diverting materials from the landfill with positive impacts from lowering carbon emissions (remanufacturing generates less carbon than manufacturing with virgin materials).
- The outcomes from NextCycle Washington include:
  - Training support to 20 innovations in waste prevention, repair, reuse, and recycling.
  - Creation of 25 new jobs.
  - Diversion of 10 million pounds of materials from the landfill.
  - Reducing 500 million metric tons of CO<sub>2</sub>-equivalent.

Ecology estimates this investment will produce the following outputs per fiscal year:

- 5,600 crew hours worked.
- 350,000 pounds of litter removed.
- 280 ramps and 1,200 roadway miles cleared of litter.
- An additional 18,300 pounds of litter (1 bag per mile) not ending up on the ground because areas are properly maintained and changing littering behaviors.
- Because we will be able to deploy more crews to cleanup state roadways, and increase grant funds to clean county roads on a more frequent basis, there will be less litter on the roads temporarily and the roads will appear cleaner to the motoring public. This will also reduce the volume of complaints Ecology staff receive regarding litter.

## Equity Impacts

### **Community Outreach and Engagement:**

Outreach efforts by NextCycle Washington successfully engaged communities across the state. NextCycle Washington continues to reach out to community leaders and local organizations to share this opportunity that supports waste reduction and recycling projects. Examples of that outreach included conversations with community organizations across the state to find partners to help messaging to their community. Those community partners are paid for their time assisting with outreach, joining the application parties, reviewing applications, and mentoring teams. Future NextCycle Washington outreach efforts will continue to reach out to partners in overburdened communities to ensure fair access to these opportunities.

NextCycle Washington conducted tribal outreach to the Tribal Solid Waste Action Network (TSWAN) as well as one-on-one conversations with Tribal leaders. That outreach described the NextCycle Washington business accelerator and how a tribal project could apply to be a participant. The result of this outreach was the successful TSWAN application for the 2024 accelerator. TSWAN is building a pilot program with four rural Tribes to set up a hub-and-spoke recycling system that aims to gather enough material to sell to potential end markets. This project aims to increase recycling in the four Tribal communities by 25% as well as reduce illegal dumping and littering, protect ecosystems, create jobs, and divert materials from landfills.

### **Disproportional Impact Considerations:**

Litter accumulates along freeways, highly visible public areas, and in lower-income communities with fewer public resources. This creates public health and safety hazards for those who live nearby and worsens environmental justice inequities. Ecology recognizes that people from overburdened communities and vulnerable populations are more likely to be at higher risk for poor health outcomes in response to environmental harms. By using the Washington EHD map, Ecology staff views demographic data, environmental exposures, and environmental effects across Washington State in each of the 1,458 census tracts. This detailed data is used to identify geographic areas where overburdened communities and vulnerable populations face increased environmental harms and health impacts. Ecology's litter program uses this map to prioritize highly littered areas for scheduled litter pickup with contracted litter crews, select pilot locations for litter bag giveaways, and evaluate grant applications.

### **Target Communities and Populations:**

NextCycle Washington is open to waste prevention and recycling projects across Washington. Litter negatively affects the environment, waterways, wildlife, property taxes, home values, tourism, businesses, quality of life, and health and safety in our communities. Eligible NextCycle Washington applicants include businesses, nonprofits, community project teams, Tribes, and tribal communities. Equity concerns are a key priority of NextCycle Washington with a focus on reaching communities and populations in overburdened communities. Other considerations are incorporated into the application scoring process. Several scoring criteria focus on how a project impacts the community, such as job creation, living wages, or other positive economic impact on the local community. Applications are also scored on the benefits provided to the community and any mitigation of environmental justice risks.

The success of the initial year of NextCycle Washington is felt in nearly all areas of Washington with nearly half of the accelerator team projects that impact areas ranked 9 or 10 on the EHD map.

### **Community Inputs and Incorporation:**

See Community Outreach and Engagement response.

## Other Collateral Connections

### **HEAL Act Agencies Supplemental Questions**

See attached.

### **Puget Sound Recovery:**

This request also supports the 2022-2026 Puget Sound Action Agenda implementation through Ongoing Program OGP\_ECY42 Solid Waste Management Litter pickup, and through the following Vital Signs, Strategies, Desired Outcomes, and Actions:

#### **Vital Signs**

- Freshwater
- Marine Water
- Streams and Floodplains
- Toxics in Aquatic Life
- Outdoor Activity
- Economic Vitality
- Sense of Place

- Sound Stewardship

**Strategies**

- 8. Prevent Pollution
- 11. Human Health

**Desired Outcomes and Actions**

- 2.1.1. Toxic hotspots where stormwater runoff or wastewater contain significant concentrations of numerous toxic chemicals reduced through improved source control and/or treatment
- 2.1.3. Proper disposal of goods containing chemicals of emerging concern increased
- 5.1.1. Opportunities for stress reduction and motivation from natural environments for diverse human communities are enhanced
- 5.1.2. Attachments among all residents to Puget Sound's environments (including natural, biocultural, and anthropogenic places) are acknowledged and respected and recognized as opportunities to achieve the Action Agenda
- Action 45. Develop and implement programs that incentivize, remove, or replace toxic laden products with safer alternatives, ensure their proper disposal
- Action 125. Cultivate broadscale stewardship practices and behaviors among Puget Sound residents that benefit Puget Sound
- Action 127. Build social and institutional infrastructure that supports stewardship behaviors and removes barriers
- Action 159. Develop and promote social approaches to encourage behavior changes that will protect, restore, and responsibly enjoy Puget Sound
- Action 163. Increase trust by including and communicating directly and effectively with new and diverse audience

**State Workforce Impacts:**

N/A

**Intergovernmental:**

Local governments request Ecology's support and involvement in their litter cleanup efforts, and we will coordinate with them on this work. Ecology also supports other state agencies efforts for litter pickup, WSDOT in particular, as they do not have the staff or funding to conduct this work and rely on partners like Ecology to get litter picked up on state highways.

Ecology will also increase financial support to local governments for clearing litter from state highway ramps in their jurisdictions through the new grant program initiated by the Welcome to Washington Act and through existing litter cleanup grant programs that fund the cleanup of local roads and other public lands.

NextCycle Washington's business accelerator is not open to government-led projects; however, governments can be partners with a business, nonprofit, or community project.

**Stakeholder Impacts:**

Litter control efforts and NextCycle Washington are popular programs with significant stakeholder support. Stakeholders are expected to support this proposal.

**State Facilities Impacts:**

N/A

**Changes from Current Law:**

N/A

**Legal or Administrative Mandates:**

N/A

**Governor's Salmon Strategy:**

N/A

## Reference Documents

- [Litter Control and Market Development-HEAL Act Attachment.pdf](#)
- [Litter Control and Market Development-Historical Funding Attachment A.pdf](#)

## IT Addendum

**Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?**

No

## Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
Obj. A	\$111	\$111	\$222	\$111	\$111	\$222
Obj. B	\$38	\$38	\$76	\$38	\$38	\$76
Obj. C	\$1,500	\$1,500	\$3,000	\$1,500	\$1,500	\$3,000
Obj. E	\$134	\$134	\$268	\$134	\$134	\$268
Obj. G	\$4	\$4	\$8	\$4	\$4	\$8
Obj. J	\$3	\$3	\$6	\$3	\$3	\$6
Obj. N	\$665	\$665	\$1,330	\$665	\$665	\$1,330
Obj. T	\$45	\$45	\$90	\$45	\$45	\$90

## Agency Contact Information

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## ATTACHMENT A - RELATED BUDGET ITEMS FUNDED IN THE LAST TWO BIENNIA (2023-25, 2021-23)

Instructions: Enter the following information about any budget items funded over the last two biennia (2021-23 budget, 2022 supplemental budget, 2023-25 budget, 2024 supplemental budget) that is related to your Decision Package for 2025-27.

Biennium	Rec Sum Code/Title	RecSum Description	Fund Source	Duration	Amount
2023-25	Litter Control and Waste Reduction	Funding is provided to develop a waste reduction campaign and continue to invest in litter control efforts on state highways.	044	Ongoing	\$ 1,250,000
2021-23 (2022 Suppl)	Reduce Food Waste & Prevent Litter	Ongoing funding is provided to develop a series of food waste reduction campaigns and expand litter prevention campaigns.	044	Ongoing	\$ 1,800,000
2021-23 (2022 Suppl)	Highway Litter Control	One-time funding is provided for increased litter control on state highways.	044	One-time	\$ 2,000,000

# 2025-27 Biennial Budget HEAL Act Template

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## Background

### HEAL Act requirements

The Healthy Environment for All Act (HEAL Act), Chapter 314, Laws of 2021 (RCW [70A.02](#)) requires that “covered and opt in agencies” must implement the requirements of the HEAL Act. This includes the:

- Department of Ecology
- Department of Agriculture
- Department of Commerce
- Department of Health
- Department of Natural Resources
- Department of Transportation
- Puget Sound Partnership
- Office of the Attorney General

HEAL Act agencies that are considering a significant agency action initiated after July 1, 2023, are required to conduct an environmental justice assessment. RCW [70A.02.010](#)(12) specifies that significant agency actions include:

- The development and adoption of significant legislative rules as defined in RCW [34.05.328](#).
- The development and adoption of any new grant or loan program that the agency is explicitly authorized or required by statute to implement.
- A capital project, grant, or loan award costing at least \$12,000,000.
- A transportation project, grant, or loan costing at least \$15,000,000.
- The submission of agency request legislation to the Office of the Governor or OFM.

Under RCW [70A.02.080](#), beginning on or before July 1, 2023, covered and opt in agencies must, where practicable, take specific actions when making expenditure decisions or developing budget requests to OFM and the Legislature for programs that address or may cause environmental harms or provide environmental benefits. This includes:

- Focus applicable expenditures on creating environmental benefits that are experienced by overburdened communities and vulnerable populations, including reducing or eliminating environmental harms, creating community and population resilience, and improving the quality of life of overburdened communities and vulnerable populations.
- Create opportunities for overburdened communities and vulnerable populations to meaningfully participate in agency expenditure decisions.
- Clearly articulate environmental justice goals and performance metrics to communicate the basis for agency expenditures.
- Establish a goal of directing 40% of grants and expenditures that create environmental benefits to vulnerable populations overburdened communities.

To help OFM understand how HEAL Act agency budget requests meet HEAL Act requirements, covered agencies are required to complete additional questions related to the HEAL Act. These questions are shown below and are in addition to the equity related questions required of all agencies. Covered agencies are asked to complete the following questions and submit them through ABS.

#### HEAL Act questions

If you answer YES to any of these bullet points, please answer the six additional questions and submit them as an attachment through ABS.

- Is this decision package part of an agency request legislation that is required to complete an environmental justice assessment (RCW [70A.02.010\(12\)](#))?

Yes

No

- Is this decision package requesting funding to support another significant agency action that is required to complete an environmental justice assessment (RCW [70A.02.010\(12\)](#))?

Yes

No

- Is this decision package requesting funding for a program/project/activity that may **provide environmental benefits or reduce, mitigate, or eliminate environmental harms**, (that is not a significant agency action)? Note: This may include decision packages for programs not purposely directed to provide environmental benefits but may have an indirect or unintentional impact.

Yes

No

**If you answer YES to any of the above bullet points, please complete these additional questions.**

1. Please describe specific likely or probable environmental harms and/or benefits related to your decision package and the associated health impacts to overburdened communities and vulnerable populations.

Litter accumulates along freeways, highly visible public areas, and in lower-income communities with fewer public resources. This creates public health and safety hazards for those who live nearby and worsens environmental justice inequities. Ecology recognizes that people from overburdened communities and vulnerable populations are more likely to be at higher risk for poor health outcomes in response to environmental harms. By using the Washington Environmental Health Disparities Map, Ecology staff views demographic data, environmental exposures, and environmental effects across Washington State in each of the 1458 census tracts. This detailed data is used to identify geographic areas where overburdened communities and vulnerable populations



face increased environmental harms and health impacts. Ecology's litter program uses this map to help prioritize highly littered areas for scheduled litter pickup with contracted litter crews, selecting pilot locations for litter bag giveaways, and in evaluating grant applications.

2. Please describe the estimated percentage and amount of the requested funds that will go towards creating environmental benefits in overburdened communities and vulnerable populations as defined in OFM's the [OBC map](#) or as determined by the agency. If applicable, please include your methodology for making this estimate, including project/award lists if available.

An estimated 40 percent of NextCycle Washington is anticipated to fund team projects benefiting overburdened communities and vulnerable populations. This estimate is based on the 9 or 10 EHD ranking for 9 of the 30 current and past NextCycle Washington accelerator teams, representing 40 percent of the teams.

While the list of current and past teams does not guarantee future results, NextCycle Washington's screening process prioritizes projects with impacts on overburdened communities and vulnerable populations. Additionally, some teams have positive impacts beyond their immediate surroundings, providing benefits to other overburdened areas of the state.

The following is the list of the 9 projects by location:

<b>NextCycle Washington team</b>	<b>City, Zip code</b>	<b>Category</b>
Book Hill Group Inc.	Seattle, 98101	2023 team
Furniture Repair Bank (Zero Waste WA)	Seattle, 98124	2024 team
GeerGarage	Seattle, 98104	2023 team
Just Right Bite	Renton, 98057	2023 team
Making A Difference Foundation	Tacoma, 98409	2024 team
Okapi Reusables	Vancouver, 98682	2023 team
Reclaim Project Recovery	Spokane, 99201	2024 team
Refugee Artisan Initiative	Seattle, 98125	2023 team
Remakery	Tacoma, 98405	2024 team
Restaurant 2 Garden	Seattle, 98104	2023 team
Revolve Solar	Seattle, 98144	2024 team
South King Tool Library	Federal Way, 98003	2023 team

For our litter cleanup operations as well as grant funding opportunities all 39 counties in Washington, encompassing all OBC, are within our scopes of work. An overlay of state and county roads onto the OBC map would demonstrate the potential for litter cleanup work in nearly all the OBC areas. Defining a percentage of the work in OCB is speculative given the nature of litter cleanup.

3. Please describe any potential significant impacts to Indian Tribes' rights and interest in their tribal lands, as well as traditional practices.

NextCycle Washington does not anticipate creating potential significant impacts to Indian Tribe's rights and interests in their tribal lands or traditional practices. For cleanup activities, there are also no anticipates negative significant impacts to rights, interests or traditional practices.

4. Describe how your agency engaged with Tribes in developing this proposal, including offers for tribal consultation including timelines, methods for feedback, and mechanisms for Tribes to express concern, opposition, or support., and any direction provided by Tribes through this engagement.

NextCycle Washington conducted tribal outreach to the Tribal Solid Waste Action Network (TSWAN) as well as one-on-one conversations with tribal leaders. That outreach described the NextCycle Washington business accelerator and how a tribal project could apply to be a participant. The result of this outreach was the successful TSWAN application for the 2024 accelerator. TSWAN is building a pilot program with four rural tribes to set up a hub-and-spoke recycling system that aims to gather enough material to sell to potential end markets. This project aims to increase recycling in the four tribal communities by 25% as well as reduce illegal dumping and littering, protect ecosystems, create jobs, and divert materials from landfills.

5. If the decision package is part of agency request legislation or supports another significant agency action that is required to complete an environmental justice assessment under RCW [70A.02.010](#)(12), please submit the assessment as an attachment in ABS.

N/A

6. If the decision package is part of agency request legislation or constitutes a significant agency action that is required to complete an environmental justice assessment, please describe how your agency used the environmental justice assessment process to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits. If your agency determined that you were unable to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits, please provide a justification for not doing so.

N/A

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## Agency Recommendation Summary

In 2020, the United States Department of Energy, the United States Environmental Protection Agency, and the Department of Ecology entered voluntary mediated negotiations to agree on a realistic and achievable course for cleaning up radioactive and chemical waste from underground tanks at the Hanford Site. Negotiations concluded in 2024 with a signed settlement agreement and proposed revisions to cleanup deadlines reflected in the Hanford Federal Facility Agreement and Consent Order and the *Washington v. Granholm* consent decree. Ecology requests funding from the Radioactive Mixed Waste Account for permitting and engineering support necessary to ensure the safe and effective cleanup of tank waste. (Radioactive Mixed Waste Account)

## Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
<b>Staffing</b>						
FTEs	1.2	5.8	3.5	5.8	5.8	5.8
<b>Operating Expenditures</b>						
Fund 20R - 1	\$177	\$900	\$1,077	\$900	\$900	\$1,800
Total Expenditures	\$177	\$900	\$1,077	\$900	\$900	\$1,800
<b>Revenue</b>						
20R - 0294	\$177	\$900	\$1,077	\$900	\$900	\$1,800
Total Revenue	\$177	\$900	\$1,077	\$900	\$900	\$1,800

## Decision Package Description

**Background:**

Producing plutonium at the Hanford Site left a legacy of about 56 million gallons of radioactive and chemically hazardous waste stored in 177 single-shell (SST) and double-shell (DST) underground tanks. The United States Department of Energy (USDOE) is responsible for the Hanford Site and its cleanup. Ecology and the Environmental Protection Agency (EPA) are regulatory agencies overseeing USDOE’s cleanup under the Hanford Federal Facility Agreement and Consent Order (HFFACO), a judicial consent decree, and various permits.

The *State of Washington, et al. v. United States Department of Energy, et al., E.D. Wash., No. 2:08-cv-5085 (Washington v. Energy)* consent decree, originally entered in 2010, established deadlines for some single-shell tank waste retrievals and start-up of the Waste Treatment and Vitrification Plant. In September 2019, USDOE notified the state of Washington that it was at serious risk of missing multiple deadlines established in the consent decree. In addition, several HFFACO obligations were potentially in dispute, including obligations to retrieve waste from and close single shell tanks.

In 2020, the USDOE, EPA and Ecology entered voluntary mediated negotiations, commonly referred to as “Holistic Negotiations,” to address risks to cleanup deadlines and to agree on a realistic and achievable course for cleaning up radioactive and chemical waste from underground tanks at the Hanford Site.

If the parties were unable to reach an agreement, missed cleanup deadlines would have been addressed through Ecology issuing a unilateral order requiring USDOE to take certain measures to meet HFFACO milestones. Issuing an enforcement order would have carried a substantial risk of appeal and need for increased support from the Attorney General’s Office (AGO). The AGO also anticipated federal court litigation to enforce the 2010 consent decree. In the 2020 supplemental and the 2021-23 biennial budgets, Ecology and the AGO each received one-time funding to address the impending threat of litigation and/or the appeal of an Ecology unilateral order if negotiations were unsuccessful. However, as Holistic Negotiations between USDOE, Ecology, and EPA continued through the 2021-23 biennium and into 2023-25, and anticipated litigation was further postponed.

**Is this request related to any budget items funded in the past two biennia?**

Yes, see attached.

**Problem/Opportunity:**

Holistic Negotiations concluded in April of 2024 with a signed settlement agreement and proposed revisions to cleanup deadlines reflected in the HFFACO and the *Washington v. Energy* consent decree. Some of the more significant changes include:

- Maintaining existing time frames for starting treatment of both low-activity and high-level waste (HLW) by immobilizing it in glass via vitrification.
- Using a direct-feed approach for immobilizing high-level waste in glass, like the Direct-Feed Low-Activity Waste Program.
- Building a waste transfer vault and second effluent management facility to support treating high-level waste. These facilities are essential in

supporting the Direct-Feed High-Level Waste (DFHLW) facility.

- Designing, constructing, and permitting an Immobilized High-Level Waste Facility (IHLW) that will be used for interim storage of HLW glass awaiting final disposal at a deep geologic repository.
- Retrieving waste from 22 tanks in Hanford's 200 West Area by 2040, pretreating the waste, and grouting the low-activity portion of the waste for offsite disposal. This is part of the West Side Alternative Treatment.
- Designing and constructing 1 million gallons of multi-purpose storage capacity for tank waste.
- Evaluating and developing new technologies for retrieving waste from tanks following the permitting and construction of West Side Alternative Treatment.

The new DFHLW facility will require constructing a new transfer vault and second effluent facility for off-gassing tank waste. These facilities are not part of the current baseline nor the suite of treatment facilities and will need additional resources to support permitting and engineering oversight. Currently, there is no ongoing treatment or retrieval of tank waste in the 200 West Area. This is an entirely new set of activities that supplement the existing tank waste treatment activities in the 200 East Area. See *Holistic Negotiations Attachment A* for a map of the 200 East and 200 West areas.

In addition, to support the high-level waste treatment mission, the IHLW facility will support the operation of the DFHLW Vitrification facility. This is where vitrified HLW glass will go to be stored until it is shipped to a deep geologic disposal facility. Furthermore, the addition of 1 million gallons of tank capacity is a new scope of work because Ecology is not currently permitting or conducting construction oversight of new tanks. This new multi-purpose storage capacity will aid in retrieving Hanford's aging tanks sooner. USDOE is also required to evaluate the new emerging retrieval technologies, which will require additional Ecology resources to review and approve work plans.

The agreements following conclusion of Holistic Negotiations drive new scope in permitting and engineering review for tank waste treatment on the east side of Hanford for DFHLW configuration, constructing additional multi-purpose tank waste storage capacity, supporting emerging technologies for tank waste retrieval and treatment on the west side of Hanford, and building a new interim storage facility for HLW. This work greatly exceeds the capacity of existing staff and positions. Ecology will require increases to permitting and engineering support to satisfy obligations agreed on in the settlement agreement. Current staff are working on existing and planned retrieval, tank waste storage, and treatment. Current work requires full capacity of existing staff. This additional work is projected to continue into future decades. The work identified above is all new work within regulatory oversight and permitting, which includes new multi-purpose tank waste storage capacity, retrieval analysis, new 200 West Area treatment, immobilized glass storage facility, vault, and a new effluent management system to manage off-gas from DFHLW.

#### **Proposed Solution:**

In Ecology's 30-plus years of permitting facilities at the Hanford Site, we have arrived at a sufficient staffing ratio of one permit writer and one engineer to conduct the workload associated in standing up and overseeing the operations of an individual facility. For Ecology staff to support USDOE cleanup deadlines agreed-upon through Holistic Negotiations, Ecology will require scaled funding for five additional positions according to the following timelines:

- Beginning January of 2026, Ecology will begin permitting and construction oversight of West Side Alternative Treatment. Treatment technology selection and placement will start in late 2024. By this time, Ecology expects to know how many facilities will require permitting. The activities will include input on technology selection, pre-permitting review of design development, permit application review, permit development/issuance, and construction oversight of the facility (or facilities). This facility (or facilities) will support pretreatment and potentially the solidification of low-activity waste and transportation of this tank waste for offsite treatment and/or disposal.
- Beginning July of 2026, Ecology will begin pre-permitting for the IHLW, participating in conceptual design analysis, and developing permitting plans. We expect design reviews and permitting efforts to begin at 30% design and be finalized with the 90% design required by calendar year 2029. The IHLW Storage Facility is required to be in operation by 2033, when the High-Level Waste Vitrification Facility will begin operation.
- Beginning July of 2026, Ecology will support design review and permitting efforts for two new facilities needed to support operations at the DFHLW facility. Ecology will be required to provide input on technology selection, pre-permitting review of design development, permit application review, permit development/issuance, and construction oversight of the DFHLW Vault and High-Level Waste Effluent Management Facility (HLW EMF).
- Beginning July of 2026, Ecology will begin reviewing retrieval and closure plans for 22 SSTs in Hanford's 200 West Area. This will entail review, comment, and approval of retrieval and closure plans; permit modifications for retrieval actions for transferring sludge to DSTs; and adding closure plans to the Hanford Sitewide permit for the 22 SSTs in the 200 West Area. The retrieval activities for these 22 tanks will conclude by 2040, with retrieval expected to continue for the remaining tanks afterwards. This activity will also require the addition of new multi-purpose tank waste storage capacity and associated permitting and regulatory oversight.

All requested resources will be funded by the Radioactive Mixed Waste Account. Matching revenue for this account is collected through an annual fee to radioactive mixed waste facility operators. The increased fee resulting from this request will be assessed to USDOE.

#### **Impacts on Population Served:**

This request will provide resources needed for Ecology to meet tank waste treatment and storage milestones at the Hanford Site as agreed on following the Holistic Negotiations with USDOE and EPA. Those impacted by this request include our federal partners (USDOE and EPA) and

populations affected by cleanup of the Hanford Site, including the Yakama Nation, Nez Perce Tribe, and Confederated Tribes of the Umatilla Indian Reservation, who retain treaty rights. Effective management of Hanford-related permits and cleanup work promotes the current exercise of treaty rights and future restoration of full Tribal access to Hanford land.

**Alternatives Explored:**

As an alternative to this request, Ecology explored reassigning existing resources. We determined that using existing permitting and engineering resources is not a viable option because the increased workload vastly exceeds Ecology's current capacity.

**Consequences of Not Funding This Request:**

This request will fund permitting and engineering resources necessary to uphold Ecology's obligations established in the Holistic Negotiations settlement agreement and revised cleanup timelines in the HFFACO and consent decree. This is new work that exceeds Ecology's capacity to support within existing resources. Not funding this request would result in delays in Ecology's permitting and engineering review, which would delay the retrieval and treatment of radioactive and chemical waste stored in underground storage tanks, risking further environmental contamination to soil, groundwater, and the communities that border the Hanford Site. It would also jeopardize our abilities to fulfill obligations agreed to through Holistic Negotiations.

**JUSTIFICATION FOR NEW OR INCREASED FEE REQUEST:**

1. Fee Name: Mixed Waste Management Fee

2. Current Tax or Fee Rate:

FY 2026: \$12,038,000  
FY 2027: \$12,417,000

3. Proposed Rate:

FY 2026: \$12,214,713  
FY 2027: \$13,317,355

4. Incremental Change for Each Year:

FY 2026: \$176,713  
FY 2027: \$900,355

5. Expected Implementation Date: 07/01/2025

6. Estimated Additional Revenue Generated by Increase:

FY 2026: \$176,713  
FY 2027: \$900,355

7. Justification: The Mixed Waste Management and Fee is driven by workload analysis and level of effort required to carry out the responsibilities of the Nuclear Waste Program. Increased workload drives an equal offset of expenditures and revenue through increased billings to permitted entities.

8. Changes in Who Pays: N/A

9. Changes in Methodology: N/A

10: RecSum Code: BH

11. Alternatives: The alternative to this request is funding from General Fund – State. This is not preferred as there is an established fund source directly correlated to the work being performed.

12. Statutory Change Required (Instructions)? No

**Assumptions and Calculations**

**Expansion, Reduction, Elimination or Alteration of a current program or service:**

This request expands Activities A016 - Treat and Dispose of Hanford's High-level Radioactive Tank Waste and A017 – Ensure Safe Tank Operations, Storage of Tank Wastes, and Closure of the Waste Storage Tanks at Hanford because it will support the retrieval and treatment of high- and low-level radioactive mixed waste from tanks at the Hanford Site. Below is a summary of the 2021-23 and 2023-25 base funding and FTEs for this activity. Administrative Overhead related to this activity is also in the agency's Administration Activity A002, but is not shown in

the totals below.

<b>Activity A016 – Treat and Dispose of Hanford’s High-level Radioactive Tank Waste</b>		
	<b>2021-23</b>	<b>2023-25</b>
FTEs Total	33.35	33.60
001-1 General Fund – State	\$15,000	\$15,000
001-2 General Fund – Federal	\$42,000	\$45,000
20R-1 Radioactive Mixed Waste Fee	\$8,330,000	\$8,487,000
216-1 Air Pollution Control	\$49,000	\$55,000
219-1 Air Operating Permit	\$168,000	\$203,000
<b>TOTAL</b>	<b>\$8,604,000</b>	<b>\$8,805,000</b>

<b>Activity A017 – Ensure Safe Tank Operations, Storage of Tank Wastes, and Closure of the Waste Storage Tanks at Hanford</b>		
	<b>2021-23</b>	<b>2023-25</b>
FTEs Total	18.40	18.60
001-1 General Fund – State	\$18,000	\$18,000
001-2 General Fund – Federal	\$24,000	\$26,000
20R-1 Radioactive Mixed Waste Fee	\$5,368,000	\$5,484,000
216-1 Air Pollution Control	\$54,000	\$51,000
219-1 Air Operating Permit	\$176,000	\$213,000
<b>TOTAL</b>	<b>\$5,640,000</b>	<b>\$5,802,000</b>

**Detailed Assumptions and Calculations:**

Beginning January of 2026 and ongoing, Ecology requests 1.0 Environmental Specialist (ES) 4 and 1.0 Environmental Engineer (EE) 3 to support permitting and construction oversight of West Side Alternative Treatment. By July of 2026 and ongoing, these positions will also begin pre-permitting for the IHLW, participating in conceptual design analysis and developing permitting workplans.

Beginning July of 2026 and ongoing, Ecology requests an additional 1.0 ES 4 and 1.0 EE 3 to support design review and permitting efforts for two new facilities needed to support operations at the DFHLW facility.

Beginning July of 2026 and ongoing, Ecology requests 1.0 EE 3 to lead review and approval retrieval and closure plans for 22 SSTs in Hanford’s 200 West Area.

All requested resources will be funded by the Radioactive Mixed Waste Account. Matching revenue for this account is collected through an annual fee to radioactive mixed waste facility operators. The increased fee resulting from this request will be assessed to USDOE.

**Workforce Assumptions:**

<b>Expenditures by Object</b>		<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>	<b>FY 2030</b>	<b>FY 2031</b>
A	Salaries and Wages	95,968	489,484	489,484	489,484	489,484	489,484
B	Employee Benefits	32,725	166,914	166,914	166,914	166,914	166,914
E	Goods and Services	6,048	30,240	30,240	30,240	30,240	30,240
G	Travel	2,206	11,025	11,025	11,025	11,025	11,025
J	Capital Outlays	1,286	6,430	6,430	6,430	6,430	6,430
T	Intra-Agency Reimbursements	38,480	196,262	196,262	196,262	196,262	196,262
	<b>Total Objects</b>	<b>176,713</b>	<b>900,355</b>	<b>900,355</b>	<b>900,355</b>	<b>900,355</b>	<b>900,355</b>

**Staffing**

<b>Job Class</b>	<b>Salary</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>	<b>FY 2030</b>	<b>FY 2031</b>
ENVIRONMENTAL SPEC 4	86,324	0.50	2.00	2.00	2.00	2.00	2.00
ENVIRONMENTAL ENGINEER 3	105,612	0.50	3.00	3.00	3.00	3.00	3.00
FISCAL ANALYST 2		0.10	0.50	0.50	0.50	0.50	0.50
IT APP DEVELOPMENT-JOURNEY		0.05	0.25	0.25	0.25	0.25	0.25
<b>Total FTEs</b>		<b>1.15</b>	<b>5.75</b>	<b>5.75</b>	<b>5.75</b>	<b>5.75</b>	<b>5.75</b>



**Explanation of costs by object:**

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 34.1% of salaries.

Goods and Services are the agency average of \$6,048 per direct program FTE.

Travel is the agency average of \$2,205 per direct program FTE.

Equipment is the agency average of \$1,286 per direct program FTE.

Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 29.9% of direct program salaries and benefits, and is shown as object T. Agency Administrative Overhead FTEs are included at 0.15 FTE per direct program FTE, and are identified as Fiscal Analyst 2 and IT App Development-Journey.

**Historical Funding:**

	FY2026	FY2027
FTE (xx direct FTE)	0.0	0.0
<b>Total Funds</b> (rounded to thousands)	\$0	\$0
<b>Near General Fund</b> (rounded to thousands)	\$0	\$0
<b>Other Funds</b> (rounded to thousands)	\$0	\$0

Administrative Overhead related to this program or service is in the agency’s Administration Activity A002, but is not shown in the totals above.

**Strategic and Performance Outcomes**

**Strategic Framework:**

This request is essential to achieving the Governor’s Results Washington Goal 3: Sustainable Energy and a Clean Environment and Ecology’s Goal 3: Prevent and reduce waste, toxic threats, and pollution because it will fund permitting and engineering positions necessary to regulate the retrieval and treatment of underground radioactive and chemical tank waste at the Hanford Site.

**Performance Outcomes:**

The outcomes of this request will be effective permitting and engineering review of USDOE operations required to fulfill Ecology’s obligations under the settlement agreement achieved through Holistic Negotiations. This request will provide the resources needed for Ecology to meet tank waste treatment milestones and ensure timely retrieval, treatment, and disposal of radioactive mixed waste at the Hanford Site.

## Equity Impacts

### **Community Outreach and Engagement:**

Ecology regularly engages with the Confederated Tribes and Bands of the Yakama Nation, Nez Perce Tribe, and Confederated Tribes of the Umatilla Indian Reservation on Hanford cleanup issues. These indigenous tribes and nations have expressed significant interest in the restoration of lands historically inhabited as their ancestral territory.

Ecology's Nuclear Waste Program also regularly conducts community outreach and engagement efforts for those who have been or may be affected by the Hanford site. These communities are highly impacted by the timely cleanup of Hanford contaminants. Cleanup actions have been and will continue to be shared extensively with communities impacted by Hanford contamination. Ecology ensures these outreach and engagement activities are designed to be accessible, linguistically appropriate, and aim to reach and involve as many members of the community as possible.

### **Disproportional Impact Considerations:**

As far as we can reasonably foresee, this request does not make decisions that are anticipated to result in negative health impacts and environmental burdens or harm. The legacy of environmental contamination from Hanford and ongoing environmental and public health risks has regional effects on economic and community wellbeing. These effects disproportionately impact people already overburdened by environmental and health concerns. This population faces numerous barriers to accessing government information or services, such as:

- Information about the Hanford Site
- Information about potential health risks
- Information about public involvement opportunities

If funded, this request will result in additional capacity to oversee the proper storage, treatment, and disposal of radioactive mixed waste at the Hanford Site.

### **Target Communities and Populations:**

Those most vulnerable to harmful impacts from potential environmental and health threats created by Hanford waste are Tribal and indigenous people, overburdened communities, and low-income populations. Hanford lies on the traditional lands of the Confederated Tribes and Bands of the Yakama Nation, the Nez Perce Tribe, and the Confederated Tribes of the Umatilla Indian Reservation. The Wanapum Band is not a federally recognized Tribe, but state law recognizes the Wanapum Band's right to permits for taking salmon and other freshwater fish for ceremonial and subsistence purposes. These Tribes and Bands use natural resources on and adjacent to the Hanford Site, and contamination from dangerous waste poses a potential threat to people hunting, gathering, and fishing in the area.

The Hanford Site is located in Benton County, where 26% of the population has been identified as low-income. People of color make up 32% of the population, and 23% of the total county population are Hispanic/Latino. 17% of the population speak Spanish at home. According to the Washington State Department of Health's Environmental Health Disparities Map, this puts much of the county in the top 10 to 20% for communities of color. Across the Columbia River is Franklin County, another community highly invested in the cleanup of the Hanford Site. The Franklin County population is 34% low-income, 61% people of color, and 49% of homes speak languages other than English. 54% of the county identify as Hispanic/Latino, and 45% of households speak Spanish.

One of the closest cities to Hanford is Mattawa in Grant County. Mattawa has about 4,600 people. Of that, 98% identify as Hispanic/Latino, 61% are low-income, 76% have less than a high school education, and 52% speak languages other than English.

The following link provides further insight into the many communities at risk from Hanford contaminants: <https://apps.ecology.wa.gov/publications/UIPages/SummaryPages/2205009.html>

### **Community Inputs and Incorporation:**

See Community Outreach and Engagement response.

## Other Collateral Connections

### **HEAL Act Agencies Supplemental Questions**

Yes, see attached.

### **Puget Sound Recovery:**

N/A

### **State Workforce Impacts:**

N/A

### **Intergovernmental:**

Ecology has engaged in Holistic Negotiations with USDOE and the EPA for nearly four years to agree on revised cleanup deadlines for tank waste retrieval, treatment, and disposal at the Hanford Site. Ecology has shared this request with USDOE, who will be assessed the fee to fund this request. USDOE supports Ecology's needs for increased permitting and engineering resources to support operations oversight at Hanford. Because EPA was an active party to the negotiations and agreement, Ecology anticipates their support in ensuring timely cleanup of radioactive mixed waste at the Hanford Site.

Ecology regularly engages with the Yakama Nation, the Nez Perce Tribe, and the Confederated Tribes of the Umatilla Indian Reservation on Hanford cleanup issues. Ecology anticipates support from intergovernmental stakeholders because the new resources will ultimately advance cleanup and protect local communities and the environment.

### **Stakeholder Impacts:**

Ecology expects stakeholder groups such as those on the Hanford Advisory Board and the Oregon Hanford Cleanup Board to support this request because it will aid in progressing cleanup timelines that directly align with the goals and initiatives of these groups.

### **State Facilities Impacts:**

N/A

### **Changes from Current Law:**

N/A

### **Legal or Administrative Mandates:**

Proposed resources are necessary to ensure Ecology's obligations are met within the revised cleanup deadlines that have now been reflected in the HFFACO and the *Washington v. Energy* consent decree.

### **Governor's Salmon Strategy:**

N/A

## Reference Documents

- [Hanford Holistic Negotiations-Attachment A.pdf](#)
- [Hanford Holistic Negotiations-HEAL Act Attachment.pdf](#)
- [Hanford Holistic Negotiations-Historical Funding Attachment B.pdf](#)

## IT Addendum

### **Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?**

No

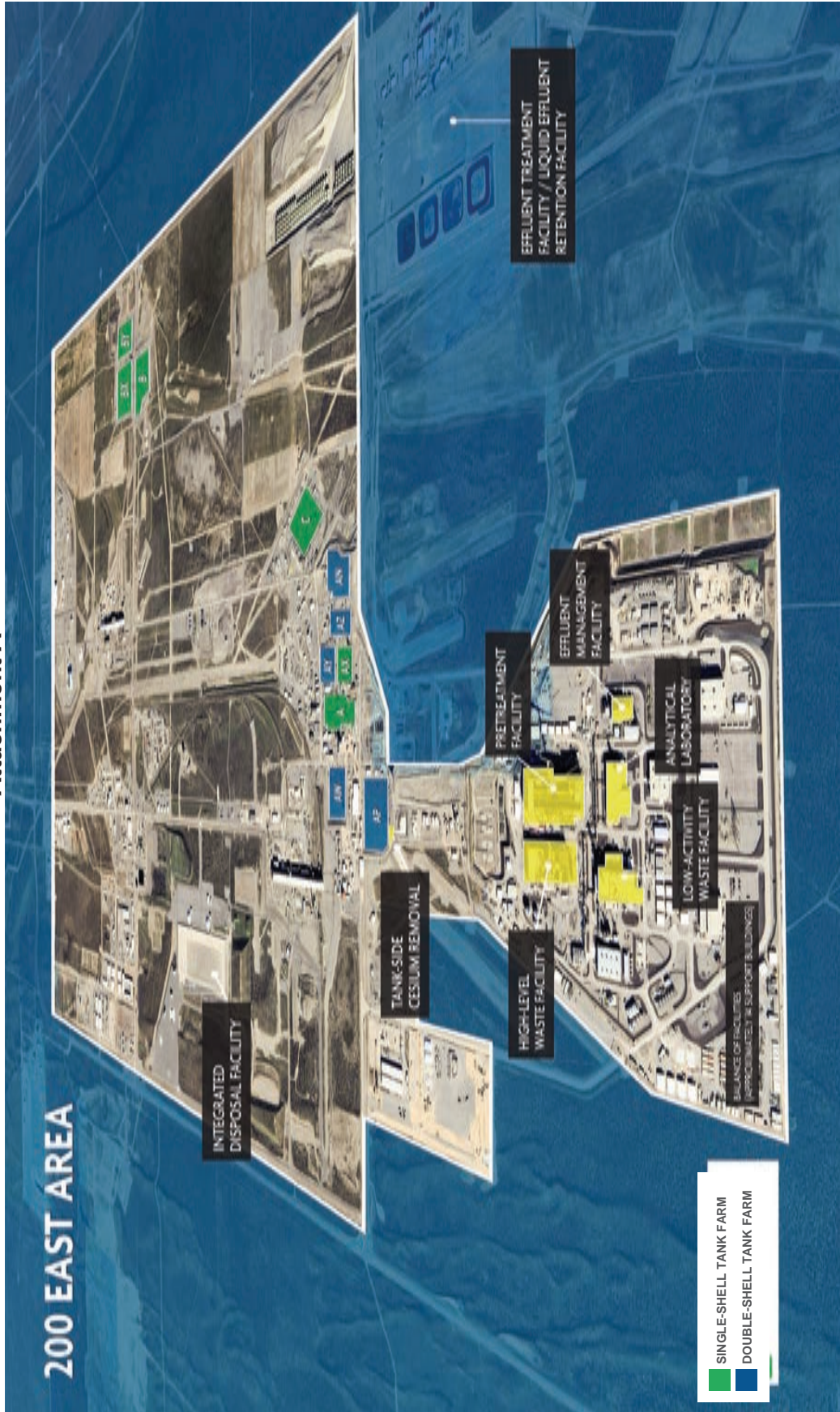
## Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
Obj. A	\$96	\$489	<b>\$585</b>	\$489	\$489	<b>\$978</b>
Obj. B	\$33	\$167	<b>\$200</b>	\$167	\$167	<b>\$334</b>
Obj. E	\$6	\$30	<b>\$36</b>	\$30	\$30	<b>\$60</b>
Obj. G	\$2	\$11	<b>\$13</b>	\$11	\$11	<b>\$22</b>
Obj. J	\$1	\$7	<b>\$8</b>	\$7	\$7	<b>\$14</b>
Obj. T	\$39	\$196	<b>\$235</b>	\$196	\$196	<b>\$392</b>

## Agency Contact Information

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 ahub61@ecy.wa.gov

Attachment A





Attachment A

200 WEST AREA



SINGLE-SHELL TANK FARM  
DOUBLE-SHELL TANK FARM



**ATTACHMENT B - RELATED BUDGET ITEMS FUNDED IN THE LAST TWO BIENNIA (2023-25, 2021-23)**

Instructions: Enter the following information about any budget items funded over the last two biennia (2021-23 budget, 2022 supplemental budget, 2023-25 budget, 2024 supplemental budget) that is related to your Decision Package for 2025-27.

Biennium	Rec Sum Code/Title	RecSum Description	Fund Source	Duration	Amount
2021-23	CT01 USDOE Hanford Litigation	Funding is provided for the Attorney General's Office (AGO) to compel the U.S. Department of Energy (USDOE) in meeting its Hanford cleanup deadlines in the Washington v. Brouillette (formerly Washington v. Perry) consent decree. Additionally, Ecology may issue a determination requiring USDOE to design new storage tanks as a contingency measure. If so, USDOE will likely appeal that determination. One-time funding is provided for anticipated AGO legal services.	20R	One-Time	\$1,600,000



# 2025-27 Biennial Budget HEAL Act Template

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## Background

### HEAL Act requirements

The Healthy Environment for All Act (HEAL Act), Chapter 314, Laws of 2021 (RCW [70A.02](#)) requires that “covered and opt in agencies” must implement the requirements of the HEAL Act. This includes the:

- Department of Ecology
- Department of Agriculture
- Department of Commerce
- Department of Health
- Department of Natural Resources
- Department of Transportation
- Puget Sound Partnership
- Office of the Attorney General

HEAL Act agencies that are considering a significant agency action initiated after July 1, 2023, are required to conduct an environmental justice assessment. RCW [70A.02.010](#)(12) specifies that significant agency actions include:

- The development and adoption of significant legislative rules as defined in RCW [34.05.328](#).
- The development and adoption of any new grant or loan program that the agency is explicitly authorized or required by statute to implement.
- A capital project, grant, or loan award costing at least \$12,000,000.
- A transportation project, grant, or loan costing at least \$15,000,000.
- The submission of agency request legislation to the Office of the Governor or OFM.

Under RCW [70A.02.080](#), beginning on or before July 1, 2023, covered and opt in agencies must, where practicable, take specific actions when making expenditure decisions or developing budget requests to OFM and the Legislature for programs that address or may cause environmental harms or provide environmental benefits. This includes:

- Focus applicable expenditures on creating environmental benefits that are experienced by overburdened communities and vulnerable populations, including reducing or eliminating environmental harms, creating community and population resilience, and improving the quality of life of overburdened communities and vulnerable populations.
- Create opportunities for overburdened communities and vulnerable populations to meaningfully participate in agency expenditure decisions.
- Clearly articulate environmental justice goals and performance metrics to communicate the basis for agency expenditures.
- Establish a goal of directing 40% of grants and expenditures that create environmental benefits to vulnerable populations overburdened communities.

To help OFM understand how HEAL Act agency budget requests meet HEAL Act requirements, covered agencies are required to complete additional questions related to the HEAL Act. These questions are shown below and are in addition to the equity related questions required of all agencies. Covered agencies are asked to complete the following questions and submit them through ABS.

### HEAL Act questions

If you answer YES to any of these bullet points, please answer the six additional questions and submit them as an attachment through ABS.

- Is this decision package part of an agency request legislation that is required to complete an environmental justice assessment (RCW [70A.02.010\(12\)](#))?

Yes

No

- Is this decision package requesting funding to support another significant agency action that is required to complete an environmental justice assessment (RCW [70A.02.010\(12\)](#))?

Yes

No

- Is this decision package requesting funding for a program/project/activity that may **provide environmental benefits or reduce, mitigate, or eliminate environmental harms**, (that is not a significant agency action)? Note: This may include decision packages for programs not purposely directed to provide environmental benefits but may have an indirect or unintentional impact.

Yes

No

### **If you answer YES to any of the above bullet points, please complete these additional questions.**

1. Please describe specific likely or probable environmental harms and/or benefits related to your decision package and the associated health impacts to overburdened communities and vulnerable populations.

The Hanford site is one of the largest cleanup sites in the world. The site, throughout its existence, has released radioactive and hazardous waste contaminants into the soil, air, groundwater, and the Columbia River; and will continue to do so until cleanup is completed.

Many of the communities surrounding the Hanford site are also at risk of these contaminants if there is a major infrastructure collapse. Those most vulnerable to harmful impacts from potential environmental and health threats created by Hanford waste are Tribal and indigenous people, overburdened communities, and low-income populations.

2. Please describe the estimated percentage and amount of the requested funds that will go towards creating environmental benefits in overburdened communities and vulnerable populations as defined in OFM's the [OBC map](#) or as determined by the agency. If applicable, please include your methodology for making this estimate, including project/award lists if available.

Ecology estimates 100% of requested funds would go towards creating environmental benefits and provide direct benefits to overburdened communities areas and vulnerable populations. However, this calculation is complicated by the characteristics of the Hanford site. The Hanford Site is not an overburdened community area on the OBC map. This is likely because this area within the census tract has restricted access and the criteria of the EHD map largely do not apply. However, the site has significant environmental and health impacts for the state and surrounding communities from a legacy of toxic and radioactive contamination and complex cleanup. Ecology's estimation is based on the Hanford site being located on the traditional lands of the Confederated Tribes and Bands of the Yakama Nation, Nez Perce Tribe, and Confederated Tribes of the Umatilla Indian Reservation. The Wanapum Band is not a federally-recognized Tribe, but state law recognizes the Wanapum Band's right to permits for taking salmon and other freshwater fish for ceremonial and subsistence purposes. These Tribes and Bands use natural resources on and adjacent to the Hanford Site, and contamination from dangerous waste poses a potential threat to people hunting, gathering, and fishing in the area.

Further, the Hanford Site is located in Benton County, where 26% of the population has been identified as low-income. People of color make up 32% of the population, and 23% of the total county population are Hispanic/Latino. 17% of the population speak Spanish at home. According to the Washington State Department of Health's Environmental Health Disparities Map, this puts much of the county in the top 10 to 20% for communities of color. Across the Columbia River is Franklin County, another community highly invested in the cleanup of the Hanford Site. The Franklin County population is 34% low-income, 61% people of color, and 49% of homes speak languages other than English. 54% of the County identify as Hispanic/Latino and 45% of households speak Spanish.

One of the closest cities to Hanford is Mattawa in Grant County. Mattawa has about 4,600 people. Of that, 98% identify as Hispanic/Latino, 61% are low-income, 76% have less than a high school education, and 52% speak languages other than English.

The communities above and those that have been and stand to be impacted by Hanford contamination are defined as overburdened communities and/or vulnerable populations on OFM's OBC map. This request would fund additional resources to support the proper storage, treatment, and disposal of radioactive mixed waste on the Hanford Site and would ultimately work towards reducing the impacts of Hanford contaminants on these communities.

3. Please describe any potential significant impacts to Indian Tribes' rights and interest in their tribal lands, as well as traditional practices.

Tribal Nations were forcibly removed from their lands and restricted access from what is now the Hanford Site. Until cleanup is complete, they will continue to face restrictions. Tribal

Nations adjacent to the Hanford Site have a vested interest in the restoration of lands that the Tribes have treaty rights to.

4. Describe how your agency engaged with Tribes in developing this proposal, including offers for tribal consultation including timelines, methods for feedback, and mechanisms for Tribes to express concern, opposition, or support., and any direction provided by Tribes through this engagement.

We have engaged with the Tribes that hold treaty rights to the Hanford Site through direct consultation on this proposal in the spring of 2024 and have received their support. The Tribes have expressed significant interest in the oversight and thorough cleanup of contaminated areas that once provided hunting, gathering and cultural resources for multiple sovereign Tribes and Nations.

We also have routine engagement with the Tribes via the Hanford Advisory Board and upon request from the Tribes as needed on topics identified in their request. We also have monthly meetings with the Confederated Tribes and Bands of the Yakama Nation and Nez Perce Tribes that have treaty rights to the Hanford Site. We provide routine permitting updates at those meetings and any specific permitting topics as requested by the Tribal Nations.

5. If the decision package is part of agency request legislation or supports another significant agency action that is required to complete an environmental justice assessment under RCW [70A.02.010](#)(12), please submit the assessment as an attachment in ABS.

N/A

6. If the decision package is part of agency request legislation or constitutes a significant agency action that is required to complete an environmental justice assessment, please describe how your agency used the environmental justice assessment process to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits. If your agency determined that you were unable to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits, please provide a justification for not doing so.

N/A

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### Agency Recommendation Summary

Ecology does not have sufficient capacity for industrial inspectors to ensure compliance with state and federal air quality regulations and permits to protect air quality and public health. Industrial inspectors are essential in monitoring 519 industrial facilities located across Ecology's 17-county jurisdiction in Central and Eastern Washington. As of the end of 2023, only 38% of these facilities were inspected within program inspection targets of once every two or three years, and 57% have not been inspected in six or more years. Ecology requests funding for additional industrial inspectors to meet inspection targets, improve compliance, protect air quality and public health, and ensure consistent application of pollution reduction strategies in overburdened communities highly impacted by air pollution. (Air Pollution Control Account)

### Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
<b>Staffing</b>						
FTEs	2.3	2.3	2.3	3.5	3.5	3.5
<b>Operating Expenditures</b>						
Fund 216 - 1	\$279	\$279	\$558	\$418	\$418	\$836
Total Expenditures	\$279	\$279	\$558	\$418	\$418	\$836
<b>Revenue</b>						
216 - 0299	\$279	\$279	\$558	\$418	\$418	\$836
Total Revenue	\$279	\$279	\$558	\$418	\$418	\$836

### Decision Package Description

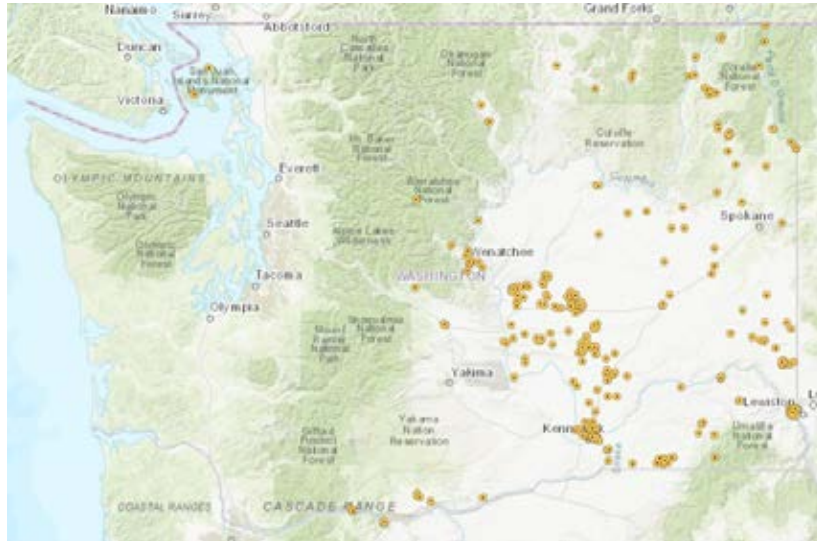
**Background:**

Ecology has authority under the Washington Clean Air Act (Chapter 70A.15 RCW) to regulate commercial and industrial facilities that emit air pollution in Ecology's jurisdiction, which includes 17 counties located in Central and Eastern Washington. The remaining counties in the state are regulated by other local clean air agencies (Figure 1).



Figure 1. Ecology's Air Quality Program and Clean Air Agencies jurisdiction in Washington

Ecology inspectors ensure compliance for 519 industrial facilities that are considered minor sources of air pollution in Ecology's Air Contaminant Source Registration Program (Registration Program). These facilities are required to register with Ecology, report their emissions, and undergo inspections. This allows Ecology to maintain an accurate record of facilities that are sources of air pollutants and verify compliance with applicable air quality regulations and permit conditions (WAC 173-400-099). Each year, Ecology assesses Registration Program fees to each minor source facility (Figure 2) per RCW 70A.15.1005, RCW 70A.15.220, and WAC 173-455-040 to fund compliance activities.



**Figure 2. Minor source facilities in Ecology’s Air Quality Program jurisdiction**

Ecology divides the 519 minor source facilities within the Registration Program into six different tiers, based on the amount of pollutants they emit (Table 1). There are a total of 500 facilities in tiers one through five. Ecology’s goal is to inspect these sources once every two or three years. The three-year inspection target is consistent with Northwest, Puget Sound, and Spokane Regional clean air agencies. Ecology believes inspections every three years will allow us to catch problems before they begin and work collaboratively with businesses to avoid and reduce any non-compliance with permits and state and federal regulations. Inspections every three years also enable us to provide more frequent technical assistance and better customer service.

Table 1. Registration Source Tiers (WAC 173-455-039)

Tier	Annual Emissions from Industrial Facility
1	Source with annual emissions less than the tons per year in Tier 2.
2	Source with annual emissions between 0.01 and less than or equal to 10 tons per year.
3	Source with annual emissions greater than 10 and less than or equal to 20 tons per year.
4	Source with annual emissions greater than 20 and less than or equal to 70 tons per year.
5	Source with annual emissions greater than 70 tons per year.
6	Synthetic minor source (as defined in WAC 173-400-030) that emits or has the potential to emit at or above 80% of the threshold for a major source (as defined in WAC 173-401-200).

The remaining 19 minor source facilities are referred to as synthetic minor 80s (SM80s) and comprise Tier six of the Registration Program. SM80s are sources that have limits in their permit that reduce their potential emissions below the federal Clean Air Act Title V permit threshold, and with the limits in place, their emissions remain within 80% of that threshold. SM80s are subject to additional federal requirements that include additional monitoring, reporting and documentation by Ecology inspectors to ensure facility emissions remain within permitted limits. To ensure compliance, Ecology sets inspection targets for SM80s at once every two years. Ecology also must complete a comprehensive Full Compliance Evaluation (FCE) report for these facilities once every five years to comply with EPA requirements (U.S. EPA, Issuance of the Clean Air Act Stationary Source Compliance Monitoring Strategy, October 4, 2016, <https://www.epa.gov/sites/default/files/2013-09/documents/cmspolicy.pdf> (accessed 6/29/2023)).

The FCE consists of a summary of the on-site inspections and visits, file documents, complaints, reports, and monitoring results (also referred to as source test reports) the program received during the previous five-year period. FCEs are essential in documenting the facility’s compliance (and any violations) with the permit, allowing assessment of the facility’s impact on the public and environment.

In addition to on-site inspections and FCEs, Ecology inspectors must visit the minor source facilities to provide technical assistance, address compliance issues, respond to complaints, observe emission tests from exhaust stacks (also referred to as source tests), and provide reminders to pay fees and to submit annual emission data.

Inspectors prepare for site visits by reviewing files and reports, documenting site visits in internal systems and files, writing inspection letters to the facilities, and reviewing and approving technical documents. These technical documents include source test plans and final reports, operation and maintenance plans, fugitive dust control plans, and annual emission inventories.

**Problem:**

Ecology currently has 3.35 FTEs to perform the work of ensuring compliance of 519 minor industrial facilities within Ecology’s 17-county jurisdiction in Central and Eastern Washington. Ecology does not have enough inspectors to ensure the minor sources comply with state and federal air quality regulations and permits to protect air quality and public health. As of December 2023, only 38% of the 519 minor sources were inspected within the inspection targets, and 57% have not been inspected in six or more years (Figure 3).



- 28% were inspected between January 2013 and December 2018 (6-11 years ago).
- 29% were either inspected before 2013 or there is no record of an inspection.

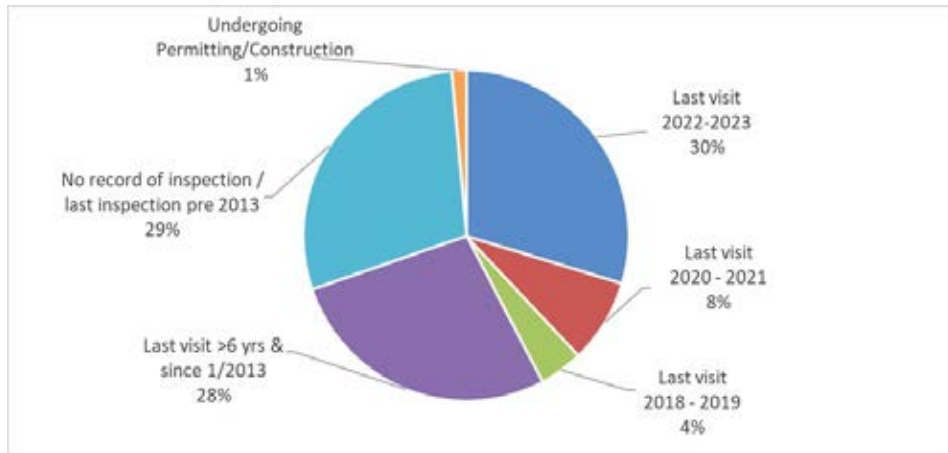


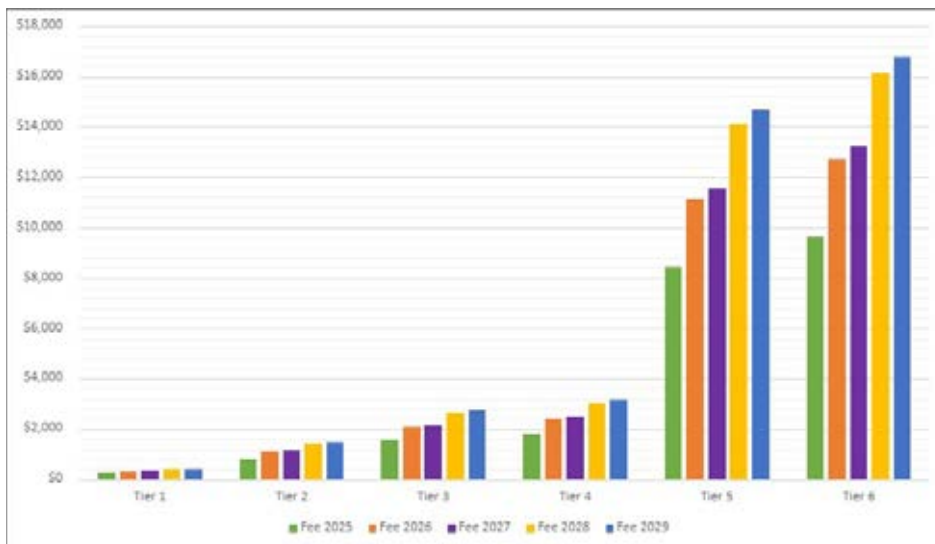
Figure 3. Last Inspections at Registered Facilities

Minor source facilities that do not receive routine inspections are frequently out of compliance with their permits and state and federal regulations. These facilities often require a combination of technical assistance, enforcement, and re-permitting to bring them back into compliance. This is time consuming for inspectors and detracts from their ability to inspect other facilities. This also costs the facilities time to do additional permitting work that could have been avoided through regular upkeep and technical assistance. In addition, the non-compliance of these sources impacts the air quality of the communities in their airshed. Better compliance ensures cleaner, healthier air for those people living, working, and recreating near a facility.

**Proposed Solution:**

To meet Ecology-established inspection targets of once every two or three years for minor source facilities, Ecology is requesting funding to hire three additional inspectors over the next two biennia. This approach will result in a more gradual increase in Registration Program fees, making the increase more affordable for the minor sources (Table 2).

Table 2. Projected Fiscal Year 2025-29 Registration Fee Increases by Tier



Increases in Registration Program fees must be evenly distributed as a percentage of the increased costs across all sources per WAC 173-455-040(4)(a)(iv). The percentage of total sources in each Tier is used in determining the distribution of fee increases. For example, in fiscal year 2024-2025, there were 338 Tier 2 sources and 19 Tier 6 sources; the amount of revenue generated, and the fee increase for each tier depend on the number of sources in that tier. If this request is approved, the 2025 increase in fees would be charged in January 2026.

**Impacts on Population Served:**

These new positions will enable Ecology to meet our inspection targets, increase our ability to provide technical assistance and investigate complaints, and improve the sources' compliance with air quality requirements to further protect air quality, the public, and environmental health. The additional inspectors will also allow for better compliance oversight and ensure consistent application of pollution reduction strategies in identified overburdened communities in Ecology's jurisdiction highly impacted by air pollution.

**Alternatives Explored:**

Ecology explored the possibility of shifting existing staff resources to provide more support for inspections and compliance work. However, this is not a viable alternative because other inspection and permitting staff within Ecology's Air Quality Program are already at full workload capacity on other federally required air quality activities and would not be sufficient to meet inspection targets.

Ecology considered requests between two and four FTEs to support the Central and Eastern regions. A request for just two FTEs would not provide sufficient capacity for compliance staff and would ensure inspection targets would not be met. A request for four additional FTEs would result in too large of an increase in Registration Program fees, which would be too much of a financial burden for the 519 facilities.

To further reduce the impact of higher fees, Ecology is requesting two FTEs in the 2025-27 Biennium and will request an additional FTE in the 2027-29 Biennium to allow for a gradual increase in fees for facilities.

**Consequences of Not Funding This Request:**

The consequences of not funding this request would be that Ecology inspectors continue failing to meet inspection targets for the 519 minor source facilities. This would result in an increase in the number of facilities out of compliance with emission limits and permit requirements, and inspectors would be unable to provide timely technical assistance. As a result, Ecology would continue to receive more complaints that inspectors would have to take enforcement actions to address.

There would also be increases in emitted criteria (pollutants with a set ambient air quality standard such as ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, and particulate matter) and toxic air pollutants. As a result, adverse public and environmental health impacts would increase, especially for those already disproportionately impacted. Additionally, work to improve air quality in communities overburdened by air pollution would continue at a slower pace and would be challenging without an increased inspector presence and knowledge of the industrial sources in the communities.

**JUSTIFICATION FOR NEW OR INCREASED FEE REQUEST:**

1. Fee Name: Air Contaminant Source Registration program

2. Current Tax or Fee Rate: Any person operating or responsible for the operation of air contaminant sources are required to register and report to the Department. The fee is determined by a workload analysis based on the cost of the registration program in counties without an active local air pollution control authority (WAC: 173-455-040).

3. Proposed Rate:

FY 2026: \$927,808  
FY 2027: \$964,920

4. Incremental Change for Each Year:

FY 2026: \$278,592  
FY 2027: \$278,592

5. Expected Implementation Date: January 1, 2026

6. Estimated Additional Revenue Generated by Increase:

FY 2026: \$278,592  
FY 2027: \$278,592

7. Justification: Fees are based on workload estimates and charged to sources based on a formula, as described in WAC. Fees range from \$241 to \$9,627, depending on the cost of the registration program in counties without an active local air pollution control authority (WAC: 173-455-040) with a projected 2023-25 biennial revenue of \$1.4 million.

8. Changes in Who Pays: No change

9. Changes in Methodology: No change

10. RecSum Code: BK

11. Alternatives: Ecology considered requesting between two and four FTEs. Two FTEs would still result in too large of a workload for compliance staff so that inspection targets would not be met. Four FTEs would result in a large increase in Registration program fees and too much of a financial burden for the facilities. Ecology also considered whether to hire at the Environmental Specialists 3 or 4 level. Ecology requests funding for three additional FTEs at the Environmental Specialist 3 level to minimize the increase in fees. To further reduce the impact of higher fees, Ecology is requesting 2.0 FTEs in the 2025-27 Biennium and will request 1.0 FTE in the 2027-29 biennium to allow for a gradual increase in cost to fee payers.

12. Statutory Change Required? No

**Assumptions and Calculations**

**Expansion, Reduction, Elimination or Alteration of a current program or service:**

This request expands Activity A045 - Reduce Air Pollution from Industrial and Commercial Sources because it will increase the number of industrial inspectors determining compliance with air quality permits and state and federal regulations. Below is a summary of the 2021-23 and 2023-25 base funding and FTEs for this activity. Administrative Overhead related to this activity is also in the agency’s Administration Activity A002, but is not shown in the totals below.

<b>A045 – Reduce Air Pollution from Industrial and Commercial Sources</b>		
	<b>2021-23</b>	<b>2023-25</b>
FTEs Total	19.85	19.85
001-1 General Fund-State	\$30,000	\$0
216-1 Air Pollution Control	\$2,064,000	\$2,136,000
219-1 Air Operating Permit	\$2,063,000	\$2,274,000
23P-1 Model Toxics Control Operating - State	\$1,362,000	\$1,744,000
<b>TOTAL</b>	<b>\$5,519,000</b>	<b>\$6,154,000</b>

**Detailed Assumptions and Calculations:**

Beginning July 1, 2025, and ongoing, Ecology requests funding for 2.0 FTE Environmental Specialist 3s, with one located in each the Central Region and Eastern Region to meet inspection targets beginning in 2025-27. Then, beginning July 1, 2027, and ongoing, Ecology will require funding for an additional 1.0 FTE Environmental Specialist 3 to be shared between the Central and Eastern regions, dedicated to portable sources in both regions.

Registration Program fee revenue estimates and total program costs are based on the 2024-2025 Budget for Air Quality Registration (<https://ecology.wa.gov/getattachment/29899b12-77ec-418f-ab1f-54bab94d6173/2024-25RegistrationBudget.pdf>). Updates made to this baseline budget will include increased revenue from additional sources, increased costs for two additional inspectors, and cost of living adjustments in the 2025-27 biennium.

The projected budget for the 2027-29 biennium will maintain the same number of facilities, but the program will add the cost for a third inspector and additional cost of living adjustment. Revenue will be collected through the assessment of the Registration Program fee and deposited into the Air Pollution Control Account.

**Workforce Assumptions:**

<b>Expenditures by Object</b>		<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>	<b>FY 2030</b>	<b>FY 2031</b>
A	Salaries and Wages	148,978	148,978	223,467	223,467	223,467	223,467
B	Employee Benefits	50,802	50,802	76,203	76,203	76,203	76,203
E	Goods and Services	12,096	12,096	18,144	18,144	18,144	18,144
G	Travel	4,410	4,410	6,615	6,615	6,615	6,615
J	Capital Outlays	2,572	2,572	3,858	3,858	3,858	3,858
T	Intra-Agency Reimbursements	59,734	59,734	89,601	89,601	89,601	89,601
	<b>Total Objects</b>	<b>278,592</b>	<b>278,592</b>	<b>417,888</b>	<b>417,888</b>	<b>417,888</b>	<b>417,888</b>

<b>Staffing</b>			<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>	<b>FY 2030</b>	<b>FY 2031</b>
<b>Job Class</b>	<b>Salary</b>							
ENVIRONMENTAL SPEC 3	74,489		2.00	2.00	3.00	3.00	3.00	3.00
FISCAL ANALYST 2			0.20	0.20	0.30	0.30	0.30	0.30
IT APP DEVELOPMENT-JOURNEY			0.10	0.10	0.15	0.15	0.15	0.15
	<b>Total FTEs</b>		<b>2.30</b>	<b>2.30</b>	<b>3.45</b>	<b>3.45</b>	<b>3.45</b>	<b>3.45</b>

**Explanation of costs by object:**

Salary estimates are current biennium actual rates at Step L.  
 Benefits are the agency average of 34.1% of salaries.

Goods and Services are the agency average of \$6,048 per direct program FTE.  
 Travel is the agency average of \$2,205 per direct program FTE.  
 Equipment is the agency average of \$1,286 per direct program FTE.  
 Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 29.9% of direct program salaries and benefits, and is shown as object T. Agency Administrative Overhead FTEs are included at 0.15 FTE per direct program FTE, and are identified as Fiscal Analyst 2 and IT App Development-Journey.

**Historical Funding:**

	FY2026	FY2027
FTE (xx direct FTE)	3.35	3.35
Total Funds (rounded to thousands)	\$649,000	\$649,000
Near General Fund (rounded to thousands)	\$0	\$0
Other Funds (rounded to thousands)	\$649,000	\$649,000

Administrative Overhead related to this program or service is in the agency’s Administration Activity A002, but is not shown in the totals above.

**Strategic and Performance Outcomes**

**Strategic Framework:**

This request is essential to achieving the Governor’s Results Washington Goal 3: Sustainable Energy and a Clean Environment and Goal 4: Health and Safe Communities and Ecology’s Goal 3: Prevent and reduce waste, toxic threats, and pollution because it will fund the resources we need to improve the timeliness and frequency of our inspections to ensure businesses comply with the emission limits in their permits, use only approved technologies, and apply best management practices to limit and reduce air pollution—especially in overburdened communities highly impacted by air pollution in Central and Eastern Washington.

This request is essential to achieving the Governor’s Results Washington Goal 5: Efficient, Effective, and Accountable Government and Ecology’s Goal 1: Support and engage our communities, customers, and employees because it will fund the resources we need to:

- Meet our inspection targets and improve our technical assistance to ensure businesses comply with state and federal air quality requirements.
- Ensure facilities apply pollution reduction strategies consistently.
- Efficiently and effectively respond to public complaints and concerns about industrial facilities.
- Improve workload and work-life balance of current employees, thereby improving resilience and morale.

This request is essential to achieving Ecology’s Goal 2: Reduce and prepare for climate impacts because it will fund the resources we need to:

- Ensure facilities that discharge air pollutants contributing to climate change, such as methane, comply with their permit conditions.
- To increase our ability to identify industrial facilities required to report their greenhouse gas emissions that have either failed to join the reporting program or report their annual emissions.

**Performance Outcomes:**

The outcomes of this request will be improved air quality in overburdened communities and improved health in vulnerable populations because we will meet our targets for inspecting all 519 minor industrial facilities and improve our technical assistance to ensure more businesses are complying with their permits and state and federal regulations.

**Equity Impacts**

**Community Outreach and Engagement:**

Ecology has ongoing engagement with local and other state agencies, community-based organizations, environmental justice organizations, and the public within overburdened communities highly impacted by air pollution. Ecology met with Front and Centered, Duwamish River Community Coalition, Washington Conservation Action, Climate Solutions, The Nature Conservancy, and Washington Physicians for Social Responsibility about budget requests. We have received general support for this request, primarily for the additional capacity to ensure compliance with air quality regulations and permits. This feedback demonstrates support from state organizations networked with and representing environmental justice and equity organizations at the local and regional levels.

The EPA has authority over air quality permitting on the Tribal reservations, so Ecology did not engage with Tribes about the proposed increase in industrial inspectors.

**Disproportional Impact Considerations:**

There are no anticipated disproportionate impacts from this request on overburdened community areas, vulnerable populations, or Tribes. This request will reduce harmful health impacts from air pollution, which can result in or worsen existing health conditions such as asthma, emphysema, bronchitis, and lung cancer, and cause premature death. Vulnerable, socio-economically disadvantaged populations, including children, people 65 and older, pregnant people, and people with existing heart and lung problems, will especially experience health benefits from reductions in air pollution. The additional industrial inspectors requested will help reduce service gaps that currently exist in these communities. Also, more frequent and timely attention to industries in the overburdened communities will ensure better control of emissions of criteria and toxic pollutants, application of pollution reduction strategies, and compliance with state and federal air quality regulations and permits.

**Target Communities and Populations:**

This request for added staff capacity benefits places and people within Ecology’s jurisdiction in Central and Eastern Washington—particularly five identified overburdened communities highly impacted by air pollution per RCW 70A.65.030 (Ellensburg, George and west Grant County, Mattawa, Tri-Cities to Wallula, and Wenatchee and East Wenatchee—see Figure 4) and at least ten other communities with limited English-speaking ability, a high percentage of people of color, or environmental health and economic disparities. EPA has authority over air quality permitting on the Tribal reservations. However, Tribes could experience environmental benefits from the additional inspectors by ensuring neighboring facility emissions have reduced impact on Tribal reservations that share the airshed.

Within these areas, this request will reduce harmful health impacts from air pollution by providing critical staff capacity to support consistent and equitable application of pollution reduction strategies in overburdened communities highly impacted by air pollution and better ensure industrial facilities comply with state and federal air quality regulations and permits. The increased oversight afforded by the additional inspectors will reduce emissions of criteria and toxic pollutants, resulting in environmental benefits and improvements in the quality of life for vulnerable populations in communities that are the most heavily impacted by these environmental justice concerns.

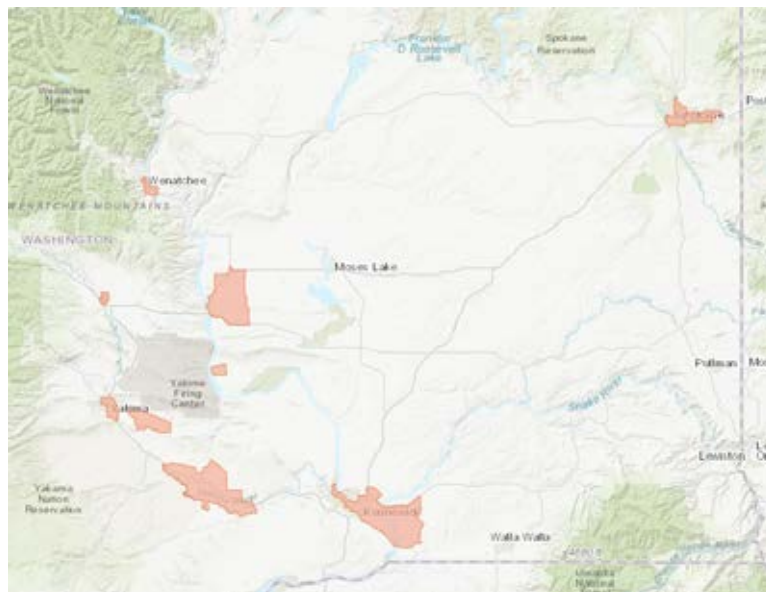


Figure 4. Overburdened Communities Highly Impacted by Air Pollution in Ecology’s Jurisdiction

**Community Inputs and Incorporation:**

See Community Outreach and Engagement response.

## Other Collateral Connections

### **HEAL Act Agencies Supplemental Questions**

Yes, see attached.

### **Puget Sound Recovery:**

N/A

### **State Workforce Impacts:**

N/A

### **Intergovernmental:**

We do not anticipate this request will impact Tribal, regional, county, or city governments. The impacts are more attributable to businesses that need to comply with air quality requirements and the public that will benefit from improvements in air quality.

### **Stakeholder Impacts:**

Ecology received positive feedback from our conversations with representatives and members (fee payers) from the Cattle Feeders, Far West Agribusiness, and the Association of Washington Business (AWB). They believe that having more inspectors will give them access to staff when they have questions about permit requirements or need technical assistance. They voiced a concern that the large SM80 facilities, particularly the food processors, may be unhappy about the increase in fees. The AWB representative explained that the food processors are expecting to receive a utility surcharge for natural gas that will increase their costs. So, an additional cost increase may not be welcome. AWB thought the smaller facilities receiving lower fee increases would be more supportive than the SM80s.

We also met with the Washington Asphalt and Pavement Association (WAPA) and a few of their members. As with AWB, they expressed some unease about the potential fee increases, particularly at the higher tiers. They also thought their asphalt plants did not have many emissions that required our oversight.

We met with environmental justice and public health organizations (Front and Centered, Duwamish River Community Coalition, and Washington Physicians for Social Responsibility) and with leading networked statewide environmental organizations (Washington Conservation Association, The Nature Conservancy, and Climate Solutions) to discuss budget requests Ecology was exploring. These organizations were supportive of this request and how it will prevent pollution in communities.

### **State Facilities Impacts:**

N/A

### **Changes from Current Law:**

N/A

### **Legal or Administrative Mandates:**

N/A

### **Governor's Salmon Strategy:**

N/A

## Reference Documents

[Air Quality Industrial Inspectors-HEAL Act Attachment.pdf](#)

### IT Addendum

**Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?**

No

### Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
Obj. A	\$149	\$149	<b>\$298</b>	\$223	\$223	<b>\$446</b>
Obj. B	\$51	\$51	<b>\$102</b>	\$76	\$76	<b>\$152</b>
Obj. E	\$12	\$12	<b>\$24</b>	\$18	\$18	<b>\$36</b>
Obj. G	\$4	\$4	<b>\$8</b>	\$7	\$7	<b>\$14</b>
Obj. J	\$3	\$3	<b>\$6</b>	\$4	\$4	<b>\$8</b>
Obj. T	\$60	\$60	<b>\$120</b>	\$90	\$90	<b>\$180</b>

### Agency Contact Information

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# 2025-27 Biennial Budget HEAL Act Template

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## Background

### HEAL Act requirements

The Healthy Environment for All Act (HEAL Act), Chapter 314, Laws of 2021 (RCW [70A.02](#)) requires that “covered and opt in agencies” must implement the requirements of the HEAL Act. This includes the:

- Department of Ecology
- Department of Agriculture
- Department of Commerce
- Department of Health
- Department of Natural Resources
- Department of Transportation
- Puget Sound Partnership
- Office of the Attorney General

HEAL Act agencies that are considering a significant agency action initiated after July 1, 2023, are required to conduct an environmental justice assessment. RCW [70A.02.010](#)(12) specifies that significant agency actions include:

- The development and adoption of significant legislative rules as defined in RCW [34.05.328](#).
- The development and adoption of any new grant or loan program that the agency is explicitly authorized or required by statute to implement.
- A capital project, grant, or loan award costing at least \$12,000,000.
- A transportation project, grant, or loan costing at least \$15,000,000.
- The submission of agency request legislation to the Office of the Governor or OFM.

Under RCW [70A.02.080](#), beginning on or before July 1, 2023, covered and opt in agencies must, where practicable, take specific actions when making expenditure decisions or developing budget requests to OFM and the Legislature for programs that address or may cause environmental harms or provide environmental benefits. This includes:

- Focus applicable expenditures on creating environmental benefits that are experienced by overburdened communities and vulnerable populations, including reducing or eliminating environmental harms, creating community and population resilience, and improving the quality of life of overburdened communities and vulnerable populations.
- Create opportunities for overburdened communities and vulnerable populations to meaningfully participate in agency expenditure decisions.
- Clearly articulate environmental justice goals and performance metrics to communicate the basis for agency expenditures.
- Establish a goal of directing 40% of grants and expenditures that create environmental benefits to vulnerable populations overburdened communities.

To help OFM understand how HEAL Act agency budget requests meet HEAL Act requirements, covered agencies are required to complete additional questions related to the HEAL Act. These questions are shown below and are in addition to the equity related questions required of all agencies. Covered agencies are asked to complete the following questions and submit them through ABS.

#### HEAL Act questions

If you answer YES to any of these bullet points, please answer the six additional questions and submit them as an attachment through ABS.

- Is this decision package part of an agency request legislation that is required to complete an environmental justice assessment (RCW [70A.02.010\(12\)](#))?

Yes

No

- Is this decision package requesting funding to support another significant agency action that is required to complete an environmental justice assessment (RCW [70A.02.010\(12\)](#))?

Yes

No

- Is this decision package requesting funding for a program/project/activity that may **provide environmental benefits or reduce, mitigate, or eliminate environmental harms**, (that is not a significant agency action)? Note: This may include decision packages for programs not purposely directed to provide environmental benefits but may have an indirect or unintentional impact.

Yes

No

**If you answer YES to any of the above bullet points, please complete these additional questions.**

1. Please describe specific likely or probable environmental harms and/or benefits related to your decision package and the associated health impacts to overburdened communities and vulnerable populations.

This request will reduce harmful health impacts from air pollution, which can result in, or worsen existing health conditions such as asthma, emphysema, bronchitis, lung cancer, and cause premature death. Vulnerable, socio-economically disadvantaged populations, including children, people 65 and older, pregnant people, and people with existing heart and lung problems will especially experience health benefits from reductions in air pollution.

The additional inspectors proposed will provide critical staff capacity serving overburdened communities that are highly and disproportionately impacted by air pollution. These staff will further support consistent and equitable application of pollution reduction strategies. They will

increase Ecology's ability to ensure that more industrial sources comply with state and federal air quality regulations and permits, which in turn restrict emissions of criteria and toxic pollutants. Restricting air pollution will result in health, economic, and environmental benefits for vulnerable populations living, working and recreating in the most air pollution-impacted locations in the state.

2. Please describe the estimated percentage and amount of the requested funds that will go towards creating environmental benefits in overburdened communities and vulnerable populations as defined in OFM's the [OBC map](#) or as determined by the agency. If applicable, please include your methodology for making this estimate, including project/award lists if available.

N/A - This request funds three positions that will directly support increased compliance in 17 counties in Ecology's jurisdiction in central and eastern Washington and will provide critical staff capacity in overburdened communities highly impacted by air pollution. Ecology does not have a method or protocol for estimating percentages of staff time for the purpose of HEAL environmental benefits and budget equity goals.

3. Please describe any potential significant impacts to Indian Tribes' rights and interest in their tribal lands, as well as traditional practices.

We do not anticipate significant impacts to Indian Tribes' rights and interest in their tribal lands, as well as traditional practices. We do expect that additional industrial inspectors will better serve and benefit Tribal populations impacted by facilities and air quality concerns.

4. Describe how your agency engaged with Tribes in developing this proposal, including offers for tribal consultation including timelines, methods for feedback, and mechanisms for Tribes to express concern, opposition, or support., and any direction provided by Tribes through this engagement.

The EPA has authority over air quality permitting on the Tribal reservations, so Ecology did not engage with Tribes about the proposed increase in industrial inspectors. Ecology is engaging with tribes on efforts to improve air quality in overburdened communities and on tribal lands highly impacted by air pollution, which includes efforts to site additional air monitors, track air pollution, develop a grant program and apply for grants to mitigate air pollution. Ecology also plans to engage with Tribes and offer consultation in the future as we develop rules to reduce air pollution in overburdened communities.

5. If the decision package is part of agency request legislation or supports another significant agency action that is required to complete an environmental justice assessment under RCW [70A.02.010](#)(12), please submit the assessment as an attachment in ABS.

N/A

6. If the decision package is part of agency request legislation or constitutes a significant agency action that is required to complete an environmental justice assessment, please describe how your agency used the environmental justice assessment process to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits. If your agency determined that you were unable to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits, please provide a justification for not doing so.

N/A

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## Agency Recommendation Summary

Following issuance of the Hanford dangerous waste permit renewal (Revision 9), 23 Dangerous Waste Management Units (DWMUs) will require closure as required by their individual issued closure plan. DWMU closure is an increasing workload at the Hanford Site, with 32 additional units that meet closure criteria. Also, the Hanford Federal Facility Agreement and Consent Order M-091 Milestone Series requires construction of the Contact Handle Facility—a new group of DWMUs that will allow for processing, shipment, and disposal of radioactive and hazardous waste. Ecology requests resources to support permitting and oversight of DWMU closure and construction at Hanford. (Radioactive Mixed Waste Account)

## Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
<b>Staffing</b>						
FTEs	1.2	2.3	1.75	2.3	2.3	2.3
<b>Operating Expenditures</b>						
Fund 20R - 1	\$139	\$279	\$418	\$279	\$279	\$558
Total Expenditures	\$139	\$279	\$418	\$279	\$279	\$558
<b>Revenue</b>						
20R - 0294	\$139	\$279	\$418	\$279	\$279	\$558
Total Revenue	\$139	\$279	\$418	\$279	\$279	\$558

## Decision Package Description

**Background:**

The Hanford dangerous waste permit (Hanford Sitewide permit), one of the largest and most complex permits in the nation, was originally issued to the U.S. Department of Energy (USDOE) in 1994. It permits operations for facilities across the site that manage radioactive and hazardous waste (also called mixed waste) at Dangerous Waste Management Units (DWMUs). DWMUs on the Hanford Site serve as permitted storage, treatment, and disposal facilities used to safely manage mixed waste and support required cleanup activities by USDOE. When DWMUs no longer serve a purpose and have not received waste for more than one year, they are identified for closure. Closure requires tracking closure progress, site visits (which entail observation of sampling activities, removals, decontamination, etc.), possible permit modifications, and review of closure reports to ensure compliance with the Hanford Sitewide permit and unit-specific closure plans.

In the 2021-23 biennium, Ecology received one-time funding to permit closure plans for 13 DWMUs on the Hanford Site. Nine of these units were unauthorized because they were storing waste without a permit. This resulted in an Environmental Protection Agency (EPA) Consent Agreement and Final Order (CAFO) requiring these units to be closed through approved closure plans. The 2021-23 funding was used to satisfy the EPA Order to include the DWMU Closure Plans into the current Hanford Sitewide permit and the Revision 9 permit renewal that is currently being prepared for public comment. With incorporation of the DWMU Closure Plans into the Hanford Sitewide permit, the workload shifted to initiating closure of the DWMUs; however, due to the 2021-23 funding being one-time, Ecology no longer has the funding necessary to support closure work.

Ecology anticipates closure activities across the Hanford Site will continue to increase for two reasons. The Hanford Sitewide permit renewal has incorporated new DWMUs, which are categorized as both operable and closure units. Once the permit renewal becomes effective, the DWMUs identified as closure units will be required to close. Secondly, as the cleanup mission progresses at the site, certain operable units identified by USDOE will no longer be needed, effectively ending their use for treatment, storage, or disposal. This change will require closure of the units after their last receipt of waste. The increase in DWMUs undergoing closure necessitates additional resources for Ecology’s oversight to ensure closures are completed according to the Hanford Sitewide permit. In addition to the 13 CAFO DWMUs requiring closure, there are 10 additional DWMUs that will initiate closure following the issuance of Revision 9. There are also 32 units that currently meet the requirements to begin closure, but Ecology approved extensions for them to remain operable and continue to support cleanup and mixed waste management operations at Hanford.

While DWMU closure remains a priority, construction for new DWMUs has also become necessary to ensure proper processing of mixed waste on the Hanford Site. USDOE will soon begin the permitting process and construction of a mixed waste Contact Handle Facility, which is a new group of DWMUs needed to process Transuranic Mixed (TRUM) waste as required by the Hanford Federal Facility Agreement and Consent Order (HFFACO) M-091 Milestone Series.

**Is this request related to any budget items funded in the past two biennia?**

Yes, see attached.

**Problem/Opportunity:**

Following issuance of the Hanford Sitewide Permit Revision 9, 23 DWMUs will require timely closure. In addition to those 23 units requiring closure, there are 32 DWMUs that currently meet the requirements to begin closure but have approved extensions from Ecology. These DWMUs remain operable and continue to support cleanup and mixed waste management operations on the Hanford Site. These units are expected to require closure in the near future if they do not continue to receive approved extensions. As cleanup continues to progress at Hanford, these units will eventually require closure as well. Without additional resources, Ecology will be unable to provide proper oversight for critical closure activities required by USDOE. Examples of the risks include:

- Inability of staff to conduct planned and unplanned site visits.
- Delays in reviewing documentation received (including sampling results and closure activity updates).
- Delays in responding to reported deviations from permitted closure plans.
- Delays in processing critical modifications to the closure plan in the Sitewide permit that ensure timely and compliant closure of DWMUs.

Site visits, oversight of closure activities and deviations, and processing necessary modifications to the Hanford Sitewide permit are essential functions to ensure proper storage, treatment, and disposal of mixed waste on the Hanford Site. Ecology does not have funding to support this emerging and ongoing work, which limits our ability to oversee DWMU closures at Hanford. This carries the risk of leaving behind legacy contamination in the soils and buildings and not meeting applicable closure standards as identified in the closure plans.

For some DWMUs with closure plans already approved by Ecology, there are closure schedules in place to begin in the 2025-27 biennium. Closing these DWMUs will likely continue up until, if not leading into, the issuance of Revision 9. Once Revision 9 has gone through public comment (tentatively scheduled for early 2025) and is issued, there will be a significantly increased number of DWMUs with approved closure plans that require timely closure.

As DWMU closures occur across Hanford, USDOE will also soon begin the permitting process and construction of a mixed waste Contact Handle Facility, which is a new group of DWMUs needed to process TRUM waste as required by the HFFACO M-091 Milestone Series. This will require major efforts for planning, permit modifications, support of waste management, and oversight of this facility's operations that will occur from 2028 to 2050. The permit modification application is due from USDOE to Ecology by September 2026, which will require additional permitting support beginning in July of 2026. Permitting and operating this facility will ensure TRUM waste will be safely processed and shipped to a final disposal facility, the Waste Isolation Pilot Plant (WIPP) in New Mexico.

**Proposed Solution:**

The rise of workload at Ecology related to the closure and construction of DWMUs exceeds the capacity and scope of existing staff. Ecology requests ongoing funding for two Environmental Specialists to serve as a DWMU Closure Specialist and a Contact Handle Facility Specialist to provide permitting and construction oversight.

The DWMU Closure Specialist will:

- Coordinate closure plan and report reviews. This will ensure Ecology has the appropriate expertise for reviewing documentation and closure reports.
- Respond to incidents and deviations for closure activities. Depending on the degree of deviation from the closure plan, this position will implement any necessary modifications to the plan to achieve clean closure.
- Coordinate site visits to ensure compliance with the closure plan.
- Coordinate and lead external meetings with the permittees. Meetings regarding DWMU closure can vary from coordinating field work and site visits, presenting ongoing closure efforts, reviewing sampling results, and/or identifying solutions to deviations or challenges in closure actions.

The Contact Handle Facility Specialist will:

- Support development and implementation of a permitting plan for the Contact Handle Facility.
- Lead review of the permit application material received and coordinate review of the permit application.
- Lead internal and external meetings regarding development of the permit according to WAC 173-303. Meetings regarding permitting and construction of a new treatment and storage facility can vary from developing a permitting plan, supporting the development of the permit application, conducting workshops to finalize the draft permit (ensuring the appropriate expertise is available), preparing for permit production, and coordinating responses for public comments.
- Lead site visits to the construction site and finished facility.
- Oversee waste management activities and support the compliance team to ensure treatment and storage of TRUM waste is managed in accordance with the Hanford Sitewide permit.



**Impacts on Population Served:**

This request will provide the resources needed for Ecology to meet DWMU closure and construction timelines as required by the HFFACO and the M-091 Milestone Series. Those impacted by this request include our federal partners (USDOE and EPA) and populations affected by cleanup of the Hanford Site, including the Yakama Nation, Nez Perce Tribe, and Confederated Tribes of the Umatilla Indian Reservation, who retain treaty rights. Effective management of Hanford DWMUs and Hanford contaminants promotes the current exercise of treaty rights and future restoration of full Tribal access to Hanford land.

**Alternatives Explored:**

Ecology considered re-deployment of existing permit writer staff following the issuance of Revision 9. This alternative is not viable because the permit renewal will carry vastly increased workload related to modifications to unit groups across the Hanford Site that were previously held to interim status standards. Interim status standards are established in WAC 173-303-400, which would preclude the need for facility modifications to be reflected in the sitewide permit. After issuance of Revision 9, none of these unit groups will remain under interim status standards, which will lead to increased permittee and/or Ecology-initiated modifications to the sitewide permit as required to complete the cleanup mission. As a result, existing staff will not be available to support the additional workload from DWMU closures and construction activities of a new facility at the Hanford Site.

**Consequences of Not Funding This Request:**

Without approved closure plans, USDOE cannot move forward with closing the authorized and unauthorized DWMUs. This delays closure standards being met, which adversely impacts the prevention and reduction of further environmental impacts occurring on the Hanford site. This could jeopardize the health of soil, groundwater, and the communities that border Hanford. The continued maintenance and monitoring of DWMUs requiring closure also detract from cleanup priorities and prolongs the cleanup mission.

Not funding resources to support the planning, permitting, and post construction workload associated with the Contact Handle Facility would prevent Ecology and USDOE from delivering on the M-091 Milestone Series as required by the HFFACO. This would delay the retrieval of Transuranic (TRU) and TRUM waste from unlined trenches and delay treatment, processing, shipment, and disposal of TRU and TRUM waste off the Hanford Site and out of the state of Washington.

**JUSTIFICATION FOR NEW OR INCREASED FEE REQUEST:**

1. Fee Name: Mixed Waste Management Fee

2. Current Tax or Fee Rate:

FY 2026: \$12,038,000  
FY 2027: \$12,417,000

3. Proposed Rate:

FY 2026: \$12,177,296  
FY 2027: \$12,695,592

4. Incremental Change for Each Year:

FY 2026: \$139,296  
FY 2027: \$278,592

5. Expected Implementation Date: 07/01/2025

6. Estimated Additional Revenue Generated by Increase:

FY 2026: \$139,296  
FY 2027: \$278,592

7. Justification: The Mixed Waste Management and Fee is driven by workload analysis and level of effort required to carry out the responsibilities of the Nuclear Waste Program. Increased workload drives an equal offset of expenditures and revenue through increased billings to permitted entities.

8. Changes in Who Pays: N/A

9. Changes in Methodology: N/A

10. RecSum Code: BJ

11. Alternatives: The alternative to this request is funding from General Fund – State. This is not preferred as there is an established fund source directly correlated to the work being performed.

12. Statutory Change Required (Instructions)? No

**Assumptions and Calculations**

**Expansion, Reduction, Elimination or Alteration of a current program or service:**

This request expands A018 - Ensure the Safe Management of Radioactive Mixed Waste at Hanford because it will support the closure of eligible DWMUs and construction of the Contact Handle Facility, allowing shipment of TRU and TRUM waste off of the Hanford Site. Below is a summary of the 2021-23 and 2023-25 base funding and FTEs for this activity. Administrative Overhead related to this activity is also in the agency's Administration Activity A002 but is not shown in the totals below.

<b>Activity A018 – Ensure the Safe Management of Radioactive Mixed Waste at Hanford</b>		
	<b>2021-23</b>	<b>2023-25</b>
FTEs Total	21.40	21.35
001-1 General Fund – State	\$15,000	\$15,000
001-2 General Fund – Federal	\$428,000	\$474,000
001-7 General Fund – Private Local	\$164,000	\$194,000
125-1 Site Closure	\$582,000	\$582,000
20R-1 Radioactive Mixed Waste Fee	\$4,188,000	\$4,257,000
216-1 Air Pollution Control	\$37,000	\$42,000
219-1 Air Operating Permit	\$142,000	\$174,000
23P-1 Model Toxics Control Operating - State	\$1,111,000	\$1,158,000
<b>TOTAL</b>	<b>\$6,667,000</b>	<b>\$6,896,000</b>

**Detailed Assumptions and Calculations:**

Beginning July 2025 and ongoing, Ecology requests 1.0 Environmental Specialist 3 to serve as a DWMU Closure Specialist to oversee the closure of DWMUs on the Hanford Site.

Beginning July 2026 and ongoing, Ecology requests 1.0 Environmental Specialist 3 to support planning and permitting efforts to process the Hanford Sitewide permit modification allowing construction of the Contact Handle Facility and to support post-construction workload related to waste management and facility operations oversight.

All requested resources will be funded by the Radioactive Mixed Waste Account. Matching revenue for this account is collected through an assessment of an annual fee. The increased fee resulting from this request will be assessed to USDOE.

**Workforce Assumptions:**

<b>Expenditures by Object</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>	<b>FY 2030</b>	<b>FY 2031</b>
A Salaries and Wages	74,489	148,978	148,978	148,978	148,978	148,978
B Employee Benefits	25,401	50,802	50,802	50,802	50,802	50,802
E Goods and Services	6,048	12,096	12,096	12,096	12,096	12,096
G Travel	2,205	4,410	4,410	4,410	4,410	4,410
J Capital Outlays	1,286	2,572	2,572	2,572	2,572	2,572
T Intra-Agency Reimbursements	29,867	59,734	59,734	59,734	59,734	59,734
<b>Total Objects</b>	<b>139,296</b>	<b>278,592</b>	<b>278,592</b>	<b>278,592</b>	<b>278,592</b>	<b>278,592</b>

**Staffing**

<b>Job Class</b>	<b>Salary</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>	<b>FY 2030</b>	<b>FY 2031</b>
ENVIRONMENTAL SPEC 3	74,489	1.00	2.00	2.00	2.00	2.00	2.00
FISCAL ANALYST 2		0.10	0.20	0.20	0.20	0.20	0.20
IT APP DEVELOPMENT-JOURNEY		0.05	0.10	0.10	0.10	0.10	0.10
<b>Total FTEs</b>		<b>1.15</b>	<b>2.30</b>	<b>2.30</b>	<b>2.30</b>	<b>2.30</b>	<b>2.30</b>

**Explanation of costs by object:**

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 34.1% of salaries.

Goods and Services are the agency average of \$6,048 per direct program FTE.

Travel is the agency average of \$2,205 per direct program FTE.

Equipment is the agency average of \$1,286 per direct program FTE.

Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 29.9% of direct program salaries and benefits, and is shown as object T. Agency Administrative Overhead FTEs are included at 0.15 FTE per direct program FTE, and are identified as Fiscal Analyst 2 and IT App Development-Journey.

**Historical Funding:**

	<b>FY2026</b>	<b>FY2027</b>
<b>FTE</b> (xx direct FTE)	0.0	0.0
<b>Total Funds</b> (rounded to thousands)	\$0	\$0
<b>Near General Fund</b> (rounded to thousands)	\$0	\$0
<b>Other Funds</b> (rounded to thousands)	\$0	\$0

Administrative Overhead related to this program or service is in the agency’s Administration Activity A002, but is not shown in the totals above.

**Strategic and Performance Outcomes**

**Strategic Framework:**

This request is essential to achieving the Governor’s Results Washington Goal 3: Sustainable Energy and a Clean Environment and Ecology’s Goal 3: Prevent and reduce waste, toxic threats, and pollution because it will fund resources, we need to regulate DWMU closure and construction across the Hanford Site and ensure timely processing, shipment, and disposal of dangerous waste that complies with the HFFACO and the Hanford Sitewide permit.

**Performance Outcomes:**

The outcome of this request will be timely processing, shipment, and disposal of mixed waste that complies with the HFFACO and the Hanford Sitewide permit.

## Equity Impacts

### **Community Outreach and Engagement:**

Ecology regularly engages with the Confederated Tribes and Bands of the Yakama Nation, Nez Perce Tribe, and Confederated Tribes of the Umatilla Indian Reservation on Hanford cleanup issues. These indigenous Tribes and nations have expressed significant interest in the restoration of lands historically inhabited as their ancestral territory.

Ecology's Nuclear Waste Program regularly conducts community outreach and engagement efforts for those who have been or may be affected by the Hanford site. These communities are highly impacted by the timely cleanup of Hanford contaminants. Cleanup actions will continue to be shared extensively with communities impacted by Hanford contamination. Ecology ensures these outreach and engagement activities are designed to be accessible, linguistically appropriate, and aim to reach and involve as many members of the community as possible.

### **Disproportional Impact Considerations:**

As far as we can reasonably foresee, this request will not make decisions that are anticipated to result in negative health impacts and environmental burdens or harm. The legacy of environmental contamination from Hanford and ongoing environmental and public health risks has regional effects on economic and community wellbeing. These effects disproportionately impact people already overburdened by environmental and health concerns. This population faces numerous barriers to accessing government information or services, such as:

- Information about the Hanford Site.
- Information about potential health risks.
- Information about public involvement opportunities.

If funded, this request will result in additional capacity to oversee the proper storage, treatment, and disposal of radioactive mixed waste on the Hanford Site.

### **Target Communities and Populations:**

Those most vulnerable to harmful impacts from potential environmental and health threats created by Hanford waste are Tribal and indigenous people, overburdened communities, and low-income populations. Hanford lies on the traditional lands of the Confederated Tribes and Bands of the Yakama Nation, the Nez Perce Tribe, and the Confederated Tribes of the Umatilla Indian Reservation. The Wanapum Band is not a federally-recognized Tribe, but state law recognizes the Wanapum Band's right to permits for taking salmon and other freshwater fish for ceremonial and subsistence purposes. These Tribes and Bands use natural resources on and adjacent to the Hanford Site, and contamination from dangerous waste poses a potential threat to people hunting, gathering, and fishing in the area.

The Hanford Site is located in Benton County, where 26% of the population has been identified as low-income. People of color make up 32% of the population, and 23% of the total county population are Hispanic/Latino. 17% of the population speak Spanish at home. According to the Washington State Department of Health's Environmental Health Disparities Map, this puts much of the county in the top 10 to 20% for communities of color. Across the Columbia River is Franklin County, another community highly invested in the cleanup of the Hanford Site. The Franklin County population is 34% low-income, 61% people of color, and 49% of homes speak languages other than English. 54% of the county identify as Hispanic/Latino and 45% of households speak Spanish.

One of the closest cities to Hanford is Mattawa in Grant County. Mattawa has about 4,600 people. Of that, 98% identify as Hispanic/Latino, 61% are low-income, 76% have less than a high school education, and 52% speak languages other than English.

The following link provides further insight into the many communities at risk from Hanford contaminants: <https://apps.ecology.wa.gov/publications/UIPages/SummaryPages/2205009.html>.

### **Community Inputs and Incorporation:**

See Community Outreach and Engagement response.

## Other Collateral Connections

### **HEAL Act Agencies Supplemental Questions**

Yes, see attached.

### **Puget Sound Recovery:**

N/A

### **State Workforce Impacts:**

N/A

### **Intergovernmental:**

Ecology has shared the request with USDOE, who will be assessed the fee to fund this request. USDOE supports Ecology's need for increased permitting and field staff resources to support oversight of operations at Hanford. Ecology anticipates support from the EPA in ensuring timely closure of DWMUs and shipping TRU and TRUM waste off the Hanford Site and to the WIPP.

Ecology regularly engages with the Yakama Nation, the Nez Perce Tribe, and the Confederated Tribes of the Umatilla Indian Reservation on Hanford cleanup issues. Ecology anticipates support from intergovernmental stakeholders because the new resources will ultimately advance cleanup and protect local communities and the environment.

### **Stakeholder Impacts:**

Ecology expects stakeholder groups, such as those on the Hanford Advisory Board and the Oregon Hanford Cleanup Board, to support this request because it will aid in progressing cleanup timelines that directly align with the goals and initiatives of these groups.

### **State Facilities Impacts:**

N/A

### **Changes from Current Law:**

N/A

### **Legal or Administrative Mandates:**

Original closure permitting efforts stemmed from the EPA CAFO, which identified USDOE as operating unauthorized DWMUs, but closure of inactive authorized DWMUs and construction of the Contact Handle Facility are also required by the HFFACO. It is imperative that Ecology meets its obligations under the HFFACO to mitigate the risk of similar EPA findings. Requested resources are needed to ensure Ecology's obligations are met within cleanup deadlines and milestones that are reflected in HFFACO.

### **Governor's Salmon Strategy:**

N/A

## Reference Documents

[Hanford Unit Closure & Construction-HEAL Act Attachment.pdf](#)

[Hanford Unit Closure & Construction-Historical Funding Attachment A.pdf](#)

## IT Addendum

### **Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?**

No

## Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
Obj. A	\$75	\$149	<b>\$224</b>	\$149	\$149	<b>\$298</b>
Obj. B	\$25	\$51	<b>\$76</b>	\$51	\$51	<b>\$102</b>
Obj. E	\$6	\$12	<b>\$18</b>	\$12	\$12	<b>\$24</b>
Obj. G	\$2	\$4	<b>\$6</b>	\$4	\$4	<b>\$8</b>
Obj. J	\$1	\$3	<b>\$4</b>	\$3	\$3	<b>\$6</b>
Obj. T	\$30	\$60	<b>\$90</b>	\$60	\$60	<b>\$120</b>

## Agency Contact Information

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## ATTACHMENT A - RELATED BUDGET ITEMS FUNDED IN THE LAST TWO BIENNIA (2023-25, 2021-23)

Instructions: Enter the following information about any budget items funded over the last two biennia (2021-23 budget, 2022 supplemental budget, 2023-25 budget, 2024 supplemental budget) that is related to your Decision Package for 2025-27.

Biennium	Rec Sum Code/Title	RecSum Description	Fund Source	Duration	Amount
2021-23	DT Hanford Unauthorized Unit Closures	One-time increased expenditure authority is provided for a project position to ensure sufficient staffing resources to develop and issue plans for closing 13 units at the Hanford site.	20R	One-Time	\$338,000



# 2025-27 Biennial Budget HEAL Act Template

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## Background

### HEAL Act requirements

The Healthy Environment for All Act (HEAL Act), Chapter 314, Laws of 2021 (RCW [70A.02](#)) requires that “covered and opt in agencies” must implement the requirements of the HEAL Act. This includes the:

- Department of Ecology
- Department of Agriculture
- Department of Commerce
- Department of Health
- Department of Natural Resources
- Department of Transportation
- Puget Sound Partnership
- Office of the Attorney General

HEAL Act agencies that are considering a significant agency action initiated after July 1, 2023, are required to conduct an environmental justice assessment. RCW [70A.02.010](#)(12) specifies that significant agency actions include:

- The development and adoption of significant legislative rules as defined in RCW [34.05.328](#).
- The development and adoption of any new grant or loan program that the agency is explicitly authorized or required by statute to implement.
- A capital project, grant, or loan award costing at least \$12,000,000.
- A transportation project, grant, or loan costing at least \$15,000,000.
- The submission of agency request legislation to the Office of the Governor or OFM.

Under RCW [70A.02.080](#), beginning on or before July 1, 2023, covered and opt in agencies must, where practicable, take specific actions when making expenditure decisions or developing budget requests to OFM and the Legislature for programs that address or may cause environmental harms or provide environmental benefits. This includes:

- Focus applicable expenditures on creating environmental benefits that are experienced by overburdened communities and vulnerable populations, including reducing or eliminating environmental harms, creating community and population resilience, and improving the quality of life of overburdened communities and vulnerable populations.
- Create opportunities for overburdened communities and vulnerable populations to meaningfully participate in agency expenditure decisions.
- Clearly articulate environmental justice goals and performance metrics to communicate the basis for agency expenditures.
- Establish a goal of directing 40% of grants and expenditures that create environmental benefits to vulnerable populations overburdened communities.

To help OFM understand how HEAL Act agency budget requests meet HEAL Act requirements, covered agencies are required to complete additional questions related to the HEAL Act. These questions are shown below and are in addition to the equity related questions required of all agencies. Covered agencies are asked to complete the following questions and submit them through ABS.

#### HEAL Act questions

If you answer YES to any of these bullet points, please answer the six additional questions and submit them as an attachment through ABS.

- Is this decision package part of an agency request legislation that is required to complete an environmental justice assessment (RCW [70A.02.010\(12\)](#))?

Yes

No

- Is this decision package requesting funding to support another significant agency action that is required to complete an environmental justice assessment (RCW [70A.02.010\(12\)](#))?

Yes

No

- Is this decision package requesting funding for a program/project/activity that may **provide environmental benefits or reduce, mitigate, or eliminate environmental harms**, (that is not a significant agency action)? Note: This may include decision packages for programs not purposely directed to provide environmental benefits but may have an indirect or unintentional impact.

Yes

No

**If you answer YES to any of the above bullet points, please complete these additional questions.**

1. Please describe specific likely or probable environmental harms and/or benefits related to your decision package and the associated health impacts to overburdened communities and vulnerable populations.

The Hanford site is one of the largest cleanup sites in the world. The site, throughout its existence, has released radioactive and hazardous waste contaminants into the soil, air, groundwater, and the Columbia River; and will continue to do so until cleanup is completed.

Many of the communities surrounding the Hanford site are also at risk of these contaminants if there is a major infrastructure collapse. Those most vulnerable to harmful impacts from potential environmental and health threats created by Hanford waste are Tribal and indigenous people, overburdened communities, and low-income populations.

2. Please describe the estimated percentage and amount of the requested funds that will go towards creating environmental benefits in overburdened communities and vulnerable populations as defined in OFM's the [OBC map](#) or as determined by the agency. If applicable, please include your methodology for making this estimate, including project/award lists if available.

Ecology estimates 100% of requested funds would go towards creating environmental benefits and provide direct benefits to overburdened communities areas and vulnerable populations. However, this calculation is complicated by the characteristics of the Hanford site. The Hanford Site is not an overburdened community area on the OBC map. This is likely because this area within the census tract has restricted access and the criteria of the EHD map largely do not apply. However, the site has significant environmental and health impacts for the state and surrounding communities from a legacy of toxic and radioactive contamination and complex cleanup. Ecology's estimation is based on the Hanford site being located on the traditional lands of the Confederated Tribes and Bands of the Yakama Nation, Nez Perce Tribe, and Confederated Tribes of the Umatilla Indian Reservation. The Wanapum Band is not a federally-recognized Tribe, but state law recognizes the Wanapum Band's right to permits for taking salmon and other freshwater fish for ceremonial and subsistence purposes. These Tribes and Bands use natural resources on and adjacent to the Hanford Site, and contamination from dangerous waste poses a potential threat to people hunting, gathering, and fishing in the area.

Further, the Hanford Site is located in Benton County, where 26% of the population has been identified as low-income. People of color make up 32% of the population, and 23% of the total county population are Hispanic/Latino. 17% of the population speak Spanish at home. According to the Washington State Department of Health's Environmental Health Disparities Map, this puts much of the county in the top 10 to 20% for communities of color. Across the Columbia River is Franklin County, another community highly invested in the cleanup of the Hanford Site. The Franklin County population is 34% low-income, 61% people of color, and 49% of homes speak languages other than English. 54% of the County identify as Hispanic/Latino and 45% of households speak Spanish.

One of the closest cities to Hanford is Mattawa in Grant County. Mattawa has about 4,600 people. Of that, 98% identify as Hispanic/Latino, 61% are low-income, 76% have less than a high school education, and 52% speak languages other than English.

The communities above and those that have been and stand to be impacted by Hanford contamination are defined as overburdened communities and/or vulnerable populations on OFM's OBC map. This request would fund additional resources to support the proper storage, treatment, and disposal of radioactive mixed waste on the Hanford Site and would ultimately work towards reducing the impacts of Hanford contaminants on these communities.

3. Please describe any potential significant impacts to Indian Tribes' rights and interest in their tribal lands, as well as traditional practices.

Tribal Nations were forcibly removed from their lands and restricted access from what is now the Hanford Site. Until cleanup is complete, they will continue to face restrictions. Tribal

Nations adjacent to the Hanford Site have a vested interest in the restoration of lands that the Tribes have treaty rights to.

4. Describe how your agency engaged with Tribes in developing this proposal, including offers for tribal consultation including timelines, methods for feedback, and mechanisms for Tribes to express concern, opposition, or support., and any direction provided by Tribes through this engagement.

We have engaged with the Tribes that hold treaty rights to the Hanford Site through direct consultation on this proposal in the spring of 2024 and have received their support. The Tribes have expressed significant interest in the oversight and thorough cleanup of contaminated areas that once provided hunting, gathering and cultural resources for multiple sovereign Tribes and Nations.

We also have routine engagement with the Tribes via the Hanford Advisory Board and upon request from the Tribes as needed on topics identified in their request. We also have monthly meetings with the Confederated Tribes and Bands of the Yakama Nation and Nez Perce Tribes that have treaty rights to the Hanford Site. We provide routine permitting updates at those meetings and any specific permitting topics as requested by the Tribal Nations.

5. If the decision package is part of agency request legislation or supports another significant agency action that is required to complete an environmental justice assessment under RCW [70A.02.010](#)(12), please submit the assessment as an attachment in ABS.

N/A

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Department of Ecology  
2025-2027 Operating Budget

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## Agency Recommendation Summary

The Legislature passed House Bill 1181 in 2023, which added climate change resilience and environmental justice goals to the state’s Growth Management Act. Lawmakers also required updates be made to local comprehensive development plans and shoreline master programs. Washington communities need Ecology support and guidance to effectively complete these new requirements, address other implementation challenges, and build climate resilience. Ecology is requesting additional staff to provide technical assistance, build review capacity, and effectively support implementation of new shoreline master program provisions. Related to implementing Washington’s Climate Resilience Strategy, the Governor’s Salmon Strategy, and the Puget Sound Action Agenda. (General Fund State)

## Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
<b>Staffing</b>						
FTEs	5.5	3.5	4.5	3.5	3.5	3.5
<b>Operating Expenditures</b>						
Fund 001 - 1	\$820	\$497	\$1,317	\$497	\$497	\$994
Total Expenditures	<b>\$820</b>	<b>\$497</b>	<b>\$1,317</b>	<b>\$497</b>	<b>\$497</b>	<b>\$994</b>

## Decision Package Description

### Background:

Shoreline master programs are local land-use policies and regulations that guide public and private use of Washington’s more than 28,000 miles of lake, river, and marine shorelines. Ecology has more than 50 years’ experience helping 258 cities and counties across the state develop and implement their locally tailored shoreline master programs. These programs protect and restore valuable aquatic resources for future generations, provide for water-dependent uses, protect shoreline environments, and ensure access to public shorelines.

Under the state’s 1972 Shoreline Management Act (RCW 90.58.050), local jurisdictions are responsible for developing, implementing, and amending their shoreline master programs. Ecology provides grant funding, guidance, and technical assistance to support jurisdictions in completing updates and implementing the plans in compliance with state requirements. Ecology ultimately approves each shoreline master program and reviews and approves certain types of local shoreline development that require a shoreline variance or conditional use permit. Ecology currently has 17.5 FTEs involved in shoreline management—7.5 FTEs are for the regional planning team, five FTEs are for the regional compliance team, and five FTEs are for the regional permitting team.

State law (RCW 90.58.080) also establishes the timeline for when each local shoreline master program must be reviewed and updated to ensure consistency with state requirements that may have been created following a jurisdiction’s past review. The statewide schedule starts with cities and counties in central Puget Sound, then transitions to other regions of the state. Lawmakers established these statutory deadlines to make sure jurisdictions maintaining shoreline master programs under the Shoreline Management Act and comprehensive development plans under the Growth Management Act (chapter 36.70A RCW) review and update these local policies and regulations at roughly the same time to ensure consistency with both state laws.

In 2023, the Legislature passed House Bill 1181 (HB 1181) titled “Climate Change and Planning,” which required Ecology to:

- Sec. 3 – Consult with the Washington Department of Commerce on their rulemaking to update requirements for Growth Management Act elements and provide ongoing technical assistance to local government to implement new requirements.
- Sec. 5 – Consult with Commerce on their work to publish guidelines defining the set of measures counties and cities will be required to use for updates to their Growth Management Act comprehensive development plans and regulations to achieve statewide greenhouse gas emission reductions, set forth in the bill.
- Sec. 9 – Participate in Commerce’s rulemaking efforts to create a model climate resilience element for the Growth Management Act.
- Sec. 11 – Update shoreline master program rules (Chapter 173-26 WAC) to require local governments to address the impacts of sea level rise and increased storm severity within shoreline master programs. Section 11, \$870,129 and 3.0 FTEs in fiscal years 2024 and 2025, \$554,185 and 3.6 FTEs in fiscal year 2026, and \$149,565 and 1.2 FTEs annually on an ongoing basis.

This request is focused on supporting the requirements of Section 11 under the bill. Ecology is currently in the process of amending five state shoreline rules intended to address sea level rise and increased storm severity and ensure the rules reflect recent statutory changes. Following completion of the rule update, Ecology’s focus will shift to helping local governments comply with the rule changes through a mandatory review and update of local shoreline master programs.

Ecology anticipates adopting its new shoreline rules at the end of fiscal year 2026, which will apply to applicable local shoreline master programs

when the next periodic review cycle starts in fiscal year 2027. The counties and the cities listed below will need to complete updates to their shoreline master programs as follows:



**Group A - 2029 deadline:** King, Snohomish, Pierce, Kitsap counties. *79 jurisdictions.*

**Group B - 2030 deadline:** Whatcom, Skagit, San Juan, Island, Clallam, Jefferson, Mason, Thurston, Lewis, Clark counties. *53 jurisdictions.*

**Group C - 2031 deadline:** Chelan, Douglas, Kittitas, Yakima, Cowlitz, Skamania, Benton, Franklin, Walla Walla, Spokane counties. *54 jurisdictions.*

**Group D - 2032 deadline:** Grays Harbor, Pacific, Wahkiakum, Klickitat, Okanogan, Ferry, Stevens, Pend Oreille, Lincoln, Grant, Adams, Whitman, Garfield, Columbia, Asotin counties. *72 jurisdictions.*

In addition to HB 1181 requiring cities and counties to adopt measures addressing sea level rise and increased storm severity in shoreline master programs, the bill also required cities and counties to adopt climate resilience policies under the Growth Management Act. In response, Commerce is updating its rules to ensure, among other things, that local comprehensive development plans include climate resilience and mitigation policies. Commerce also recently folded Shoreline Management Act policies and goals into the state's Growth Management Act goals (RCW 36.70A.480), meaning a local jurisdiction's shoreline master program is now considered an element of that city or county's comprehensive development plan. By connecting shoreline master programs with comprehensive development plans, jurisdictions must now comply with the Growth Management Act's internal consistency requirements. However, many approaches for addressing climate resilience also span the jurisdictional boundary between shoreline master programs, zoning codes, and other land use and building code provisions. Ecology must work closely with Commerce to ensure the two policies do not conflict.

In addition to the planning process described above, Ecology staff also support local jurisdictions working through other new and evolving shoreline challenges, such as increased coastal flooding, consideration of updated riparian guidance, and exploring ways to align shoreline management regulatory work with salmon recovery efforts.

**Is this request related to any budget items funded in the past two biennia?**

Yes, see attached.

**Problem/Opportunity:**

Our local government partners are struggling to tackle a host of current shoreline management issues. Whether it's addressing increased coastal flooding, considering updated riparian guidance, or coordinating new climate resilience strategies, these emerging issues have created an urgent need for additional engagement, guidance, and technical assistance beyond what Ecology is currently able to provide with existing resources. This request identifies both immediate staff capacity needs and longer-term objectives necessary to successfully implement the shoreline management rules currently under development and required by HB 1181. This request also considers initial resources needed to incorporate updated riparian guidance into the next round of shoreline master program updates.

Current Challenges:

The complexity of shoreline management work has increased in recent years, making it difficult for Ecology to meet its statutory obligations for shoreline permit reviews as well as respond to technical assistance requests in a manner that is timely and consistent with shoreline management act policies. This challenge is particularly evident in our regional work in western Washington, including our Northwest Region (Island King, Kitsap, San Juan, Skagit, Snohomish, and Whatcom counties) and our Southwest Region (Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Mason, Lewis, Pacific, Pierce, Skamania, Thurston, and Wahkiakum counties).

As Washington's population increases, chronic housing shortages rise, and efforts to restore Puget Sound and measures to recover at-risk salmon populations put intense pressure on local governments and Ecology staff to implement shoreline management regulations in alignment with state goals and policies. Cities and counties in western Washington are now home to close to 80% of the state's 7.8 million residents. Data from Ecology's Environmental Reporting Tracking System (ERTS) shows similar trends reflected in the number of environmental problems being reported to Ecology with 86% of statewide ERTS reported in western Washington within Ecology's southwest and northwest regions combined. In addition, 73% of statewide State Environmental Policy Act project notices are generated throughout western Washington, also within Ecology's southwest and northwest regions.

Regional growth pressure and increasing demand for shoreline property are also triggering a higher number of complex development proposals on lots previously considered less developable. Between 2010 and 2022, shoreline management staff in Ecology's northwest region reviewed an average of 20 shoreline variances per year. This number more than doubled in 2023, with 42 shoreline variances submitted for review. This has significantly increased the workload for our regional staff, who are working to ensure we meet our statutory obligations. To try and meet these

demands, staff have had to direct their time to only the most important tasks or take longer to complete shoreline permit reviews or shoreline master program amendments, which in recent cases has resulted in exceeding statutory timelines and increasing the risk of appeal of agency decisions.

Local governments cannot manage these complex shoreline matters without Ecology's technical support, prioritization of state interests, and, in some cases, oversight. This unique state-local partnership established by the Shoreline Management Act provides an important opportunity for Ecology to reinforce shoreline management policies in a way that local jurisdictions cannot. Therefore, it is critical for Ecology to have the capacity to continue to lead the rule update and actively engage with local jurisdictions on both immediate and long-term shoreline management challenges to ensure that these updated policies are integrated into the local shoreline master program updates.

#### Funding Provided to Implement HB 1181

The Legislature provided Ecology with funding in the 2023-25 operating budget for the staff resources (3.0 FTEs) needed to begin and make progress on rulemaking. The rule is a prerequisite for local jurisdictions developing climate-related regulations for incorporation into shoreline master programs, starting in fiscal year 2027. The fiscal note for HB 1181 identifies costs to Ecology of \$887,791 and 3.0 FTEs in the 2025-27 biennium for all sections. However, the carryforward level (CFL) for 2025-27 is at \$566,000. Ecology needs the difference of \$322,000 for the staff resources to complete rulemaking by the end of fiscal year 2026.

#### Long Term Challenges:

Additionally, based on previous experience reviewing comprehensive shoreline master program updates, Ecology staff will need additional staff to ensure the updates are successfully completed within the timeline required under the Shoreline Management Act (RCW 90.58.080). In the 2013-15 biennium, at the height of work on comprehensive shoreline master program updates, Ecology had 10 FTEs supporting local jurisdictions. Now there are only 7.5 FTEs supporting regional planning, for which the workload is expected to climb back up as local jurisdictions start the three-plus-year process of updating the local shoreline master program in advance of the first 2029 submittal deadline.

#### **Proposed Solution:**

Ecology requests the funding included in the final fiscal note but not included at CFL (\$322,000) to fully fund the staff resources needed to complete rulemaking by the end of fiscal year 2026. We are also requesting additional and ongoing staff to address increasing workloads and support the successful integration of updated climate policies into local shoreline master programs.

These new positions will initially support regional emerging shoreline management issues associated with increased complexity in adapting to coastal flooding and other challenges and support Group A jurisdictions (see listed jurisdictions in previous section) to prepare for the first round of shoreline master program updates in response to Ecology's rule updates. This work is intended to include administration of existing shoreline management grant (pass through) funds to local jurisdictions to support early development of vulnerability assessments to prepare for incorporating updated climate policies. The third position is needed to bring various science, policy, and analysis expertise into the following areas:

- Guiding the development of and reviewing sea level rise vulnerability assessments.
- Incorporating Department of Fish and Wildlife riparian management recommendations within the context of shoreline master programs, including support for new channel migration zone studies to implement the guidance.
- Creating rapid, science-based tools for measuring and tracking shoreline ecosystem functions to achieve repeatable analysis for project- and program-level review to ensure no net loss of shoreline ecological functions.

Specific to supporting shoreline master program updates, these new staff will be combined with Ecology's existing resources to help local jurisdictions complete the following steps to review and update their shoreline master programs:

- a. Acquire funding from Ecology at least two years prior to the deadline.
- b. Develop and implement an outreach plan that considers environmental justice principles to ensure meaningful involvement.
- c. Undertake vulnerability assessments, use analysis, channel migration zone studies, or other supporting documentation that is also likely to include using expert consultant services.
- d. Incorporate results of vulnerability assessments, studies, and analyses into specific shoreline master program policy or regulatory updates.
- e. Initiate and complete a full local legislative process following the outreach plan and statutory requirements for considering shoreline master program updates.
- f. Advise on updates being sent to Ecology for review and final decision.
- g. Approve local shoreline master program updates.
- h. Review and issue decisions, ensuring updates are consistent with the Shoreline Management Act and state implementing rules.
- i. Support implementation of updated shoreline master programs.

Please note that additional staff resources may be needed in the future to ensure meaningful Tribal engagement throughout the shoreline master program update process, pending the scope and completion of the five shoreline management rules currently in development. If that need arises, Ecology will request those resources through future budget requests.

**Impacts on Population Served:**

This request supports Ecology's statutory obligations under the Shoreline Management Act. Local shoreline master programs manage development around more than 28,000 miles of state shoreline in 259 Washington cities and counties. Most shoreline management activities occur within central Puget Sound. Population growth, increased housing pressure, and high demand for shoreline property will continue to be challenging in meeting the state's objective of no net loss of shoreline ecological functions. In addition, increased development pressure and changing climate conditions underscore how important it is for Ecology to align state climate and shoreline management policies to protect state shorelines for future generations.

**Alternatives Explored:**

There are no alternatives to expanding the number of permanent staff to address the increased workload without reducing work in other core areas. Current staff resources are already spread thin, struggling to satisfy existing statutory obligations. Ecology's role in shoreline management is not discretionary but is directed under the state's Shoreline Management Act and is also required under our federal Coastal Zone Management Program grant. This grant supports most Ecology staff working in Washington's coastal counties, thus emphasizing the importance of fulfilling federal grant requirements related to Ecology's shoreline management work.

**Consequences of Not Funding This Request:**

If this request is not funded, Ecology's ability to engage, support, and achieve climate resilience outcomes, increase riparian protections, and improve shoreline master program implementation would be in jeopardy. Our ability to participate, provide resources, create tools, and foster Tribal engagement would be limited.

Washington's total population is approaching eight million. Almost 70% or 4.8 million people live in the coastal areas contiguous to Puget Sound. With the 2029-2032 round of periodic shoreline master program reviews, Washington can address climate change impacts. Acting now to respond and adapt to changing climate conditions means Washington can significantly limit the damage and reduce the long-term costs of climate related impacts, which are expected to grow in number and intensity in the coming decades. Climate change impacts could cost Washington nearly \$10 billion per year in increased health care costs, storm damage, coastal destruction, rising energy costs, increased wildfires, drought, and other impacts.

In addition, investments to prevent or mitigate flood hazards have a return of \$5 to \$8 for every \$1 invested (<https://www.nibs.org/reports/natural-hazard-mitigation-saves-2019-report>). The consequences of unintended community deterioration are incalculable. The integration of climate policies into local shoreline master programs is a significant undertaking, needing a similar level of investment to make comprehensive shoreline master program updates between 2006 and 2016. Current Ecology staff are overstretched managing their existing workloads and lack the capacity to take on the additional climate resilience planning work. Implementing this request cannot be delayed because the result would be increased climate-related impacts, making it tougher to assist coastal communities.

Finally, we have a narrow planning window in front of us. Ecology's shoreline management rule update should be adopted in 2026 and align with the 2029 deadline for the next round of required shoreline master program updates. If we fail to support this round of shoreline master program updates, we may miss a tremendous opportunity to improve shoreline management across the state. The next opportunity won't be until the next planning cycle, which begins in 2039.

**Assumptions and Calculations**

***Expansion, Reduction, Elimination or Alteration of a current program or service:***

This request expands Activity A036, Protect and Manage Shorelines in Partnership with Local Governments, by adding additional staff to provide necessary technical assistance, review capacity, and support ongoing and effective implementation of updated shoreline master program provisions.

Below is a summary of the 2021-23 and 2023-25 base funding and FTEs for this activity. Administrative Overhead related to this activity is also in the agency's Administration Activity A002, but is not shown in the totals below.

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Activity A036 - Protect and Manage Shorelines in Partnership with Local Governments		
	2021-23	2023-25
FTEs Total	41.85	63.15
001-1 General Fund State	\$2,002,000	\$2,757,000
001-2 General Fund Federal	\$4,265,000	\$5,407,000
001-7 General Fund Private/Local	\$20,000	\$20,000
02R-1 Aquatic Lands Enhancement Account	\$150,000	\$150,000
23P-1 Model Toxics Control Operating Account	\$9,014,000	\$10,033,000
26C-1 Climate Commitment Account	\$0	\$1,140,000
26D-1 Natural Climate Solutions Account	\$0	\$5,961,000
<b>TOTAL</b>	<b>\$15,451,000</b>	<b>\$25,468,000</b>

**Detailed Assumptions and Calculations:**

For fiscal year 2026, Ecology requires salaries, benefits, and associated staff costs associated with rulemaking. Positions needed are: 0.75 FTE Environmental Planner 5, 0.50 FTE Environmental Planner 4, 0.25 FTE Environmental Specialist 4, and 0.28 FTE Economic Analyst 3.

In addition, beginning July 1, 2025, and ongoing, Ecology requires salaries, benefits, and associated staff costs for 2.0 FTEs Environmental Planner 3 and 1.0 FTE Environmental Planner 4 to address the following increased workload:

- **Provide jurisdiction-specific shoreline master program update and implementation support.** Local jurisdictions rely heavily on Ecology to support integrating climate policies into their shoreline master programs. We request expanding our existing regional planning force from 7.5 FTEs to 9.5 FTEs to support planning and implementation functions for new climate work, including participating in locally-led planning groups and providing technical assistance for sea level rise and riparian management issues.
- **Develop guidance in conjunction with local partners, Tribal governments, and other state agencies.** Under this request, 1.0 FTE will focus on developing vulnerability assessment tools and helping put resilience outcomes in place to address increased climate challenges. These contributions will demonstrate our commitment to adaptive management, emphasizing nature-based solutions in Ecology's shoreline management work.

**Workforce Assumptions:**

Expenditures by Object		FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031
A	Salaries and Wages	444,473	269,082	269,082	269,082	269,082	269,082
B	Employee Benefits	151,565	91,757	91,757	91,757	91,757	91,757
E	Goods and Services	28,909	18,144	18,144	18,144	18,144	18,144
G	Travel	10,540	6,615	6,615	6,615	6,615	6,615
J	Capital Outlays	6,148	3,858	3,858	3,858	3,858	3,858
T	Intra-Agency Reimbursements	178,217	107,891	107,891	107,891	107,891	107,891
	<b>Total Objects</b>	<b>819,852</b>	<b>497,347</b>	<b>497,347</b>	<b>497,347</b>	<b>497,347</b>	<b>497,347</b>

**Staffing**

Job Class	Salary	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031
ENVIRONMENTAL PLANNER 3	86,716	2.00	2.00	2.00	2.00	2.00	2.00
ENVIRONMENTAL PLANNER 4	95,650	1.50	1.00	1.00	1.00	1.00	1.00
ENVIRONMENTAL PLANNER 5	105,612	0.75					
ENVIRONMENTAL SPEC 4	86,324	0.25					
ECONOMIC ANALYST 3	95,627	0.28					
FISCAL ANALYST 2		0.48	0.30	0.30	0.30	0.30	0.30
IT APP DEVELOPMENT-JOURNEY		0.24	0.15	0.15	0.15	0.15	0.15
<b>Total FTEs</b>		<b>5.50</b>	<b>3.45</b>	<b>3.45</b>	<b>3.45</b>	<b>3.45</b>	<b>3.45</b>

**Explanation of costs by object:**

Salary estimates are current biennium actual rates at Step L.  
 Benefits are the agency average of 34.1% of salaries.



Goods and Services are the agency average of \$6,048 per direct program FTE.  
 Travel is the agency average of \$2,205 per direct program FTE.  
 Equipment is the agency average of \$1,286 per direct program FTE.  
 Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 29.9% of direct program salaries and benefits, shown as object T.  
 Agency Administrative Overhead FTEs are included at 0.15 FTE per direct program FTE and are identified as Fiscal Analyst 2 and IT App Development-Journey.

**Historical Funding:**

	FY2026	FY2027
FTE (xx direct FTE)	17.5	17.5
Total Funds (rounded to thousands)	\$2,251,000	\$2,251,000
Near General Fund (rounded to thousands)	\$626,000	\$626,000
Other Funds (rounded to thousands)	\$1,625,000	\$1,625,000

Administrative Overhead related to this program or service is in the agency's Administration Activity A002, but is not shown in the totals above.

**Strategic and Performance Outcomes**

**Strategic Framework:**

This request is essential to achieving the following Governor's Results Washington goals:

- Goal 2 - Prosperous Economy - Local shoreline master programs manage growth and development within shoreline jurisdiction, providing predictability about how these areas can be developed. This system ensures stable property values and transparency by determining the development potential of privately-owned shoreline parcels. Development provides employment opportunities and contributes to the regional and state economy.
- Goal 5 - Efficient, Effective, and Accountable Government – Shoreline master program updates consider public service to communities and Tribes most vulnerable to sea level rise, coastal hazards, and climate change. The shoreline master program update process enables local leaders to reflect community interests and vision through the planning process. This request directly responds to critical gaps and high priorities at the state and local level. The request will strengthen the long-term social, economic, and ecological resilience of Washington's shoreline areas by building and maintaining collaborative local-state partnerships.

This request is essential to achieving the following Ecology goals:

- Goal 1 - Support and engage our communities, customers, and employees - Since 1972, Ecology has worked with communities; Tribal, state, and local governments; academic institutions; and nonprofit organizations to develop a coordinated, collaborative approach for managing state shorelines. The Shoreline Management Act defines distinct roles for local jurisdictions and Ecology, creating a durable partnership that has successfully balanced local and state interests for over 50 years. Shoreline master program updates require meaningful outreach and engagement with sovereign Tribes as well as local and state interests.
- Goal 2 - Reduce and prepare for climate impacts - This request will provide needed resources to help coastal communities prepare for climate change impacts through shoreline planning. This will advance community resilience and prevent and remediate negative impacts on historically underserved and overburdened communities.

This request also aligns with Washington State's Integrated Climate Response Strategy (<https://apps.ecology.wa.gov/publications/SummaryPages/1201004.html>) by advancing action on four of the seven response strategies to help Washington adapt to climate change. By increasing Ecology's capacity to help local governments plan for and implement climate adaptation approaches, this request will help meet the goals of Washington's Climate Resilience Strategy update currently under development (<https://ecology.wa.gov/air-climate/responding-to-climate-change/washingtons-climate-strategy>).

- Goal 4 - Protect and manage our state's waters - The best available science indicates sea level rise will permanently inundate some low-lying areas and increase the frequency, depth, and duration of coastal flood events by increasing the reach of storm surges. This will make it harder for flood waters in rivers and streams to drain into bays and estuaries. Sea level rise is expected to shift coastal and marine habitats, damage coastal infrastructure, inundate commercial and industrial areas, and reduce fish and shellfish harvests. This request will help ensure locally led solutions are considered to strengthen long-term social, economic, and ecological resilience.

### **Performance Outcomes:**

This request is anticipated to produce the following outcomes and results:

- **Specific performance outcomes:** Timely Ecology support and engagement with local partners, Tribes, and other interests will ensure consideration of diverse perspectives in developing ways to increase shoreline communities' resilience to climate change disruptions. Integrating climate policies into local shoreline master programs will maintain compliance with the Shoreline Management Act and acknowledge Tribal and environmental interests' priorities associated with maintaining no net loss of shoreline ecological functions.
- **Outcomes/results anticipated:** This request will ensure Ecology's engagement in working through current implementation challenges and developing meaningful guidance to inform the next round of shoreline master program updates starting in 2026 and due for Group A jurisdictions in 2029. It will also minimize delay in Ecology's review of local shoreline master program updates, allowing new climate policies to influence future forms of shoreline development sooner and increasing coastal community resilience to disruption from increasing effects of climate change. To measure progress on this outcome, Ecology will track the timing of local completion of required shoreline master program updates in comparison to statutory deadlines in RCW 90.58.080. Success will be defined by timely submittal of updated shoreline master programs to Ecology, consistent with the number expected for Group A (2029 deadline), Group B (2030 deadline), Group C (2031 deadline), and Group D (2032 deadline).
- **Undesired results reduced, eliminated, or mitigated:** It is urgent and important for Ecology to act and ensure local governments consider the impacts of sea level rise and increased storm severity in their shoreline master programs, including incorporating appropriate climate policies. Ecology staff are bearing witness to the increased complexity of implementing existing shoreline master programs as more intense storm activities and coastal flooding frequency increase. In addition, ever-increasing housing pressure, especially within shoreline environments, is driving increased development demand on the shorelines of the state, further threatening protection of shoreline natural environments. Further, higher than predicted king tide events provide a glimpse into future sea level rise challenges as well as individual property owner responses to higher tide conditions, often in the form of unpermitted shoreline armoring. This request will reduce and mitigate the proliferation of uncoordinated, individual property owner responses to coastal flooding and other climate vulnerabilities by characterizing the risk associated with each vulnerability and identifying appropriate response strategies that align with Shoreline Management Act policies.

## Equity Impacts

### **Community Outreach and Engagement:**

Outreach with local governments is ongoing because they are responsible for incorporating new climate policies into their shoreline master programs. When local governments seek to update their shoreline master program, they must develop a Public Participation Plan that includes Tribal engagement.

### **Disproportional Impact Considerations:**

This request will help prepare local jurisdictions for the effects of climate change by investing in local vulnerability assessments to guide future shoreline development, reduce the risk of damage from increased coastal storm and flood frequency, and ensure alignment with Shoreline Management Act policies, such as maintaining no net loss of shoreline ecological functions.

### **Target Communities and Populations:**

This request will benefit the public by protecting state shorelines, with a specific emphasis on maintaining no net loss of shoreline ecological functions and public access to rivers, lakes, and marine shorelines throughout Washington. Ecology will solicit and consider Tribal interests by setting expectations for local governments, requesting updates to local shoreline master programs, and developing state guidance about how to incorporate climate policies related to sea level rise and increased storm severity while considering riparian management into shoreline master programs.

### **Community Inputs and Incorporation:**

See Community Outreach and Engagement response.



## Other Collateral Connections

### **HEAL Act Agencies Supplemental Questions**

Yes, see attached.

### **Puget Sound Recovery:**

This request supports the 2022-2026 Puget Sound Action Agenda implementation through Ongoing Program OGP\_ECY12 Shorelands – Shoreline Master Programs, and through various Vital Signs, Strategies, Desired Outcomes, Actions, and Science Work Plan included in the Action Agenda. See attachment B for a complete list of linkages between this request and the agenda.

This request also supports Orca Task Force Recommendation 3. Apply and enforce laws that protect habitat.

### **State Workforce Impacts:**

N/A

### **Intergovernmental:**

Support for this request is anticipated from Tribal, county, and city governments to help ensure support for effective implementation of the state's Shoreline Management Act.

This request is related to actions currently proposed in the draft Washington's Climate Resilience Strategy, which is being developed under Chapter 70A.05 RCW and will be finalized by September 30, 2024.

### **Stakeholder Impacts:**

We have started discussions with Skagit River System Cooperative and Swinomish Indian Tribal Community. Both are interested in learning more about this request and support Ecology's investment to develop climate policies that will be integrated into local shoreline master programs. We also are planning to seek support from local government partners, who currently rely heavily on Ecology technical assistance in responding to coastal flooding and other shoreline management-related topics. This outreach will likely be directed to planning departments in Island, Kitsap, and Jefferson counties because these three jurisdictions manage hundreds of miles of shoreline areas, are most in touch with current implementation challenges, and have a solid understanding about the power of the state-local partnership to work through complex shoreline management issues.

### **State Facilities Impacts:**

N/A

### **Changes from Current Law:**

N/A

### **Legal or Administrative Mandates:**

N/A

### **Governor's Salmon Strategy:**

This request also directly implements the following recommended priority and action in the 2021 Governor's salmon strategy update:

- Strategic Priority: 4. Build climate resiliency
- Action: 4d. Technical capacity for climate resiliency

## Reference Documents

[Protecting Washington's Shorelines-HEAL Act Attachment.pdf](#)

[Protecting Washington's Shorelines-Historical Funding Attachment A.pdf](#)

[Protecting Washington's Shorelines-PS Attachment B.pdf](#)

### IT Addendum

**Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?**

No

### Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
Obj. A	\$444	\$269	<b>\$713</b>	\$269	\$269	<b>\$538</b>
Obj. B	\$152	\$92	<b>\$244</b>	\$92	\$92	<b>\$184</b>
Obj. E	\$29	\$18	<b>\$47</b>	\$18	\$18	<b>\$36</b>
Obj. G	\$11	\$6	<b>\$17</b>	\$6	\$6	<b>\$12</b>
Obj. J	\$6	\$4	<b>\$10</b>	\$4	\$4	<b>\$8</b>
Obj. T	\$178	\$108	<b>\$286</b>	\$108	\$108	<b>\$216</b>

### Agency Contact Information

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## ATTACHMENT A - RELATED BUDGET ITEMS FUNDED IN THE LAST TWO BIENNIA (2023-25, 2021-23)

Instructions: Enter the following information about any budget items funded over the last two biennia (2021-23 budget, 2022 supplemental budget, 2023-25 budget, 2024 supplemental budget) that is related to your Decision Package for 2025-27.

Biennium	Rec Sum Code/Title	RecSum Description	Fund Source	Duration	Amount
2023-25	PL CPC1 Climate Change and Planning	Local Government Climate Planning Funding is provided to support Engrossed Second Substitute House Bill 1181 (Climate change/planning), which requires updates to the Growth Management Act to include considerations for climate change and resiliency.	26C	Custom	\$ 1,174,000

## **Attachment B**

### **Linkages to Puget Sound Action Agenda Implementation**

This attachment provides additional supporting details for the following decision package (DP) as it relates to the Puget Sound 2022-2026 Action Agenda implementation.

**DP Title:** Protecting Washington’s Shorelines

#### **Vital Signs**

- Freshwater
- Marine Water
- Streams and Floodplains
- Beaches and Marine Vegetation
- Good Governance

#### **Strategies**

- 1. Smart Growth
- 2. Protect working lands
- 3. Shoreline armoring
- 4. Riparian areas
- 5. floodplains and estuaries
- 16. Eelgrass, kelp, and other vegetation
- 18. Awareness of effects of climate change
- 20. Climate Adaptation and Resilience
- 23. Transparent and Inclusive Governance

#### **Desired Outcomes**

- 1.1.1. Ecologically important lands (including beaches, estuaries, forests and wetlands, streams and floodplains) protected from development.
- 1.1.2. Natural marine, estuarine, and freshwater shorelines (those not armored) protected to prevent future armoring and development.
- 4.1. Better understand and communicate the effects of climate change on Puget Sound.
- 4.3. Increase the resilience of the Puget Sound ecosystem and recovery efforts by adapting to changing climate and ocean conditions when conducting protection and restoration activities.
- 5.2.3. Transparency in environmental and natural resource management decision making and the use of science is improved.

#### **Actions**

- 1. Puget Sound-wide support to prevent conversion of forests, farms, & natural areas.
- 2. Reduce barriers to infill and redevelopment in high-growth areas.
- 14. Increase and improve shoreline regulation implementation, compliance,

enforcement, and communication. 16. Improve long-term strategic planning to reduce development (for example, armor) impacts in the future across all land-use types.

- 17. Increase and improve coastal process-based design and technical training.
- 26. Fully implement and enforce available protections for submerged aquatic vegetation through existing regulations, programs, and policies.
- 131. Expand monitoring, research, and assessment of the individual and cumulative impacts and risks of climate change on Puget Sound.
- 133. Educate and train decision makers and professionals about climate impacts and risks on Puget Sound.
- 150. Ensure that vulnerable populations and underserved communities are welcomed and engaged as full partners and support the priorities identified by communities when working to decrease the magnitude of climate change, advance climate change adaptation, and increase resilience to climate change.
- 178. Improve the Growth Management Act and local land use planning to effectively channel growth and prevent conversion of ecologically important lands.

### **Ongoing Program - OGP\_ECY12 Shorelands - Shoreline Master Programs**

**Orca Task Force Recommendations - 3.** Apply and enforce laws that protect habitat.

### **Science Work Plan**

- 13. PRIMARY: Develop a framework of recommended approaches for including risk analyses, including extreme events and uncertainty, into planning and decision making.
- SECONDARY: Change the Policy Landscape.
- SECONDARY: G) Develop and analyze alternative future scenarios to explore and express desired futures and evaluate trade-offs among possible approaches.

# 2025-27 Biennial Budget HEAL Act Template

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## Background

### HEAL Act requirements

The Healthy Environment for All Act (HEAL Act), Chapter 314, Laws of 2021 (RCW [70A.02](#)) requires that “covered and opt in agencies” must implement the requirements of the HEAL Act. This includes the:

- Department of Ecology
- Department of Agriculture
- Department of Commerce
- Department of Health
- Department of Natural Resources
- Department of Transportation
- Puget Sound Partnership
- Office of the Attorney General

HEAL Act agencies that are considering a significant agency action initiated after July 1, 2023, are required to conduct an environmental justice assessment. RCW [70A.02.010](#)(12) specifies that significant agency actions include:

- The development and adoption of significant legislative rules as defined in RCW [34.05.328](#).
- The development and adoption of any new grant or loan program that the agency is explicitly authorized or required by statute to implement.
- A capital project, grant, or loan award costing at least \$12,000,000.
- A transportation project, grant, or loan costing at least \$15,000,000.
- The submission of agency request legislation to the Office of the Governor or OFM.

Under RCW [70A.02.080](#), beginning on or before July 1, 2023, covered and opt in agencies must, where practicable, take specific actions when making expenditure decisions or developing budget requests to OFM and the Legislature for programs that address or may cause environmental harms or provide environmental benefits. This includes:

- Focus applicable expenditures on creating environmental benefits that are experienced by overburdened communities and vulnerable populations, including reducing or eliminating environmental harms, creating community and population resilience, and improving the quality of life of overburdened communities and vulnerable populations.
- Create opportunities for overburdened communities and vulnerable populations to meaningfully participate in agency expenditure decisions.
- Clearly articulate environmental justice goals and performance metrics to communicate the basis for agency expenditures.
- Establish a goal of directing 40% of grants and expenditures that create environmental benefits to vulnerable populations overburdened communities.

To help OFM understand how HEAL Act agency budget requests meet HEAL Act requirements, covered agencies are required to complete additional questions related to the HEAL Act. These questions are shown below and are in addition to the equity related questions required of all agencies. Covered agencies are asked to complete the following questions and submit them through ABS.

#### HEAL Act questions

If you answer YES to any of these bullet points, please answer the six additional questions and submit them as an attachment through ABS.

- Is this decision package part of an agency request legislation that is required to complete an environmental justice assessment (RCW [70A.02.010\(12\)](#))?

Yes

No

- Is this decision package requesting funding to support another significant agency action that is required to complete an environmental justice assessment (RCW [70A.02.010\(12\)](#))?

Yes

No

- Is this decision package requesting funding for a program/project/activity that may **provide environmental benefits or reduce, mitigate, or eliminate environmental harms**, (that is not a significant agency action)? Note: This may include decision packages for programs not purposely directed to provide environmental benefits but may have an indirect or unintentional impact.

Yes

No

**If you answer YES to any of the above bullet points, please complete these additional questions.**

1. Please describe specific likely or probable environmental harms and/or benefits related to your decision package and the associated health impacts to overburdened communities and vulnerable populations.

This request will help prepare local jurisdictions for the effects of climate change by investing in local vulnerability assessments to guide future shoreline development, reduce risk of damage from increased coastal storm and flood frequency, and ensure alignment with Shoreline Management Act polices such as maintaining no net loss of shoreline ecological functions.



2. Please describe the estimated percentage and amount of the requested funds that will go towards creating environmental benefits in overburdened communities and vulnerable populations as defined in OFM's the [OBC map](#) or as determined by the agency. If applicable, please include your methodology for making this estimate, including project/award lists if available.

This request will support policy and regulatory improvements enhancing shoreline master program protections applicable to all 28,000-miles of river, lake and marine shorelines throughout the state. Therefore, the direct benefits to specific overburdened communities or vulnerable populations are difficult to quantify. However, decisions on distribution of pass-through funding intended to support updates to local shoreline master programs, will be considered in a manner that prioritizes requests from overburdened communities.

3. Please describe any potential significant impacts to Indian Tribes' rights and interest in their tribal lands, as well as traditional practices.

This request is not anticipated to result in any negative impacts to Tribal rights, interests or traditional practices.

4. Describe how your agency engaged with Tribes in developing this proposal, including offers for tribal consultation including timelines, methods for feedback, and mechanisms for Tribes to express concern, opposition, or support., and any direction provided by Tribes through this engagement.

Regarding this decision package, we have reached out to both the Skagit River System Cooperative and natural resource contacts at the Swinomish Indian Tribal Community, sharing the budget concept and soliciting input regarding priority capacity needs described within the budget package. Thus far, we have received general support from these tribal contacts encouraging integration of climate policies into local shoreline master programs.

5. If the decision package is part of agency request legislation or supports another significant agency action that is required to complete an environmental justice assessment under RCW [70A.02.010](#)(12), please submit the assessment as an attachment in ABS.

N/A

6. If the decision package is part of agency request legislation or constitutes a significant agency action that is required to complete an environmental justice assessment, please describe how your agency used the environmental justice assessment process to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits. If your agency determined that you were unable to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits, please provide a justification for not doing so.

N/A



## Agency Recommendation Summary

The Federal Emergency Management Agency (FEMA) administers the National Flood Insurance Program to inform communities about flood risks. FEMA produces and updates flood risk maps, but many in Washington are out of date, which hinders the state’s ability to protect homes, businesses, and public infrastructure from flooding. Out-of-date maps are also slowing and driving up costs for many salmon restoration projects. Ecology is seeking additional resources for staff to update flood risk maps, provide technical support to communities, and help move salmon recovery projects forward. Related to implementing Washington’s Climate Resilience Strategy, the Governor’s Salmon Strategy, and Puget Sound Action Agenda. (General Fund-State)

## Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
<b>Staffing</b>						
FTEs	2.3	2.3	2.3	2.3	2.3	2.3
<b>Operating Expenditures</b>						
Fund 001 - 1	\$561	\$561	\$1,122	\$561	\$561	\$1,122
Total Expenditures	<b>\$561</b>	<b>\$561</b>	<b>\$1,122</b>	<b>\$561</b>	<b>\$561</b>	<b>\$1,122</b>

## Decision Package Description

### Background:

To protect people and property, flood management programs have historically focused on controlling floodwaters to reduce the occurrence and cost of flooding. These efforts have largely consisted of constructing dams, levees, and dikes alongside rivers and lakes and building seawalls and similar structures along coastlines. These projects often drastically changed waterbodies and adjacent upland areas because they involved dredging river bottoms, filling in and cutting off riverside channels, and removing and replacing riparian vegetation with material such as large layers of rock material. This approach did reduce flood impacts, but these traditional measures also wreaked havoc on the beneficial functions that floodplains, estuaries, and coastlines provide. This includes adversely impacting aquatic habitat for salmon and other fish and wildlife species.

Washington first enrolled in the National Flood Insurance Program (NFIP) in 1973 to make flood insurance available for participating communities, and Ecology assumed responsibility for administering floodplain management regulations in the state. The NFIP identifies flood risk through modeling and mapping, helps prevent flood-related damage through regulations and building standards, reduces financial losses with flood insurance and disaster assistance, and mitigates flood risk using grants for planning and projects. A fundamental baseline for each of these elements is up-to-date, accurate flood maps.

In response to recurring flood disasters, the 1989 Legislature amended Chapter 86.16 RCW, and Chapter 173-158 WAC was adopted pursuant to that updated law. This created some of the strongest and safest floodplain management standards in the nation.

Ecology works with the Federal Emergency Management Agency (FEMA) to coordinate floodplain management in Washington under RCW 86.16.031, most of which is related to implementing the NFIP. For example, the law sets minimum standards for local floodplain management ordinances and requires Ecology to provide guidance and assistance to local governments and the public about implementing those ordinances. The statute also requires Ecology to help towns, cities, and counties identify the location of their 100-year floodplains on FEMA maps. Ecology’s Floodplain Management Unit advocates for jurisdictions in their pursuit of accurate FEMA flood hazard maps. We need to refine and improve flood zone designations to be more accurate, e.g., to improve the mapping from approximate precision to detailed.

### Problem/Opportunity:

Decades of investments in traditional flood control measures have left communities reliant on expensive infrastructure, outdated floodplain maps, insufficient national flood insurance coverage, and increased public spending on repetitive flood disasters. In Washington, this approach has also contributed to the fragmentation and degradation of river and floodplain ecosystems, stifled efforts to recover salmon, and impacted Tribal treaty and Indigenous rights.

During the 20<sup>th</sup> century, local jurisdictions and the U.S. Army Corps of Engineers (Corps) built hundreds of miles of flood-control levees along Washington’s rivers. However, due to the cumulative impacts of land use actions and climate change, many levee systems no longer provide the same level of flood protection they were originally designed for. In addition, numerous communities can no longer afford to maintain or repair their levee systems. Unfortunately, this reduced level of flood protection is not reflected in many current flood risk maps, leaving many communities unable to address actual flood risks.

FEMA has prioritized updating flood risk maps for the nation's most populous communities. As a result, Ecology estimates that only 50% of Washington's flood maps have been updated since they were first generated in the 1970s. Meanwhile, natural processes and land use activities have altered the location of many river and stream channels, changing the characteristics of these floodplains. Because resources have been directed to the more populous areas of the state, many maps across the state, particularly those in Eastern and rural Washington, no longer accurately reflect the current landscape or the foreseeable flood hazards facing communities.

FEMA's flood risk maps do not reflect current climate change projections, which predict more frequent and longer-duration flood events in many Washington watersheds. For example, the November 2021 atmospheric river event that affected northwest Washington caused the Nooksack River in Whatcom County to jump its bank and turn northward into Canada.

Local governments still use these older flood risk maps to make decisions about where to allow homes, commercial buildings, and public infrastructure to be located and constructed. Families use the maps to help determine where it is safe to live. Lenders use flood maps to evaluate mortgage applications. Insurance companies use them to assess risks. As a result, communities relying on outdated maps may be operating under a false sense of security that can leave individual households and local governments struggling with significant loss and financial burden after a flood disaster occurs.

Besides long wait times for new flood risk maps, FEMA's floodplain management regulations are also outdated. They focus exclusively on managing hazards within floodplains without recognizing the beneficial environmental functions that floodplains provide. FEMA's regulations do not distinguish between traditional forms of structural development (e.g., home and box store construction) and environmental restoration projects, especially actions to reclaim or enhance salmon habitat.

NFIP permitting processes were developed in the 1960s and are not designed to support habitat restoration activities. The processes require detailed hydraulic studies to demonstrate that flood conveyance systems are being maintained. For example, any salmon recovery project in a FEMA-mapped floodway must go through an extensive process to show the proposed project will not cause a rise in floodwaters, often referred to as a "no-rise analysis." The process is technically rigorous and requires an in-depth hydraulic analysis for an area that could be as small as one reach on a river or stream. It also requires amending an existing flood map for the impacted area by submitting a lengthy technical proposal to FEMA, called a Conditional Letter of Map Revision, prior to construction and a Letter of Map Revision following construction. Completing these procedures requires high levels of staff participation and financial resources that can be challenging for communities to provide, especially abiding by the strict timelines the process requires.

In 2023, the Puget Sound Partnership conducted an informal survey of proponents involved in habitat restoration projects and found that salmon recovery projects subject to the no-rise analysis and map revision requirements experienced an average delay of 17 months in getting their projects started. (Puget Sound Partnership Story Map: Resilient Floodplains for People & Salmon, <https://storymaps.arcgis.com/stories/72d12b54dc054748a786561f0949bccb>). These delays increased costs by \$4.56 million and stalled the use of \$128.5 million in federal funding and \$47.6 million in state funding. Some projects were shelved entirely. More than two-thirds of survey respondents said their projects had to be redesigned to meet the no-rise requirements, and the resulting changes made them less effective for salmon recovery. Finally, 20% of respondents reported that landowner willingness had been jeopardized because of project delays and redesigns stemming from the no-rise requirements. These federal regulatory challenges are currently hindering the state's salmon recovery goals.

### **Proposed Solution:**

To ensure the health and safety of Washington's residents and advance construction of salmon restoration projects in floodplains as quickly as possible, we need a more efficient and effective process for updating Washington's flood risk maps. Ecology is requesting two positions and funding for contracting and/or interagency/interlocal agreements to support local survey work that will begin in 2025-27 and continue through 2027-29. This funding will allow Ecology to engage in a multi-prong approach supported by a coalition of partners that includes Puget Sound Partnership, Tribes, FEMA, and our Floodplains by Design non-governmental backbone partner organizations, Bonneville Environmental Foundation, and American Rivers.

Ecology is working closely with FEMA Region 10 to build our internal expertise and capacity to conduct the hydraulic and hydrologic studies necessary to update federal flood maps. In fiscal year 2025, Ecology is initiating a "proof of concept" phase we can complete with existing technical staff and assistance from FEMA Region 10. However, to become a mapping review partner, we will need additional technical staff starting in 2025-27. For more information about what it means to be a mapping partner, see the FEMA link here: ([https://www.fema.gov/sites/default/files/documents/fema\\_ctp-fy-2024-nofo.pdf](https://www.fema.gov/sites/default/files/documents/fema_ctp-fy-2024-nofo.pdf), Section E.2.e.).

Funding support for Ecology of \$150,000 per year will help small communities obtain survey work that is a precursor to the hydraulic and hydrologic studies needed to update their flood risk maps. Since most small communities do not have surveyors on staff or the resources to pay for this study work, Ecology is seeking to secure surveying services without putting additional burdens on already under-resourced communities.

Concurrently, Ecology will provide direct technical assistance to local entities working on salmon recovery projects to help them navigate the “no-rise analysis” and map revision process. This will reduce their workload and provide more certainty regarding costs and timelines. We will also ensure their hydraulic studies and applications to amend FEMA’s 100-year floodplain maps are complete before being submitted. This will reduce the chance that FEMA will return applications as incomplete or insufficient.

Starting in the 2025-27 biennium, we will initiate three to four flood risk map studies a year for small cities or small watershed areas, for a total of 12 to 16 small cities and/or watersheds by the end of the 2027-29 biennium. During the 2025-27 biennium, Ecology will also provide technical assistance to proponents undertaking salmon recovery projects in three priority watersheds based on salmon recovery needs and goals. We will choose watersheds of different sizes in different geographic regions.

During the 2027-29 biennium, we will incorporate what we learned and develop and distribute new tools and resources for project proponents across the state. This includes helping applicants navigate the mapping and regulatory review processes as quickly and seamlessly as possible, with a focus on providing direct technical assistance to proponents faced with unusual project or process challenges.

FEMA Region 10 has told us completing these projects should demonstrate Ecology has the technical proficiency to complete floodplain mapping and guide regulatory review for salmon recovery projects. By establishing this relationship with FEMA, Ecology can assist project proponents to process their applications efficiently and in a timely manner, leading to greater success of salmon recovery projects.

#### **Impacts on Population Served:**

As outlined in the 2020 State of Salmon in Watersheds report (<https://stateofsalmon.wa.gov/>) by the Washington State Recreation and Conservation Office and the Governor’s Salmon Recovery Office, the U.S. Endangered Species Act requires the federal government to protect species in danger or likely to become extinct. Since 1991, the federal government has declared 14 Washington salmon and steelhead runs at risk of extinction. Regional organizations across the state are developing and implementing recovery plans.

On behalf of the United States, Washington has a responsibility to uphold treaty-reserved fishing rights for Indian Tribes and a duty to ensure salmon are sustainably managed, restored, and available for harvest. Treaty Tribes are co-stewards of our environment and co-manage salmon resources with state agencies. Salmon also supports the economic prosperity of Tribes and is an integral component of their culture. Beyond legal obligations, salmon are critical to Washington’s economy, environment, recreational opportunities, food supply, and culture. The report’s executive summary outlines that:

- Commercial and recreational fishing in Washington is estimated to support 16,000 jobs and \$540 million in personal income.
- As a keystone species, salmon reflect the health of the environment. Scientists estimate 138 species of wildlife, including endangered Southern Resident killer whales, depend on salmon for food.
- An estimated \$1.5 billion is spent annually on equipment- and trip-related costs by people fishing and harvesting shellfish recreationally in Washington, supporting many rural families and businesses.
- Restoring salmon habitat improves environmental health and human well-being. Low-income and marginalized residents are more likely to be subjected to pollution and poor living conditions and may benefit from having more salmon to eat.
- Prioritizing salmon recovery strengthens the livelihoods, experiences, and voices of diverse communities.

#### **Alternatives Explored:**

An alternative to this request is maintaining the status quo and relying on FEMA and federal funding to provide map updates and revisions. That system has left many of Washington communities’ flood maps up to 40 years old, depicting severely outdated flood risk and causing permitting challenges that delay projects. The models used to create older flood maps are irrelevant or no longer available, leaving applicants to not only start over from scratch with new models but also meet the FEMA requirement to replicate the outdated data to within half a foot.

While we initially considered waiting until fiscal year 2026 or fiscal year 2027 to apply for FEMA grant funding to work on the small city/watershed flood map updates, our partners urged us to move quickly to help address the “no-rise analysis” challenge. Numerous projects are underway throughout the state, and project proponents are urgently requesting assistance.

Permanent solutions to efficiently permit salmon recovery projects under the NFIP can only come through federal policy reform. Ecology, the Bonneville Environmental Foundation and American Rivers, other state agencies (Puget Sound Partnership, the Washington Department of Fish and Wildlife, and the Washington Department of Transportation), and many Washington Tribes have been trying, unsuccessfully, to address this issue at the national level since 2022. The issue has been elevated in multiple forums, including to Governor Inslee and the Puget Sound Federal Task Force. Ecology has worked closely with its state agency partners to share possible federal policy solutions, but these are largely outside the agency’s scope.

This request reflects Ecology’s efforts to take meaningful, near-term actions to relieve some of the burdens associated with the current system. If

Ecology can build in-state expertise and technical capacity, it will help move salmon restoration projects more quickly through the required process. These actions should help inform future federal policy reforms.

**Consequences of Not Funding This Request:**

Local jurisdictions and Tribes have declared repeatedly and adamantly the need for programmatic improvements. They are looking to Ecology as the state’s floodplain management agency to show leadership on this issue. If we fail to act, their trust in us would erode. Salmon populations cannot wait for the federal government to act. The state of Washington must act now so salmon restoration projects in our watersheds can move forward to restore salmon populations and meet the Governor’s salmon recovery goals. Without these investments, proponents across the state would continue to experience delays, cost overruns, and potentially even have to reduce or cancel otherwise funded and ready-to-proceed salmon restoration projects.

Foregoing investments in flood mapping would also result in many Washington communities and thousands of state residents going uninformed about current and foreseeable future flood risk.

**Assumptions and Calculations**

**Expansion, Reduction, Elimination or Alteration of a current program or service:**

This request expands Activity A040 - Provide Technical and Financial Assistance to Local Governments to Reduce Flood Hazards, by adding additional staff and contracting resources to update flood risk maps, provide technical support to communities, and help move salmon recovery projects forward. Below is a summary of the 2021-23 and 2023-25 base funding and FTEs for this activity. Administrative Overhead related to this activity is also in the agency’s Administration Activity A002, but is not shown in the totals below.

<b>Activity A040 - Provide Technical and Financial Assistance to Local Governments to Reduce Flood Hazards</b>		
	<b>2021-23</b>	<b>2023-25</b>
FTEs Total	8.00	10.35
001-1 General Fund State	\$1,090,000	\$332,000
001-2 General Fund Federal	\$546,000	\$585,000
02P-1 Flood Control Assistance	\$3,828,000	\$4,856,000
23P-1 Model Toxics Control Operating - State	\$0	\$38,000
26D-1 Natural Climate Solutions	\$0	\$3,980,000
<b>TOTAL</b>	<b>\$5,464,000</b>	<b>\$9,791,000</b>

**Detailed Assumptions and Calculations:**

Beginning July 1, 2025, through June 30, 2029, Ecology requires salaries, benefits, and associated staff costs for 1.0 FTE Environmental Engineer 3 (EE3) and 1.0 FTE Environmental Engineer 5 (EE5) positions. The additional funding will allow Ecology to:

- Complete 12 to 16 small city or watershed-area flood map studies.
- Conduct a pilot project focused on providing technical assistance to proponents conducting salmon recovery projects in three priority watersheds. This will help inform how we develop tools and resources for other proponents around the state.

In addition to the staffing costs above, beginning July 1, 2025, through June 30, 2029, Ecology will also require \$150,000 per year to help small communities obtain survey work that is a precursor to the hydraulic and hydrologic studies needed to update their flood risk maps. (shown in object C).

**Workforce Assumptions:**

<b>Expenditures by Object</b>		<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>	<b>FY 2030</b>	<b>FY 2031</b>
A	Salaries and Wages	225,077	225,077	225,077	225,077		
B	Employee Benefits Personal Service	76,752	76,752	76,752	76,752		
C	Contract	150,000	150,000	150,000	150,000		
E	Goods and Services	12,096	12,096	12,096	12,096		
G	Travel	4,410	4,410	4,410	4,410		
J	Capital Outlays	2,572	2,572	2,572	2,572		
T	Intra-Agency Reimbursements	90,246	90,246	90,246	90,246		
	<b>Total Objects</b>	<b>561,153</b>	<b>561,153</b>	<b>561,153</b>	<b>561,153</b>	<b>0</b>	<b>0</b>

**Staffing**

<b>Job Class</b>	<b>Salary</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>	<b>FY 2030</b>	<b>FY 2031</b>
ENVIRONMENTAL ENGINEER 3	105,612	1.00	1.00	1.00	1.00		
ENVIRONMENTAL ENGINEER 5	119,465	1.00	1.00	1.00	1.00		
FISCAL ANALYST 2		0.20	0.20	0.20	0.20		
IT APP DEVELOPMENT-JOURNEY		0.10	0.10	0.10	0.10		
	<b>Total FTEs</b>	<b>2.30</b>	<b>2.30</b>	<b>2.30</b>	<b>2.30</b>	<b>0.00</b>	<b>0.00</b>

**Explanation of costs by object:**

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 34.1% of salaries.

Contracts show \$150,000 per year for funding to do survey work.

Goods and Services are the agency average of \$6,048 per direct program FTE.

Travel is the agency average of \$2,205 per direct program FTE.

Equipment is the agency average of \$1,286 per direct program FTE.

Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 29.9% of direct program salaries and benefits and is shown as object T.

Agency Administrative Overhead FTEs are included at 0.15 FTE per direct program FTE and are identified as Fiscal Analyst 2 and IT App Development-Journey.

**Historical Funding:**

	<b>FY2026</b>	<b>FY2027</b>
<b>FTE</b> (xx direct FTE)	0.00	0.00
<b>Total Funds</b> (rounded to thousands)	\$0	\$0
<b>Near General Fund</b> (rounded to thousands)	\$0	\$0
<b>Other Funds</b> (rounded to thousands)	\$0	\$0

Administrative Overhead related to this program or service is in the agency's Administration Activity A002, but is not shown in the totals above.



## Strategic and Performance Outcomes

### **Strategic Framework:**

This request is essential to achieving the following Governor Results Washington Goals:

- Goal 4: Health and Safe Communities because it will provide the resources needed to update Washington’s flood risk maps that are used to help local communities make decisions with reliable data to mitigate local flood risk. For example, new construction in unsafe areas and implementation of multiple-benefit flood reduction projects.
- Goal 5: Efficient, Effective, and Accountable Government because it will reinforce the trust the people of Washington have in Ecology as the state’s floodplain management agency. It will also improve the state’s ability to understand local flood planning needs and communicate how floodplain management and salmon recovery go hand in hand. Ecology and local governments will be better prepared to identify current and future flood risks associated with channels for migrating salmon and other climate hazards. Updated flood risk maps will reduce time delays and cost overruns local salmon restoration project proponents have been experiencing as a result of the complicated no-rise analysis process.

This request is essential to achieving Ecology’s Goal 1: Support and engage our communities, customers, and employees, Goal 2: Reduce and prepare for climate impacts, and Goal 4: Protect and manage our state’s waters because it will equip Ecology with the engineering expertise and resources to provide technical support to Tribes and local jurisdictions who develop and implement watershed restoration planning projects that result in mitigating the impacts of climate change and community development on the environment including our state waters.

<b>Performance Measures</b>	<b>Incremental Changes 2026</b>	<b>Incremental Changes 2027</b>	<b>Incremental Changes 2028</b>	<b>Incremental Changes 2029</b>
001455 - Number of flood-prone communities that receive support on flood hazard reduction and regulations	4	4	4	4

### **Performance Outcomes:**

The outcome(s) of this request will be an estimated increase of 15-18 communities that will receive support on flood hazard reduction and regulations.

## Equity Impacts

### **Community Outreach and Engagement:**

Ecology, the Bonneville Environmental Foundation, and American Rivers have heard directly from Tribes, counties, other local entities, the Puget Sound Partnership, the National Oceanic and Atmospheric Administration, and the U.S. Environmental Protection Agency that the permitting assistance component of this request is urgently needed. We are also working with Kittitas County and the Town of Wilbur. As we continue developing the list of prioritized areas to target for additional flood map updates, we will continue working with local floodplain administrators to understand their interests in the mapping update effort, including timelines and needed surveying support. We will use this information to develop a draft work plan in coordination with other partners, particularly the Washington State Department of Transportation, to provide local surveying support and FEMA Region 10, who produces the flood maps.

### **Disproportional Impact Considerations:**

The impacts of flood hazards are disproportionately distributed across society. Lower-income communities tend to face higher flood risk as well as disadvantages recovering from flood loss. Since flood hazard risks are expected to increase in many of the state's watersheds due to climate change, some of our most vulnerable residents are likely to be at even greater risk in the future. Local jurisdictions that receive updated flood maps will gain better information and more useful tools about known and reasonably foreseeable flood risks. This will help these local governments make decisions on how best to improve public safety.

Ecology will prioritize updating flood maps in places with the most out-of-date maps. These are mostly small, rural communities in central and eastern Washington. We plan to assess this list using datasets such as the Federal Climate and Economic Justice Screening Tool to identify disadvantaged areas due to climate change burdens, primarily from floods and wildfires, since flood risk increases following wildfires. We will also use the tool to identify low-income populations. This research will help us understand a community's specific needs as we develop the work plan, including identifying where we need to reach people whose first language is not English.

For Tribes in Washington, the importance of salmon cannot be overstated. Tribes are comanagers of the state's fisheries, and Washington has legal obligations to support them in this role. By providing direct technical assistance to Tribes and other floodplain restoration project sponsors, we can help get salmon recovery projects permitted and constructed as quickly as possible.

### **Target Communities and Populations:**

Compared to local governments, few Tribes participate in NFIP. This means Tribal staff are often unfamiliar with NFIP regulations and lack established relationships with FEMA and Ecology floodplain management staff. Ecology is currently developing a list of small cities and/or watersheds for prioritization. We are assessing which locations have the most outdated flood maps first, many of which are in the more rural areas of central and eastern Washington. We will also identify target areas in western Washington.

### **Community Inputs and Incorporation:**

See Community Outreach and Engagement response.

## Other Collateral Connections

### **HEAL Act Agencies Supplemental Questions**

Yes, see attached.

### **Puget Sound Recovery:**

This request supports the 2022-2026 Puget Sound Action Agenda implementation through the following Vital Signs, Strategies, Targets, Desired Outcomes, Actions, and Ongoing Programs:

#### **Vital Signs**

- Streams and Floodplains
- Salmon

#### **Strategies**

4. Riparian Areas - Protect and restore riparian areas by improving regulatory frameworks and incentives and increasing funding.
5. Floodplains and Estuaries - Protect and restore floodplains and estuaries (including associated riparian habitats) by advancing integrated river basin management planning policies and regulations and accelerating funding and implementation of reach-scale plans.
20. Climate Adaptation and Resilience - Integrate climate adaptation and resilience into all strategies to protect and restore ecosystems and human wellbeing.

A. Funding - Explore and utilize new sources of funding, enhance and increase the effectiveness of existing sources of funding, and increase overall funding for Puget Sound recovery.

**Targets**

- Through Strategy 5 implementation - Fund 4,554 acres of floodplain or estuary habitat restoration or reconnection.
- Through Strategy 20 implementation - Support 1,340 homes or structures with reduced flood or climate risk.

**Desired Outcomes and Actions**

1.4.1. In-stream and riparian areas of rivers and streams restored.

1.4.2. Floodplains, tidal wetlands, and estuaries restored.

4.3.1. Increase the resilience of the Puget Sound ecosystem and recovery efforts by adapting to changing climate and ocean conditions when conducting protection and restoration activities.

Action 12. Increase the number and accelerate implementation of habitat acquisition and restoration projects as prioritized in salmon and watershed recovery plans.

Action 19. Develop and maintain a Puget Sound-wide framework to build public support and political will, develop partnerships, mobilize funding resources, streamline permitting, and support monitoring for integrated floodplain management approaches to enhance outcomes for fish populations, flood risk, and agricultural viability (farm, fish, flood).

Action 20. Prioritize, design, and implement reach-scale restoration and protection projects within a river basin or watershed.

**Ongoing Program**

OGP\_ECY15 Shorelands - Coastal Hazards Resilience Network

**State Workforce Impacts:**

N/A

**Intergovernmental:**

Ecology worked closely with the Puget Sound Partnership to develop an initial set of federal policy solutions to address the “no-rise analysis” challenge. The Partnership has encouraged Ecology to pursue any feasible action as quickly as possible and indicated they will give this funding request a high priority. The Washington Department of Fish and Wildlife is also aware of and supports our restoration-focused efforts.

The Washington Military Department, Emergency Management Division, supports Ecology pursuing resources to update flood risk maps statewide because it supports the state’s pre-disaster mitigation efforts. We have initiated conversations with the Washington State Department of Transportation about providing funding through an interagency agreement to do local survey work to advance city- and/or watershed-area flood map updates, and they have been receptive.

This request is related to actions currently proposed in the draft Washington’s Climate Resilience Strategy, which is being developed under Chapter 70A.05 RCW and will be finalized by September 30, 2024.

**Stakeholder Impacts:**

In addition to Tribes, state agencies, and local governments noted above, we have shared this request with and received enthusiastic support from our Floodplains by Design partners, the Bonneville Environmental Foundation and American Rivers. We are also working with FEMA Region 10 and others to provide training and conduct discussion forums at the annual Northwest Regional Floodplain Management Association Conference in September 2024.

FEMA has already established a pathway for states to become mapping partners. FEMA Region 10 is providing Ecology funding and technical support so we can acquire the necessary technical expertise by late 2024. FEMA is also helping us understand the prerequisites and timelines associated with the next round of competitive grant funding opportunities so we can be eligible in the federal fiscal year 2026. This funding will be beyond what Washington already receives for flood and other natural hazard analysis as well as mapping, planning, and coordination activities. EPA and Senator Patty Murray’s office have also expressed strong support for addressing the issues expressed in this request. They would like to see salmon recovery projects permitted and implemented in a quicker, more cost-effective manner.

**State Facilities Impacts:**

N/A

**Changes from Current Law:**

N/A

**Legal or Administrative Mandates:**

N/A

**Governor's Salmon Strategy:**

This request also directly implements the following recommended priority and action in the 2021 Governor's salmon strategy update:

- Strategic Priority: 1. Protect and restore vital salmon habitat
- Action: 1c. Voluntary protection and restoration

**Reference Documents**

- [Accelerating Floodplain Resilience-HEAL Act Attachment.pdf](#)
- [Accelerating Floodplain Resilience-Letter of Support 1.pdf](#)
- [Accelerating Floodplain Resilience-Letter of Support 2.pdf](#)
- [Accelerating Floodplain Resilience-Letter of Support 3.pdf](#)

**IT Addendum**

**Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?**

No

**Objects of Expenditure**

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
Obj. A	\$225	\$225	<b>\$450</b>	\$225	\$225	<b>\$450</b>
Obj. B	\$77	\$77	<b>\$154</b>	\$77	\$77	<b>\$154</b>
Obj. C	\$150	\$150	<b>\$300</b>	\$150	\$150	<b>\$300</b>
Obj. E	\$12	\$12	<b>\$24</b>	\$12	\$12	<b>\$24</b>
Obj. G	\$4	\$4	<b>\$8</b>	\$4	\$4	<b>\$8</b>
Obj. J	\$3	\$3	<b>\$6</b>	\$3	\$3	<b>\$6</b>
Obj. T	\$90	\$90	<b>\$180</b>	\$90	\$90	<b>\$180</b>

**Agency Contact Information**

Arati Kaza  
 (360) 480-1960  
 akaz461@ecy.wa.gov



# Nooksack Indian Tribe

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July 2, 2024

Arati Kaza

Interim Section Manager, Coastal-Floodplains-Shorelines (CFS) Management Section

Washington State Department of Ecology

PO Box 47600

Olympia, Washington 98504-7600

To Whom it May Concern;

The Nooksack Indian Tribe strongly supports the Department of Ecology's "Accelerating Floodplain Resiliency" Operating Budget request to (1) increase the pace and scale of flood risk map updates statewide; and (2) provide a higher level of technical support to Tribes, local governments, and other local restoration partners with navigating complex federal regulatory requirements for working in floodplains. The latter effort in particular will help move critical salmon recovery projects forward.

The Nooksack Indian Tribe is a federally recognized Indian Tribe located in the northwest corner of Washington state. Our name comes from a place name in our language and translates to "always bracken fern roots," which illustrates our close ties to our land and the resources that continue to give strength to our people. The Nooksack River watershed and surrounding area has been our home since time immemorial, and we continue to see ourselves as stewards of the lands and waters. To that end, our Natural Resources Department works to protect, restore and sustainably manage Treaty natural resources. The recovery of self-sustaining runs of Chinook salmon and other salmon species to support meaningful treaty harvest is a high priority for the Department, which has built a strong reputation restoring riverine habitats for salmon. As of this date, we have completed 22 restoration projects restoring almost 8 miles in the South Fork and the North Fork of the Nooksack River, involving the construction of 367 log jams. Floodplain reconnection and restoration in particular is a key strategy for restoring salmon habitat-forming and hydrologic processes and increasing resilience to climate change, and we also work closely with our local partners, including Whatcom County, to integrate salmon recovery with flood risk reduction in floodplain management planning.

In July 2020, FEMA rescinded Region 10's *Policy on Fish Habitat Enhancement Structures in the Floodway*, which had provided some flexibility for salmon habitat restoration projects in meeting National Flood Insurance Program (NFIP) requirements. Since then, sponsors of restoration projects located in the regulatory floodway that cause rise in base flood elevations have been required to undertake a technically challenging and costly process to secure a Conditional Letter of Map Revision (CLOMR) from FEMA prior to construction and a Letter of Map Revision (LOMR) after construction. This process has delayed projects critical for recovery of treaty-protected and ESA-listed salmonid species, substantially increased project costs, threatened grant funding, and undermined salmon recovery efforts. The Tribe's Homesteader Reach Habitat Restoration Project (CLOMR Case #23-10-0560R) exemplifies this burden: the CLOMR process has increased engineering costs alone by over \$380,000



and delayed project construction by two years, leading to additional cost increases and delays to the Tribe's other projects.

Fully funding the Department of Ecology's "Accelerating Floodplain Resiliency" operating budget request will allow the Ecology to provide critically important technical support that can help Nooksack tribal staff navigate complex federal regulatory requirements, increasing certainty that we can implement restoration projects at a pace needed to recover threatened salmon populations. Increasing the pace and scale of flood risk map updates will also help us, as we have had to bear the burden of updating outdated flood risk maps, even before project impacts were modeled. In short, fully funding this budget request will help ensure timely implementation of floodplain restoration projects important for salmon recovery and flood risk reduction, benefitting not just the Nooksack Tribe but communities across the state.

The urgency of acting now cannot be overstated. In summer 2021, over 2400 Chinook returning to the South Fork Nooksack River died before they could spawn. In summer 2022, pre-spawn mortalities of over 1000 Chinook have been estimated, and similar numbers were observed in summer 2023. Pre-spawn mortality is attributed to high temperatures, low stream flows, and degraded habitat. To address the crisis, the Nooksack Tribe has planned two river restoration projects in the South Fork Nooksack River over the next several years, with several others in development. We are greatly concerned that complying with National Flood Insurance Program requirements will continue to delay construction by a year or more and dramatically increase engineering costs.

We look forward to your timely action on this important matter.

Sincerely,



RoseMary LaClair, Chairwoman  
Nooksack Tribal Council

July 3, 2024

To Whom it May Concern:

The Puget Sound Partnership (Partnership) supports the Washington State Department of Ecology's "*Accelerating Floodplain Resiliency*" Operating Budget request to expand in-house capacity for floodplain mapping and technical support to help restoration projects navigate regulatory processes.

The Partnership is the state agency tasked with leading the collaborative effort to protect and restore Puget Sound. Ecology's decision package directly aligns with the Partnership's call for streamlined regulatory processes for restoration projects as outlined in the Puget Sound [Action Agenda Strategy 5](#) and the [Puget Sound Salmon Recovery Plan](#).

Recent changes to Federal Emergency Management Agency regulations related to "no-rise permitting" have presented significant challenges for critical salmon recovery projects. The Partnership has worked with salmon recovery organizations to develop [a story map](#) outlining these challenges. To summarize, salmon recovery projects in Washington State have faced delays averaging 17 months resulting in \$4.56 million in cost increases across 26 projects.

Through the "*Accelerate Floodplain Resiliency*" request, Ecology is proposing to increase in-house capacity to:

- (1) increase the pace and scale of flood risk map updates statewide; and
- (2) provide a higher level of technical support to Tribes, local governments, and other local restoration partners working in floodplains.

This additional capacity is designed to mitigate the delays and cost increases highlighted above. By assisting jurisdictions and Tribes with engineering studies, permitting applications, and navigating complex federal regulatory requirements for working in floodplains, Ecology's request will help move critical salmon recovery projects forward.

Fulfilling this request is urgent. Recovering salmon runs in Puget Sound relies on the ability to make large gains in fish habitat. At the same time, restoration projects are only getting more expensive and local project implementers have been dedicating precious time and resources to government processes that aren't designed to facilitate restoration work and don't match the timeframe of environmental processes and restoration work. We strongly urge funding this additional capacity at Ecology to avoid delayed restoration work, increased costs of state-funded capital projects, and risks to the region's salmon.



In summary, the Partnership fully supports the Department of Ecology's decision package "*Accelerating Floodplain Resiliency*" to increase Ecology's in-house capacity for floodplain mapping and regulatory support. The additional capacity will streamline the critical floodplain review process for key restoration projects throughout the state and advance our work to recover habitat and salmon in Puget Sound.

If you have any questions, please do not hesitate to contact April Gassman at [april.gassman@psp.wa.gov](mailto:april.gassman@psp.wa.gov) or 360-742-4195.

Sincerely,

A handwritten signature in black ink, appearing to read "Laura L. Bradstreet". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Laura L. Bradstreet  
Executive Director



**FEMA**

June 25, 2024

Arati Kaza  
Interim Section Manager, Coastal-Floodplains-Shorelines (CFS) Management Section  
Washington State Department of Ecology  
PO Box 47600  
Olympia, Washington 98504-7600

To Whom it May Concern,

As the federal agency responsible for mapping our nation's flood risk, FEMA and its mapping partners create and update flood hazard maps, which includes the regulatory Flood Insurance Rate Maps (FIRMs) along with many other associated risk products. While the flood mapping process can be technically challenging, these flood hazard products can help communities to better understand their flood risk, reduce vulnerabilities, and support long-term community efforts to become more resilient.

FEMA's Risk MAP (Mapping, Assessment, and Planning) Program is the specific process used to develop the flood maps and mapping products. This is accomplished through a variety of contracts and partnerships. The Department of Ecology has been one of these partners continuously since 2013 through the implementation of the Washington Risk MAP Coordinator position. Throughout this time, the Risk MAP Coordinator role has been serving as FEMA's statewide liaison, supporting communities and tribes; and helping FEMA understand community-specific floodplain mapping (and other natural hazard) needs and priorities.

In recent years, tribes and communities in Washington have sought financial and technical support from Region 10's engineers and floodplain management experts to assist with the complexities of FEMA's National Flood Insurance Program (NFIP) regulations, and in particular the requirements for habitat restoration projects within mapped floodplains and floodways. In order to better serve these tribes and communities, Region 10 will fund a 2024 grant through the Risk MAP Cooperating Technical Partners (CTP) Program to the Department of Ecology for technical assistance directly related to the NFIP procedures for Conditional Letters of Map Revision (CLOMRs) and Letters of Map Revision (LOMRs).

FEMA Region 10 has finite technical services resources available through Risk MAP to support tribes and communities. Fortunately, several States have developed programs to provide supplemental technical services. These State programs have the potential to directly compliment FEMA's Risk MAP program.

Arati Kaza  
June 25, 2024  
Page 2

We truly appreciate and value our longstanding partnership with Department of Ecology and look forward to many more years of collaboration that will directly support the hazard mapping needs and future resilience for communities and tribes throughout the State of Washington.

Thank you for your consideration.

Sincerely,

**WENDY L  
SHAW**

Wendy Shaw, P.E.  
Risk Analysis Branch Chief  
Mitigation Division



Digitally signed by WENDY L SHAW  
Date: 2024.06.25 17:28:39 -07'00'

# 2025-27 Biennial Budget HEAL Act Template

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## Background

### HEAL Act requirements

The Healthy Environment for All Act (HEAL Act), Chapter 314, Laws of 2021 (RCW [70A.02](#)) requires that “covered and opt in agencies” must implement the requirements of the HEAL Act. This includes the:

- Department of Ecology
- Department of Agriculture
- Department of Commerce
- Department of Health
- Department of Natural Resources
- Department of Transportation
- Puget Sound Partnership
- Office of the Attorney General

HEAL Act agencies that are considering a significant agency action initiated after July 1, 2023, are required to conduct an environmental justice assessment. RCW [70A.02.010](#)(12) specifies that significant agency actions include:

- The development and adoption of significant legislative rules as defined in RCW [34.05.328](#).
- The development and adoption of any new grant or loan program that the agency is explicitly authorized or required by statute to implement.
- A capital project, grant, or loan award costing at least \$12,000,000.
- A transportation project, grant, or loan costing at least \$15,000,000.
- The submission of agency request legislation to the Office of the Governor or OFM.

Under RCW [70A.02.080](#), beginning on or before July 1, 2023, covered and opt in agencies must, where practicable, take specific actions when making expenditure decisions or developing budget requests to OFM and the Legislature for programs that address or may cause environmental harms or provide environmental benefits. This includes:

- Focus applicable expenditures on creating environmental benefits that are experienced by overburdened communities and vulnerable populations, including reducing or eliminating environmental harms, creating community and population resilience, and improving the quality of life of overburdened communities and vulnerable populations.
- Create opportunities for overburdened communities and vulnerable populations to meaningfully participate in agency expenditure decisions.
- Clearly articulate environmental justice goals and performance metrics to communicate the basis for agency expenditures.
- Establish a goal of directing 40% of grants and expenditures that create environmental benefits to vulnerable populations overburdened communities.

To help OFM understand how HEAL Act agency budget requests meet HEAL Act requirements, covered agencies are required to complete additional questions related to the HEAL Act. These questions are shown below and are in addition to the equity related questions required of all agencies. Covered agencies are asked to complete the following questions and submit them through ABS.

#### HEAL Act questions

If you answer YES to any of these bullet points, please answer the six additional questions and submit them as an attachment through ABS.

- Is this decision package part of an agency request legislation that is required to complete an environmental justice assessment (RCW [70A.02.010\(12\)](#))?

Yes

No

- Is this decision package requesting funding to support another significant agency action that is required to complete an environmental justice assessment (RCW [70A.02.010\(12\)](#))?

Yes

No

- Is this decision package requesting funding for a program/project/activity that may **provide environmental benefits or reduce, mitigate, or eliminate environmental harms**, (that is not a significant agency action)? Note: This may include decision packages for programs not purposely directed to provide environmental benefits but may have an indirect or unintentional impact.

Yes

No

**If you answer YES to any of the above bullet points, please complete these additional questions.**

1. Please describe specific likely or probable environmental harms and/or benefits related to your decision package and the associated health impacts to overburdened communities and vulnerable populations.

This request will enhance Ecology's available staff capacity and resources to support Washington's flood-prone communities enact needed flood map updates and streamline regulatory review procedures for critical watershed restoration projects. Outcomes of this work will benefit efforts to mitigate future flood losses to vulnerable communities, recover endangered salmonids, and advance State obligations to uphold tribal treaty rights. This request will benefit socially-vulnerable populations living with flood risk - impacts of flood hazards are disproportionately

distributed across society, and lower-income communities tend to face higher flood risk, and face disadvantages in recovering from flood loss (Sherwin 2019, 273). Local jurisdictions that receive updated flood maps will gain better information and more useful tools about known and reasonably foreseeable flood risks that will help them make decisions that will improve the safety for their community members.

2. Please describe the estimated percentage and amount of the requested funds that will go towards creating environmental benefits in overburdened communities and vulnerable populations as defined in OFM's the [OBC map](#) or as determined by the agency. If applicable, please include your methodology for making this estimate, including project/award lists if available.

The nature of this request makes it challenging to generate specific estimates of the percent of funding that will go towards overburdened populations. However, Ecology will prioritize working directly with underserved, overburdened communities that have the greatest need for flood map revisions that have gone unserved by federal agencies. All communities served by this request will be recognized as flood-vulnerable and are also likely to be home to socially-vulnerable populations. We estimate that at least 50% of this funding request is expected to benefit overburdened communities and vulnerable populations. This assumes that at least half of the 12-16 flood map studies completed will occur within small, overburdened communities.

3. Please describe any potential significant impacts to Indian Tribes' rights and interest in their tribal lands, as well as traditional practices.

This request will provide direct technical assistance to tribes and other floodplain restoration project sponsors with navigating federal floodplain regulations. This assistance will help get salmon recovery projects permitted—and thus constructed—as quickly as possible. Outcomes will benefit tribes, the co-managers of Washington's fisheries, by accelerating the pace of salmon recovery.

4. Describe how your agency engaged with Tribes in developing this proposal, including offers for tribal consultation including timelines, methods for feedback, and mechanisms for Tribes to express concern, opposition, or support., and any direction provided by Tribes through this engagement.

This request has been shaped by input from several Washington tribes that are strong proponents of efforts to improve permitting efficiencies for watershed restoration projects. For example, Ecology's understanding of the challenges and proposed solutions in this package are informed by a floodplain restoration workgroup co-led by the Nooksack Tribe and the Lummi Nation in the Nooksack River Basin, which Ecology is now participating in. Furthermore, the Nooksack Tribe has provided written support for this funding request and the anticipated benefits it

will provide to their work. Other tribes have been engaged in discussions of this request via other workgroups (e.g. Floodplains by Design, Funding and Policy Action Group). Ecology heard no opposition to this request from tribal partners.

5. If the decision package is part of agency request legislation or supports another significant agency action that is required to complete an environmental justice assessment under RCW [70A.02.010](#)(12), please submit the assessment as an attachment in ABS.

n/a

6. If the decision package is part of agency request legislation or constitutes a significant agency action that is required to complete an environmental justice assessment, please describe how your agency used the environmental justice assessment process to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits. If your agency determined that you were unable to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits, please provide a justification for not doing so.

[n/a]



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## Agency Recommendation Summary

Washington’s coastal communities face increased climate change related risks such as flooding, erosion, and sea level rise. At Governor Inslee’s request, the Washington Coastal Marine Advisory Council developed a set of recommendations in 2021 focused on building a partnership between state agencies and coastal communities to address these challenges. Ecology already received funding to expand data analysis to assess site-scale vulnerabilities and deliver coordinated state-level technical assistance to coastal communities. This request will provide funding to increase local community capacity to design and implement effective on the ground climate resilience projects. Related to Puget Sound Action Agenda Implementation and implementing Washington’s Climate Resilience Strategy. (General Fund-State)

## Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
<b>Operating Expenditures</b>						
Fund 001 - 1	\$1,000	\$1,000	\$2,000	\$1,000	\$1,000	\$2,000
Total Expenditures	\$1,000	\$1,000	\$2,000	\$1,000	\$1,000	\$2,000

## Decision Package Description

### Background:

Washington’s 28,000 miles of marine, river, and lake shoreline provide the basis for thriving economic and social life in communities across the state. However, natural hazards threats such as flooding, landslides, river channel migration, beach and bluff erosion, and sea level rise are having adverse effects on Washington communities and resources—something climate change will only intensify.

Ecology manages these areas where land and water meet and works to enhance Washington’s resilience to natural hazards in coastal and shoreline areas. Our activities are designed to help avoid or minimize the impacts natural hazards can have on communities and the environment and enhance the state’s resilience to these threats.

Ecology has participated in many efforts to better understand the risks facing Washington’s coastal populations and infrastructure and work in partnership with communities to find on-the-ground solutions that also protect the environment. One of Ecology’s recent initiatives, conducted in partnership with Washington Sea Grant, was the Resilience Action Demonstration (RAD) Project. This two-year (2019-2021) project involved extensive outreach with coastal communities and Tribes and culminated in Ecology supporting three underserved coastal communities to access funding for new, locally led resilience efforts. During this two-year project, Ecology staff and partners helped convene a series of resilience workshops with the Washington Coastal Marine Advisory Council (WCMAC).

Subsequently, in July 2021, WCMAC delivered a set of coastal resilience recommendations to the Governor’s Office, Legislature, and Washington’s congressional delegation. These recommendations were developed at the request of Governor Inslee and focused on building the organizational infrastructure for a sustained partnership between state agencies, coastal communities, and Tribes to help them address current challenges and shape a prosperous future. While Tribes are not formal members of WCMAC, the recommendations were developed in concert with coastal Tribes.

For the 2023-25 biennium, Ecology submitted a budget request for funding and staff capacity needed to implement three priority recommendations:

1. Expand Ecology's Coastal Monitoring & Analysis Program (CMAP)
2. Establish a Coastal Hazard Organizational Resilience Team (COHORT)
3. Increase local staff capacity for resilience work (Local Coastal Resilience Grant and Capacity Building Program)

As requested, the Legislature provided funding for priority recommendations 1 and 2, and this work is now underway. The grant funding for recommendation 3 was proposed to begin in the 2025-27 biennium. This request is for funding to support that ongoing grant program.

All three components of the original coastal climate hazards budget request are described below to highlight the interdependent components of the Coastal Climate Hazards initiative. Recommendations 1 and 2 are currently funded, and we are requesting \$2 million per biennia, beginning in 2025-27, for recommendation 3, the Local Coastal Resilience Grant and Capacity Building Program.

### Recommendation 1 (funded): Coastal Monitoring & Analysis Program (CMAP)

To better understand physical changes along Washington’s beaches, bluffs, and nearshore zones, Ecology conducts research by mapping and monitoring Washington’s marine coastline. Because ongoing state funding now supports this critical work, the team has coalesced around a new strategic operations plan and is renamed the Applied Coastal Research and Engineering section (ACRE). This team provides the necessary data to manage erosion and flood hazards that threaten coastal homes and infrastructure. Local and Tribal governments, state and federal agencies,

and other policymakers use the data to make informed management decisions and implement restoration and protection efforts.

Ecology's CMAP employs staff who have a wide range of expertise in areas such as coastal engineering, coastal morphodynamics, geomorphology, coastal hazards and flooding, shoreline change, surveying, remote sensing, geographical information systems (GIS), cartography, and global positioning systems (GPS). They maintain an unbiased, scientifically-based knowledge foundation to enhance decision making for coastal projects and planning. Staff collect and provide coastwide erosion data, coastal process analysis, education and outreach, and technical assistance.

During the winter of 2023-24, CMAP staff provided data and technical support to North Cove, Westport, and Ocean Shores to evaluate coastal hazard risks, assess mitigation strategies, scope resilience project work, and adaptively manage existing projects. Staff work with state and federal agencies, local partners, and Tribes to develop comprehensive strategies and multi-benefit resilience projects, including the North Cove Coastal Systems Restoration Project, which was nationally recognized as the American Shore & Beach Preservation Association's Best Restored Beach in 2024 (<https://asbpa.org/2024/05/24/asbpa-announces-2024-best-restored-beaches/>).

**Recommendation 2 (funded): Coastal Hazards Organizational Resilience Team (COHORT)**

Ecology established the COHORT during the 2023-25 biennium. It consists of staff from Ecology, Washington Sea Grant, Washington State University Extension, and the Washington Military Department's Emergency Management Division. The COHORT helps coastal communities prioritize coordinated coastwide projects and access funding, including federal dollars. Changes to federal disaster mitigation funding guidelines have increased the amount of money available for predesign and planning. This program is giving communities increased support in applying and making the case for those funds. The COHORT helps communities develop project priorities with multiple objectives that involve additional partners and scale across larger landscapes. This not only improves project competitiveness for funding opportunities, but also increases the social, economic, and ecological benefits that communities experience.

During the first year of implementation, COHORT staff met with local communities throughout coastal Washington to provide information about Ecology programs and services, develop relationships with local leaders in coastal resiliency, and support early action items such as developing project priorities and applying for federal funding opportunities from the National Fish and Wildlife Foundation and National Oceanic and Atmospheric Administration. To date, COHORT staff have carried out more than 130 outreach and technical assistance events and helped project proponents secure over \$75 million in federal funding for 18 coastal resilience and restoration projects.

**Recommendation 3 (unfunded): Local Coastal Resilience Grant and Capacity Building**

This recommendation, which will increase local staff capacity for local and Tribal resilience work, is key to a successful COHORT. The COHORT prioritizes engagement and hands-on support for underserved and Tribal communities to scope projects and access funding opportunities and has shown promising results. To continue this success, project proposals must continue to be locally driven and led by local staff.

**Is this request related to any budget items funded in the past two biennia?**

Yes, see attached.

**Problem/Opportunity:**

The Local Coastal Resilience Grant and Capacity Building Program is key to the final implementation of the three priority recommendations. Tribes and local jurisdictions are on the front lines of coastal and climate hazard impacts, and many communities do not have the resources or capacity to undertake long-term resilience planning without additional support for local staffing.

Ecology's research and outreach efforts, including the Resilience Action Demonstration Project (RAD) pilot program for COHORT (<https://wacoastalnetwork.com/resilience-action-demonstration-project/>), indicate that overburdened and underserved communities have challenges accessing competitive funding opportunities for resilience due to capacity barriers within their organizations. In recent years, federal and state funding to support climate hazards has increased. For example, in 2023, the federal government increased funding for the Federal Emergency Management Agency's (FEMA) Building Resilient Infrastructure and Communities program from \$1 billion to \$2 billion, with additional increases coming through other federal appropriations. There is also \$550 billion in new federal spending, of which \$47 billion is earmarked for climate resilience. Increased public investments to address climate hazards is expected to continue as climate impacts create greater demand for resources in coastal communities across the country. However, nearly all of this funding is only available to communities in the form of competitive grants, which are often out of reach for vulnerable communities and Tribes that don't have the capacity and/or expertise to secure them.

To address this gap, one of the 2021 recommendations WCMAC urged the Governor and Legislature to address was an increase in staffing capacity for Tribes, local governments, and special districts to accomplish resilience objectives. WCMAC reported coastal communities and Tribes need additional staff support to complete risk and vulnerability assessments, integrate plans, identify priority projects, and carry out project scoping, design, grant writing, and project management activities.

**Proposed Solution:**

To address these capacity gaps, Ecology requests funding to establish a Local Coastal Resilience Grant and Capacity Building Program to

support community-based resilience planning, effective project design, and proposal development within communities and Tribes currently lacking sufficient staff capacity. This unique approach will prepare underserved local governments and Tribes to apply for implementation funding (i.e., for design, construction, and/or restoration) through various federal and state funding programs.

As part of the COHORT work for 2023-25, staff are developing eligibility criteria, funding priorities, grant guidelines, and the application, review, and scoring processes in preparation to award grant funding starting in the 2025-27 biennium. This work also includes leading a collaborative, inclusive outreach effort to solicit feedback from coastal communities and Tribes to inform the creation of the grant and capacity building program.

Once established, we expect local governments and Tribes will use grant funds in a way that best supports their local needs. Funds can be used to support future coastal resilience fellowship positions, hire new or temporary staff, or contract with consultants to accomplish eligible grant activities, including:

- Gathering existing scientific information and local knowledge about coastal hazards, coastal resilience-related issues, historic changes over time, shoreline processes, community assets, and community risk and vulnerability to hazards.
- Conducting workshops and meetings to engage at-risk communities and community partners in learning about and planning for risks caused by coastal climate hazards.
- Engaging in planning and project development activities to convene partners, design scopes of work, and apply for funding from other grant sources.

As noted below, communities and Tribes may use their grant award to host a coastal resilience fellow to accomplish any of the above activities. Washington Sea Grant is currently developing a new coastal resilience fellowship program specifically for this purpose.

Based on initial scoping by Ecology staff and COHORT partners, we anticipate grant awards will range from \$150,000 to \$400,000 per project. We estimate \$2 million per biennium will support five to 13 projects. These estimates are based on typical costs associated with regional resilience planning-level projects and Ecology's experience developing and managing competitive grant programs like Floodplains by Design and Shoreline Planning Competitive Grant programs. Project examples could include:

- A series of coastal hazards community workshops that identify resilience priorities and next steps: \$150,000-\$250,000.
- A vulnerability assessment project involving multiple jurisdictions, GIS and mapping expertise, community outreach, and adaptation planning: up to \$400,000.
- A community plan to hire or pay their own staff to carry out resilience planning activities for two years (including salary, indirect, fringe benefits, equipment, travel, supplies, etc.): \$250,000 – \$300,000.
- Hiring a consultant team of planners and coastal engineers to develop construction projects and conduct community outreach to protect infrastructure, restore ecosystem functions, and protect community resources: \$250,000-\$400,000.
- Washington Sea Grant expects to support at least five fellows for the 2025-27 biennium (this number may increase based on community and Tribal interest and Sea Grant's administrative capacity). The cost to support one fellow for two years, based on Washington Sea Grant's historic costs, is \$150,000. This means five fellows will cost \$750,000. This funding will support salaries, benefits, and professional development. Fellows will be trained in resilience work and assisted by Washington Sea Grant and COHORT staff to leverage additional resources.

To support local communities' ability to develop projects for this grant program, communities and Tribes may choose to host a two-year coastal resilience fellow to undertake resilience work within the community and gain valuable professional experience. Ecology is working with Washington Sea Grant to develop a new Coastal Resilience Fellowship Program. Washington Sea Grant has over 44 years of experience administering professional fellowship programs and has placed over 240 recent graduates with federal and state agencies, Tribes, and nonprofits (<https://wsg.washington.edu/students-teachers/fellowships/>).

Though not guaranteed, it is noteworthy that all Washington Sea Grant fellowship programs boast high rates of post-fellowship employment in these career fields. Sea Grant has committed to managing an ongoing resilience fellowship program that will use a portion of this state funding request and leverage additional federal funding sources.

Expected outcomes from the Local Coastal Resilience Grant and Capacity Building Program include:

- Increased local capacity and community support to scope projects (including portfolios of landscape-scale integrated resilience projects), apply for funding, and adapt to coastal change.
- Relationship development and increased communication with community partners to leverage existing work and new project opportunities.
- Increased community resilience to coastal hazards and climate change.
- Federal funding to carry out additional project assessment, design, and implementation activities. Funding for each small grant will help

identify opportunities for other federally funded projects.

- Critical workforce development to increase professional capacity across the state to tackle current and emerging challenges facing coastal communities due to climate change due to the new Coastal Resilience Fellowship Program for recent graduates.

### Impacts on Population Served:

The Local Coastal Resilience Grant and Capacity Building Program will help build coastal community resilience by providing direct financial support to overburdened Tribal and communities. Many communities have resiliency needs and ideas but lack the capacity to compete for grants and funding opportunities. Funding will be directed to underserved or overburdened communities and Tribes with flexibility built in, allowing them to direct resources to address their most pressing resilience and adaptation needs. Funding could be used to address critical data gaps, improve knowledge about local environmental conditions and hazards, support vital planning work, and provide the capacity to secure grant funding to reduce coastal hazards. This work can help reduce costs and lower risks, thus improving the quality of life for residents.

### Alternatives Explored:

This request reflects community voices and expertise from the William D. Ruckelshaus Center, described in the 2017 Washington State Coast Resilience Assessment ([https://s3.wp.wsu.edu/uploads/sites/2180/2013/06/Executive-Summary\\_Washington-Coast-Resilience-Assessment-Report\\_Final\\_5.1.17.pdf](https://s3.wp.wsu.edu/uploads/sites/2180/2013/06/Executive-Summary_Washington-Coast-Resilience-Assessment-Report_Final_5.1.17.pdf)).

Ecology considered reducing or delaying this request. Both alternatives would have significant impacts on coastal communities and Tribes. Demand greatly exceeds available resources and existing capacity to plan and implement needed capital projects. Coastal communities and Tribes lack the detailed science and information they need to fully determine the risks to homes, bridges, roads, important habitats, and cultural resources. It is critical they get the funding now to effectively build on and leverage the COHORT and coastal monitoring efforts that began in 2023.



### Consequences of Not Funding This Request:

All three components of this request complement and depend on one another to be successful. This request addresses the third of three recommendations to prevent under-resourced coastal communities and Tribes from putting on-the-ground climate hazard resilience projects in place (funding for the other two priorities was provided in the 2023-25 biennium). If all three components are not funded, data would not be at a scale useful for project design, access to funding would continue to be an issue, and the lack of local capacity would prevent implementation of climate resilience projects.

## Assumptions and Calculations

### Expansion, Reduction, Elimination or Alteration of a current program or service:

This request expands Activity A036 - Protect and Manage Shorelines in Partnership with Local Governments, by providing funding to implement one of three priority recommendations to increase local capacity to design and implement effective resilience projects.

This activity also includes resources for Washington’s Coastal Zone Management Program, aerial photography, marine shoreline habitat, ocean policy review, assistance to local governments updating their shoreline master programs, shoreline management implementation, permitting, and enforcement, coastal erosion, priority 1 and 2 of the coastal climate hazards initiative, ocean acidification, Washington Coastal Marine Advisory Council facilitator, and climate change and planning.

Below is a summary of the 2021-23 and 2023-25 base funding and FTEs for this activity. Administrative Overhead related to this activity is also in the agency’s Administration Activity A002 but is not shown in the totals below.

Activity A036 - Protect and Manage Shorelines in Partnership with Local Governments		
	2021-23	2023-25
FTEs Total	41.85	63.15
001-1 General Fund State	\$2,002,000	\$2,757,000
001-2 General Fund Federal	\$4,265,000	\$5,407,000
001-7 General Fund Private/Local	\$20,000	\$20,000
02R-1 Aquatic Lands Enhancement Account	\$150,000	\$150,000
23P-1 Model Toxics Control Operating - State	\$9,014,000	\$10,033,000
26C-1 Climate Commitment Account	\$0	\$1,140,000
26D-1 Natural Climate Solutions Account	\$0	\$5,961,000
<b>TOTAL</b>	<b>\$15,451,000</b>	<b>\$25,468,000</b>

### Detailed Assumptions and Calculations:

Beginning July 1, 2025, and ongoing, Ecology requires \$2 million per biennium for local capacity pass through grants. This grant program will support community-based resilience planning, effective project design, and proposal development within communities and Tribes currently lacking sufficient staff capacity. This unique approach will prepare underserved local governments and Tribes to apply for implementation funding (i.e., for design, construction, and/or restoration) through various federal and state funding programs.

### Workforce Assumptions:

Expenditures by Object		FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031
N	Grants, Benefits, and Client Services	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
	<b>Total Objects</b>	<b>1,000,000</b>	<b>1,000,000</b>	<b>1,000,000</b>	<b>1,000,000</b>	<b>1,000,000</b>	<b>1,000,000</b>
<b>Staffing</b>							
Job Class	Salary	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031
	<b>Total FTEs</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

### Explanation of costs by object:

All costs are Grants (Object N).

### Historical Funding:

	FY2026	FY2027
FTE (xx direct FTE)	10.6	10.6
<b>Total Funds</b> (rounded to thousands)	<b>\$1,957,000</b>	<b>\$1,957,000</b>
<b>Near General Fund</b> (rounded to thousands)	<b>\$0</b>	<b>\$0</b>
<b>Other Funds</b> (rounded to thousands)	<b>\$1,957,000</b>	<b>\$1,957,000</b>

## Strategic and Performance Outcomes

### **Strategic Framework:**

This request is essential to achieving the Governor's Results Washington Goal 2: Prosperous Economy; Goal 4: Health and Safe Communities; and Goal 5: Efficient, Effective, and Accountable Government because it will fund the resources Ecology needs to increase funding assistance to communities and Tribes most vulnerable to coastal hazards and climate change. It will also increase local capacity to design effective on-the-ground projects and prepare to apply for project funding. This new approach to assist these communities will be effective and efficient because it leverages key assets across agencies and helps underserved communities access and leverage federal funding to invest in hazard resilience planning. With adequate planning and support, communities will strengthen the long-term social, economic, and ecological resilience of Washington's marine shorelines.

This request is essential to achieving the following Ecology goals:

- Goal 1: Support and engage our communities, customers, and employees because it will fund the resources Ecology needs to fulfill our commitment and role in advancing the recommendations WCMAC made to the Governor, Legislature, and members of Washington's congressional delegation. This level of consensus and endorsement is clear affirmation that meaningful engagement and a thoughtful implementation plan that engages local communities, Tribes, and community partners is essential.
- Goal 2: Reduce and prepare for climate impacts because it will support the resources Ecology needs to enhance our understanding of how climate change is affecting our communities, environment, and economy. The funding will also advance action on community resilience and prevent and remediate the negative impacts of climate change, with an emphasis on historically underserved and overburdened communities. This request also aligns with Washington State's Integrated Climate Response Strategy (<https://apps.ecology.wa.gov/publications/SummaryPages/1201004.html>) by advancing action on four of the seven high-priority overarching response strategies to help Washington adapt to climate change. This request will also align with the new Washington Climate Resilience Strategy (<https://ecology.wa.gov/air-climate/responding-to-climate-change/washingtons-climate-strategy>), which is currently underway.
- Goal 3: Prevent and reduce waste, toxic threats, and pollution because it will fund the resources Ecology needs to gather important data we can use to assess local vulnerability to coastal hazards. This will help prevent pollution from land-based sources, a key for a healthy marine and ocean coast.

### **Performance Outcomes:**

The outcome of this request will be an equitable distribution of funds to smaller, rural, and under resourced communities and Tribes that will enable them to reduce the risk and minimize the impacts of coastal hazards and climate change.



## Equity Impacts

### **Community Outreach and Engagement:**

This request includes a collaborative and inclusive outreach effort to solicit feedback from coastal communities and Tribes to inform the creation of the Local Coastal Resilience Grant and Capacity Building program. The COHORT has begun informal engagement with coastal Tribes by attending meetings and conferences, responding to individual requests for technical support, and visiting Tribal sites that are vulnerable to coastal and climate hazards. Flexibility will be built into the grant program to allow communities to direct grant funds to address their most pressing resilience and adaptation needs.

Ecology and our COHORT partners have discussed grant applications with the Affiliated Tribes of the Northwest Indians and others and learned that flexible grant opportunities and increased local capacity are imperative to advancing the resilience of coastal Tribal communities. During the development of the proposed grant program, coastal Tribes will be actively engaged to inform the program methodology and structure to ensure meaningful and equitable outcomes for Tribes. Ecology has not yet invited formal Tribal consultation on the proposed grant program.

### **Disproportional Impact Considerations:**

There are no anticipated or currently identified negative, disproportionate impacts that would result from this request. The Local Coastal Resilience Grant and Capacity Building program will help build coastal community resilience by providing direct financial support to Tribes and communities with environmental justice considerations. This is intended to increase local capacity for community-based natural and climate hazard solutions. Provided funding could be used to address critical data gaps, improve understanding about local environmental conditions and hazards, support vital planning work to improve resilience to coastal and climate hazards, and provide needed capacity to secure funding and implement vital hazard reduction actions across the coastline. This work can help reduce the costs associated with hazard events and improve the quality of life for residents.

This request will benefit coastal Tribes with funds to plan and implement climate adaptation projects. The funding can support Tribal sovereignty, interests in Tribal lands, and treaty rights unique to Washington.

### **Target Communities and Populations:**

The purpose of this request is to provide additional resources for overburdened communities and vulnerable populations. Ecology is currently working with COHORT partners to develop equity and environmental justice criteria that will ensure Local Coastal Resilience Grant and Capacity Building Program funding is used to support overburdened and underserved coastal communities and Tribes. Grant investments will be compared to data available from the federal Climate and Economic Justice Screening Tool (CEJST), which identifies census tracts that are underserved, overburdened, or characterized as “disadvantaged.” A majority of funds will go toward projects located in or co-created with communities experiencing environmental justice considerations and to Tribes that live along Washington coastlines.

### **Community Inputs and Incorporation:**

See Community Outreach and Engagement response.

## Other Collateral Connections

### **HEAL Act Agencies Supplemental Questions**

Yes, see attached.

### **Puget Sound Recovery:**

This request supports the 2022-2026 Puget Sound Action Agenda implementation through the following Vital Signs, Strategies, Targets, Desired Outcomes, and Actions:

#### **Vital Signs**

- Salmon
- Beaches and Marine Vegetation
- Estuaries
- Good Governance

#### **Strategies**

- 18. Awareness of Effects of Climate Change - Understand and build awareness of the effects of changing climate and ocean conditions on Puget Sound.
- 20. Climate Adaptation and Resilience - Integrate climate adaptation and resilience into all strategies to protect and restore ecosystem and human wellbeing.

- 23. Transparent and Inclusive Governance - Promote transparent and inclusive governance that engages all peoples equitably, with a focus on expanding trust and inclusion of underrepresented communities.
- B. Strategic Leadership & Collaboration - Promote strategic leadership and collaboration to support Puget Sound recovery.

**Targets**

- Through Strategy 20 implementation - Support 1,340 homes or structures with reduced flood or climate risk.

**Desired Outcomes and Actions**

- 4.3.1. Increase the resilience of the Puget Sound ecosystem and recovery efforts by adapting to changing climate and ocean conditions when conducting protection and restoration activities.
- 5.2. Engagement in and trust of Puget Sound environmental and natural resource governance is increased.
- 5.4.3. Restoration actions consider economic benefits and impacts, monitor tradeoffs, and choose multi-benefit solutions where possible.

**Desired Outcomes and Actions**

- Action 137. Implement multi-benefit projects and programs that synergistically advance Puget Sound recovery goals and reduce greenhouse gas emissions, increase carbon sequestration in Puget Sound ecosystems, increase climate adaptation, and promote climate resilience.
- Action 150. Ensure that vulnerable populations and underserved communities are welcomed and engaged as full partners and support the priorities identified by communities when working to decrease the magnitude of climate change, advance climate change adaptation, and increase resilience to climate change.

**State Workforce Impacts:**

N/A

**Intergovernmental:**

The Local Coastal Resilience Grant and Capacity Building Program will help coastal communities, local governments, and Tribes plan for and apply for resources that advance coastal resilience planning and adaptation implementation. There is a strong need and support for local capacity funding to plan for this type of work. We don't anticipate any opposition to this request.

This budget request is related to actions currently proposed in the draft Washington's Climate Resilience Strategy, which is being developed under RCW 70A.05 and will be finalized by September 30, 2024.

**Stakeholder Impacts:**

All components of the Coastal Climate Hazards Initiative were developed jointly with community partners, communities, and Tribes and respond to WCMAC's highest priority recommendations to the Governor regarding coastal resilience. We received feedback from the State Hazard Mitigation Work Group, environmental organizations, the Washington State Association of Counties, the Association of Washington Cities, and other local partners.

**State Facilities Impacts:**

N/A

**Changes from Current Law:**

N/A

**Legal or Administrative Mandates:**

N/A

**Governor's Salmon Strategy:**

N/A

## Reference Documents

- [Coastal Resilience Capacity Grants-Attachment A.pdf](#)
- [Coastal Resilience Capacity Grants-Attachment B.pdf](#)
- [Coastal Resilience Capacity Grants-Attachment C.pdf](#)
- [Coastal Resilience Capacity Grants-HEAL Act Attachment.pdf](#)
- [Coastal Resilience Capacity Grants-Historical Funding Attachment D.pdf](#)

## IT Addendum

***Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?***

No

## Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
Obj. N	\$1,000	\$1,000	<b>\$2,000</b>	\$1,000	\$1,000	<b>\$2,000</b>

## Agency Contact Information

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Coastal/Shorelands Section Manager  
Washington State Department of Ecology  
PO Box 47600  
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E-Mail Delivery

To whom it may concern,

Please accept this letter of support for the Washington Department of Ecology's Coastal Climate Hazards Internal Operating Budget request for funding to implement the requests, recommendations, and pilot programs for local governments and Tribes reflected in the legislation which created the COHORT project but did not fully fund all components. Seeking full funding for Washington Ecology's efforts connected to that COHORT legislation will ensure that those communities, areas and entities which are disproportionately affected by coastal hazards and climate impacts are included in programming specifically designed to build coastal resilience in Washington. The supplemental budget package request for which support is sought is designed to provide a mechanism for accessing the tools communities need to undertake planning processes, projects, and to access federal funding opportunities to address coastal hazards and climate impacts.

WSU Extension looks forward to continued participation in this COHORT project and a number of related efforts regarding community resilience, and will continue Extension efforts specifically as they relate to coastal resilience. This coastal resilience decision package complements ongoing WSU Extension efforts to bring the abstract knowledge base of higher education to bear on practical problems and opportunities at the local level to improve quality of life for Washington residents. The WSU Extension CED program, in particular, is enmeshed in community resilience-building work at the county, regional, state and national levels which can beneficially inform this coastal resilience effort. Moreover, this coastal resilience proposal will only serve to help advance those efforts generally while meeting the needs of coastal communities and affected tribes.

Given what we know about the general state of community resilience in Washington, the low level of preparedness for coastal events in particular, and the needs of coastal communities and tribes for a framework, assistance and funding to help organize efforts to improve coastal resilience, this proposed supplemental funding could not come at a more important time.

Sincerely,

Michael J. Gaffney

Michael J. Gaffney  
Assistant Extension Director  
Community and Economic Program Unit Director  
509-338-0318  
[mjgaffney@wsu.edu](mailto:mjgaffney@wsu.edu)



**Washington Sea Grant**  
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3716 Brooklyn Avenue NE  
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22 July 2024

Washington State Department of Ecology  
PO Box 47600  
Olympia, Washington 98504-7600

Re: Washington State Department of Ecology's "Coastal Climate Hazards" Operating Budget Request

To whom it may concern,

On behalf of Washington Sea Grant, I am pleased to provide this formal statement of support for the Department of Ecology's Coastal Climate Hazards Operating Budget request for a \$2M local capacity grants program for the Coastal Hazards Operational Resilience Team (COHORT). This funding will address capacity gaps and support community-based resilience planning, project design, and proposal development for under-resourced communities and Tribes disproportionately affected by coastal hazards and climate impacts. This funding request package is designed to provide the capacity at the local level to access federal funding opportunities to address local hazards and climate impacts.

Washington Sea Grant (WSG), housed in the University of Washington's College of the Environment, is deeply engaged in research, technical assistance, and outreach related to coastal hazards. WSG works with local communities, Tribes, and state and federal agencies to support community-led efforts to reduce risk and strengthen social, economic, and ecological resilience. This proposal complements multiple Washington Sea Grant efforts to support coastal resilience across the coastal communities of Washington State and translates their learnings into sustained policy to improve the livelihoods of Washingtonians.

From 2016-19, Washington Sea Grant led the Washington Coastal Resilience Project<sup>1</sup> (WCRP), a multi-organizational partnership<sup>2</sup> that produced the 2018 Washington State Sea Level Rise Projections and numerous other tools that jurisdictions are currently using to build resilience for climate change impacts. Through the 2019-21

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<sup>1</sup> <https://wacoastalnetwork.com/washington-coastal-resilience-project/>

<sup>2</sup> WSG was joined by Washington State Department of Ecology's Coastal Zone Management Program, University of Washington Climate Impacts Group, and The Nature Conservancy. Additional institutional partners included: The City of Tacoma, Metro Parks Tacoma, Island County, King County, University of Oregon, UW Department of Earth and Space Sciences, UW Schools of Marine and Environmental Affairs, Padilla Bay National Estuary Research Reserve, Washington Department of Fish and Wildlife Estuary and Salmon Restoration Program (ESRP), and the US Geological Survey.

NOAA-funded Resilience Action Demonstration Project, outreach conducted by Sea Grant and Ecology cataloged over 175 potential coastal hazards projects and planning efforts across Washington's Pacific Coast, assisted multiple projects to find funding and technical assistance, and identified specific actions to improve coastal resilience. Ninety-nine of these projects were at the initial risk evaluation and characterization stage, highlighting the need for additional data, funds, and technical support to assist in scoping and implementing these needed actions. These insights informed the Washington Coastal Marine Advisory Council's 2021 recommendations to Governor Inslee, the State Legislature, and Washington's Congressional Delegation. Across these projects, WSG and its partners have recognized and documented the tremendous value of inter-agency coordination in support of locally-led efforts to develop climate change resilience.

Ecology's Operating Budget request is a stakeholder-informed proposal that incorporates lessons learned and best practices from these efforts and others. It ensures that local governments and Tribes will receive robust support to develop projects and access funds to meet the challenges of climate change and existing coastal hazards. Ecology's proposed small grants program will be an essential component of this work.

Ecology's request is a carefully crafted and requisite step to advance the multiple nascent resilience projects across Washington's coastal communities, assisting local planners, jurisdictional staff, and community members in furthering coastal resilience through collaborative avenues. Fundamentally, this is a modest request that is also a good investment of state funds. Calculating the return on investment of funding for coastal resilience can be challenging to assess, but according to a 2019 study, the World Bank and the Global Facility for Disaster Reduction and Recovery conservatively estimate a \$4 benefit for each \$1 invested<sup>3</sup>. As the public becomes increasingly aware of climate change impacts on daily life and federal climate resilience funding grows, this modest investment in state funding will help position Washington to leverage public funds to improve the safety and economic vitality of its shorelines and residents. This funding will demonstrate Washington's commitment and leadership before climate change causes irreversible changes to our coastlines and communities.

Sincerely,



Terrie Klinger  
Interim Director, Washington Sea Grant

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<sup>3</sup> "Hallegate, Stephanie; Rentschler, Jun; Rozenberg, Julie. 2019. Lifelines: The Resilient Infrastructure Opportunity. Sustainable Infrastructure. Washington, DC: World Bank. © World Bank. <https://openknowledge.worldbank.org/handle/10986/31805> License: CC BY 3.0 IGO"

Coastal/Shorelands Section Manager  
Washington State Department of Ecology  
PO Box 47600  
Olympia, Washington 98504-7600

To Whom it May Concern,

This is an official statement of support for the Department of Ecology's Coastal Climate Hazards Operating Budget request to implement the requests, recommendations, and pilot programs for local governments and Tribes that are disproportionately affected by coastal hazards and climate impacts. This package expands on the work that has begun to provide the tools to local communities to undertake project planning processes and access federal funding opportunities to address coastal hazards and climate impacts, which we feel aligns with the Military Department's broad goal of reducing the impacts of all disasters – including climate-driven ones. The Emergency Management Division (EMD) of the Military Department, specifically, is excited for the opportunity to partner with you and your team at Department of Ecology, and the rest of the COHORT agencies, on this effort.

As you know, EMD's mission is to make Washington a disaster-resilient state. A large portion of our work is in disaster risk reduction, or hazard mitigation. Coastal hazards and climate impacts affect much of the state, and at-risk communities need additional help given the increasing levels of disaster risk associated with climate change. We feel this proposal will help us improve the quantity and quality of the hazard mitigation projects we see targeting those hazards in high-risk areas.

With the impacts of climate change on our coastal communities more apparent than ever, the time to provide them with additional tools and resources for mitigating their hazard risks is now.

Sincerely,

*Anne-marie Marshall-Dody*

Anne-marie Marshall-Dody, CFM  
Assistant Director for Disaster Resilience



**ATTACHMENT D - RELATED BUDGET ITEMS FUNDED IN THE LAST TWO BIENNIA (2023-25, 2021-23)**

Instructions: Enter the following information about any budget items funded over the last two biennia (2021-23 budget, 2022 supplemental budget, 2023-25 budget, 2024 supplemental budget) that is related to your Decision Package for 2025-27.

Biennium	Rec Sum Code/Title	RecSum Description	Fund Source	Duration	Amount
2023-25	QA-Coastal Hazards Assistance	Coastal Hazards Assistance The Washington Coastal Marine Advisory Council (WCMAC) developed a set of recommendations on coastal hazards, such as flooding and sea level rise, in 2021. Funding is provided for several of WCMAC's recommendations, including: (1) expanding data analysis to assess vulnerabilities within coastal communities, (2) delivering coordinated state-level technical assistance, and (3) increasing local capacity to design and implement on-the-ground projects.	26D-1	Ongoing	\$ 3,914,000

# 2025-27 Biennial Budget HEAL Act Template

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## Background

### HEAL Act requirements

The Healthy Environment for All Act (HEAL Act), Chapter 314, Laws of 2021 (RCW [70A.02](#)) requires that “covered and opt in agencies” must implement the requirements of the act. This includes the:

- Departments of Ecology
- Department of Agriculture
- Department of Commerce
- Department of Health
- Department of Natural Resources
- Department of Transportation
- Puget Sound Partnership
- Office of Attorney General

HEAL Act agencies that are considering a significant agency action initiated after July 1, 2023, are required to conduct an environmental justice assessment. RCW 70A.02.010(12) specifies that significant agency actions include:

- The development and adoption of significant legislative rules as defined in RCW 34.05.328.
- The development and adoption of any new grant or loan program that the agency is explicitly authorized or required by statute to implement.
- A capital project, grant, or loan award costing at least \$12,000,000.
- A transportation project, grant, or loan costing at least \$15,000,000.
- The submission of agency request legislation to the Office of the Governor or OFM.

Under RCW 70A.02.080, beginning on or before July 1, 2023, covered and opt in agencies must, where practicable, take specific actions when making expenditure decisions or developing budget requests to OFM and the Legislature for programs that address or may cause environmental harms or provide environmental benefits. This includes:

- Focus applicable expenditures on creating environmental benefits that are experienced by overburdened communities and vulnerable populations, including reducing or eliminating environmental harms, creating community and population resilience, and improving the quality of life of overburdened communities and vulnerable populations.
- Create opportunities for overburdened communities and vulnerable populations to meaningfully participate in agency expenditure decisions.
- Clearly articulate environmental justice goals and performance metrics to communicate the basis for agency expenditures.
- Establish a goal of directing 40% of grants and expenditures that create environmental benefits to vulnerable populations overburdened communities.

To help OFM understand how HEAL Act agency budget requests meet HEAL Act requirements, covered agencies are required to complete additional questions related to the HEAL Act. These questions are shown below and are in addition to the equity related questions required of all agencies. Covered agencies are asked to complete the following questions and submit them through ABS.

### HEAL Act questions

If you answer YES to any of these bullet points, please answer the six additional questions and submit them as an attachment through ABS.

Is this decision package part of an agency request legislation that is required to complete an environmental justice assessment (RCW [70A.02.010\(12\)](#))?

Yes

No

Is this decision package requesting funding to support another significant agency action that is required to complete an environmental justice assessment (RCW [70A.02.010\(12\)](#))?

Yes

No

Is this decision package requesting funding for a program/project/activity that may **provide environmental benefits or reduce, mitigate, or eliminate environmental harms**, (that is not a significant agency action)? Note: This may include decision packages for programs not purposely directed to provide environmental benefits but may have an indirect or unintentional impact.

Yes

No

**If you answer YES to any of the above bullet points, please complete these additional questions.**

1. Please describe specific likely or probable environmental harms and/or benefits related to your decision package and the associated health impacts to overburdened communities and vulnerable populations.

The Coastal Resilience Grant and Capacity Building program will help build coastal community resilience by providing direct financial support to overburdened Tribal and frontline communities. This is intended to increase local capacity for community-based natural and climate hazard resilience planning and implementation. Funding will be directed to underserved or overburdened communities and Tribes, and flexibility will be built into the grant program to allow communities to direct resources to address their most pressing resilience and adaptation needs. Provided funding could be used to address critical data gaps, improve understanding about local environmental conditions and hazards, support vital planning work to improve resilience to coastal and climate hazards, and provide needed capacity secure funding and implement vital hazard reduction actions across the coastline.

This work can help reduce the costs associated with hazard events and improve the quality of life for residents by reducing risk levels. This funding opportunity will assist the recently established COHORT in making meaningful progress toward supporting coastal Tribes in exercising self-determination in their coastal hazard and climate adaptation efforts. COHORT recognizes this work must be led and co-created with frontline communities to ensure equitable, just, and effective outcomes that support community empowerment and solidarity.

2. Please describe the estimated percentage and amount of the requested funds that will go towards creating environmental benefits in overburdened communities and vulnerable populations as defined in OFM's the OBC map or as determined by the agency. If applicable, please include your methodology for making this estimate, including project/award lists if available.

Funding for the Coastal Climate Hazards Grants and Capacity Building Program will be targeted toward underserved coastal communities and Tribes. Ecology is currently working with our COHORT partners at Washington Sea Grant, Washington Emergency Management Division, and Washington State University Extension to develop equity and environmental justice criteria that will ensure this grant funding is used to support communities and Tribes currently lacking sufficient resources and staff capacity to develop, scope, and apply for competitive resilience funding opportunities. Grant investments will be compared to data available from CEJST, and a majority of funds will go toward projects located in or co-created with Justice40 and frontline communities and Tribes who live along Washington coastlines. We will target at least a portion of the projects to be located in disadvantaged communities identified by CEJST and prioritize projects implemented in partnership and co-created with Tribes.

3. Please describe any potential significant impacts to Indian Tribes' rights and interest in their tribal lands, as well as traditional practices.

This funding opportunity will assist the recently established interagency Coastal Hazards Organizational Resilience Team (COHORT) in making meaningful progress toward supporting coastal Tribes in exercising self-determination in their coastal hazard and climate adaptation efforts. COHORT recognizes that ultimately this work must be led and co-created with frontline communities to ensure equitable, just, and effective outcomes that support community empowerment and solidarity. Grant funding will prioritize awards that support adaptation planning and implementation by coastal Tribes. Funding provided to Tribes will support tribal rights and interests in their tribal lands. Program technical and grant support will respect and support Tribal sovereignty, considering multiple ways of knowing as well as the Indigenous politics and treaty rights that are unique to Washington state.

4. Describe how your agency engaged with Tribes in developing this proposal, including offers for tribal consultation including timelines, methods for feedback, and mechanisms for Tribes to express concern, opposition, or support., and any direction provided by Tribes through this engagement.

This proposal directly addresses a key recommendation made by WCMAC to the Governor's Office in July 2021, which was to identify options for increasing local staffing capacity for resilience work. WCMAC's recommendations were developed with input from coastal Tribes and pilot projects with coastal communities. Additional formal Tribal engagement regarding the proposed small grants program has not yet occurred. However, the COHORT has already begun the process of engaging with coastal Tribes by attending meetings and conferences, responding to individual requests for technical support, and visiting Tribal sites vulnerable to coastal and climate hazards. In collaborating with the Affiliated Tribes of the Northwest Indians and others on grant applications, consistent feedback has been received that flexible grant opportunities and increased local capacity are imperative to advancing the resilience of coastal Tribal communities. During development of the proposed small grants program, coastal Tribes will be actively engaged to inform the program methodology and structure to ensure meaningful and equitable outcomes for Tribes.

5. If the decision package is part of agency request legislation or supports another significant agency action that is required to complete an [Environmental Justice Assessment](#) under RCW 70A.02.010(12), please submit the assessment as an attachment in ABS.

No, a formal Environmental Justice Assessment has not been completed. This budget request was originally drafted for consideration during the 2023-25 Regular Budget Session, prior to this requirement being in place. However, this request is based on WCMAC recommendations crafted with significant input from Tribes and underserved coastal communities. In addition, the previously submitted and approved Decision Package included a detailed Equity Impacts analysis. Ecology will develop a draft methodology for distributing funds to ensure equitable outcomes, followed by meaningful tribal and community engagement to assess and revise adaptively. The methodology development process and outcomes will be shared publicly on Ecology's website.

6. If the decision package is part of agency request legislation or constitutes a significant agency action that is required to complete an environmental justice assessment, please describe how your agency used the environmental justice assessment process to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits. If your agency determined that you were unable to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits, please provide a justification for not doing so.

Not applicable. A formal Environmental Justice Assessment process has not been completed.



## Agency Recommendation Summary

The processing of water rights applications has become increasingly difficult in recent years due to the competition for reduced water supplies across the state, as well as a growing legal, scientific, and technical complexity of water right decisions. As a result, the number of water right permit decisions made by Ecology per year has decreased by over 45% from a decade ago. Without additional funding, the backlog of pending water right applications and the time to process those applications will continue to increase. Ecology is requesting funding for additional staffing to increase the number of water right decisions made each year, which will support economic development while protecting the environment. (General Fund-State)

## Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
<b>Staffing</b>						
FTEs	4.6	4.6	4.6	4.6	4.6	4.6
<b>Operating Expenditures</b>						
Fund 001 - 1	\$640	\$640	\$1,280	\$640	\$640	\$1,280
Total Expenditures	\$640	\$640	\$1,280	\$640	\$640	\$1,280

## Decision Package Description

### Background:

Waters of the state belong to the public. Ecology issues rights to use a volume of water, for a defined purpose, in a specific place based on the prior appropriations system. Ecology analyzes applications for water rights by applying a four-part test and then deciding to approve or deny the application.

Washington uses a prior appropriation water right system, also referred to as a system of “first-in-time, first-in-right.” This means that a person or group that established a water right first has senior priority and the right to divert all their water before the person or group with the next water right (next water right in chronological order). The older water right is often referred to as the senior right while any water rights established after that are generally referred to as junior water rights.

The four-part test to determine whether Ecology may approve a water right includes the following elements.

- First, the water use must be beneficial according to state statute.
- Second, there must be no impairment of any senior water right holders.
- Third, the water must be available which means both legally and scientifically.
- Fourth, the granting of a water right must not be detrimental to the public interest.

The interpretation of the state water code is complicated by significant case law decided by numerous statewide lower courts, the Washington State Supreme Court, Federal Appellate Courts, and even the United States’ Supreme Court. This intersection with state statute and case law makes determining whether a water right application can be approved or denied is a highly complex undertaking that includes unique application of statutory, scientific, legal, and technical expertise.

Water management and water right permitting has become more complex over time. Most water sources across the state have limited to no legal availability of water. In addition, the criteria used to define impairment to senior water rights and instream flows has become more restrictive. This means that our decisions require multiple lines of evidence to support historical beneficial use, sophisticated scientific and technical analysis to investigate potential impairment, often trust and water bank agreements to facilitate mitigation, and adoption of local rules that govern water use from a specific water source and/or from a specific basin. These changes have increased significantly in recent years, which has expanded and further complicated the processing of water rights and managing the state’s waters.

### Problem/Opportunity:

The length of time it currently takes Ecology to process permit decisions, and the growing backlog of pending applications, both far exceed those in other western states. While most other states have a current backlog of less than 1,000 applications, for which it takes less than two years to make decisions, Washington’s current backlog is approximately 4,490 applications, and it takes on average nearly 20 years for a permit decision to be made.

Ecology’s water right permit application backlog was significantly larger in the past, but the Water Resources Program instituted several staffing modifications and process improvements that resulted in over a 36% reduction of the permit backlog between 2010 (7,046) and 2023 (4,482). However, in the most recent two-year period, our progress in reducing the permit backlog and timelines for processing applications has stalled. The current challenges of processing water right permit applications are a result of increased complexity of the information required in

applications, the scientific and technical analysis required to evaluate an application, and the legal constraints governing the application of the water code. Specific changes affecting the length of time it takes to process applications and make decisions include:

- Changes in case law requiring complex mitigation (e.g. WA State Supreme Court’s “Foster Decision” – in 2014).
- Increased expectations around coordination with other agencies before reaching decisions.
- Additional consultation and negotiation with affected Tribes.
- Additional legal and technical analysis, including complex modeling evaluation.

Within existing resources, Ecology staff currently process approximately 300 applications per year (which is down from an average of 600 applications per year a decade ago). However, that production level is still currently outpaced by the 350 new applications received on average per year, which only continues to increase the existing backlog.

**Proposed Solution:**

As a first step in improving the timeliness of permit decisions and reducing the current backlog, this request seeks funding for four additional permit writers to increase the number of water right applications processed, reviewed, and analyzed each year so that the current backlog does not increase any further. Note, Ecology would need additional staff and funding, beyond this request, if we were to decrease and eventually eliminate the backlog. However, the first step in addressing this issue is to help ensure that the backlog does not continue to increase.

**Impacts on Population Served:**

The population served by this proposal is not just the specific applicants for new water rights, which includes industry, agriculture and businesses. Small community and larger municipal water systems are among water right applicants. These water systems serve water to over 85 percent of the state’s population. Without timely decisions, communities cannot plan for growth, cannot accommodate the needs of its residents, and growth will be forced into rural areas using wells that are exempt from water right permitting.

**Alternatives Explored:**

Due to the significant complexity and highly specialized nature of processing a water right application and rendering a decision, Ecology does not believe that there are other alternatives to performing this work.

Ecology’s Water Resources Program has worked to improve the efficiency and effectiveness of their application processes, including completing two separate Lean events. The first focused on the content and requirements of the water right application. The second led to process modifications that improved statewide consistency and reduced both steps and timeframes for processing applications. Taken together, these process improvements were behind the significant backlog reduction we experienced between 2010 and 2020. However, we know of no other process improvements that could address the challenges of today, which is driven primarily by an increase in the coordination with state and Tribal entities, as well as the complexity and considerations of legal, scientific, and technical information that are required to make decisions on each individual application.

**Consequences of Not Funding This Request:**

Not funding this request would continue to limit Ecology’s ability to make water right decisions in a timely manner that would support people, farms, and fish statewide. The backlog of applications (currently about 4,400) would continue to grow as the number of applications received continues to exceed the number of applications processed by existing staff annually.

An increased backlog would increase the delay in processing water right applications and have a negative impact on the overall economy as commercial, agricultural and domestic projects and businesses would be delayed for lack of a decision by Ecology. Further delays in processing water right applications would also have a negative impact on the environment at large since many applications to use water would include mechanisms to improve the natural environment water supply and/or related habitat conditions.

**Assumptions and Calculations**

***Expansion, Reduction, Elimination or Alteration of a current program or service:***

This request expands Activity A024 – Manage Water Rights by adding four additional permit writers to process the number of water right applications processed, reviewed, and analyzed each year. Below is a summary of the 2021-23 and 2023-25 base funding and FTEs for this activity. Administrative Overhead related to this activity is also in the agency’s Administration Activity A002, but is not shown in the totals below.



<b>A024 – Manage Water Rights</b>		
	<b>2021-23</b>	<b>2023-25</b>
FTEs Total	59.55	60.60
001-1 General Fund-State	\$15,383,000	\$17,927,000
001-7 General Fund-Private/Local	\$2,273,000	\$2,273,000
027-1 Reclamation Revolving Account	\$89,000	\$249,000
072-1 Water Supply Facilities Account	\$12,000	\$12,000
16V-1 Water Rights Processing Account	\$39,000	\$39,000
<b>TOTAL</b>	<b>\$17,797,000</b>	<b>\$20,500,000</b>

**Detailed Assumptions and Calculations:**

Beginning July 1, 2025, and ongoing, Ecology requires salaries, benefits, and associated staff costs for 4.0 FTE Environmental Specialist 4 positions to process additional water rights applications each fiscal year. These staff will process, review, analyze and make decisions using four-part test to determine whether Ecology may approve a water right based on the application received.

**Workforce Assumptions:**

<b>Expenditures by Object</b>		<b><u>FY 2026</u></b>	<b><u>FY 2027</u></b>	<b><u>FY 2028</u></b>	<b><u>FY 2029</u></b>	<b><u>FY 2030</u></b>	<b><u>FY 2031</u></b>
A	Salaries and Wages	345,296	345,296	345,296	345,296	345,296	345,296
B	Employee Benefits	117,746	117,746	117,746	117,746	117,746	117,746
E	Goods and Services	24,192	24,192	24,192	24,192	24,192	24,192
G	Travel	8,820	8,820	8,820	8,820	8,820	8,820
J	Capital Outlays	5,144	5,144	5,144	5,144	5,144	5,144
T	Intra-Agency Reimbursements	138,449	138,449	138,449	138,449	138,449	138,449
	<b>Total Objects</b>	<b>639,647</b>	<b>639,647</b>	<b>639,647</b>	<b>639,647</b>	<b>639,647</b>	<b>639,647</b>

<b>Staffing</b>		<b>Salary</b>	<b><u>FY 2026</u></b>	<b><u>FY 2027</u></b>	<b><u>FY 2028</u></b>	<b><u>FY 2029</u></b>	<b><u>FY 2030</u></b>	<b><u>FY 2031</u></b>
<b>Job Class</b>								
ENVIRONMENTAL SPEC 4	86,324	4.00	4.00	4.00	4.00	4.00	4.00	4.00
FISCAL ANALYST 2		0.40	0.40	0.40	0.40	0.40	0.40	0.40
IT APP DEVELOPMENT-JOURNEY		0.20	0.20	0.20	0.20	0.20	0.20	0.20
<b>Total FTEs</b>		<b>4.60</b>	<b>4.60</b>	<b>4.60</b>	<b>4.60</b>	<b>4.60</b>	<b>4.60</b>	<b>4.60</b>

**Explanation of costs by object:**

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 34.1% of salaries.

Goods and Services are the agency average of \$6,048 per direct program FTE.

Travel is the agency average of \$2,205 per direct program FTE.

Equipment is the agency average of \$1,286 per direct program FTE.

Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 29.9% of direct program salaries and benefits and is shown as object T. Agency Administrative Overhead FTEs are included at 0.15 FTE per direct program FTE and are identified as Fiscal Analyst 2 and IT App Development-Journey.

**Historical Funding:**

	<b><u>FY2026</u></b>	<b><u>FY2027</u></b>
FTE (xx direct FTE)	25.0	25.0
<b>Total Funds</b> (rounded to thousands)	<b>\$3,765,000</b>	<b>\$3,765,000</b>
<b>Near General Fund</b> (rounded to thousands)	<b>\$3,293,000</b>	<b>\$3,293,000</b>
<b>Other Funds</b> (rounded to thousands)	<b>\$472,000</b>	<b>\$472,000</b>

Administrative Overhead related to this program or service is in the agency’s Administration Activity A002, but is not shown in the totals above.

## Strategic and Performance Outcomes

### **Strategic Framework:**

This request is essential to achieving the Governor’s Results Washington Goal #2 – Prosperous Economy and Goal #5 – Efficient, Effective, and Accountable Government and Ecology’s Goal #4 – Protect and Manage our State’s Waters by increasing the number of water right applications processed, which will improve economic conditions statewide due to increased business ventures being approved for a water right.

This request will also improve the timeliness of government services to the applicants requesting permission to use state waters and would protect state waters by ensuring applicants legally authorized to use the water they requested.

<b>Performance Measures</b>	<b>Incremental Changes 2026</b>	<b>Incremental Changes 2027</b>	<b>Incremental Changes 2028</b>	<b>Incremental Changes 2029</b>
001577 - Number of total water right decisions completed	50	50	50	50

### **Performance Outcomes:**

The outcome(s) of this request will be to process and make water right decisions on an additional 50 applications per year. This would improve timeliness of response from the agency in processing water right applications, would increase the number of decisions made annually thereby managing the impact on the current application backlog, and would increase economic activity for applicants approved being able to implement their business plans.

## Equity Impacts

### **Community Outreach and Engagement:**

This administrative request is to increase staff capacity to process and make decisions on water right applications. Ecology did not directly consult with tribal entities during the development of this request. This request would not alter existing and established consultation mechanisms with Tribal entities. Ecology would continue to inform and include tribal consultation as a part of all relevant water rights potentially having a tribal impact.

### **Disproportional Impact Considerations:**

There are no anticipated or identified disproportionate environmental harms or benefits on overburdened communities and vulnerable populations from this budget request. However, there may be indirect benefits to overburdened communities and vulnerable populations. Improved efficiency of water right application processes may have an indirect benefit when applications impact the long-term resilience of domestic drinking water for overburdened communities. There may also be indirect benefits when applications are from businesses owned by or that impact vulnerable populations who may have less resources to withstand longer and costlier processing options.

This request would not alter existing and established consultation mechanisms with Tribal entities. Ecology would continue to inform and include tribal consultation as a part of all relevant water rights potentially having a tribal impact.

### **Target Communities and Populations:**

This administrative request is to increase staff capacity for processing and making decisions on water right applications. The population served by this proposal include industry, agriculture, businesses, and small community and larger municipal water systems. These water systems serve water to over 85% of the state’s population. Without timely decisions, communities cannot plan for growth, cannot accommodate the needs of its residents, and growth will be forced into rural areas using wells that are exempt from water right permitting.

### **Community Inputs and Incorporation:**

See Community Outreach and Engagement response.

## Other Collateral Connections

### **HEAL Act Agencies Supplemental Questions**

Yes, see attached.

### **Puget Sound Recovery:**

N/A

### **State Workforce Impacts:**

N/A

### **Intergovernmental:**

Ecology anticipates that governmental stakeholders would be supportive of reducing overall processing times for water right applications and increasing the number of decisions made annually. This request would not alter existing consultation mechanisms with tribal entities or other state partners involved with making water right decisions. Ecology anticipates that the Washington State Department of Fish and Wildlife (WDFW) would be supportive as Ecology provides contract funding support to supplement base resources at WDFW to manage application processing. Because Ecology in the past processed more applications than in recent years, we do not anticipate resource limitations for WDFW.

### **Stakeholder Impacts:**

Ecology anticipates that stakeholders (business, commercial, industrial, agricultural, environmental, etc.) would be supportive of reducing overall processing times for water right applications and increasing the number of decisions made annually.

### **State Facilities Impacts:**

N/A

### **Changes from Current Law:**

N/A

### **Legal or Administrative Mandates:**

N/A

### **Governor's Salmon Strategy:**

N/A

## Reference Documents

[Water Rights Processing-HEAL Act Attachment.pdf](#)

## IT Addendum

### **Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?**

No

## Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
Obj. A	\$345	\$345	<b>\$690</b>	\$345	\$345	<b>\$690</b>
Obj. B	\$118	\$118	<b>\$236</b>	\$118	\$118	<b>\$236</b>
Obj. E	\$24	\$24	<b>\$48</b>	\$24	\$24	<b>\$48</b>
Obj. G	\$9	\$9	<b>\$18</b>	\$9	\$9	<b>\$18</b>
Obj. J	\$5	\$5	<b>\$10</b>	\$5	\$5	<b>\$10</b>
Obj. T	\$139	\$139	<b>\$278</b>	\$139	\$139	<b>\$278</b>

## Agency Contact Information

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# 2025-27 Biennial Budget HEAL Act Template

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## Background

### HEAL Act requirements

The Healthy Environment for All Act (HEAL Act), Chapter 314, Laws of 2021 (RCW [70A.02](#)) requires that “covered and opt in agencies” must implement the requirements of the HEAL Act. This includes the:

- Department of Ecology
- Department of Agriculture
- Department of Commerce
- Department of Health
- Department of Natural Resources
- Department of Transportation
- Puget Sound Partnership
- Office of the Attorney General

HEAL Act agencies that are considering a significant agency action initiated after July 1, 2023, are required to conduct an environmental justice assessment. RCW [70A.02.010](#)(12) specifies that significant agency actions include:

- The development and adoption of significant legislative rules as defined in RCW [34.05.328](#).
- The development and adoption of any new grant or loan program that the agency is explicitly authorized or required by statute to implement.
- A capital project, grant, or loan award costing at least \$12,000,000.
- A transportation project, grant, or loan costing at least \$15,000,000.
- The submission of agency request legislation to the Office of the Governor or OFM.

Under RCW [70A.02.080](#), beginning on or before July 1, 2023, covered and opt in agencies must, where practicable, take specific actions when making expenditure decisions or developing budget requests to OFM and the Legislature for programs that address or may cause environmental harms or provide environmental benefits. This includes:

- Focus applicable expenditures on creating environmental benefits that are experienced by overburdened communities and vulnerable populations, including reducing or eliminating environmental harms, creating community and population resilience, and improving the quality of life of overburdened communities and vulnerable populations.
- Create opportunities for overburdened communities and vulnerable populations to meaningfully participate in agency expenditure decisions.
- Clearly articulate environmental justice goals and performance metrics to communicate the basis for agency expenditures.
- Establish a goal of directing 40% of grants and expenditures that create environmental benefits to vulnerable populations overburdened communities.

To help OFM understand how HEAL Act agency budget requests meet HEAL Act requirements, covered agencies are required to complete additional questions related to the HEAL Act. These questions are shown below and are in addition to the equity related questions required of all agencies. Covered agencies are asked to complete the following questions and submit them through ABS.

#### HEAL Act questions

If you answer YES to any of these bullet points, please answer the six additional questions and submit them as an attachment through ABS.

- Is this decision package part of an agency request legislation that is required to complete an environmental justice assessment (RCW [70A.02.010\(12\)](#))?

Yes

No

- Is this decision package requesting funding to support another significant agency action that is required to complete an environmental justice assessment (RCW [70A.02.010\(12\)](#))?

Yes

No

- Is this decision package requesting funding for a program/project/activity that may **provide environmental benefits or reduce, mitigate, or eliminate environmental harms**, (that is not a significant agency action)? Note: This may include decision packages for programs not purposely directed to provide environmental benefits but may have an indirect or unintentional impact.

Yes

No

**If you answer YES to any of the above bullet points, please complete these additional questions.**

1. Please describe specific likely or probable environmental harms and/or benefits related to your decision package and the associated health impacts to overburdened communities and vulnerable populations.

This administrative request is to increase staff capacity to process and make decisions on water right applications. There are no anticipated or likely direct environmental harms or benefits on overburdened communities and vulnerable populations from this budget request. There may be indirect benefits to overburdened communities and vulnerable populations. Improved efficiency of water right application processes may have an indirect benefit when applications impact the long-term resilience of domestic drinking water for overburdened communities. There may also be indirect benefits when applications are from businesses owned by or that impact vulnerable populations who may have less resources to withstand longer and costlier processing options.

2. Please describe the estimated percentage and amount of the requested funds that will go towards creating environmental benefits in overburdened communities and vulnerable populations as defined in OFM's the [OBC map](#) or as determined by the agency. If applicable, please include your methodology for making this estimate, including project/award lists if available.

Ecology does not currently have data or methods for calculating and estimating percentages of staff time that would go towards creating environmental benefits in overburdened communities and vulnerable populations. Estimates potentially could be linked to the specific water right applications submitted, however this would not necessarily create environmental benefits in the specific overburdened community or vulnerable population.

3. Please describe any potential significant impacts to Indian Tribes' rights and interest in their tribal lands, as well as traditional practices.

This administrative request is to increase staff capacity to process and make decisions on water right applications. This request would not alter existing and established consultation mechanisms with Tribal entities. Ecology would continue to inform and include tribal consultation as a part of all relevant water rights potentially having a tribal impact.

4. Describe how your agency engaged with Tribes in developing this proposal, including offers for tribal consultation including timelines, methods for feedback, and mechanisms for Tribes to express concern, opposition, or support., and any direction provided by Tribes through this engagement.

This is an administrative request to increase staff capacity. Ecology did not directly consult with Tribal entities during the development of this request. This request would not alter existing and established consultation mechanisms with Tribal entities. Ecology would continue to inform and include tribal consultation as a part of all relevant water rights potentially having a tribal impact.

5. If the decision package is part of agency request legislation or supports another significant agency action that is required to complete an environmental justice assessment under RCW [70A.02.010](#)(12), please submit the assessment as an attachment in ABS.

N/A

6. If the decision package is part of agency request legislation or constitutes a significant agency action that is required to complete an environmental justice assessment, please describe how your agency used the environmental justice assessment process to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits. If your agency determined



that you were unable to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits, please provide a justification for not doing so.

N/A



## Agency Recommendation Summary

Washington continues to face serious impacts to its snowpack, infrastructure, and water supply as the climate continues to change, drought becomes more frequent, and temperature extremes become more common. To help address these issues, Ecology used one-time funding provided in the 2023-25 operating budget to establish a pilot program to offer competitive drought planning and preparedness grants to help communities and agricultural users across the state stabilize access to water supplies before the onset of an emergency. This request will enable Ecology to continue this grant program on an ongoing basis and include both drought planning actions and preparedness projects moving forward. Related to implementing Washington’s Climate Resilience Strategy. (General Fund-State)

## Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
<b>Staffing</b>						
FTEs	1.7	1.7	1.7	1.7	1.7	1.7
<b>Operating Expenditures</b>						
Fund 001 - 1	\$1,000	\$1,000	\$2,000	\$1,000	\$1,000	\$2,000
Total Expenditures	<b>\$1,000</b>	<b>\$1,000</b>	<b>\$2,000</b>	<b>\$1,000</b>	<b>\$1,000</b>	<b>\$2,000</b>

## Decision Package Description

**Background:**

Washington continues to face serious impacts to its snowpack, infrastructure, and water supplies as the climate continues to change, drought becomes more common, and temperatures reach extremes. Climate change models predict more frequent and severe droughts in Washington in the coming decades. Recent droughts have resulted in decreased streamflow and increased stream temperatures, killing hundreds of thousands of salmonids and other aquatic species. Reduced water supplies destroyed or damaged agricultural crops and forage for ranchers. Some rural drinking water supplies literally dried up, requiring water to be hauled in by trucks to meet basic sanitation needs for affected small communities.

The Department of Ecology monitors statewide water supply levels and has authority to declare a drought emergency when water supply projections fall below 75% of average and there is a risk of undue hardship to water users and the environment. A formal drought declaration authorizes Ecology to take certain measures for the purpose of providing emergency drought relief, including expediting processing for emergency drought permits, processing temporary transfers of water rights, holding public education workshops, and providing funding assistance for public entities to the extent funding is available. A drought emergency may be declared statewide or for a more limited geographic area, like a watershed or county.

All water users are impacted during drought, including irrigators, municipalities, homeowners, and industry, as well as instream resources, especially threatened and endangered salmonids. Drought has become more common in recent years, with 6 years of drought in the past 10 years, including 3 of the last 4 years. Unfortunately, many communities across the state are unprepared to meet the challenges of increased drought impacts on local water supplies. Furthermore, community resilience to drought is unevenly distributed across the state, with low-income, Tribal, and overburdened communities facing water security challenges earlier and with greater frequency and severity.

Substitute House Bill 1138

In 2023, the Legislature passed Substitute House Bill 1138, which provided a new framework for drought-related agency actions. The bill created a new Emergency Drought Response Account in the State Treasury and directs the State Treasurer, upon the issuance of a drought emergency order, to transfer to the Emergency Drought Response Account the amount needed to bring the balance of the account to up to \$3 million.

The Office of Financial Management (OFM) must determine the fund balance of the Emergency Drought Response Account as of the previous fiscal month before the issuance of a drought emergency order and then notify the State Treasurer and Ecology of the fund balance and the necessary transfer amount. A transfer based on the determination made by OFM may be made only once per fiscal year.

In addition to establishing these funding mechanisms for improving the state’s drought response capabilities, SHB 1138 also changed the name of the Drought Preparedness and Response Account (fund 05W) to the Drought Preparedness Account, creating a more transparent delineation between the purposes of the account for the new Emergency Drought Response Account. To support both drought preparedness and response, the Legislature provided \$8 million (\$2 million for preparedness and \$6 million for response) in the 2023-25 operating budget.

Competitive Drought Planning and Preparedness Pilot Grant Program

The funding provided in the 2023-25 operating budget for drought preparedness enabled Ecology to establish a pilot program to offer competitive drought planning and preparedness grants this biennium to help communities and agricultural users stabilize access to water supplies before the onset of an emergency, while simultaneously protecting the cool, clean water for streams necessary to support salmonids and other

fish and wildlife.

These grants, which are separate and distinct from Ecology's long-standing drought response grants, are intended to support communities in the development of drought preparedness plans aimed at increasing drought resiliency and water supply security. On June 25, 2024, Ecology announced that it had awarded over \$1.5 million in grants to 6 applicants across the state:

- City of Brewster – \$115,500
- Lincoln County Conservation District – \$156,000
- Okanogan Conservation District – \$484,122
- Snoqualmie Indian Tribe – \$150,000
- Wahkiakum Public Utility District – \$395,000
- Walla Walla Conservation District – \$219,137

The awarded grants will support the development and updating of local drought preparedness plans, which must include projects that will increase drought resiliency and water security in that area. Examples of the types of projects include green infrastructure, supply and demand practices, as well as watershed management, technical assistance, and data collection. While designed to benefit all members of a given community, these plans will prioritize the water supply security for minority, low-income, Tribal, or other overburdened members of that community. For more information about this pilot grant program, please visit: <https://ecology.wa.gov/about-us/payments-contracts-grants/grants-loans/find-a-grant-or-loan/drought-planning-and-preparedness-grants>.

**Is this request related to any budget items funded in the past two biennia?**

Yes, see attached.

**Problem and Proposed Solution:**

While the funding in the 2023-25 operating budget helped Ecology establish the pilot grant program to support local drought planning and preparedness, it, along with the \$6 million for drought response, was only provided one-time, and was removed from Ecology's base budget at carryforward level (CFL) for 2025-27. Unfortunately, drought is not a one-time issue, and the challenges associated with drought are expected to grow in the years ahead due to climate change, which will reduce winter snowpack and accelerate spring runoff, leading to drier summers across much of the state.

Chapter 70A.05 RCW (2023) requires Ecology, along with other state agencies, to develop an integrated climate change response strategy to better enable the state to prepare for, address, and adapt to the impacts of climate change. This integrated interagency response strategy, which will be finalized by September 30, 2024, will outline specific actions to help prevent and reduce impacts to communities and ecosystems, including the need to establish a permanent funding pathway for Ecology's newly created drought planning and preparedness grant program.

Through this budget request, Ecology is seeking the funding needed to continue the pilot grant program on an ongoing basis and include both drought planning actions and preparedness projects. Drought preparedness projects are often costly infrastructure investments. Communities across the state have identified that drought preparedness investments are their highest priority and the biggest gap in funding support. By sustaining our existing drought planning and preparedness grant program and expanding it to include infrastructure investments, we will build drought resiliency in the communities that need it most.

The requested funding will provide grant funding to local public entities and Tribes for plans and projects to improve drought and climate change resiliency. The funding will also support a statewide drought planning and preparedness lead staff position that will oversee state implementation of drought planning activities, engage with local and Tribal jurisdictions, and oversee relevant elements of the state's climate resiliency strategy.

Washington is experiencing drought conditions more frequently, and it's critical that we invest in drought planning and preparedness now to build community resiliency to drought and the impacts of climate change. Research indicates that drought impacts will continue to increase, and our communities across the state need help to ensure the security of their water supplies. By investing in drought planning and preparation now, we will reduce the future costs of drought response and help mitigate impacts from climate change. Preparing and planning for drought impacts is a key part of the state's climate resilience strategy and critical to sustainable water resource management.

**Please note:** In addition to this budget request, which focuses on the funding needed to support drought planning and preparedness activities across the state, Ecology is working with OFM to also include ongoing appropriation authority from fund 28E-1 – Emergency Drought Response Account in the Governor's 2025-27 operating budget proposal so that the up-to-\$6 million in revenue available each biennium in the new Emergency Drought Response Account can be accessed for drought response activities, should a drought declaration be issued. This new appropriation authority from fund 28E-1 for \$6 million will be provided through a separate maintenance level (ML) item.

**Impacts on Population Served:**

A reliable supply of water is vital for communities, businesses, industries, the environment, and the quality of life in Washington. Many communities rely on a snow-fed water supply to provide safe and clean drinking water. The irrigated agriculture industry, which helps drive local and state economies, relies on water to irrigate crops. That same water also feeds rivers and streams that support salmon. Further, Washington's

abundant hydropower resources supply two-thirds of the electricity for the state.

The effects of climate change and more severe and frequent droughts are impactful for all residents statewide. The impacts can range from crop failure, negative health outcomes, fish losses from reduced streamflows and excessive water temperature, public health emergencies from loss of reliable water supplies, increased utility rates, and wildfires. These impacts are experienced disproportionately by disadvantaged communities, including people of color, low-income individuals, and other vulnerable populations. Residents in these communities may experience water insecurity and not have the resources needed to adapt and prepare for these changing conditions caused by drought.

Residents statewide will benefit from a drought planning and preparedness program that will begin to mitigate against drought-influenced water supply disruptions before and as they occur rather than only after the drought emergency is declared. An ongoing drought planning and preparedness program will improve local water provider resiliency from future climate and drought impacts as well as improve the overall water supply statewide that benefits domestic, commercial, industrial, agricultural, and environmental conditions.

**Alternatives Explored:**

Ecology considered not requesting funding to continue the pilot grant program, but that is not a viable alternative, given the effects of climate change and more severe and frequent droughts impacting communities across the state.

When the drought preparedness funding was appropriated in the 2023-25 operating budget, it was done in combination with a revenue transfer from the state general fund to fund 05W, the Drought Preparedness Account. Because there is no ongoing mechanism to transfer revenue from the general fund to fund 05W, Ecology is requesting the funding supported in the Decision Package directly from the General Fund-State.

**Consequences of Not Funding This Request:**

Not funding this request for additional drought planning and preparedness resources would limit Ecology’s ability to fulfill our statutory obligations to manage water resources, including protecting instream flows, for all water users now and into the future. We would not have adequate resources to prepare for and mitigate future drought conditions that would impact all water users statewide. Plans and projects being developed under the one-time funding may not be implemented without additional, ongoing funding.

A delay of additional drought planning and preparedness funds would have a negative impact on the overall economy as commercial, agricultural, environmental, domestic projects, and businesses would be impacted by a lack of water management efforts statewide. This would also have a negative impact on the environment at large, as future droughts are projected to harm fish and instream resources.

**Assumptions and Calculations**

**Expansion, Reduction, Elimination or Alteration of a current program or service:**

This request expands Activity A003 – Implementing Integrated Solutions to Protect Instream Resources by increasing resources for drought planning and preparedness activities. Below is a summary of the 2021-23 and 2023-25 base funding and FTEs for this activity. Administrative Overhead related to this activity is also in the agency’s Administration Activity A002, but is not shown in the totals below.

<b>A003 – Implementing Integrated Solutions to Protect Instream Resources</b>		
	<b>2021-23</b>	<b>2023-25</b>
FTEs Total	37.60	41.10
001-1 General Fund-State	\$14,376,000	\$14,304,000
001-2 General Fund-Federal	\$198,000	\$198,000
001-7 General Fund-Private/Local	\$135,000	\$135,000
032-1 State Emergency Water Projects Account	\$40,000	\$40,000
05W-1 State Drought Preparedness Account	\$204,000	\$2,151,000
072-1 Water Supply Facilities Account	\$174,000	\$174,000
26C-1 Climate Commitment Account	\$0	\$586,000
28E-1 Emergency Drought Response Account	\$0	\$6,000,000
<b>TOTAL</b>	<b>\$15,127,000</b>	<b>\$23,588,000</b>

**Detailed Assumptions and Calculations:**

Beginning July 1, 2025, and ongoing, Ecology requires salaries, benefits, and associated staff costs to implement an ongoing drought planning and preparedness program statewide:

- 1.0 FTE Environmental Planner 5 to provide year-round drought planning and preparedness activities to Ecology and all local, state, federal, and Tribal partners responsible for participating in drought preparedness activities. This position will coordinate all drought activities within the Water Resources Program, including coordination of stakeholder activities (the Water Supply Advisory Committee, the Emergency Water Executive Committee, State Climatologist, Federal partners, etc.), oversight of planning and preparedness grants, collection of local, state, federal, or Tribal impacts in relation to drought conditions, and coordination of communication activities.
- 0.5 FTE Environmental Planner 3 to provide project and grant management oversight of grants issued for preparedness activities within this section. Ecology estimates that on average, three to eight grants per biennium will be issued and active for drought preparedness activity. This position will ensure projects are completed in a timely manner, deliver agreed upon preparedness outcomes, and meet state financial policies, procedures, and statutory requirements.

Beginning July 1, 2025, and ongoing, Ecology also requires appropriation authority to award grants for drought planning and preparedness activities. The authority needed is estimated at \$1,452,382 per biennia and will be administered by the Environmental Planner 5 and Environmental Planner 3 identified above. These funds will provide grants to eligible entities to respond to future climate impacts and improve the water supply resiliency of local communities through a drought planning and preparedness program (shown in object N).

**Workforce Assumptions:**

<b>Expenditures by Object</b>		<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>	<b>FY 2030</b>	<b>FY 2031</b>
A	Salaries and Wages	148,970	148,970	148,970	148,970	148,970	148,970
B	Employee Benefits	50,799	50,799	50,799	50,799	50,799	50,799
E	Goods and Services	9,072	9,072	9,072	9,072	9,072	9,072
G	Travel	3,308	3,308	3,308	3,308	3,308	3,308
J	Capital Outlays	1,929	1,929	1,929	1,929	1,929	1,929
N	Grants, Benefits, and Client Services Intra-Agency	726,191	726,191	726,191	726,191	726,191	726,191
T	Reimbursements	59,731	59,731	59,731	59,731	59,731	59,731
<b>Total Objects</b>		<b>1,000,000</b>	<b>1,000,000</b>	<b>1,000,000</b>	<b>1,000,000</b>	<b>1,000,000</b>	<b>1,000,000</b>

**Staffing**

<b>Job Class</b>	<b>Salary</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>	<b>FY 2030</b>	<b>FY 2031</b>
ENVIRONMENTAL PLANNER 5	105,612	1.00	1.00	1.00	1.00	1.00	1.00
ENVIRONMENTAL PLANNER 3	86,716	0.50	0.50	0.50	0.50	0.50	0.50
FISCAL ANALYST 2		0.15	0.15	0.15	0.15	0.15	0.15
IT APP DEVELOPMENT-JOURNEY		0.08	0.08	0.08	0.08	0.08	0.08
<b>Total FTEs</b>		<b>1.73</b>	<b>1.73</b>	<b>1.73</b>	<b>1.73</b>	<b>1.73</b>	<b>1.73</b>

**Explanation of costs by object:**

Salary estimates are current biennium actual rates at Step L.  
 Benefits are the agency average of 34.1% of salaries.  
 Goods and Services are the agency average of \$6,048 per direct program FTE.  
 Travel is the agency average of \$2,205 per direct program FTE.  
 Grants include up to \$1,452,382 million per biennium for drought planning and preparedness projects.  
 Equipment is the agency average of \$1,286 per direct program FTE.  
 Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 29.9% of direct program salaries and benefits and is shown as object T. Agency Administrative Overhead FTEs are included at 0.15 FTE per direct program FTE and are identified as Fiscal Analyst 2 and IT App Development-Journey.

**Historical Funding:**

	<b>FY2026</b>	<b>FY2027</b>
<b>FTE</b> (xx direct FTE)	0.00	0.00
<b>Total Funds</b> (rounded to thousands)	\$94,000	\$94,000
<b>Near General Fund</b> (rounded to thousands)	\$0	\$0
<b>Other Funds</b> (rounded to thousands)	\$94,000	\$94,000

Administrative Overhead related to this program or service is in the agency's Administration Activity A002, but is not shown in the totals above.

## Strategic and Performance Outcomes

### **Strategic Framework:**

This request is essential to achieving the Governor's Results Washington Goal 2: Prosperous Economy, because it provides the resources needed to increase the predictability of the state's water supply to meet the needs of domestic, business, agricultural, industrial, commercial, and recreational uses, resulting in improved economic conditions statewide.

This request is essential to achieving the Governor's Results Washington Goal 5: Efficient, Effective, and Accountable Government because it will fund the resources we need to efficiently and effectively manage the Drought Preparedness Grant Opportunity program and provide timely customer service.

This request is essential to achieving Ecology's Goal 1: Support and engage our communities, customers, and employees and Goal 4: Protect and manage our state's waters because it will provide funding to local entities to improve overall water supply security and resiliency before more severe drought conditions manifest.

### **Performance Outcomes:**

The outcome(s) of this request will be an additional 3 – 8 statewide planning and preparedness grants that will fund the development and implementation of drought preparedness plans and projects resulting in improved water supply security and resiliency from future drought emergencies.

This request will improve the state's resiliency to drought impacts. By investing in drought planning and preparedness, we will reduce the future costs of drought response and help mitigate impacts from climate change.

## Equity Impacts

### ***Community Outreach and Engagement:***

The ongoing interagency process to create the state's Climate Resilience Strategy included activities specific to overburdened communities and vulnerable populations, including listening sessions, outreach with community organizations, and a Climate Justice and Equity Summit, in addition to multiple public comment and survey periods. This process informed the development of this budget request.

The ongoing interagency process to create the state's Climate Resilience Strategy also included activities specific to Tribal governments and communities, including multiple periods of Tribal engagement, including a State-Tribal Climate Roundtable, presentations to Intertribal organizations and outreach to individual Tribes and Tribal affiliates. This process informed the development of this budget request.

### ***Disproportional Impact Considerations:***

The drought planning and preparedness activities and grants in this budget request are not anticipated to create disproportionate environmental harms to overburdened communities and vulnerable populations. The grants supported by this request will help address the effects of climate change and more severe and frequent droughts. The impacts can range from crop failure, negative health outcomes, fish losses from reduced streamflows and excessive water temperature, public health emergencies from loss of reliable water supplies, increased utility rates, and wildfires. These impacts are experienced disproportionately by disadvantaged communities, including people of color, low-income individuals, and other vulnerable populations. Residents in these communities may experience water insecurity, and not have the resources needed to adapt and prepare for these changing conditions caused by drought.

If funded, future grant rounds and, where possible, other drought resilience and water security activities will continue to prioritize Tribes and Tribal communities. In the pilot grant round, the grant criteria awarded additional points to applicants that were or served a federally recognized Tribe and provided a clear explanation of the ways they would prioritize drought resilience and water security needs of the Tribe in their Local Drought Preparedness Plan. Based on the Plan or project proposed by a Tribe, this may support Tribal treaty rights regarding fishing in Usual and Accustomed Areas.

### ***Target Communities and Populations:***

The pilot drought planning and preparedness grant prioritized overburdened communities, vulnerable populations, and Tribes through the design of the grant guidance. If funded on an on-going basis, future grant rounds and, where possible, other drought resilience and water security activities will also prioritize these populations and communities. In the pilot grant guidance, these populations and communities were defined as ranking a 9 or 10 on the state Environmental Health Disparities Map, or an 80<sup>th</sup> percentile or above on the demographic index (people of color and low-income) on the EPA's EJScreen, or the applicant is or serves a federally recognized Tribe. As this prioritization looks different for different public entities across the state, there is not one set of target or impacted communities.

In the initial grant round, Ecology required applicants to indicate if there were any overburdened communities or vulnerable populations in their planning area, and if so, provide identification through data and describe how they would prioritize these populations and communities in their Local Drought Preparedness Plan, if funded. Further, in the evaluation process, the grant criteria awarded additional points to applicants that clearly identified overburdened communities and/or vulnerable populations in their planning area and provided a clear explanation of the ways they would prioritize the needs of these communities and populations in their plan.

### ***Community Inputs and Incorporation:***

See Community Outreach and Engagement response.



## Other Collateral Connections

### **HEAL Act Agencies Supplemental Questions**

Yes, see attached.

### **Puget Sound Recovery:**

N/A

### **State Workforce Impacts:**

N/A

### **Intergovernmental:**

This request will benefit other state agency programs that support economic, community, and agricultural development and protect and restore fish species. The Washington Department of Fish and Wildlife is an active partner in protecting and enhancing streamflows for fish against the impacts of drought planning and climate change. The Washington State Conservation Commission manages on-farm irrigation efficiency improvements and would also benefit from drought planning and preparedness grants to better prepare for and mitigate climate change and drought impacts. Cities and counties throughout the state are strong supporters and active partners for improved drought planning and preparedness activities.

This budget request is related to actions currently proposed in the draft Washington's Climate Resilience Strategy, which is being developed under RCW 70A.05 and will be finalized by September 30, 2024.

### **Stakeholder Impacts:**

Ecology anticipates that stakeholders (business, commercial, industrial, agricultural, environmental, etc.) will be supportive of increased drought planning and preparedness grant funding. All stakeholders would benefit from increased water supply security and resiliency.

### **State Facilities Impacts:**

N/A

### **Changes from Current Law:**

N/A

### **Legal or Administrative Mandates:**

N/A

### **Governor's Salmon Strategy:**

N/A

## Reference Documents

[Drought Planning & Preparedness-HEAL Act Attachment.pdf](#)

[Drought Planning & Preparedness-Historical Funding Attachment.pdf](#)

## IT Addendum

**Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?**

No

### Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
Obj. A	\$149	\$149	<b>\$298</b>	\$149	\$149	<b>\$298</b>
Obj. B	\$51	\$51	<b>\$102</b>	\$51	\$51	<b>\$102</b>
Obj. E	\$9	\$9	<b>\$18</b>	\$9	\$9	<b>\$18</b>
Obj. G	\$3	\$3	<b>\$6</b>	\$3	\$3	<b>\$6</b>
Obj. J	\$2	\$2	<b>\$4</b>	\$2	\$2	<b>\$4</b>
Obj. N	\$726	\$726	<b>\$1,452</b>	\$726	\$726	<b>\$1,452</b>
Obj. T	\$60	\$60	<b>\$120</b>	\$60	\$60	<b>\$120</b>

### Agency Contact Information

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## ATTACHMENT A - RELATED BUDGET ITEMS FUNDED IN THE LAST TWO BIENNIA (2023-25, 2021-23)

Instructions: Enter the following information about any budget items funded over the last two biennia (2021-23 budget, 2022 supplemental budget, 2023-25 budget, 2024 supplemental budget) that is related to your Decision Package for 2025-27.

Biennium	Rec Sum Code/Title	RecSum Description	Fund Source	Duration	Amount
2023-25	PL OH -Drought Preparedness and Response	Substitute House Bill 1138 (Drought preparedness) creates the Emergency Drought Response Account, which receives a statutory transfer in years with an emergency drought declaration to ensure the account balance reaches \$3 M. Separately in the operating budget, \$2 M General Fund-State is transferred into the State Drought Preparedness Account. Spending authority is provided for both accounts.	28E-1, 05W-1	One-time	\$ 8,000,000

# 2025-27 Biennial Budget HEAL Act Template

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## Background

### HEAL Act requirements

The Healthy Environment for All Act (HEAL Act), Chapter 314, Laws of 2021 (RCW [70A.02](#)) requires that “covered and opt in agencies” must implement the requirements of the HEAL Act. This includes the:

- Department of Ecology
- Department of Agriculture
- Department of Commerce
- Department of Health
- Department of Natural Resources
- Department of Transportation
- Puget Sound Partnership
- Office of the Attorney General

HEAL Act agencies that are considering a significant agency action initiated after July 1, 2023, are required to conduct an environmental justice assessment. RCW [70A.02.010](#)(12) specifies that significant agency actions include:

- The development and adoption of significant legislative rules as defined in RCW [34.05.328](#).
- The development and adoption of any new grant or loan program that the agency is explicitly authorized or required by statute to implement.
- A capital project, grant, or loan award costing at least \$12,000,000.
- A transportation project, grant, or loan costing at least \$15,000,000.
- The submission of agency request legislation to the Office of the Governor or OFM.

Under RCW [70A.02.080](#), beginning on or before July 1, 2023, covered and opt in agencies must, where practicable, take specific actions when making expenditure decisions or developing budget requests to OFM and the Legislature for programs that address or may cause environmental harms or provide environmental benefits. This includes:

- Focus applicable expenditures on creating environmental benefits that are experienced by overburdened communities and vulnerable populations, including reducing or eliminating environmental harms, creating community and population resilience, and improving the quality of life of overburdened communities and vulnerable populations.
- Create opportunities for overburdened communities and vulnerable populations to meaningfully participate in agency expenditure decisions.
- Clearly articulate environmental justice goals and performance metrics to communicate the basis for agency expenditures.
- Establish a goal of directing 40% of grants and expenditures that create environmental benefits to vulnerable populations overburdened communities.

To help OFM understand how HEAL Act agency budget requests meet HEAL Act requirements, covered agencies are required to complete additional questions related to the HEAL Act. These questions are shown below and are in addition to the equity related questions required of all agencies. Covered agencies are asked to complete the following questions and submit them through ABS.

#### HEAL Act questions

If you answer YES to any of these bullet points, please answer the six additional questions and submit them as an attachment through ABS.

- Is this decision package part of an agency request legislation that is required to complete an environmental justice assessment (RCW [70A.02.010\(12\)](#))?

Yes

No

- Is this decision package requesting funding to support another significant agency action that is required to complete an environmental justice assessment (RCW [70A.02.010\(12\)](#))?

Yes

No

- Is this decision package requesting funding for a program/project/activity that may **provide environmental benefits or reduce, mitigate, or eliminate environmental harms**, (that is not a significant agency action)? Note: This may include decision packages for programs not purposely directed to provide environmental benefits but may have an indirect or unintentional impact.

Yes

No

**If you answer YES to any of the above bullet points, please complete these additional questions.**

1. Please describe specific likely or probable environmental harms and/or benefits related to your decision package and the associated health impacts to overburdened communities and vulnerable populations.

The drought preparedness and planning activities and grants in this budget request are not anticipated to result in environmental harms to overburdened communities and vulnerable populations. The grants supported by this request will help address the effects of climate change and more severe and frequent drought. The impacts can range from crop failure, negative health outcomes, fish losses from reduced streamflows and excessive water temperature, public health emergencies from loss of reliable water supplies, increased utility rates, and wildfires. These impacts are experienced disproportionately by disadvantaged communities, including people of color, low-income individuals, and other vulnerable populations. Residents in these communities

may experience water insecurity, and not have the resources needed to adapt and prepare for these changing conditions caused by drought.

2. Please describe the estimated percentage and amount of the requested funds that will go towards creating environmental benefits in overburdened communities and vulnerable populations as defined in OFM's the [OBC map](#) or as determined by the agency. If applicable, please include your methodology for making this estimate, including project/award lists if available.

Ecology estimates that 50% of the grant funds would go to creating environmental benefits in overburdened communities and vulnerable populations. This estimate is based on the pilot grant round prioritization of overburdened communities, vulnerable populations, and Tribes and Tribal affiliates.

If funded, for future grant rounds and where possible, other drought resilience and water security activities, will continue to prioritize these populations and communities. In the pilot grant round, Ecology required applicants to indicate if there were any overburdened communities or vulnerable populations in their planning area and if so, provide identification through data and describe how they would prioritize these populations and communities in their Local Drought Preparedness Plan, if funded. Further, in the evaluation process, the grant criteria awarded additional points to applicants that a) clearly identified overburdened communities and/or vulnerable populations in their planning area, and b) provided a clear explanation of the ways they would prioritize the needs of these communities and populations in their plan.

3. Please describe any potential significant impacts to Indian Tribes' rights and interest in their tribal lands, as well as traditional practices.

If funded, future grant rounds and where possible, other drought resilience and water security activities, will continue to prioritize Tribes and Tribal communities. In the pilot grant round, the grant criteria awarded additional points to applicants that were or served a federally recognized Tribe and provided a clear explanation of the ways they would prioritize drought resilience and water security needs of the Tribe in their Local Drought Preparedness Plan. Based on the Plan or project proposed by a Tribe, this may support tribal treaty rights regarding fishing in Usual and Accustomed Areas.

4. Describe how your agency engaged with Tribes in developing this proposal, including offers for tribal consultation including timelines, methods for feedback, and mechanisms for Tribes to express concern, opposition, or support., and any direction provided by Tribes through this engagement.

The ongoing interagency process to create the state's Climate Resilience Strategy included activities specific to Tribal governments and communities, including multiple periods of Tribal engagement, including a State-Tribal Climate Roundtable, presentations to Intertribal organizations and outreach to individual Tribes and Tribal affiliates. This process informed the development of this budget

request, but specific drought preparedness and resilience actions were not referenced in the Tribal engagement process.

5. If the decision package is part of agency request legislation or supports another significant agency action that is required to complete an environmental justice assessment under RCW [70A.02.010](#)(12), please submit the assessment as an attachment in ABS.

This work is not a significant agency action under RCW 70A.02.010(12), nor is there agency request legislation associated with this budget request. The request adds funding to continue implementing existing statute and drought preparedness and planning grant programming.

6. If the decision package is part of agency request legislation or constitutes a significant agency action that is required to complete an environmental justice assessment, please describe how your agency used the environmental justice assessment process to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits. If your agency determined that you were unable to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits, please provide a justification for not doing so.

N/A



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## Agency Recommendation Summary

In March 2024, the U.S. Army Corps of Engineers (Corps) revoked Nationwide Permit 48 for shellfish aquaculture in Washington. The Corps' decision has resulted in an unanticipated workload increase because Ecology can no longer use its programmatic decision for Nationwide Permit 48, and all shellfish aquaculture projects that had previously been authorized by the Nationwide Permit 48 now require Ecology to review, carry out a public notice, and issue a decision for each operation. Ongoing staff are required to manage this new workload, safeguard our waters, and ensure project proponents understand and comply with water quality certification conditions. Related to Puget Sound Action Agenda Implementation. (General Fund-State)

## Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
<b>Staffing</b>						
FTEs	2.3	2.3	2.3	2.3	2.3	2.3
<b>Operating Expenditures</b>						
Fund 001 - 1	\$335	\$336	\$671	\$335	\$336	\$671
Total Expenditures	<b>\$335</b>	<b>\$336</b>	<b>\$671</b>	<b>\$335</b>	<b>\$336</b>	<b>\$671</b>

## Decision Package Description

### Background:

The federal Clean Water Act enacted by Congress in 1972 establishes the framework for regulating pollution discharges to waters of the United States and setting water quality standards for U.S. surface waters. Under Section 401 of the Act, proponents seeking a permit or license from a federal agency to undertake a project, action, or activity that could result in a discharge to U.S. waters must obtain a water quality certification from the state or Tribal government where the discharge will occur.

The Corps maintains a Nationwide Permit Program, which uses a type of general permit to authorize a suite of specific activities within certain thresholds. Under Section 401, Ecology reviews the permits offered through the Corps' nationwide program and issues a water quality decision, referred to as a programmatic decision, for each nationwide permit. Projects that can demonstrate they are covered by both the Corps' Nationwide Permit program and Ecology's programmatic decision do not need to obtain an individual water quality certification decision from Ecology and can move forward through the Corps' more streamlined process.

In 2017, the Coalition to Protect Puget Sound Habitat and Center for Food Safety appealed the Corps' decision to reissue Nationwide Permit 48 as part of its 2017 Nationwide Permit Program to the U.S. District Court for Western Washington. Nationwide Permit 48 is used to authorize "Commercial Shellfish Aquaculture Activities" and covers most shellfish farmers in Washington. Under this nationwide permit, dredged or fill materials resulting from shellfish seeding, rearing, cultivating, transplanting, and harvesting activities for new and continuing commercial shellfish aquaculture operations in authorized areas are allowed.

In October 2019, a federal judge ruled in favor of the plaintiffs, agreeing the Corps had not considered cumulative environmental impacts when it reissued Nationwide Permit 48 under the 2017 program. By finding the permit violated the federal Clean Water and National Environmental Policy Acts, the ruling vacated all Nationwide Permit 48 authorizations in Washington and required growers to obtain hundreds of individual permits from the Corps.

In June 2020, the court further clarified its ruling, establishing timelines and procedures that growers need to follow to retain the ability to farm. In finding that Nationwide Permit 48 violates the federal Clean Water and National Environmental Policy Acts, the ruling:

- Vacated all current Nationwide Permit 48's in Washington and allowed a 60-day pause for appeals.
- Allowed currently planted shellfish to be harvested as long as a grower applied for an individual federal permit as soon as practicable and within no later than six months of the ruling. This federal permit triggered Ecology's Section 401 Water Quality certification process and actions.
- Allowed growers to seed and plant shellfish in areas without eelgrass for six months, these planted areas to be maintained, and the planted shellfish to be harvested if the growers applied for a permit as soon as practicable and within no later than six months of the ruling.
- Respected Tribal rights.

Before the June 2020 ruling, shellfish growers would apply to the Corps for a permit and go through the streamlined nationwide permitting process. The federal nationwide permits authorized specific activities, within certain thresholds and mitigation measures, that were considered to have minimal effect on the waters of the U.S. Since most shellfish aquaculture projects were able to meet the conditions of Ecology's programmatic decision, the Corps often authorized the permit without needing additional Ecology review. Ecology never saw many of the

shellfish operations authorized under Nationwide Permit 48 and typically only got involved if an individual Section 401 water quality certification was required.

In the 10 years prior to the 2020 ruling, Ecology had only issued eight individual water quality certification decisions for shellfish aquaculture. However, because of the ruling, Ecology could no longer use its programmatic decision for Nationwide Permit 48, and all shellfish aquaculture projects that had previously been authorized by the Corps' Nationwide Permit 48 now required Ecology to review, carry out a public notice, and issue a decision for each operation.

One-time Funding for Increased Workload

Ecology received one-time funding in the 2021-23 operating budget (\$710,000) in fiscal year 2022 for additional staff to support the new workload and ensure the state was responsive to the needs of the shellfish aquaculture industry. Using these funds, Ecology reviewed and issued individual decisions for approximately 700 shellfish aquaculture projects during that year. The additional staff allowed Ecology to streamline our review process and issue decisions in record time. Streamlining efficiencies included providing early technical assistance to growers to identify materials needed for a complete application and developing a decision framework specific to the needs of shellfish aquaculture projects.

That one-time funding allowed Ecology to address the new workload with an understanding that the Corps would reauthorize shellfish aquaculture projects using the Nationwide Permit 48 as part of its 2021 Nationwide Permit Program. This would have meant Ecology's programmatic decision for water quality certification would again apply, and the workload experienced in fiscal year 2022 would subside.

**Is this request related to any budget items funded in the past two biennia?**

Yes, see attached.

**Problem:**

As anticipated, the 2021 Nationwide Permit Program went into effect July 26, 2022, and included Nationwide Permit 48 for use in Washington. However, the Corps authorized a few shellfish aquaculture projects in Washington under the new permit, and in October 2023, they provided notice they were immediately suspending use of the permit within the state. On March 15, 2024, the Corps officially revoked use of Nationwide Permit 48 within Washington, stating the Corps' Division Engineer determined it would not be in the public interest to continue using Nationwide Permit 48 for shellfish aquaculture. This also allowed the Corps time to consider the best long-term approach for evaluating applications related to commercial shellfish aquaculture in Washington.

Ongoing Individual Water Quality Certification Decisions for Aquaculture

With the 2021 Nationwide Permit 48 now revoked, all shellfish aquaculture projects again require an individual water quality certification decision from Ecology. This new workload includes both new shellfish aquaculture projects in Washington as well as renewing the approximately 700 authorizations for ongoing projects that were reviewed by Ecology in fiscal year 2023 and will expire over the next 12 years.

We expect this increased workload to continue as new farms, including kelp and seaweed farms, are established and existing growers modify their farms or implement new techniques. As the number of individual permits continues to grow, Ecology will not be able to review new water quality certification requests in a timely manner or provide adequate follow-up on projects without additional resources. Without additional resources, some project proponents would miss key work windows or risk being out of compliance with their water quality certification conditions. They could also inadvertently violate state water quality standards or other environmental laws without timely review of their applications.

Renewing Individual Water Quality Certification Decisions for Aquaculture as They Expire

Looking ahead, Ecology will need additional staff to process expiring water quality certification decisions each year. Based on data from the Corps, Ecology estimates a total of 474 water quality certification renewals will be required over the next 12 years, including spikes of 82 in fiscal year 2028 and 252 in fiscal year 2036.

**Projected Water Quality Certification Renewals for Shellfish Aquaculture**

<b>Fiscal Year</b>	<b>Expected Renewals</b>
2025	8
2026	17
2027	9
2028	82
2029	24
2030	7
2031	24
2032	10
2033	25
2034	6
2035	10
2036	252

Without new, dedicated staff, Ecology will not be able to respond quickly to requests from the aquaculture industry, and our permit decisions will be delayed, which will impact the industry's ability to operate. Also, for projects that require an individual federal permit or license, an individual water quality certification will need to be issued by Ecology before the federal permit can be issued. Without a Corps permit, shellfish growers will not be able to operate and harvest their shellfish at those farms.

Ongoing Maintenance and Technical Assistance for Aquaculture Projects

Ecology currently provides technical assistance to project proponents before they submit their application, during review, when a decision is issued, and afterwards. However, we do not have dedicated staff to follow up on all projects, and we anticipate the need for post-decision technical assistance to grow as the number of individual water quality certification decisions needed increases. We continue to see an increase in concerns and complaints associated with shellfish aquaculture during the water quality certification public comment period. Without staff to conduct technical assistance and follow up on complaints, some projects may end up violating water quality certification conditions, resulting in potential enforcement actions.

**Proposed Solution:**

Ecology currently has 10 direct FTEs to review all water quality certification requests, including those for aquaculture, and they issue an average of 124 per year (~12 per FTE). However, as shown below, our base non-aquaculture workload continues to increase due to more complex projects requiring certification decisions and changes to requirements under the Environmental Protection Agency's (EPA) Section 401 rule. Without additional staff, Ecology is unable to absorb new shellfish aquaculture work and manage renewals when the existing authorizations expire.



To help address the increasing workloads associated with the revocation of Nationwide Permit 48, Ecology is requesting two additional positions ongoing to manage these aquaculture projects and help proponents comply with their water quality certifications to safeguard our waters and protect the environment. These resources will also give the shellfish industry some assurance that they will have Ecology staff assistance to process their water quality certifications so they can continue to operate efficiently and effectively.

**Impacts on Population Served:**

Project proponents include individuals, private businesses, local governments, state and federal agencies, and Tribes. Many shellfish operations are family-owned or tribally-held businesses. When Ecology asserts our Section 401 water quality certification authority, we are protecting water quality and other water-dependent uses for all Washingtonians.

**Alternatives Explored:**

There are no alternatives to increasing the number of staff to address the additional workload related to shellfish aquaculture without affecting Ecology's other core work. If we use current staff to try and cover the additional workload, this could result in delays for all project proponents and unsustainable workloads for our current staff. This could result in higher attrition rates and a loss of institutional knowledge. Delays for all projects needing a water quality certification decision would mean higher costs and less certainty for project proponents. There could also be adverse environmental impacts to state water quality and/or other aquatic resources. Ecology may not be able to meet its statutory timeframes and timeliness goals related to water quality certification decisions. It also could mean other work, such as updating guidance and policies, providing outreach and training, and undertaking other needs and priorities, would be postponed or not done at all.

**Consequences of Not Funding This Request:**

Even if this request is not funded, federal law will still require Ecology to issue water quality certification decisions for all requests that require an individual Corps permit, including shellfish aquaculture projects. If we do not act, we risk waiving our authority, which could result in adverse impacts to state waters, affecting salmon and other beneficial uses. Waiving our authority could also be costly in time and resources due to the potential for lawsuits and appeals. The resulting workload would be unmanageable. All projects needing water quality certification decisions would experience delays, increased costs, less certainty, risks to project timelines, and potentially missed work windows. In addition, Ecology would experience higher staff burnout and turnover, further reducing efficiency and productivity. Project proponents, including the shellfish growers, may decide not to pursue projects. Economic development would be slowed, and our economy and environment would suffer.

To protect our waters, projects requiring an individual water quality certification are conditioned to meet state water quality standards and other

water quality laws. For many projects, water quality certification conditions protect aquatic life and beneficial uses.

**Assumptions and Calculations**

**Expansion, Reduction, Elimination or Alteration of a current program or service:**

This request expands Activity A037; Protect Water Quality by Reviewing and Conditioning Construction Projects by adding additional staff to address the anticipated increase in individual 401 certification requests from Washington shellfish farmers. Only a portion of the resources in activity A037 are for 401 certification reviews (10.5 direct FTEs). This activity also includes the resources to perform Washington State Department of Transportation project permitting, development and support of our aquatics database, and coastal zone management consistency reviews. Ecology does have staff to process other water quality certification requests, but we do not have a permanent funding source for processing requests for shellfish aquaculture water quality certifications.

Below is a summary of the 2021-23 and 2023-25 base funding and FTEs for this activity. Administrative Overhead related to this activity is also in the agency’s Administration Activity A002 but is not shown in the totals below.

<b>Activity A037 - Protect Water Quality by Reviewing and Conditioning Construction Projects</b>		
	<b>2021-23</b>	<b>2023-25</b>
FTEs Total	21.65	19.25
001-1 General Fund-State	\$0	\$1,432,000
23P-1 Model Toxics Control Operating - State	\$4,566,000	\$2,959,000
<b>TOTAL</b>	<b>\$4,566,000</b>	<b>\$4,391,000</b>

**Detailed Assumptions and Calculations:**

Beginning July 1, 2025, and ongoing, Ecology requires salaries, benefits, and associated staff costs for 1.0 FTE Environmental Specialist 4 (ES4) and 1.0 FTE Environmental Specialist 5 (ES5) positions.

The new staff will be responsible for reviewing, issuing, and following up on water quality certification decisions for shellfish aquaculture activities as detailed below.

Reviewing and Issuing Decisions: These positions will work with the shellfish industry to renew or submit new water quality certification requests. This includes:

- Attending pre-application meetings, performing site visits, and providing technical assistance.
- Entering application information into Ecology’s database and initiating communication with applicants and the Corps.
- Providing public notice and reviewing and considering comments received.
- Conducting initial application reviews to determine a project’s complexity and obtain any additional information that may be needed.
- Conducting thorough reviews of proposed projects.
- Coordinating with other Ecology programs, state and federal agencies, and local and Tribal governments to ensure project construction and operation do not impact water quality or other aquatic resources.
- Preparing final decision documents.
- Developing water quality certification procedures and practices specific to shellfish aquaculture.

Technical Assistance and Compliance: These positions will also provide technical assistance to project proponents after we issue water quality certification decisions to ensure they understand and comply with conditions. This includes:

- Reviewing project files and coordinating with other Ecology’ staff to understand project history and any unique conditions.
- Gaining knowledge about other state and local permits issued for the project.
- Coordinating with federal permitting agencies to ensure final federal permits are issued and in our records.
- Meeting with project proponents to go over the conditions in our water quality certification decisions.
- Conducting field visits to ensure projects are constructed and operated without impacting water quality or other aquatic resources.
- Drafting notices of violation and enforcement actions according to Ecology guidance.
- Preparing documents for and providing testimony at enforcement hearings.

Ecology recognizes that 2.0 additional direct FTEs may not be enough to fully address the fluctuations in workload anticipated from reviewing and approving new shellfish aquaculture applications and renewals. Future budget requests may be needed to fully staff these workload

fluctuations.

**Workforce Assumptions:**

<b>Expenditures by Object</b>		<b><u>FY 2026</u></b>	<b><u>FY 2027</u></b>	<b><u>FY 2028</u></b>	<b><u>FY 2029</u></b>	<b><u>FY 2030</u></b>	<b><u>FY 2031</u></b>
A	Salaries and Wages	181,711	181,711	181,711	181,711	181,711	181,711
B	Employee Benefits	61,963	61,963	61,963	61,963	61,963	61,963
E	Goods and Services	12,096	12,096	12,096	12,096	12,096	12,096
G	Travel	4,410	4,410	4,410	4,410	4,410	4,410
J	Capital Outlays	2,572	2,572	2,572	2,572	2,572	2,572
T	Intra-Agency Reimbursements	72,858	72,858	72,858	72,858	72,858	72,858
<b>Total Objects</b>		<b>335,610</b>	<b>335,610</b>	<b>335,610</b>	<b>335,610</b>	<b>335,610</b>	<b>335,610</b>

**Staffing**

<b>Job Class</b>	<b>Salary</b>	<b><u>FY 2026</u></b>	<b><u>FY 2027</u></b>	<b><u>FY 2028</u></b>	<b><u>FY 2029</u></b>	<b><u>FY 2030</u></b>	<b><u>FY 2031</u></b>
ENVIRONMENTAL SPEC 4	86,324	1.00	1.00	1.00	1.00	1.00	1.00
ENVIRONMENTAL SPEC 5	95,387	1.00	1.00	1.00	1.00	1.00	1.00
FISCAL ANALYST 2		0.20	0.20	0.20	0.20	0.20	0.20
IT APP DEVELOPMENT-JOURNEY		0.10	0.10	0.10	0.10	0.10	0.10
<b>Total FTEs</b>		<b>2.30</b>	<b>2.30</b>	<b>2.30</b>	<b>2.30</b>	<b>2.30</b>	<b>2.30</b>

**Explanation of costs by object:**

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 34.1% of salaries.

Goods and Services are the agency average of \$6,048 per direct program FTE.

Travel is the agency average of \$2,205 per direct program FTE.

Equipment is the agency average of \$1,286 per direct program FTE.

Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 29.9% of direct program salaries and benefits and is shown as object T. Agency Administrative Overhead FTEs are included at 0.15 FTE per direct program FTE and are identified as Fiscal Analyst 2 and IT App Development-Journey.

**Historical Funding:**

	<b><u>FY2026</u></b>	<b><u>FY2027</u></b>
<b>FTE</b> (xx direct FTE)	10.5	10.5
<b>Total Funds</b> (rounded to thousands)	\$1,256,000	\$1,256,000
<b>Near General Fund</b> (rounded to thousands)	\$235,000	\$235,000
<b>Other Funds</b> (rounded to thousands)	\$1,021,000	\$1,021,000

Administrative Overhead related to this program or service is in the agency's Administration Activity A002 but is not shown in the totals above.

## Strategic and Performance Outcomes

### **Strategic Framework:**

This request is essential to achieving the Governor's Results Washington Goal 2: Prosperous Economy because Washington is the nation's number one producer of shellfish aquaculture, with annual aquaculture production estimated at more than \$200 million, according to the Washington State Department of Agriculture. In today's dollars, research found the industry generates \$270 million in economic activity in the state, supporting about 2,700 direct and indirect jobs. These jobs are important in rural communities.

This request will also fund the resources Ecology needs to review and issue timely water quality certification decisions for Washington shellfish farmers. Without the additional resources, the shellfish industry's continued operation and economic growth will be impacted, affecting livelihoods.

This request is essential to achieving the Governor's Results Washington Goal 3: Sustainable Energy and a Clean Environment, Ecology's Goal 3: Prevent and reduce waste, toxic threats, and pollution, and Goal 4: Protect and manage our state's waters because water quality certification review ensures:

- No long-term damage to water quality or other natural resources occurs.
- Project proponents avoid, minimize, and compensate for any potential environmental impacts.
- Projects are constructed and operated in a manner that comply with state water quality laws, protect beneficial uses, and do not release toxic substances or other pollutants into the environment.
- Ecology can conduct more field visits to monitor permit compliance during construction and operation.
- Clean water is maintained for all our communities, Tribes, and the shellfish industry.

This request is essential to achieving Ecology's Goal 1: Support and engage our communities, customers, and employees because it will fund the resources for Ecology to respond to the needs of communities, Tribes, and the shellfish industry that rely on shellfish aquaculture operations. Without additional staff to process aquaculture water quality certification requests, it is likely that some communities, Tribes, and shellfish growers will be unable to continue aquaculture operations. Additionally, these positions will ensure that the projects we review do not result in environmental harm to communities and Tribes.

### **Performance Outcomes:**

The outcome of this request will be a timely water quality certification review and issuance of decisions for shellfish aquaculture projects. Staff will also be available to provide technical assistance and follow-up after a certification decision has been issued.



## Equity Impacts

### **Community Outreach and Engagement:**

This request is for internal capacity. We have not engaged with communities or specific Tribes in developing this request. External engagement will occur through our public notice process during the project review period. Public notice is required for all projects seeking individual water quality certification decisions from Ecology.

### **Disproportional Impact Considerations:**

Many shellfish farms are family-owned or tribally-held businesses in areas with disadvantaged populations and are important employers in rural communities. This request helps to support these farmers by ensuring we have the staff to review and issue timely water quality certification decisions. Also, properly managed shellfish aquaculture can result in long-term benefits that protect water quality and the coastal shoreline environment and resources. Communities and people affected by these improvements include certain overburdened communities, vulnerable populations, and Tribes. Specifically, we require project proponents to avoid, minimize, and compensate for impacts as part of the review process. We work to ensure that activities do not release toxic substances into the environment, will meet state water quality standards, and provide beneficial uses.

This request may directly and indirectly support Tribal rights and interest in their Tribal lands. Water quality certification review ensures we maintain clean water for all our communities, Tribes, and the shellfish industry through pollution reduction and maintaining water quality standards. Water quality improvements affect fish populations, which can support Tribal rights and interests and potentially the health of Tribal members and residents living along watercourses.

### **Target Communities and Populations:**

This request provides benefits across a broad geographic scope. There are no specific target populations or communities, but many shellfish farms are family-owned or tribally-held businesses located in areas with disadvantaged populations and are important employers in rural communities. Having dedicated staff to review and issue timely decisions for shellfish aquaculture projects supports the economy in these communities.

### **Community Inputs and Incorporation:**

See Community Outreach and Engagement response.

## Other Collateral Connections

### **HEAL Act Agencies Supplemental Questions**

Yes, see attached.

### **Puget Sound Recovery:**

This request supports several Orca Task Force Recommendations as well as supports the 2022-2026 Puget Sound Action Agenda implementation through various Vital Signs, Strategies, Desired Outcomes, and Actions included in the Action Agenda. See *attachment D* for a complete list of linkages between this request and the agenda.

### **State Workforce Impacts:**

N/A

### **Intergovernmental:**

Project proponents include the Washington shellfish industry and Tribes. Water quality certification decisions can impact the general population, depending on the location and type of activity. Ecology anticipates support from these groups for efficient and thorough water quality certification reviews. We will also coordinate with other state agencies and Tribes during our water quality certification reviews.

### **Stakeholder Impacts:**

We have received a letter from the Pacific Coast Shellfish Growers Association (PCGSA) expressing support for Ecology receiving funding to continue processing water quality certification requests for shellfish aquaculture projects and to process the surge of renewals we will see in the coming years. They also encourage Ecology to pursue additional funds both for water quality certification requests and to build expertise in reviewing new work in seaweed farming. This is especially important due to the adverse impacts they have experienced in delays with the federal permitting processes.

We are aware of additional stakeholders we will need to engage, including groups concerned about the continued growth of the shellfish aquaculture industry and the Coalition to Protect Puget Sound Habitat and Center for Food Safety who filed the 2017 lawsuit against the Corps.

### **State Facilities Impacts:**

N/A

### **Changes from Current Law:**

N/A

### **Legal or Administrative Mandates:**

In March 2024, the Corps revoked the use of Nationwide Permit 48 in Washington. Therefore, Ecology needs additional staff to process individual water quality certification requests for new and existing shellfish operations.

### **Governor's Salmon Strategy:**

N/A

## Reference Documents

- [Aquatic Permitting and Aquaculture-HEAL Act Attachment.pdf](#)
- [Aquatic Permitting and Aquaculture-Historical Funding Attachment C.pdf](#)
- [Aquatic Permitting and Aquaculture-Letter of Support 1.docx](#)
- [Aquatic Permitting and Aquaculture-Letter of Support 2.pdf](#)
- [Aquatic Permitting and Aquaculture-PS Attachment D.pdf](#)

## IT Addendum

### **Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?**

No

**Objects of Expenditure**

<b>Objects of Expenditure</b> <i>Dollars in Thousands</i>	<b>Fiscal Years</b>		<b>Biennial</b>	<b>Fiscal Years</b>		<b>Biennial</b>
	<b>2026</b>	<b>2027</b>	<b>2025-27</b>	<b>2028</b>	<b>2029</b>	<b>2027-29</b>
Obj. A	\$182	\$182	<b>\$364</b>	\$182	\$182	<b>\$364</b>
Obj. B	\$62	\$62	<b>\$124</b>	\$62	\$62	<b>\$124</b>
Obj. E	\$12	\$12	<b>\$24</b>	\$12	\$12	<b>\$24</b>
Obj. G	\$4	\$4	<b>\$8</b>	\$4	\$4	<b>\$8</b>
Obj. J	\$2	\$3	<b>\$5</b>	\$2	\$3	<b>\$5</b>
Obj. T	\$73	\$73	<b>\$146</b>	\$73	\$73	<b>\$146</b>

**Agency Contact Information**

Loree Randall  
 (363) 485-2796  
 lora461@ecy.wa.gov

# Aquatic Permitting and Aquaculture - Clean Water Act Section 401 Water Quality Certification

## Significant federal rule changes and court decisions affecting water quality certification

### ***October - U.S. Army Corps of Engineer Nationwide Permit Vacated***

In October 2019, the Coalition to Protect Puget Sound Habitat and the Center for Food Safety appealed the U.S. Army Corps of Engineers' (Corps) nationwide permit 48, which covered most Washington shellfish farmers in the U.S. District Court for Western Washington. A federal judge ruled in favor of the plaintiffs, agreeing that the Corps had not considered the cumulative environmental impacts when they reissued the nationwide permit 48 in 2017, and vacated all of the nationwide permit 48 authorizations in Washington.

### ***How did this affect Ecology?***

Vacating the use of the nationwide permit 48 resulted in growers needing to obtain hundreds of individual permits from the Corps that also needed an individual Section 401 water quality certification decision from Ecology. Between fiscal year 2014 and the vacatur, Ecology only issued two individual water quality certification decisions for shellfish aquaculture, as our programmatic decision for nationwide permit 48 covered all other projects. To deal with this unprecedented surge in Section 401 water quality certification requests for shellfish aquaculture projects, Ecology requested funding from the legislature. One-time funding for 5.8 FTE for fiscal year 2022 was appropriated and we were able to issue timely water quality certification decisions for the surge in shellfish aquaculture projects. In 2024, the Corps permanently revoked the nationwide permit 48 in Washington requiring individual Section 401 Water Quality Certifications for all shellfish aquaculture projects. Ecology's funding request for 2025-27 is to request resources to addresses new and complex shellfish aquaculture requests for individual water quality certification, as well as capacity to process ~700 authorizations for shellfish aquaculture operations, as they expire over the next 5 to 10 years. Ecology does not have the staff to absorb this work.

### ***EPA Clean Water Act Rule and Water Quality Certification Improvement Rule***

In September 2020, Environmental Protection Agency (EPA) issued the first rule since 1971 for Clean Water Act Section 401. The rule made significant changes to the Section 401 water quality certification process. For example, the rule required applicants to submit a pre-filing meeting request 30-days prior to a request for certification, limited the scope of Section 401 water quality certification review to a point source discharge, set the requirements of the request without consideration of project complexity, allowed federal agencies to set the reasonable period of time to act on a water quality certification request, and did not allow for modifications to a decision.

EPA replaced the 2020 rule in November 2023, which maintained the pre-filing requirements but allowed the certifying authority to shorten or waive the time and restored the scope of Section 401 to include construction and operation of the facility. The 2023 Rule set the minimum requirements for a request, allowing the certifying authority to use the pre-filing meeting time period to identify other

appropriate contents, and allowed for modifications and amendments to an issued water quality certification.

### ***How did this affect Ecology?***

The requirements of the 2020 rule created a new workload for Ecology due to the pre-filing meeting requirement, a need for increased coordination with the Corps to establish the reasonable period of time, and development of new guidance and templates to ensure our decisions were in compliance with the rule. Ecology requested funding from the legislature to address the new workload. Funding was appropriated for 5.4 FTE starting in fiscal year 2022. With these additional staff Ecology restructured the headquarters team, so as not to inundate senior level project managers with these new requirements. The headquarters team are responsible for the review and coordination of the new pre-filing meeting requests, water quality certification requests, managing documents related to the request, and issuing water quality certifications for less complex projects. Additionally, this team is working with the Corps to establish processes for working under the new rule and providing guidance in implementing the regulations.

Under the 2023 Rule, much of the work associated with the 2020 Rule remained the same. However, one notable workload change is that the 2023 Rule requires a significant effort to identify the necessary contents of the request prior to receipt. The headquarters team is essential to this work of reviewing documents from the Corps identifying the permit pathway for the project, reviewing pre-filing meeting requests and triaging as needed, and reviewing the contents of the water quality certification requests for completeness before passing them to the project manager. Additionally, the team continues to update forms, documents, and guidance to ensure that the team and our project proponents are easily able to meet the requirements of the rule. The workload of the 5.4 FTE is steady if not increasing, therefore they are not able to absorb the shellfish aquaculture workload.

## **Court decisions apart from shellfish aquaculture & water quality certification**

### ***May8689- Sackett v. EPA***

On May 25, 2023, the United States Supreme Court issued a decision in Sackett v. EPA that substantially narrows the scope of the Clean Water Act by reducing the types of waterbodies, including most wetlands, which are federally protected. While many wetlands lost federal protection under this decision and would no longer require a federal permit, state protections for these waters are not affected. These waterbodies are protected under the state's Water Pollution Control Act (Chapter 90.48 RCW) and will require written approval from Ecology.

### ***How did this affect Ecology?***

With federal permits no longer available for certain waters, the state now must provide written authorization before projects with impacts to waters of the state can proceed legally. Ecology requested funds from the legislature to address this new work. Appropriated funds may only be used to process state authorizations for projects that would have previously required a federal permit. These resources are not available to address the increasing shellfish aquaculture workload that requires Section 401 water quality certification. It is important to emphasize that the funds received in response to this ruling are outside of the scope of Section 401 water quality certification.

August 12, 2024



Ms. Loree' Randall  
Section Manager, Aquatic Permitting & Protection Section  
Washington Department of Ecology  
PO Box 47600  
Olympia, Washington 98504  
EMAIL: lora461@ecy.wa.gov

Re: Support for Ecology's Aquatic Permitting and Aquaculture Budget Request

Dear Ms. Randall,

I'm writing to express gratitude for the role the Shorelands and Environmental Assistance Program (Program) plays in the State's Shellfish Industry and offer support for agency funding directed towards Aquatic Permitting and Aquaculture. For nearly a decade, Pacific Coast Shellfish Growers Association (PCSGA) has represented the interests of those who cultivate oysters, mussels, clams, and geoduck. Today, we act on behalf of over 100 family and tribal shellfish farms and hatcheries, most of which operate in Washington State, in order ensure both the physical and political environment exists to support their work.

In 2019 Nationwide Permit 48 was vacated, resulting in the need for the Department of Ecology to review individual projects for consistency with Section 401 of the Clean Water Act. In FY 2022, the Department of Ecology (Ecology) received dedicated funding to support 5.8 FTEs to responsible for issuing 401 Water Quality Certifications for approximately 700 shellfish aquaculture projects after the Nationwide Permit 48 (NWP48) was invalidated by a court decision. On behalf of the growers who received those permits, thank you for supporting Washington's shellfish industry.

Looking towards the future, we know the water quality certifications will need to be renewed, with nearly 100 due to expire in 2028 and over 250 in 2036. The Aquatic Permitting and Aquaculture budget request for two dedicated FTEs to review and issue water quality certification decisions for shellfish aquaculture projects is essential to keep a healthy shellfish industry in the state. The members of PCSGA support this request and if it's feasible, we encourage additional funding to support even more staff. The benefits realized with this funding include completing renewals in a prompt manner, time for consistent agency coordination, capacity to review new permit applications, and building aquaculture-specific expertise withing Ecology.

Funding staff for aquaculture permitting demonstrates the State's commitment to maintaining a healthy shellfish industry. In order to accommodate growing interest and investment in seaweed culture, the Agency may want to consider additional FTEs to this budget request.

WA's shellfish growers are appreciative of the work accomplished by the Program and grateful for the Program's leadership and desire to be prepared for the coming years. I am available to discuss this further, at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "M. A. Pilaro". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Margaret A. Pilaro  
Executive Director



**ATTACHMENT C - RELATED BUDGET ITEMS FUNDED IN THE LAST TWO BIENNIA (2023-25, 2021 -23)**

Instructions: Enter the following information about any budget items funded over the last two biennia (2021-23 budget, 2022 supplemental budget, 2023-25 budget, 2024 supplemental budget) that is related to your Decision Package for 2025-27.

Biennium	Rec Sum Code/Title	RecSum Description	Fund Source	Duration	Amount
2021-23 Biennium	PLEB01 Aquaculture Section 401 Permitting	A June 2020 ruling by the U.S. District Court for Western Washington vacated the U.S. Army Corps of Engineers' Nationwide Permit 48 for the Washington shellfish industry. Shellfish farmers must now seek individual water quality certifications from the state. One-time funding is provided for staff to support this additional workload.	23P-1	One-Time	\$ 716,000

## Attachment D

### Linkages to Puget Sound Action Agenda Implementation

This attachment provides additional supporting details for the following decision package (DP) as it relates to the Puget Sound 2022-2026 Action Agenda implementation.

**DP Title:** Aquatic Permitting and Aquaculture

#### Vital Signs

- Marine Water
- Shellfish Beds
- Economic Vitality

#### Strategies

- 8. Prevent Pollution
- 16. Eelgrass, Kelp, and Other Vegetation

#### Desired Outcomes

- 2.1.3. Proper disposal of goods containing chemicals of emerging concern increased.
- 2.1.4. Toxics in infrastructure and building materials removed through source control and/or management/remediation.
- 2.4.1. Risk and potential harm of spills of oil and hazardous substances to waterways reduced.
- 3.5.1. Physical disturbance of eelgrass, kelp, and other vegetation from boats, vessels, anchors, and mooring infrastructure reduced.
- 5.4.1. Natural resources sector jobs and production opportunities are supported.

#### Actions

- 14. Increase and improve shoreline regulation implementation, compliance, enforcement, and communication.
- 15. Expand and improve incentives and education for residential property owners to motivate voluntary actions for healthy shorelines.
- 26. Fully implement and enforce available protections for submerged aquatic vegetation through existing regulations, programs, and policies.
- 45. Develop and implement programs that incentivize, remove, or replace toxic laden products with safer alternatives, and ensure proper disposal of toxic products.
- 62. Educate boaters about dumping organic matter and the No Discharge Zone, ensure sufficient and convenient pump out capacity, and enforce the No Discharge rule.
- 200. Limit people's exposures to harmful water pollution.

### **Orca Task Force Recommendations**

- 3. Apply and enforce laws that protect habitat.
- 37. Protect against regulatory rollbacks at the federal and state level.
- 48. Adopt and implement policies, incentives and regulations for future growth and development to prevent any further degradation of critical habitat and sensitive ecosystems; enable and channel population growth in ways that result in net ecological gain; evaluate and report outcomes for all jurisdictions at the state, county, tribal and municipal level.

# 2025-27 Biennial Budget HEAL Act Template

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## Background

### HEAL Act requirements

The Healthy Environment for All Act (HEAL Act), Chapter 314, Laws of 2021 (RCW [70A.02](#)) requires that “covered and opt in agencies” must implement the requirements of the act. This includes the:

- Departments of Ecology
- Department of Agriculture
- Department of Commerce
- Department of Health
- Department of Natural Resources
- Department of Transportation
- Puget Sound Partnership
- Office of Attorney General

HEAL Act agencies that are considering a significant agency action initiated after July 1, 2023, are required to conduct an environmental justice assessment. RCW 70A.02.010(12) specifies that significant agency actions include:

- The development and adoption of significant legislative rules as defined in RCW 34.05.328.
- The development and adoption of any new grant or loan program that the agency is explicitly authorized or required by statute to implement.
- A capital project, grant, or loan award costing at least \$12,000,000.
- A transportation project, grant, or loan costing at least \$15,000,000.
- The submission of agency request legislation to the Office of the Governor or OFM.

Under RCW 70A.02.080, beginning on or before July 1, 2023, covered and opt in agencies must, where practicable, take specific actions when making expenditure decisions or developing budget requests to OFM and the Legislature for programs that address or may cause environmental harms or provide environmental benefits. This includes:

- Focus applicable expenditures on creating environmental benefits that are experienced by overburdened communities and vulnerable populations, including reducing or eliminating environmental harms, creating community and population resilience, and improving the quality of life of overburdened communities and vulnerable populations.
- Create opportunities for overburdened communities and vulnerable populations to meaningfully participate in agency expenditure decisions.
- Clearly articulate environmental justice goals and performance metrics to communicate the basis for agency expenditures.
- Establish a goal of directing 40% of grants and expenditures that create environmental benefits to vulnerable populations overburdened communities.

To help OFM understand how HEAL Act agency budget requests meet HEAL Act requirements, covered agencies are required to complete additional questions related to the HEAL Act. These questions are

shown below and are in addition to the equity related questions required of all agencies. Covered agencies are asked to complete the following questions and submit them through ABS.

#### HEAL Act questions

If you answer YES to any of these bullet points, please answer the six additional questions and submit them as an attachment through ABS.

- Is this decision package part of an agency request legislation that is required to complete an environmental justice assessment (RCW [70A.02.010\(12\)](#))?  
 Yes  
 No
- Is this decision package requesting funding to support another significant agency action that is required to complete an environmental justice assessment (RCW [70A.02.010\(12\)](#))?  
 Yes  
 No
- Is this decision package requesting funding for a program/project/activity that may **provide environmental benefits or reduce, mitigate, or eliminate environmental harms**, (that is not a significant agency action)? Note: This may include decision packages for programs not purposely directed to provide environmental benefits but may have an indirect or unintentional impact.  
 Yes  
 No

#### **If you answer YES to any of the above bullet points, please complete these additional questions.**

1. Please describe specific likely or probable environmental harms and/or benefits related to your decision package and the associated health impacts to overburdened communities and vulnerable populations.

Many shellfish farms are family owned or tribally held businesses, are in areas with disadvantaged populations, and are an important employer in rural communities. This request helps to support these farmers by ensuring we have the staff to review and issue timely water quality certification decisions. Further, properly managed shellfish aquaculture can result in long-term benefits that protect water quality and the coastal shoreline environment and resources. Communities and people affected by these improvements include certain overburdened communities, vulnerable populations, and Tribes. Specifically, we require project proponents to avoid, minimize, and compensate for impacts as part of the review process, and we work to ensure that activities do not release toxic substances into the environment, will meet state water quality standards, and provide beneficial uses.

2. Please describe the estimated percentage and amount of the requested funds that will go towards creating environmental benefits in overburdened communities and vulnerable populations as defined in OFM's the OBC map or as determined by the agency. If applicable, please include your methodology for making this estimate, including project/award lists if available.

N/A - This request funds two positions that will directly support shellfish aquaculture through the review and issuance of water quality certification decisions. Ecology does not have a method or protocol for estimating percentages of staff time for the purpose of HEAL environmental benefits and budget equity goals.

3. Please describe any potential significant impacts to Indian Tribes' rights and interest in their tribal lands, as well as traditional practices.

This request may directly and indirectly support Tribal rights and interest in their Tribal lands. Water quality certification review ensures we maintain clean water for all our communities, Tribes, and the shellfish industry through pollution reduction and maintenance of water quality standards. Improvements in water quality affect fish populations, which can support Tribal rights and interests, and potentially the health of Tribal members and residents living along watercourses.

4. Describe how your agency engaged with Tribes in developing this proposal, including offers for tribal consultation including timelines, methods for feedback, and mechanisms for Tribes to express concern, opposition, or support., and any direction provided by Tribes through this engagement.

This request is for internal capacity. We have not engaged with communities or specific Tribes in developing this request. External engagement will occur through our public notice process during the project review. Public notice is required for all projects seeking an individual water quality certification decision from Ecology.

5. If the decision package is part of agency request legislation or supports another significant agency action that is required to complete an [Environmental Justice Assessment](#) under RCW 70A.02.010(12), please submit the assessment as an attachment in ABS.

N/A

6. If the decision package is part of agency request legislation or constitutes a significant agency action that is required to complete an environmental justice assessment, please describe how your agency used the environmental justice assessment process to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits. If your agency determined that you were unable to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits, please provide a justification for not doing so.

N/A

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## Agency Recommendation Summary

A State/Tribal Riparian Work Group working on salmon recovery identified Channel Migration Zone mapping as a priority for riparian habitat protection. In response, the Legislature appropriated one-time funding in fiscal year 2023 and 2023-25 for Ecology to advance a statewide Channel Migration Zone mapping methodology effort. This request is for ongoing funding to continue the work with Tribes, agencies, and other community partners to complete the remaining tasks and provide ongoing technical assistance to Tribes and local governments. This request directly implements priority recommendations and actions in the 2021 Governor’s salmon strategy update, it supports Washington Climate Resilience Strategy, and is related to Puget Sound Action Agenda Implementation. (General Fund-State)

## Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
<b>Staffing</b>						
FTEs	1.2	1.2	1.2	1.2	1.2	1.2
<b>Operating Expenditures</b>						
Fund 001 - 1	\$189	\$189	\$378	\$189	\$189	\$378
Total Expenditures	<b>\$189</b>	<b>\$189</b>	<b>\$378</b>	<b>\$189</b>	<b>\$189</b>	<b>\$378</b>

## Decision Package Description

**Background:**

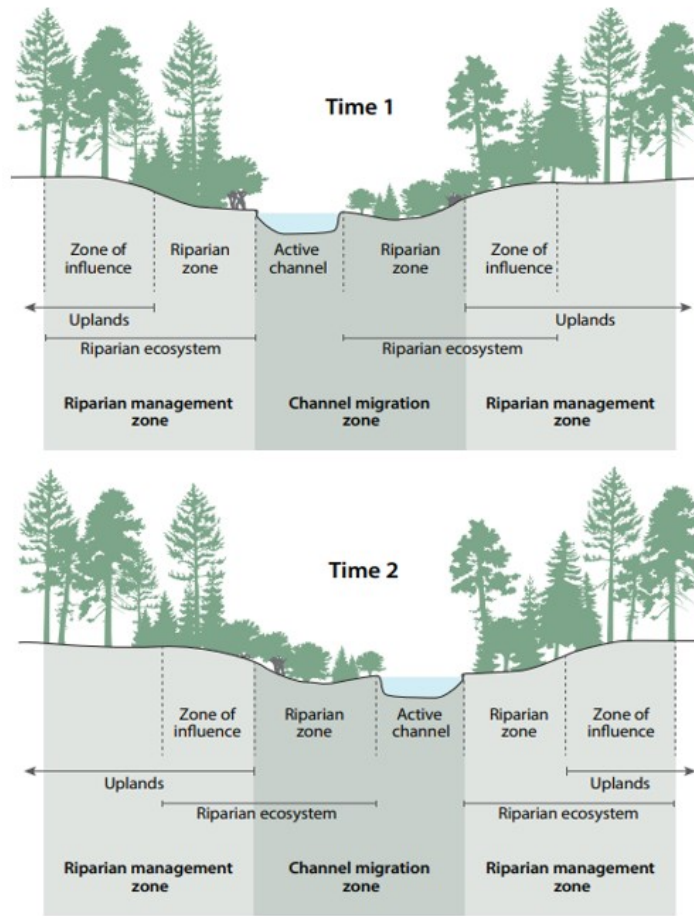
Both the federal Endangered Species Act and state law require Washington to develop plans detailing how the state will reverse the decline of its salmon runs. Most plans are quite complex, which reflects the nature of salmon’s anadromous life cycle, and that salmon in Washington face multiple threats at nearly every life stage. Tribal, public, private, and nonprofit partners have been working for decades to address this suite of issues.

Riparian habitat is the area adjacent to rivers, perennial or intermittent streams, seeps, and springs throughout Washington. In a natural state, riparian areas include a complex mix of young and old trees, shrubs, grasses, and other vegetation that provide important habitat functions. They cool the water during summer, filter pollutants, and contribute food and nutrients salmon and other wildlife depend on. In many areas of the state, however, riparian areas have been developed for residential, industrial, agricultural, and other uses. The result is drastic alterations and, in some cases, complete elimination of riparian habitat areas. To address this, the state has increasingly promoted protecting and restoring this habitat as one of the keys to salmon recovery.

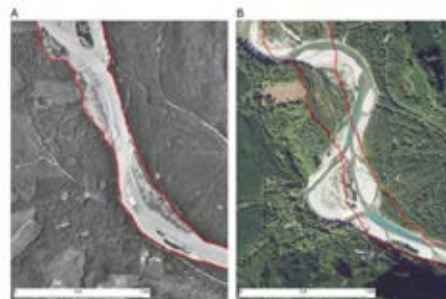
In 2018, the Washington Department of Fish and Wildlife (WDFW) published Priority Habitats and Species Riparian Ecosystems, Volume 1: Science Synthesis and Management Implications (<https://wdfw.wa.gov/publications/01987>). The document outlines specific habitat functions that riparian ecosystems provide for salmon and concludes there is a specific measurable, geographic area that can be delineated alongside rivers and streams where the needs of salmon can typically be met.

In 2020, WDFW published a companion study, Priority Habitats and Species Riparian Ecosystems, Volume 2: Management Recommendations (<https://wdfw.wa.gov/sites/default/files/publications/01988/wdfw01988.pdf>) that provides guidance on how to apply the science in Riparian Volume 1. In the guidance document, WDFW recommends delineating those measurable, geographic areas providing habitat functions for salmon as Riparian Management Zones (RMZs) to be protected or restored. In general, WDFW recommended the width of the RMZ be equal to the potential height that the tallest tree species likely found in a particular riparian area would achieve in 200 years. The RMZ width would be measured perpendicular to the outer edge of a river or stream’s channel migration zone (CMZ). Although CMZs can be established in different ways, all follow a strict scientific process, or methodology, that uses historical data about channel migration as their foundation.

Channel migration is the natural process that describes how a stream or river channel moves over time. Channel migration can occur gradually, such as when a stream erodes away one bank and deposits sediment along the opposite side. It can also occur quite quickly during floods or high-water events. The rate of change depends on an array of factors, such as gradient, geology, sediment supply, stream flow, vegetation, natural instability, and human development. The graphic below from Riparian Volume 2 depicts what happens when channels migrate and portions of the previously upland riparian areas alongside the river end up becoming part of the river channel, and vice versa. WDFW’s caption for this graphic included the following: “This diagram depicts the spatial relationship between the riparian management zone (RMZ) and the channel migration zone (CMZ) over time. As the channel moves laterally within the CMZ, the riparian ecosystem moves with it.”



The images below show a real-world example. In the aerial photograph on the left from 1998, the active channel of the Sauk River (outlined in red) is running generally straight in a northwesterly direction. In the image on the right, taken in 2017, the red lines show where the river's active channel was in 1998; but it is apparent that the channel had moved into two different areas that were previously uplands, taking on more of an S-shape overall. (Photos from a 2019 analysis produced by Skagit River System Cooperative (<https://skagitcoop.org/wp-content/uploads/Seixas-and-Veldhuisen-Regulatory-CMZs-2019.pdf>))



During the 2019 Centennial Accord, Governor Inslee made a commitment to Tribes to use aspects of WDFW's riparian habitat recommendations to improve the pace and scale of salmon recovery. The Governor convened a State/Tribal Riparian Work Group to identify challenges, opportunities, and offer recommended actions. One recommendation identified a data gap hindering the state from effectively delineating RMZs was the lack of suitable CMZ maps across the state. The workgroup recommended establishing a preferred mapping methodology to map CMZs throughout Washington.

Ecology is responsible for floodplain and shoreline management in Washington, including providing expertise about channel migration science and helping establish CMZs. As a result, Ecology received funding in the 2022 supplemental operating budget to work with other state agencies and Tribes to identify a preferred CMZ mapping methodology to support RMZ delineation. In December 2022, Ecology hired a fluvial geomorphologist to work with a team of representatives from WDFW, Puget Sound Partnership (PSP), Tribes, and other stakeholders (The CMZ Mapping Team). In 2023, the CMZ Mapping Team looked at various mapping methodologies being used in Washington. They concluded that a methodology that Ecology had developed and recommended in the early 2000s was suitable but had important shortcomings. First, the methodology was 20 years old and required significant updates to reflect scientific advances. Second, the methodology was developed to support local governments implementing the Shoreline Management Act, not habitat delineation. This meant the mapping methodology needed to

be updated and validated to ensure it supported the state's RMZ mapping objectives.

In 2023-25, Ecology received additional one-time funding to validate the methodology, create a statewide mapping plan, and provide technical assistance to local and Tribal governments looking to use the new standard.

In 2023, Ecology started collecting, assessing, and inventorying existing CMZ information into a catalog, which is now complete. The catalog has allowed Ecology to respond faster and provide more comprehensive data when fulfilling technical assistance requests from local governments and Tribes. In summer 2024, Ecology will publish a public-facing version of the catalog, which shows where CMZs have been mapped and details about the studies that led to the maps. This will be a useful reference tool for Tribes, local governments, consultants, and property owners who need to know what CMZ maps and other information exists.

**Is this request related to any budget items funded in the past two biennia?**

Yes, see attached.

**Problem:**

Innovations in CMZ mapping have changed dramatically over the last 10 years due to the availability of LiDAR and other modern technology (LiDAR is an active remote sensing system that generates light to measure things on the ground). However, between 2015 and 2022, Ecology had no funding to conduct CMZ mapping and related activities. The consequences are now being fully understood but in summary, they include the following:

1. Ecology's two CMZ mapping methodologies from 2003 and 2014, that were developed to support the state's shoreline management objectives, have respectively become out of date. In 2003, Ecology published guidance for detailed-level CMZ mapping to support local governments updating their shoreline master programs. However, this detailed CMZ mapping method proved to be cost prohibitive for most local governments. In response, Ecology developed a more cost-effective, desktop-only methodology in 2014 for identifying a more general (or planning-level) location of the CMZ. The maps produced using the planning level methodology also had drawbacks, including that they could not be used to locate potential channel migration at the individual parcel scale, such as to address questions about land-use permitting. Although both methodologies are still in use, neither reflects current technology or best professional practices based on lessons since learned. Updates are needed and will take time, and this will require ongoing staff with specialized expertise.

2. CMZ mapping has continued in some areas of the state with no central guidance, coordination, or analysis. Most CMZ maps throughout the state were completed more than 10 years ago, before high-quality spatial data became available. With recent statewide investments in LiDAR, we can now see many of the older maps were, in fact, inaccurate. Also, CMZ maps have a shelf-life; often they are only 10- to 20-year projections. They need to be updated to retain their utility. However, many maps have not been kept up to date to reflect changing conditions. As a result of this effort, Ecology has learned other important details about the set of existing CMZ maps and studies across the state, which includes:

- The number of existing mapped CMZs statewide was less than anticipated by the State/Tribal Riparian Work Group.
- The quality of the data underlying existing CMZ maps varies significantly between studies, depending on which methodology was used, the age of the study, and how comprehensive the effort was.
- CMZ mapping has been completed by many different investigators using different guidelines resulting in confusing and even conflicting information.

In other words, the breadth and depth of existing, available CMZ maps and studies are insufficient to use as a baseline, even for shoreline management, which is what most of them were initially produced for.

3. The methodologies used to create most CMZ maps in Washington and the CMZ map dataset itself are unsuitable for using "as is" to map the RMZ for salmon recovery.

The two sets of images below, courtesy of the Washington Geological Survey (Washington State DNR), show the same location of a floodplain section of the Sauk River near Darrington. In the aerial photograph on the left, the active river channel stands out as flowing water (greenish blue, or greenish brown) amidst dry sand and/or gravel bars (off-white). Remnants of older (historical) channels can be seen on both sides of the current channel.

The image on the right is a LiDAR-derived relative elevation model of the same location, showing the river's current and former (or historical) channels. The current, active channels are in brighter white. (The image on the left was modified to add the title label.)



**Proposed Solution:**

In 2023, with support from the CMZ Mapping Team, Ecology proposed shifting the near-term focus from mapping CMZs to mapping Historical Migration Zones (HMZs). The HMZ is the area that river channels have occupied over the course of the analysis period.

There are multiple advantages to investing in statewide HMZ mapping. Mapping a river’s HMZ is the first step in mapping its CMZ. This means statewide HMZ mapping will need to happen before statewide CMZ mapping should take place. Having Ecology lead a centralized HMZ mapping effort will ensure the quality of the products is consistent across the state. This will establish a common baseline standard that will allow future CMZ mapping efforts to be more comparable, regardless of who conducts the mapping.

The statewide HMZ mapping effort will identify rivers and streams that do not migrate because they are confined by steep canyons or flow on top of bedrock. Rivers and streams that don’t migrate can be removed from further CMZ study and mapping. By following the statewide HMZ mapping effort, we will have a much clearer picture where statewide CMZ mapping needs to occur.

Also, statewide HMZ mapping can build on other state-led efforts focused on improving riparian habitat protection and restoration. We have started pilot testing and mapping the HMZ using initial data coming out of the Washington State Hydrography Dataset (WASHD) project. When the project is completed, the WASHD will be a new source of best available data about the location of river and stream center lines across the state, which is sorely needed. Initial results of the pilot show promise in that some of the steps can be automated, the outcome is of good quality, and the process can be successfully replicated. The CMZ Mapping Team has not identified any disadvantages to this approach.

Ecology requests permanent, ongoing funding for 1.0 FTE Hydrogeologist 4 (HG4) to continue planning, coordinating, and implementing HMZ mapping activities in the 2025-27 biennium and beyond. This includes the specific future tasks summarized below and described in more detail under the staffing section.

We expect our pilot project will enable us to begin full-scale HMZ mapping in 2025 and complete it by 2030 or 2031. HMZ mapping will follow WASHD data collection, and the schedule by fiscal year is shown in the map below. HMZ mapping for each area identified below will begin following the completion of WASHD data collection and verification. HMZ mapping will lag behind WASHD data collection by an estimated one to two years. Concurrently, we will be updating the CMZ mapping methodology for advances in technology since the original publication and lessons learned applying the CMZ in Shoreline Master Programs for the past 20 years. We will then develop a statewide CMZ mapping plan that will follow the HMZ mapping plan. Based on the lessons learned during the HMZ mapping, a mapping plan will be put forward to update the CMZ mapping, which will also include recommendations about who should conduct the mapping.





We will provide technical assistance to local governments, Tribes, other state and federal agencies, and consultants throughout, as well as specific training on each stage of the process (methodology updated, HMZ mapping completed) as needed.

#### Impacts on Population Served:

As outlined in the 2020 State of Salmon in Watersheds report (<https://stateofsalmon.wa.gov/executivesummary/whyrecoversalmon/>), the U.S. Endangered Species Act requires the federal government to protect species in danger or likely to become extinct. Since 1991, the federal government has declared 14 Washington salmon and steelhead runs at risk of extinction. Regional organizations across the state are developing and implementing recovery plans. On behalf of the United States, Washington has a responsibility to uphold treaty-reserved fishing rights for Indian Tribes and a duty to ensure salmon are sustainably managed, restored, and available for harvest. Treaty Tribes are co-stewards of our environment and co-managers with state agencies of salmon resources. Many indigenous cultures in Washington consider salmon a sacrament that support the economic prosperity of Tribes. The “since time immemorial” connection of salmon to Tribes forges the deeply committed and strong connection to salmon recovery efforts. Beyond legal and moral obligations, salmon are also critical to Washington’s economy, environment, recreation opportunities, food supply, and culture. The report’s Executive Summary outlines that:

- Commercial and recreational fishing in Washington is estimated to support 16,000 jobs and \$540 million in personal income.
- As a keystone species, salmon reflect the health of the environment. Scientists estimate 138 species of wildlife, including endangered Southern Resident killer whales, depend on salmon for food.
- An estimated \$1.5 billion is spent annually on equipment and trip related costs by people fishing and harvesting shellfish recreationally in Washington, supporting many rural families and businesses.
- Restoring salmon habitat improves environmental health and human well-being. Many low-income and marginalized residents, who are more likely to be subjected to pollution and poor living conditions, may benefit from eating more salmon.
- Prioritizing salmon recovery prioritizes the livelihoods, experiences, and voices of diverse communities.

#### Alternatives Explored:

There is no downside to adding statewide Historical Migration Zone (HMZ) mapping to this larger effort, or having Ecology do the statewide HMZ mapping. Since CMZ mapping cannot proceed until the methodology is updated, having Ecology conduct HMZ mapping while also updating the CMZ mapping methodology offers many benefits as described in the Solution section of this request.

The work outlined in this request cannot be scaled. There is only one dedicated expert staff person at Ecology leading the entire effort, which includes providing ongoing technical assistance. There are still many unknowns regarding future CMZ mapping, such as how much it will cost, how long it will take, and who will be best positioned to conduct the mapping. As this picture becomes clearer in the coming years, there may be a need for additional funding beyond what is outlined in this request to support statewide CMZ mapping activities.

The work could be delayed; but without staff to provide ongoing technical support, CMZs would continue to be mapped at varied levels of quality and consistency and will not be designed to support delineating Riparian Management Zones (RMZ). This would also delay putting riparian habitat protections in place to recover and protect salmon.

#### Consequences of Not Funding This Request:

Most of Washington’s salmonid populations are declining, and degraded riparian habitats are limiting recovery in many watersheds. We are running out of time to reverse salmon declines in Washington, and Tribes and others are urging the state to move quicker to make more substantial progress toward improving the state’s critical riparian habitats.

If Washington is going to successfully recover salmon as well as restore and protect salmon habitat, we need an “all hands-on deck” effort requiring the best efforts from all stakeholders. If Ecology does not receive ongoing funding in 2025-27 biennium and beyond, it would take the state longer to accurately designate which riparian habitats need to be protected and perhaps restored. Delays could also hinder the speed and effectiveness for related riparian habitat protection and restoration projects led by other state agencies. In the meantime, some riparian areas not accurately designated are likely to become even further degraded, if not lost permanently, leaving salmon at even greater risk. In addition, local governments have begun requesting grant funding to do CMZ work through Ecology’s Shoreline Competitive Grant Program. It is critical Ecology maintain in-house expertise on channel migration science to effectively review and comment on grant applications. This will ensure state dollars are being wisely invested in projects appropriately designed for their intended uses and adhere to quality standards.

## Assumptions and Calculations

### ***Expansion, Reduction, Elimination or Alteration of a current program or service:***

This is not an expansion or alteration of a current program or service. Ecology does not have a permanent fund source for developing and maintaining CMZ maps. This request will build on the work funded on a onetime basis in the 2022 supplemental operating budget and the 2023-25 biennium to develop a standard mapping methodology and help develop these maps statewide in the future.

### ***Detailed Assumptions and Calculations:***

Beginning July 1, 2025, and ongoing, Ecology requires salaries, benefits, and associated staff costs for 1.0 FTE Hydrogeologist 4 to lead Ecology’s efforts to provide:

1. Riparian-focused CMZ mapping and methodology support: We are currently pilot testing mapping the Historical Migration Zone (HMZ) using Washington State Hydrography Dataset (WASHD) data. Initial results are promising, and we are projected to finish HMZ mapping by 2030 or 2031. CMZ mapping methodology updates will be completed concurrently with HMZ mapping.
2. Shoreline and floodplain management support: The Hydrogeologist 4 will also play a vital role assisting Ecology with its statewide responsibilities for shoreline and floodplain management by providing expertise on channel migration and erosion to support both natural resources protection and state-led hazard mitigation efforts, including:
  - The Shoreline Management Act rule update that kicked off in spring 2024.
  - Development of new guidance for local communities regarding post-wildfire flood risks.
  - The 2024 update to the state Environmental Impact Statement for the proposed Chehalis River Basin Flood Damage Reduction Project.
  - The State Hazard Mitigation Work Group, convened by the Washington Military Department’s Emergency Management Division. There is a need to expand channel migration and erosion hazards content about in the State’s Enhanced Hazard Mitigation Plan as part of the next five- year update, due in late 2028.
  - The design, evaluation, and implementation of Floodplain by Design (FbD) and Flood Control Assistance Account Program (FCAAP) grants.

This type of undertaking has not been attempted before, and Ecology may encounter problems or unpredicted delays. As Ecology moves forward, we are likely to identify additional resource requirements that may need additional budget resources.

**Workforce Assumptions:**

<b>Expenditures by Object</b>		<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>	<b>FY 2030</b>	<b>FY 2031</b>
A	Salaries and Wages	103,002	103,002	103,002	103,002	103,002	103,002
B	Employee Benefits	35,124	35,124	35,124	35,124	35,124	35,124
E	Goods and Services	6,048	6,048	6,048	6,048	6,048	6,048
G	Travel	2,205	2,205	2,205	2,205	2,205	2,205
J	Capital Outlays	1,286	1,286	1,286	1,286	1,286	1,286
T	Intra-Agency Reimbursements	41,300	41,300	41,300	41,300	41,300	41,300
<b>Total Objects</b>		<b>188,965</b>	<b>188,965</b>	<b>188,965</b>	<b>188,965</b>	<b>188,965</b>	<b>188,965</b>

**Staffing**

<b>Job Class</b>	<b>Salary</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>	<b>FY 2030</b>	<b>FY 2031</b>
HYDROGEOLOGIST 4	103,002	1.00	1.00	1.00	1.00	1.00	1.00
FISCAL ANALYST 2		0.10	0.10	0.10	0.10	0.10	0.10
IT APP DEVELOPMENT-JOURNEY		0.05	0.05	0.05	0.05	0.05	0.05
<b>Total FTEs</b>		<b>1.15</b>	<b>1.15</b>	<b>1.15</b>	<b>1.15</b>	<b>1.15</b>	<b>1.15</b>

**Explanation of costs by object:**

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 34.1% of salaries.

Goods and Services are the agency average of \$6,048 per direct program FTE.

Travel is the agency average of \$2,205 per direct program FTE.

Equipment is the agency average of \$1,286 per direct program FTE.

Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 29.9% of direct program salaries and benefits and is shown as object T. Agency Administrative Overhead FTEs are included at 0.15 FTE per direct program FTE and are identified as Fiscal Analyst 2 and IT App Development-Journey.

**Historical Funding:**

	<b>FY2026</b>	<b>FY2027</b>
<b>FTE (xx direct FTE)</b>	0.0	0.0
<b>Total Funds (rounded to thousands)</b>	\$0	\$0
<b>Near General Fund (rounded to thousands)</b>	\$0	\$0
<b>Total Funds (rounded to thousands)</b>	\$0	\$0

Administrative Overhead related to this program or service is in the agency's Administration Activity A002, but is not shown in the totals above.



## Strategic and Performance Outcomes

### **Strategic Framework:**

This request is essential to achieving the following Governor's Results Washington goals:

- Goal 2: Prosperous Economy because CMZ mapping will support protection and restoration of the riparian habitat areas needed for maintaining viable salmon populations critical to Washington's economy.
- Goal 4: Health and Safe Communities because local jurisdictions that adopt CMZs will gain better information and more useful tools to help them make land use decisions that will reduce risks to people, private property, and public infrastructure, thereby improving the safety of their community members.
- Goal 5: Efficient, Effective, and Accountable Government because CMZ mapping will help establish a riparian monitoring and adaptive management program at state and local levels. This will improve the state's ability to assess and communicate about salmon recovery progress and risks associated with channel migration, including flooding and bank erosion.

This request is essential to achieving the following Ecology goals:

- Goal 1: Support and Engage our Communities, Customers, and Employees because it will help local communities establish CMZs that will improve their ability to support salmon recovery through improved consistency with state riparian habitat restoration goals.
- Goal 2: Reduce and Prepare for Climate Impacts because riparian ecosystems are especially valuable in a changing climate. For example:
  - They do not experience extreme temperature changes like surrounding landscapes do.
  - They provide important places of refuge for temperature-sensitive species, including salmon.
  - Riparian areas identified for protection and restoration will help boost the resilience of Washington's riparian areas and the vitality of species that depend on them.
- Goal 4: Protect and Manage our State's Waters because state laws require local government's planning efforts and rules be compatible with activities such as salmon recovery, irrigation water delivery, transportation, and other floodplain activities.

### **Performance Outcomes:**

- Updated and validated CMZ mapping methodology.
- A statewide mapping implementation plan in collaboration with WDFW, Tribal partners, and other stakeholders.
- Technical assistance to local government and Tribal partners.

## Equity Impacts

### ***Community Outreach and Engagement:***

Ecology has been working closely with local governments, consultants, and other practitioners to collect existing CMZ maps and studies from across the state. We have created and are now updating the CMZ catalog. We are working jointly to scope the need for updated CMZ guidance and maps. We are developing the current proposed approach for mapping HMZs while updating the state's CMZ mapping methodology. At the same time, Ecology will continue providing direct technical support to Tribes, local governments, and consultants to help them understand channel migration science, implement CMZ mapping methods, and evaluate CMZ studies.

After the State/Tribal Riparian Work Group's efforts concluded, a Spatial Data Working Group was formed to focus on the multiple, interrelated efforts to address riparian data gaps, which includes the CMZ mapping project. This group is co-chaired by state agency and Tribal representatives. Ecology has been engaged in this group, first to solicit input at the start of the CMZ mapping effort, and over the past 18 months to provide updates about our progress and to seek feedback about the HMZ pilot project proposal. We will continue working internally with Ecology's Tribal Liaison, Office of Equity and Environmental Justice, and program leadership to identify, plan, and implement specific Tribal outreach needs associated with HMZ pilot project and the future statewide HMZ/CMZ mapping efforts.

### ***Disproportional Impact Considerations:***

The impacts of flood hazards are disproportionately distributed across society. Lower-income communities tend to face higher flood risk and disadvantages recovering from flood loss. Since flood hazard risks are expected to increase in many of the state's watersheds due to climate change, some of our most vulnerable residents are likely to be at even greater risk in the future.

Local jurisdictions that adopt CMZs will gain better information and more useful tools to help them make land use decisions that will improve the safety for their community members.

For Tribes in Washington, the importance of salmon cannot be overstated. Tribes are comanagers of the state's fisheries, and we have responsibility for assisting in salmon recovery. Tribes have urged the Governor and state agency leaders to take bolder steps toward making broader statewide salmon recovery a reality. This request will provide needed resources to bring us closer to completing one of the critical components, statewide CMZ maps, that the State/Tribal Riparian Work Group identified were needed to address the loss and degradation of important riparian salmon habitat statewide.

### ***Target Communities and Populations:***

This request benefits both Tribal and non-tribal communities across Washington that face risk from flooding, channel migration, erosion hazards, and degraded watershed environments. This request will specifically benefit Tribal and local governments seeking to update existing or adopt new CMZs that guide local land-use decisions and salmon recovery efforts. Where CMZs are mapped and adopted, they will provide benefits to recover and conserve critical habitat for endangered species and support Tribal treaty rights. Local jurisdictions facing high levels of exposure to flood hazards may also adopt CMZs to mitigate future flood losses.

### ***Community Inputs and Incorporation:***

See Community Outreach and Engagement response.

## Other Collateral Connections

### **HEAL Act Agencies Supplemental Questions**

Yes, see attached.

### **Puget Sound Recovery:**

This request supports the 2022-2026 Puget Sound Action Agenda implementation through various Vital Signs, Strategies, Targets, Desired Outcomes, Actions, and Ongoing Programs included in the Action Agenda. See *attachment D* for a complete list of linkages between this request and the agenda.

It also supports Orca Task Force Recommendation 45. Mitigate the impact of a changing climate by accelerating and increasing action to increase the resiliency and vitality of salmon populations and the ecosystems on which they depend.

### **State Workforce Impacts:**

N/A

### **Intergovernmental:**

WDFW and the Puget Sound Partnership have expressed support for our CMZ mapping efforts and want to stay engaged as we develop this work (see attached letters of support). We have received additional support and interest from the Federal Emergency Management Agency (FEMA) and the Spatial Data Working Group that came out of the State/Tribal Riparian Work Group. Our continued CMZ mapping work will benefit from collaboration and data sharing with WASHD to map streams throughout Washington.

Ecology will continue consulting internally with GIS staff working on a related effort to develop new Washington-specific stream center lines. This will significantly improve the accuracy of CMZ mapping efforts. We will also continue working with WDFW regarding additional guidance and coordinate with Tribes, local governments, and other state agencies to ensure our recommended mapping methodology provides intended data outcomes, is feasible, and has broad statewide support.

We will continue coordinating with our partners at FEMA Region 10 on the channel migration aspects of floodplain management and with the Washington Military Department's Emergency Management Division to ensure appropriate channel migration-related information is revised or added during the next update to the State Enhanced Hazard Mitigation Plan in 2028.

This budget request is also related to actions currently proposed in the draft Washington's Climate Resilience Strategy, which is being developed under RCW 70A.05 and will be finalized by Sept 30, 2024.

### **Stakeholder Impacts:**

Members of the Governor's State/Tribal Riparian Work Group emphasized it is essential the recommended mapping methodology is feasible and supported by key community partner groups, including the agricultural community. There is the potential for any public or private property owner to be impacted by future CMZ mapping. Supporting this request moves work that was completed in fiscal year 2023 and beginning in 2023-25 forward to help identify community partners and interested parties that will be involved in the process to analyze and make recommendations.

### **State Facilities Impacts:**

N/A

### **Changes from Current Law:**

N/A

### **Legal or Administrative Mandates:**

N/A

### **Governor's Salmon Strategy:**

This request directly implements the following recommended priority and action in the 2021 Governor's salmon strategy update:

- Strategic Priority: 1. Protect and restore vital salmon habitat
- Action: 1b. Establishes statewide approach for fully functioning riparian habitat

## Reference Documents

- [River Migration Mapping for Salmon-Attachment A.pdf](#)
- [River Migration Mapping for Salmon-Attachment B.pdf](#)
- [River Migration Mapping for Salmon-HEAL Act Attachment.pdf](#)
- [River Migration Mapping for Salmon-Historical Funding Attachment C.pdf](#)
- [River Migration Mapping for Salmon-PS Attachment D.pdf](#)

## IT Addendum

**Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?**

No

## Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
Obj. A	\$103	\$103	<b>\$206</b>	\$103	\$103	<b>\$206</b>
Obj. B	\$35	\$35	<b>\$70</b>	\$35	\$35	<b>\$70</b>
Obj. E	\$6	\$6	<b>\$12</b>	\$6	\$6	<b>\$12</b>
Obj. G	\$2	\$2	<b>\$4</b>	\$2	\$2	<b>\$4</b>
Obj. J	\$1	\$1	<b>\$2</b>	\$1	\$1	<b>\$2</b>
Obj. T	\$42	\$42	<b>\$84</b>	\$42	\$42	<b>\$84</b>

## Agency Contact Information

Arati Kaza  
 (360) 480-1960  
 akaz461@ecy.wa.gov

July 3, 2024

To Whom it May Concern:

This is an official statement of support for the Department of Ecology’s “River Migration Mapping for Salmon” Operating Budget request to (1) continue working with Tribes, sister agencies, and other stakeholders to update and maintain statewide channel migration zone mapping methodologies, maps, associated guidance, and other resources that focus on delineating the riparian management zones which are essential for salmon recovery; (2) inform other aspects of shoreline and floodplain management in Washington State; and (3) and provide technical assistance to Tribes and local governments with implementation of the above.

The Partnership is the state agency tasked with leading regional collaborative efforts to recover salmon populations throughout Puget Sound. The Partnership is responsible for the Puget Sound Salmon Recovery Plan (Recovery Plan) for Chinook salmon under the Endangered Species Act. To advance salmon recovery efforts in Puget Sound, the Partnership collaborates with partners across regional and local scales to plan, implement, track, evaluate, and adaptively manage the Recovery Plan and communicates needs and successes. Additionally, the Partnership leads the development and implementation of the Action Agenda for Puget Sound. Through this work, the Partnership upholds Tribal treaty rights and advances environmental justice.

Recovering salmon requires protecting stream and river riparian areas and river migration zones, key objectives in the Recovery Plan and Action Agenda. Rivers require space to function, providing critical healthy salmon habitat and thriving agricultural lands as well as reducing flood risk. The Partnership supports efforts to restore, protect, and manage these vital lands across all Puget Sound watersheds. Ecology’s operational request for resources to map and advance management of river migration zones is necessary to protect these corridors.

Ecology’s request will improve management and protection of essential salmon habitat. Tribes and local governments need updated maps to make informed shoreline and floodplain management decisions. However, updated maps are not enough. Local governments often do not have the expertise or staff to successfully manage their critical areas. Ecology’s package also proposes to offer much needed technical assistance to support Tribal and local government management of riparian and river migration corridors.

Thank you for your continued support of salmon and Puget Sound recovery. If you have any questions, please do not hesitate to contact Melissa Speeg at [melissa.speeg@psp.wa.gov](mailto:melissa.speeg@psp.wa.gov) or 360-529-6472.

Sincerely,

A handwritten signature in black ink, appearing to read "Laura L. Bradstreet". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Laura L. Bradstreet  
Executive Director

June 26, 2024

Arati Kaza  
Interim Section Manager, Coastal-Floodplains-Shorelines (CFS) Management Section  
Washington State Department of Ecology  
PO Box 47600  
Olympia, Washington 98504-7600

To Whom it May Concern,

This is an official statement of support for the Department of Ecology’s “River Migration Mapping for Salmon” Operating Budget request to accomplish the following objectives:

- (1) continue working with Tribes, sister agencies, and other stakeholders to update and maintain statewide channel migration zone (CMZ) mapping methodologies, maps, associated guidance, and other resources to enable respective riparian management zone delineation essential to salmon recovery;
- (2) inform other aspects of shoreline and floodplain management in Washington State; and
- (3) provide technical assistance to Tribes and local governments with implementation of the above.

In 2020, WDFW produced Priority Habitats and Species (PHS) riparian management recommendations<sup>1</sup> for designating riparian management zones, including those in proximity to CMZs. During FY 2023, WDFW worked with the Department of Ecology on a multi-agency/Tribal/partner team to identify a preferred CMZ mapping methodology with a near-term emphasis on mapping historical migration zones (HMZs). The HMZ (current and past active channels) is a basic unit of a CMZ and is a fundamental component of riparian management zone delineation, protection, and restoration.

Ecology’s CMZ mapping and methodology work is important for WDFW’s continued efforts to incorporate the PHS riparian management recommendations into local land use planning across the state in support of riparian ecosystem function and salmon recovery. WDFW recommends that local jurisdictions plan for channel migration into the future to both maintain and restore ecological function and to avoid hazards to communities.

<sup>1</sup> [Riparian Ecosystems, Volume 2: Management Recommendations \(2020\)](#)



This ongoing funding will assist cities, counties, and Tribes by providing guidance, mapping methodologies, and maps to help locate CMZs within their jurisdictions. Identifying CMZs can help communities plan for future development, lower exposure to flood hazards, and reduce impacts on floodplain and riparian habitat and species.

It is important that Ecology's "River Migration Mapping for Salmon" project continues to be funded now because many local jurisdictions are updating or preparing to update their critical areas ordinances during the Growth Management Act periodic update followed by their next Shoreline Master Program periodic reviews. WDFW is strongly encouraging local jurisdictions to incorporate the PHS riparian management recommendations into these long-range land use planning amendments. Ecology's CMZ work is critical for helping communities near migrating rivers and streams plan for the future while incorporating WDFW's riparian management recommendations.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kelly Susewind". The signature is fluid and cursive, written over a light blue horizontal line.

Kelly Susewind  
Director

**ATTACHMENT C - RELATED BUDGET ITEMS FUNDED IN THE LAST TWO BIENNIA (2023-25, 2021-23)**

Instructions: Enter the following information about any budget items funded over the last two biennia (2021-23 budget, 2022 supplemental budget, 2023-25 budget, 2024 supplemental budget) that is related to your Decision Package for 2025-27.

Biennium	Rec Sum Code/Title	RecSum Description	Fund Source	Duration	Amount
2022 Supplemental	S32-Channel Migration Zone Mapping	Channel migration zone (CMZ) maps depict the areas in a floodplain where a stream or river channel can be expected to move naturally over time. One-time funding is provided to identify standardized mapping methodology and to offer support for tribes, counties, and local jurisdictions to refine existing CMZ maps with local information.	001-1	One-Time	\$ 164,000
2023-25 Biennium	PT-River Migration Mapping for Salmon	River Migration Mapping for Salmon ECY was funded one-time in the 2022 supplemental operating budget to identify a preferred channel migration zone mapping methodology. Additional one-time funding is provided for ECY to validate the methodology created, develop a statewide mapping plan, and provide technical assistance to local and Tribal governments looking to use the new standard.	001-1	One-Time	\$ 354,000

## **Attachment D**

### **Linkages to Puget Sound Action Agenda Implementation**

This attachment provides additional supporting details for the following decision package (DP) as it relates to the Puget Sound 2022-2026 Action Agenda implementation.

**DP Title:** River Migration Mapping for Salmon

#### **Vital Signs**

- Streams and Floodplains
- Salmon

#### **Strategies**

- 4. Riparian Areas
- 5. Floodplains and Estuaries
- 20. Climate Adaptation and Resilience
- A. Funding

#### **Targets**

- Fund 4,554 acres of floodplain or estuary habitat restoration or reconnection.
- Support 1,340 homes or structures with reduced flood or climate risk.

#### **Desired Outcomes**

- 1.1.1. Ecologically important lands (including beaches, estuaries, forests and wetlands, streams and floodplains) protected from development.
- 1.1.3. Future fragmentation of rivers, floodplains, and estuaries by structural barriers prevented.
- 1.3.1 Levees, floodgates, tide gates, roads, existing development, and other barriers in floodplains and estuaries removed or their management altered.
- 1.4.1. In-stream and riparian areas of rivers and streams restored.
- 1.4.2. Floodplains, tidal wetlands, and estuaries restored.
- 2.2.5. Sites that support natural nutrient attenuation restored, enhanced, or created.
- 4.3.1 Increase the resilience of the Puget Sound ecosystem and recovery efforts by adapting to changing climate and ocean conditions when conducting protection and restoration activities.
- 5.2.3. Transparency in environmental and natural resource management decision making and the use of science is improved.

## **Actions**

- 11. Establish and implement science-based riparian protection, restoration, and management policies that result in a minimum '1 Site Potential Tree Height' forested riparian area standard.
- 19. Develop and maintain a Puget Sound-wide framework to build public support and political will, develop partnerships, mobilize funding resources, streamline permitting, and support monitoring for integrated floodplain management approaches to enhance outcomes for fish populations, flood risk, and agricultural viability (farm, fish, flood).

## **Ongoing Program**

- OGP\_ECY14 Shorelands - Floodplain Management
- OGP\_ECY15 Shorelands - Coastal Hazards resilience network
- OGP\_ECY16 Shorelands - Padilla Bay National Estuarine Research Reserve

**Orca Task Force Recommendation - 45.** Mitigate the impact of a changing climate by accelerating and increasing action to increase the resiliency and vitality of salmon populations and the ecosystems on which they depend.

# 2025-27 Biennial Budget HEAL Act Template

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## Background

### HEAL Act requirements

The Healthy Environment for All Act (HEAL Act), Chapter 314, Laws of 2021 (RCW [70A.02](#)) requires that “covered and opt in agencies” must implement the requirements of the act. This includes the:

- Departments of Ecology
- Department of Agriculture
- Department of Commerce
- Department of Health
- Department of Natural Resources
- Department of Transportation
- Puget Sound Partnership
- Office of Attorney General

HEAL Act agencies that are considering a significant agency action initiated after July 1, 2023, are required to conduct an environmental justice assessment. RCW 70A.02.010(12) specifies that significant agency actions include:

- The development and adoption of significant legislative rules as defined in RCW 34.05.328.
- The development and adoption of any new grant or loan program that the agency is explicitly authorized or required by statute to implement.
- A capital project, grant, or loan award costing at least \$12,000,000.
- A transportation project, grant, or loan costing at least \$15,000,000.
- The submission of agency request legislation to the Office of the Governor or OFM.

Under RCW 70A.02.080, beginning on or before July 1, 2023, covered and opt in agencies must, where practicable, take specific actions when making expenditure decisions or developing budget requests to OFM and the Legislature for programs that address or may cause environmental harms or provide environmental benefits. This includes:

- Focus applicable expenditures on creating environmental benefits that are experienced by overburdened communities and vulnerable populations, including reducing or eliminating environmental harms, creating community and population resilience, and improving the quality of life of overburdened communities and vulnerable populations.
- Create opportunities for overburdened communities and vulnerable populations to meaningfully participate in agency expenditure decisions.
- Clearly articulate environmental justice goals and performance metrics to communicate the basis for agency expenditures.

- Establish a goal of directing 40% of grants and expenditures that create environmental benefits to vulnerable populations overburdened communities.

To help OFM understand how HEAL Act agency budget requests meet HEAL Act requirements, covered agencies are required to complete additional questions related to the HEAL Act. These questions are shown below and are in addition to the equity related questions required of all agencies. Covered agencies are asked to complete the following questions and submit them through ABS.

### HEAL Act Questions

If you answer YES to any of these bullet points, please answer the six additional questions and submit them as an attachment through ABS.

- Is this decision package part of an agency request legislation that is required to complete an environmental justice assessment (RCW [70A.02.010\(12\)](#))?
  - Yes
  - No
- Is this decision package requesting funding to support another significant agency action that is required to complete an environmental justice assessment (RCW [70A.02.010\(12\)](#))?
  - Yes
  - No
- Is this decision package requesting funding for a program/project/activity that may **provide environmental benefits or reduce, mitigate, or eliminate environmental harms**, (that is not a significant agency action)? Note: This may include decision packages for programs not purposely directed to provide environmental benefits but may have an indirect or unintentional impact.
  - Yes
  - No

**If you answer YES to any of the above bullet points, please complete these additional questions.**

1. Please describe specific likely or probable environmental harms and/or benefits related to your decision package and the associated health impacts to overburdened communities and vulnerable populations.

This request benefits communities across Washington that face risk from flood hazards and degraded watershed environments. This request will specifically benefit local jurisdictions seeking to update existing or adopt new channel migration zones (CMZs) to guide local land use decisions and salmon recovery efforts. Where CMZs are mapped and adopted, they will provide benefits to recover and conserve critical habitat for endangered species and support Tribal treaty

rights. Local jurisdictions facing high levels of exposure to flood hazards may also adopt CMZs to mitigate future flood losses.

2. Please describe the estimated percentage and amount of the requested funds that will go towards creating environmental benefits in overburdened communities and vulnerable populations as defined in OFM's the [OBC map](#) or as determined by the agency. If applicable, please include your methodology for making this estimate, including project/award lists if available.

N/A

3. Please describe any potential significant impacts to Indian tribes' rights and interest in their tribal lands, as well as traditional practices.

Ecology has been working closely with Tribes and local governments to jointly scope the need for updated CMZ guidance and maps. Ecology also provides direct technical support to Tribes and local governments implement CMZ mapping methods, evaluating CMZ studies, etc.

The impacts of flood hazards are disproportionately distributed across society: Lower-income communities tend to face higher flood risk and disadvantages recovering from flood loss (Sherwin 2019, 273). Since flood hazard risks are expected to increase in many of the state's watersheds due climate change, some of our most vulnerable residents are likely to be at even greater risk in the future.

Local jurisdictions that adopt CMZs will gain better information and more useful tools to help them make land use decisions that will improve the safety for their community members.

For the state Tribes, the importance of salmon cannot be overstated. Tribes are co-managers of the state's fisheries, and we have legal and moral obligations in supporting them fulfill this role. As such, Tribes have urged the Governor and state agency leaders to take bolder steps toward making broader statewide salmon recovery a reality.

The State/Tribal Riparian Protection & Restoration Workgroup Pathway 3 Team specified three interdependent components for a statewide mapping effort to meaningfully address the loss and degradation of important riparian salmon habitat statewide. This request will provide resources needed to bring us closer to completing one of those critical components, statewide CMZ maps.

4. Describe how your agency engaged with Tribes in developing this proposal, including offers for tribal consultation including timelines, methods for feedback, and mechanisms for Tribes to express concern, opposition, or support, and any direction provided by Tribes through this engagement.

N/A



5. If the decision package is part of agency request legislation or supports another significant agency action that is required to complete an [Environmental Justice Assessment](#) under RCW 70A.02.010(12), please submit the assessment as an attachment in ABS.

N/A

6. If the decision package is part of agency request legislation or constitutes a significant agency action that is required to complete an environmental justice assessment, please describe how your agency used the Environmental Justice Assessment process to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits? If your agency determined that you were unable to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits, please provide a justification for not doing so.

N/A



## Agency Recommendation Summary

Waters of the state belong to the public. Ecology issues rights to use a volume of water for a defined purpose in a specific place based on the “prior appropriations” system. Once water rights are issued, we manage water users to protect senior uses, including instream flows. This requires watermasters tracking water use and active water management practices to ensure compliance. Ecology is requesting funding to increase watermaster staffing in eastern Washington and the Walla Walla Basin to actively manage water use, ensure compliance with state water law, and improve Washington’s resilience to impacts from climate change. Related to implementing Washington’s Climate Resilience Strategy and Governor’s salmon strategy update. (General Fund-State)

## Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
<b>Staffing</b>						
FTEs	2.3	2.3	2.3	2.3	2.3	2.3
<b>Operating Expenditures</b>						
Fund 001 - 1	\$351	\$351	\$702	\$351	\$351	\$702
Total Expenditures	<b>\$351</b>	<b>\$351</b>	<b>\$702</b>	<b>\$351</b>	<b>\$351</b>	<b>\$702</b>

## Decision Package Description

**Background:**

How water is used affects businesses, farms, communities, and the environment. Growth in residential development, business, and agriculture has increased competition for water, while dwindling salmon stocks and their listing under the Endangered Species Act (ESA) have heightened concern about wasteful or illegal water use and compliance with water resources laws. Laws regulating water use are not new. Even when Washington’s population was smaller and water demand was low, there was recognition that water use required regulation to reduce conflicts among competing water users and to protect the resource. The Legislature established the Surface Water Code in 1917, the Groundwater Code in 1945, and added provisions addressing water for fish and wildlife in 1949.

Chapter 90.54 RCW, the Water Resources Act of 1971, set the stage for the series of rules that set instream flow levels as water rights, as well as a compliance effort to protect those flows.

Waters of Washington State belong to the public, and Ecology issues rights to use a volume of water, for a defined purpose, in a specific place based on the prior appropriations system, also referred to as a system of “first-in-time, first-in-right.” A water right established first has senior priority and the right to divert all their water before the next water right holder can legally use water. Instream flow protections follow the same priority system, such that junior water users prior to the date of an adopted instream flow, or adjudicated Tribal instream flow right, must stop using water when the minimum flows are not met (referred to as curtailment).

**The Walla Walla Basin**

The Walla Walla Basin is a watershed that encompasses 1,758 square miles of land and three subbasins (the Touchet River Subbasin, the Walla Walla Subbasin, and the Mill Creek Subbasin) in Oregon and Washington State. It was once an ecologically healthy and thriving region; the fertile lands and many waters supported Tribal life and ensured an abundance of first foods. Throughout the 20th century, the basin has transformed into an economically prosperous agricultural hub with thriving urban centers, a flourishing tourist destination, and a popular outdoor recreation area. However, the steady development over this century has had measurable environmental impacts on the basin, leading to issues such as overused water, channelized and fragmented floodplains, and population declines and extirpation of certain native wildlife species.

Today, the Walla Walla Basin is a hydrologically, jurisdictionally, and biologically complex watershed, extending across Washington and Oregon state lines. Ensuring adequate water for people, irrigated agriculture, and instream flows for fish and wildlife is a challenge in the basin, particularly in the summer when demand is the highest. Despite the myriads of organizations and entities that have worked for years to improve water quality and address water management issues in the basin, its health and productivity are constrained by the factors below:

- Low streamflows compounded by irrigation diversions.
- Concrete and/or incised stream channels, levees, weirs, and other alterations.
- Point-source and non-point-source pollution.
- Declining water levels in the alluvial and basalt aquifers.
- Increased stream temperatures and degraded habitat for fish and other species.
- Climate change is driving drastic changes in temperature and habitats.
- Overallocated water supply for out-of-stream uses.
- Historic loss of fisheries production (salmonids).

Over the last three decades, there have been significant efforts to address water management in the basin with several collaborative planning processes and the completion of many on-the-ground projects. To further respond to a need for leadership on basin water resource management, the Walla Walla Watershed Management Partnership (the Partnership) kicked off in 2009 as a 10-year pilot program that allowed local decision-making and flexibility in water management.

#### **Walla Walla 2050 Strategic Plan**

Then, in 2019, the Legislature tasked the Partnership and Ecology to collaboratively develop a 30-year strategic plan for water management in the Walla Walla Basin. Together with the Confederated Tribes of the Umatilla Indian Reservation, the State of Oregon, and stakeholders on both sides of the state border, they began this process (referred to as "Walla Walla Water 2050") later that year. They released a draft strategic plan for public comment in May 2021, and the final Walla Walla Water 2050 Strategic Plan was released in June 2021 (WWW2050) (<https://ecology.wa.gov/water-shorelines/water-supply/water-supply-projects-ew/walla-walla-2050/strategic-plan>).

The WWW2050 lays out a 30-year effort to improve streamflows and water supplies in the Walla Walla Watershed. Employing an integrated water resource management approach, the plan integrates goals and solutions from the basin's diverse stakeholders in both Washington and Oregon to achieve a holistic and viable long-term plan for water use in the basin. It provides a broad summary of key accomplishments and ongoing work in the basin, a description of current watershed conditions and desired future watershed conditions to support prioritized short- and long-term strategy recommendations to provide improved water supply reliability and streamflows.

#### **Problem and Proposed Solution:**

As both rural and urban communities continue to develop across eastern Washington, the competition for water grows, and ensuring adequate water for people, irrigated agriculture, and instream flows for fish and wildlife is a growing challenge in the basin, particularly in the summer when demand is the highest.

While Washington State has a long history of regulating water use, compliance with water use laws has become increasingly urgent to:

- Protect legal water users from impairment or loss of water by those using water without a right or beyond the terms of their right.
- Protect those with senior (older) water rights from harm by those with junior (newer) rights.
- Keep enough water in streams to protect the environment, restore fish runs, and other instream values.
- Ensure that water taken without authorization is returned to the stream for those waiting in line for new water rights and to help restore stream flows.
- Ensure long-term sustainable water supplies.
- Create awareness about the importance of wise use of Washington's limited water resources.

The goal of Ecology's water use compliance program is to manage the public's water resources by encouraging voluntary compliance with state water law and by taking consistent, fair, and assertive enforcement actions throughout the state. We rely on voluntary compliance and formal enforcement to improve stream flows in 16 fish-critical basins where low stream flows are a problem for salmon populations. We also rely on voluntary compliance and formal enforcement to protect senior water rights throughout the state.

Ecology currently has eight watermaster positions working across the state, but this staffing level is currently insufficient to meet the existing workload demand, especially in eastern Washington, where there are more individual water rights tied to individual farms and businesses, etc. Additional staff are needed to effectively track water use and actively manage water users to ensure authorized water use is followed and water resources are managed for competing uses in the face of climate change.

Increasing the state's capacity for tracking water use and ensuring compliance with water use limits is essential to managing water availability in the face of climate change and the competing demands of residential development, business, and agriculture. At the same time, dwindling salmon stocks and their ESA listing have heightened the need for more active water use management to ensure compliance with water resources laws.

This request supports funding to deploy two additional watermasters to oversee water use compliance, with a focus on eastern Washington and the Walla Walla Basin. These new staff will actively manage water rights and use to ensure authorized water use limits are followed. This will help ensure senior rights and necessary instream flow levels are protected.

#### **Impacts on Population Served:**

Requested resources for compliance and enforcement action throughout eastern Washington will provide Ecology with the staff necessary to better identify violations of the water code and implement timely actions to bring entities into compliance. This will have a net-positive benefit to ensuring the available water supply is used legally for the benefit of the overall economy and help provide commercial, agricultural, domestic projects, environmental uses, and businesses with the maximum water supply possible to maintain instream flows, business interests, and habitat conditions.

#### **Alternatives Explored:**

Ecology does not believe that there are other alternatives to performing required regulatory work. Ecology does not have the ability to shift work from other areas without significantly compromising other statutory and legal requirements.

**Consequences of Not Funding This Request:**

Not funding this request for additional compliance staff resources would limit Ecology’s ability to ensure we are fulfilling our statutory obligations to protect senior water users, including instream flows, from impairment by junior users. We would not have adequate resources to identify violations of the water code in a timely manner and initiate appropriate enforcement actions. Continued delay of timely compliance and enforcement actions would have a negative impact on the overall economy; commercial, agricultural, and domestic projects and businesses would be impacted by lack of water through unidentified misuse. Delayed compliance and enforcement actions would also have a negative impact on the environmental protections because water use beyond authorized limits reduces instream flows, available water supply, instream resources, and habitat conditions.

**Assumptions and Calculations**

**Expansion, Reduction, Elimination or Alteration of a current program or service:**

This request expands Activity A035: Promote Compliance with Water Laws because it will increase staffing to the existing compliance program. Ecology’s eight current watermaster positions are only a portion of this overall activity, which also includes Ecology’s adjudication work. Recent budget adds for both the Nooksack and Lake Roosevelt Watershed adjudications are the main reasons for the increase in this activity’s funding level between 2021-23 and 2023-25.

Below is a summary of the 2021-23 and 2023-25 base funding and FTEs for this activity. Administrative Overhead related to this activity is also in the agency’s Administration Activity A002, but is not shown in the totals below.

<b>A035 - Promote Compliance with Water Laws</b>		
	<b>2021-23</b>	<b>2023-25</b>
FTEs Total	14.45	25.50
001-1 General Fund-State	6,207,000	\$11,984,000
<b>TOTAL</b>	<b>\$6,207,000</b>	<b>\$11,984,000</b>

**Detailed Assumptions and Calculations:**

Beginning July 1, 2025, and ongoing, Ecology requires salaries, benefits, and associated staff costs for 2.0 FTE’s, which are Environmental Specialist 5 positions to provide compliance and enforcement services throughout eastern Washington, including monitoring authorized water use, identifying violations, providing technical assistance, and taking enforcement action when needed. These staff will join Ecology’s existing watermasters across the state in carrying out the following activities:

- Detect and act on illegal water use.
- Provide technical and educational information to assist the public in complying with the requirements of their water rights and applicable water laws.
- Implement the water metering program in the fish-critical basins. Verify meter installation, manage metering data, follow up on non-reporting water users, and compare metered water use against actual water rights.
- Stop junior water use when water flows drop below the levels set in instream flow rules.
- Enforce court orders, particularly to implement the Yakima adjudication.

**Workforce Assumptions:**

<b>Expenditures by Object</b>	<b><u>FY 2026</u></b>	<b><u>FY 2027</u></b>	<b><u>FY 2028</u></b>	<b><u>FY 2029</u></b>	<b><u>FY 2030</u></b>	<b><u>FY 2031</u></b>
A Salaries and Wages	190,774	190,774	190,774	190,774	190,774	190,774
B Employee Benefits	65,054	65,054	65,054	65,054	65,054	65,054
E Goods and Services	12,096	12,096	12,096	12,096	12,096	12,096
G Travel	4,410	4,410	4,410	4,410	4,410	4,410
J Capital Outlays	2,572	2,572	2,572	2,572	2,572	2,572
T Intra-Agency Reimbursements	76,492	76,492	76,492	76,492	76,492	76,492
<b>Total Objects</b>	<b>351,398</b>	<b>351,398</b>	<b>351,398</b>	<b>351,398</b>	<b>351,398</b>	<b>351,398</b>

**Staffing**

<b>Job Class</b>	<b>Salary</b>	<b><u>FY 2026</u></b>	<b><u>FY 2027</u></b>	<b><u>FY 2028</u></b>	<b><u>FY 2029</u></b>	<b><u>FY 2030</u></b>	<b><u>FY 2031</u></b>
ENVIRONMENTAL SPEC 5	95,387	2.00	2.00	2.00	2.00	2.00	2.00
FISCAL ANALYST 2		0.20	0.20	0.20	0.20	0.20	0.20
IT APP DEVELOPMENT-JOURNEY		0.10	0.10	0.10	0.10	0.10	0.10
<b>Total FTEs</b>		<b>2.30</b>	<b>2.30</b>	<b>2.30</b>	<b>2.30</b>	<b>2.30</b>	<b>2.30</b>

**Explanation of costs by object:**

Salary estimates are current biennium actual rates at Step L.  
 Benefits are the agency average of 34.1% of salaries.  
 Goods and Services are the agency average of \$6,048 per direct program FTE.  
 Travel is the agency average of \$2,205 per direct program FTE.  
 Equipment is the agency average of \$1,286 per direct program FTE.  
 Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 29.9% of direct program salaries and benefits and is shown as object T. Agency Administrative Overhead FTEs are included at 0.15 FTE per direct program FTE and are identified as Fiscal Analyst 2 and IT App Development-Journey.

**Historical Funding:**

	FY2026	FY2027
FTE (xx direct FTE)	8.0	8.0
<b>Total Funds</b> (rounded to thousands)	\$1,375,000	\$1,375,000
<b>Near General Fund</b> (rounded to thousands)	\$1,375,000	\$1,375,000
<b>Other Funds</b> (rounded to thousands)	\$0	\$0

Administrative Overhead related to this program or service is in the agency’s Administration Activity A002, but is not shown in the totals above.

**Strategic and Performance Outcomes**

**Strategic Framework:**

This request is essential to achieving Ecology’s Goal 1: Support and engage our communities, customers, and employees; Goal 2: Reduce and prepare for climate impacts; and Goal 4: Protect and manage our state’s waters because it will protect instream flows for current and future generations and better position Washington to adaptively manage against future climate impacts and protect limited water resources statewide.

This request is essential to achieving the Governor’s Results Washington Goal 2: Prosperous Economy because it will maintain water availability for legal water uses that benefit the local, regional, and the Washington State economies, including domestic, agricultural, environmental, and commercial uses.

This request is essential to achieving the Governor’s Results Washington Goal 5: Efficient, Effective, and Accountable Government because it will provide the funding needed to ensure we are fulfilling our statutory obligations to protect senior water users, including instream flows, from impairment by junior users.

**Performance Outcomes:**

The outcome of this request will be more timely compliance and enforcement actions to fulfill our statutory obligations to protect senior water users, including instream flows, from impairment by junior users throughout eastern Washington, including the Walla Walla Basin.

## Equity Impacts

### ***Community Outreach and Engagement:***

This is an administrative request primarily for staff capacity to provide compliance and enforcement services throughout eastern Washington. Ecology did not conduct community outreach or consult with Tribal entities during the development of this request. This request will not alter existing and established consultation mechanisms with Tribal entities.

### ***Disproportional Impact Considerations:***

There are no anticipated or identified direct environmental harms or benefits to overburdened communities and vulnerable populations from this budget request. There may be indirect benefits to overburdened communities and vulnerable populations, primarily for Tribes. Increased water rights compliance and enforcement activities will indirectly benefit Tribal treaty rights regarding fishing in usual and accustomed areas due to potential impacts on increased water availability for fish and instream flows. This request will not alter existing and established consultation mechanisms with Tribal entities.

### ***Target Communities and Populations:***

This is an administrative request primarily for staff capacity to provide compliance and enforcement services throughout eastern Washington. The work will target water use violations of water users throughout eastern Washington and will be based on applying the water code to specific permits and/or certificates of a particular user. There is no target population or community.

### ***Community Inputs and Incorporation:***

See Community Outreach and Engagement response.

## Other Collateral Connections

### **HEAL Act Agencies Supplemental Questions**

Yes, see attached.

### **Puget Sound Recovery:**

N/A

### **State Workforce Impacts:**

N/A

### **Intergovernmental:**

Ecology anticipates that governmental stakeholders will be overall supportive of increasing water use management, compliance, and enforcement activity statewide because it will better protect limited state resources against unauthorized use and managing for future climate impacts. Increased compliance and enforcement will likely be contentious because most water use and rights issues typically are. Ecology expects some governmental entities will be more supportive of increased compliance and enforcement efforts (primarily those with senior water rights needing protection from unauthorized water use), while there will be others not as supportive.

This request is related to actions currently proposed in the draft Washington's Climate Resilience Strategy, which is being developed under Chapter 70A.05 RCW and will be finalized by September 30, 2024.

### **Stakeholder Impacts:**

Ecology anticipates stakeholders (business, commercial, industrial, agricultural, environmental, etc.) will be generally supportive of increased water management, compliance, and enforcement activities. Increased compliance and enforcement will likely be contentious because most water use and rights issues typically are. Ecology expects some stakeholders will be more supportive of increased compliance and enforcement efforts (primarily environmental interests or those with senior water rights needing protection from unauthorized water use), while there will be others not as supportive.

### **State Facilities Impacts:**

N/A

### **Changes from Current Law:**

N/A

### **Legal or Administrative Mandates:**

N/A

### **Governor's Salmon Strategy:**

This request also directly implements the following recommended priority and action in the 2021 Governor's salmon strategy update:

- Strategic Priority: 4. Build climate resiliency
- Action: 4d. Technical capacity for climate resilience

## Reference Documents

[Water Management and Compliance-HEAL Act Attachment.pdf](#)

## IT Addendum

### **Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?**

No



### Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
Obj. A	\$191	\$191	<b>\$382</b>	\$191	\$191	<b>\$382</b>
Obj. B	\$65	\$65	<b>\$130</b>	\$65	\$65	<b>\$130</b>
Obj. E	\$12	\$12	<b>\$24</b>	\$12	\$12	<b>\$24</b>
Obj. G	\$4	\$4	<b>\$8</b>	\$4	\$4	<b>\$8</b>
Obj. J	\$3	\$3	<b>\$6</b>	\$3	\$3	<b>\$6</b>
Obj. T	\$76	\$76	<b>\$152</b>	\$76	\$76	<b>\$152</b>

### Agency Contact Information

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# 2025-27 Biennial Budget HEAL Act Template

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## Background

### HEAL Act requirements

The Healthy Environment for All Act (HEAL Act), Chapter 314, Laws of 2021 (RCW [70A.02](#)) requires that “covered and opt in agencies” must implement the requirements of the HEAL Act. This includes the:

- Department of Ecology
- Department of Agriculture
- Department of Commerce
- Department of Health
- Department of Natural Resources
- Department of Transportation
- Puget Sound Partnership
- Office of the Attorney General

HEAL Act agencies that are considering a significant agency action initiated after July 1, 2023, are required to conduct an environmental justice assessment. RCW [70A.02.010](#)(12) specifies that significant agency actions include:

- The development and adoption of significant legislative rules as defined in RCW [34.05.328](#).
- The development and adoption of any new grant or loan program that the agency is explicitly authorized or required by statute to implement.
- A capital project, grant, or loan award costing at least \$12,000,000.
- A transportation project, grant, or loan costing at least \$15,000,000.
- The submission of agency request legislation to the Office of the Governor or OFM.

Under RCW [70A.02.080](#), beginning on or before July 1, 2023, covered and opt in agencies must, where practicable, take specific actions when making expenditure decisions or developing budget requests to OFM and the Legislature for programs that address or may cause environmental harms or provide environmental benefits. This includes:

- Focus applicable expenditures on creating environmental benefits that are experienced by overburdened communities and vulnerable populations, including reducing or eliminating environmental harms, creating community and population resilience, and improving the quality of life of overburdened communities and vulnerable populations.
- Create opportunities for overburdened communities and vulnerable populations to meaningfully participate in agency expenditure decisions.
- Clearly articulate environmental justice goals and performance metrics to communicate the basis for agency expenditures.
- Establish a goal of directing 40% of grants and expenditures that create environmental benefits to vulnerable populations overburdened communities.

To help OFM understand how HEAL Act agency budget requests meet HEAL Act requirements, covered agencies are required to complete additional questions related to the HEAL Act. These questions are shown below and are in addition to the equity related questions required of all agencies. Covered agencies are asked to complete the following questions and submit them through ABS.

#### HEAL Act questions

If you answer YES to any of these bullet points, please answer the six additional questions and submit them as an attachment through ABS.

- Is this decision package part of an agency request legislation that is required to complete an environmental justice assessment (RCW [70A.02.010\(12\)](#))?

Yes

No

- Is this decision package requesting funding to support another significant agency action that is required to complete an environmental justice assessment (RCW [70A.02.010\(12\)](#))?

Yes

No

- Is this decision package requesting funding for a program/project/activity that may **provide environmental benefits or reduce, mitigate, or eliminate environmental harms**, (that is not a significant agency action)? Note: This may include decision packages for programs not purposely directed to provide environmental benefits but may have an indirect or unintentional impact.

Yes

No

**If you answer YES to any of the above bullet points, please complete these additional questions.**

1. Please describe specific likely or probable environmental harms and/or benefits related to your decision package and the associated health impacts to overburdened communities and vulnerable populations.

There are no anticipated or identified environmental harms or benefits to overburdened communities and vulnerable populations related to this budget request.

2. Please describe the estimated percentage and amount of the requested funds that will go towards creating environmental benefits in overburdened communities and vulnerable populations as

defined in OFM's the [OBC map](#) or as determined by the agency. If applicable, please include your methodology for making this estimate, including project/award lists if available.

This is an administrative request for staff capacity to provide compliance and enforcement services throughout Eastern Washington. The agency has not developed a method for estimating percentages of staff time going towards creating direct environmental benefits in overburdened communities and vulnerable populations.

3. Please describe any potential significant impacts to Indian Tribes' rights and interest in their tribal lands, as well as traditional practices.

There are no potential significant negative impacts to Indian Tribes' rights and interest in their tribal lands, as well as traditional practices. There may be indirect benefits to overburdened communities and vulnerable populations, primarily for Tribes. Increased water rights compliance and enforcement activities would indirectly benefit Tribal treaty rights regarding fishing in usual and accustomed areas due to potential impacts on increased water availability for fish and instream flows. This request would not alter existing and established consultation mechanisms with Tribal entities.

4. Describe how your agency engaged with Tribes in developing this proposal, including offers for tribal consultation including timelines, methods for feedback, and mechanisms for Tribes to express concern, opposition, or support., and any direction provided by Tribes through this engagement.

This is an administrative request primarily for staff capacity to provide compliance and enforcement services throughout Eastern Washington. Ecology did not consult with Tribal entities during the development of this request. This request would not alter existing and established consultation mechanisms with Tribal entities.

5. If the decision package is part of agency request legislation or supports another significant agency action that is required to complete an environmental justice assessment under RCW [70A.02.010](#)(12), please submit the assessment as an attachment in ABS.

N/A. This request is not a significant agency action under HEAL.

6. If the decision package is part of agency request legislation or constitutes a significant agency action that is required to complete an environmental justice assessment, please describe how your agency used the environmental justice assessment process to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits. If your agency determined that you were unable to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits, please provide a justification for not doing so.

N/A

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## Agency Recommendation Summary

Washington State’s water supply is experiencing the acute impacts of climate change, including less snowfall, earlier snowmelt, and reduced summer streamflow. People and fish compete for a shrinking water supply when salmon and other aquatic life need it most. Understanding the impacts of climate change and population growth on the environment and water supply is crucial to implementing solutions that benefit all water users. Ecology is requesting funding and staff resources for climate resilience actions that build the capacity and knowledge base needed to boost instream flows and support statewide water security. Related to implementing Washington’s Climate Resilience Strategy. (General Fund-State)

## Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
<b>Staffing</b>						
FTEs	4.7	4.3	4.5	3.1	2.7	2.9
<b>Operating Expenditures</b>						
Fund 001 - 1	\$950	\$945	\$1,895	\$483	\$429	\$912
Total Expenditures	<b>\$950</b>	<b>\$945</b>	<b>\$1,895</b>	<b>\$483</b>	<b>\$429</b>	<b>\$912</b>

## Decision Package Description

**Background:**

Climate change is projected to exacerbate several key water resource challenges. Climate change models project reduced summer and fall stream flow and less water availability during critical summer and fall periods because of less mountain snowfall (more winter rain), earlier snowmelt, and warmer temperatures. This will also exacerbate warm summer water temperatures, creating additional stress on threatened and endangered salmonids. Increased temperatures and drier summer conditions are also projected to increase water use demands.

Chapter 70A.05 RCW (2023) required Ecology to convene specific state agencies to develop an integrated climate change response strategy to better enable the state to prepare for, address, and adapt to the impacts of climate change. The integrated interagency response strategy outlines specific actions to help prevent and reduce impacts to communities and ecosystems.

Ecology, in coordination with partner agencies, is required to provide recommendations to the Governor's Office and relevant committees of the Legislature (consistent with RCW 70A.65.050) by September 30, 2024. The report must include recommendations for a durable structure for coordinating and implementing the state's climate resilience strategy, including a process for prioritizing and coordinating funding for climate resilience actions across agencies.

**Is this request related to any budget items funded in the past two biennia?**

Yes, see attached.

**Problem/Opportunity:**

Washington State requires action on multiple fronts to build resilience to climate change impacts on water resources. As a part of the requirements for developing and updating the climate resilience strategy, Ecology has identified the need to learn more about specific projects to mitigate the impacts on summer and fall streamflow, improve our understanding of climate change impacts with refinements in modeling tools, and update water management rules to mitigate climate impacts.

In addition, available data on water quantity, including information on groundwater levels and aquifer sustainability (i.e., recharge and withdrawal equilibrium) and surface water flow information, is collected by and managed across numerous Tribal, federal, state, and local agencies and is not easily accessible to water managers or the public. Better data integration and data availability are essential for the wide range of partners to understand and prepare for climate change impacts.

Ecology does not have base resources to support work within the integrated climate change response strategy. The climate resilience solutions detailed and proposed in this request are drawn directly from the integrated interagency response strategy as directed by Chapter 70A.05 RCW.

**Proposed Solution:**

Ecology is requesting funding to implement four actions to support the climate adaptation report the Legislature directed under RCW 70A.05. The four projects detailed below focus on technical support, data analysis and communication, data sharing, and water management rulemaking.



### **Technical Support for Managed Aquifer Recharge (MAR) Project Implementation**

This request will help close the knowledge gap around the efficacy of different water management tools, specifically MAR, given interactions between the changing climate, hydrologic systems, and the needs of fish, wildlife, and people. Ecology will collaborate with the Department of Fish and Wildlife (WDFW) and other agencies to work with academic institutions and contracted experts to develop a report assessing MAR projects as follows:

- Identify and assess all existing and under-construction MAR projects in Washington.
- Summarize suitability, siting considerations, and hydrogeological and flow understanding.
- Identify outcomes and lessons learned from implementing MAR projects in Washington to better understand how and when these projects can be most effectively deployed.

### **Aggregate & Analyze Data and Communicate Projected Water Supply Changes from Climate Change**

Improving water availability and water security in Washington requires increasing our institutional and public awareness and understanding of climate change impacts. This request will fund new data analysis of the projected water supply changes from climate change, focusing on Puget Sound and western Washington watersheds.

Using this analysis and with the help of contracted experts, Ecology will produce a report that communicates the projected water supply changes driven by the changing climate and their impacts on water availability, with a focus on periods of minimum flows. The report will include a comprehensive snapshot of water supply impacts related to climate change in the Puget Sound area, leveraging lessons learned and aligned with similar analyses periodically conducted in the Columbia Basin. This work will:

- Aggregate existing data and modeling information.
- Generate water supply statistics.
- Create maps and communications documents.
- Provide Ecology the strategy, tactics, tools, and support to engage in significant outreach using the information generated from the analysis.

### **Data Sharing to Support Water Management**

A range of state agencies have collaboratively identified opportunities to improve groundwater and surface water resource-related data sharing among and between agencies and the public. Ecology will lead a multi-year, sequenced, and adaptive interagency effort to develop a long-term statewide strategy to collect, manage, share, and store water resource data. This work will build on the much narrower water resources data integration effort funded in the 2024 supplemental operating budget (SHB 2104 section 302(57)).

Ecology will use resources outlined in this request, combined with the funding provided in the 2024 supplemental operating budget, to compile information from other stakeholders and agencies in developing a broad, cross-agency strategy to support data sharing to improve water management at all levels of government and better understand water availability due to the impacts of climate change. The strategy, which will chart the course for the future of water data and oversight in Washington, will:

- Identify and describe existing groundwater and surface water resource data repositories and data gaps that limit our ability to manage water resources.
- Describe the universe of water quantity data, including type, location, and special considerations.
- Identify current and planned uses for the data, including barriers to data sharing.
- Outline options for improving data accessibility and usability.
- Address data aggregation and access solutions (e.g., similar tools and work) developed by Tribes, other states, and national governments.
- Make specific recommendations on next steps, including potential tool development and associated cost estimates for one-time development and ongoing maintenance.

This approach will contribute to the broad interagency understanding necessary to develop adaptive management solutions that respond to declining instream flows and water availability, as well as episodic events like droughts and floods. The recommendations in the strategy will eventually lead to Ecology deploying a tool that integrates priority data and promotes better water resource management and understanding. Because of this, Ecology anticipates additional investment beyond the 2025-27 biennium and plans to submit future funding requests to implement the recommendations from the report.

### **Water Management Rulemaking: Reclaimed Water and Wenatchee River Instream Flow**

State law requires Ecology to adopt rules for instream flows in streams and rivers to protect streamflows and preserve instream resources and values such as fish, wildlife, recreation, aesthetics, water quality, and navigation. Instream flows are an element of water and river management that focus on finding ways to maintain healthy and diverse ecosystems while sustaining basic life functions and economies.

Instream flow rules have been adopted in nearly half of the state's watersheds and the Columbia River. Setting instream flows ensures that new

withdrawals do not harm instream resources. Even where existing instream flow rules have been adopted, those rules need to be amended periodically as conditions change due to climate change. This is the situation in the Wenatchee River Watershed, where the Instream Flow Rule (Chapter 173-545 WAC) must be amended to reflect current needs and issues.

The increasing effects of climate change require the state to use existing water supplies more efficiently and effectively. One tool to maximize use of available water supply is to reclaim and reuse water supplies through treatment. The existing Reclaimed Water Rule (Chapter 173-219 WAC) does not effectively address significant water management challenges we face today. Ecology will update the rule to facilitate expansion of reclaimed water use to increase state resilience to climate change impacts.

Updates to these two rules are needed to protect instream resources against climate impacts and to provide additional water supply for out-of-stream uses. Ecology will implement two rule-making processes (beginning in the 2025-27 biennium and being completed in the 2027-29 biennium) to update the Wenatchee Instream Flow Rule to incorporate Icicle Creek Watershed planning and mitigation and to update the Reclaimed Water Rule to address water resource conflicts among water users that currently limit the use of reclaimed water.

**Impacts on Population Served:**

Analyzing potential mitigation approaches to climate change and providing better data integration and information transparency will benefit all water users because it will give Ecology the necessary tools to adaptively manage the statewide water supply under anticipated climate changes. Additional analysis of projects that could improve summer streamflow conditions will inform Ecology of future impacts from climate change. Updating Instream Flow and Reclaimed Water Rules will benefit all water users, including domestic, business, agricultural, industrial, environmental, and governmental entities statewide. The public interest will also be served through a proactive approach that protects the water supply for current and future generations.

**Alternatives Explored:**

A variety of options have been discussed within the statewide approach to climate response, and the options identified in this request are considered most appropriate to implement viable solutions. Ecology will not delay or suspend other mandated core work (such as permitting, compliance, or active water management activities) to implement the climate solutions in this request due to the significant adverse impact to existing statutory obligations and legislative expectations.

**Consequences of Not Funding This Request:**

Not funding this request for additional climate change response resources would limit Ecology's ability to ensure we are fulfilling our statutory obligations to protect the water supply, including instream flows, for all water users now and into the future. We would not have adequate resources to understand how water is being used, how water interacts within the natural environment, and how water supply will be impacted by climate change. Inaction at this time would impact the state with potential water supply conflicts, impact threatened and endangered salmonids and growing communities, and harm the overall economy because commercial, agricultural, and domestic projects and businesses would be impacted by a lack of water management efforts statewide. This delay in obtaining additional technical and scientific understanding of the water supply would also have a negative impact on the environment at large because all water users affect the natural environment water supply and/or related habitat conditions.

## Assumptions and Calculations

***Expansion, Reduction, Elimination or Alteration of a current program or service:***

This request expands Activity A003: Implementing Integrated Solutions to Protect Instream Resources because it will implement climate change data collection and rulemaking activities to improve instream flows statewide. The information collected will be used in the future to identify additional climate change-related activities for implementation in future budget cycles. Below is a summary of the 2021-23 and 2023-25 base funding and FTEs for this activity. Administrative Overhead related to this activity is also in the agency's Administration Activity A002, but is not shown in the totals below.

<b>Activity A003 – Implementing Integrated Solutions to Protect Instream Resources</b>		
	<b>2021-23</b>	<b>2023-25</b>
FTEs Total	37.6	41.10
001-1 General Fund-State	\$14,376,000	\$14,304,000
001-2 General Fund-Federal	\$198,000	\$198,000
001-7 General Fund-Private/Local	\$135,000	\$135,000
032-1 State Emergency Water Projects Account	\$40,000	\$40,000
05W-1 State Drought Preparedness Account	\$204,000	\$2,151,000
072-1 Water Supply Facilities Account	\$174,000	\$174,000
26C-1 Climate Commitment Account	\$0	\$586,000
28E-1 Emergency Drought Response Account	\$0	\$6,000,000
<b>TOTAL</b>	<b>\$15,127,000</b>	<b>\$23,588,000</b>

**Detailed Assumptions and Calculations:**

**Technical Support for MAR Implementation**

Ecology requests one-time funding in the 2025-27 biennium for 0.1 FTE Environmental Planner 4 to coordinate data and information collection that will inform the Governor, Legislature, and stakeholders of the potential for future MAR projects. This FTE will also provide project management to contracted services that will oversee drafting the MAR project report.

Ecology requests one-time funding in the 2025-27 biennium of \$200,000 in Object C: Professional Services Contracts for contracted services that will oversee drafting the MAR project report.

**Aggregate & Analyze Data and Communicate Projected Water Supply Changes from Climate Change**

Ecology requests one-time funding in the 2025-27 biennium for 0.1 FTE Environmental Planner 4 to coordinate data and information collection that will inform the Governor, Legislature, and stakeholders of future changes to Western Washington water supply. This FTE will also provide project management to contracted services that will oversee drafting the report on projected water supply changes.

Ecology requests one-time funding in the 2025-27 biennium of \$250,000 in Object C: Professional Services Contracts for contracted services that will oversee drafting the report on projected water supply changes.

**Data Sharing to Support Water Management**

Ecology requests one-time funding in the 2025-27 biennium for 1.0 FTE Environmental Planner 5 and 0.2 FTE Hydrogeologist 4 to compile information from the interagency technical advisory team and develop the strategy and comprehensive set of water resource data statewide.

**Water Management Rulemaking: Reclaimed Water and Wenatchee River Instream Flow**

Ecology anticipates highly complex Level 3 rulemaking for both the Reclaimed Water and the Wenatchee Instream Flow Rules. Due to the complex nature of water rights and multiple users, Ecology expects each rulemaking process to take up to four years and require significant public outreach and communication. Each rule will include three preproposal meetings to gather input from stakeholders and to develop the Environmental Justice Assessment and three public hearings to accept comments on the rule proposal.

To complete both rulemakings, Ecology requests the following standard costs beginning July 1, 2025, and ending June 30, 2029:

- 0.85 FTE Environmental Planner 5 (Rulemaking Project Lead)
- 0.75 FTE Hydrogeologist 3 (Subject Matter Expert)
- 0.50 FTE Natural Resource Scientist 3 (Subject Matter Expert)
- 0.25 FTE Environmental Planner 4 (Subject Matter Expert)

Ecology will conduct and complete the necessary public outreach and Environmental Justice Assessments using Environmental Planner 4 and 5 rulemaking resources requested above in cooperation with existing Ecology staff. Ecology will hold three public meetings per year in fiscal years 2026 and 2028 and three public hearings per year in fiscal years 2027 and 2029 for rulemaking.

Ecology requests one-time funding in Object E: Goods and Services in the following years:

- Fiscal years 2026 and 2028: \$3,000 each year for public meeting facility rental costs at an estimated cost of \$1,000 per event.
- Fiscal years 2027 and 2029: \$9,000 each year for public hearing facilitation costs at an estimated cost of \$3,000 per event.

In fiscal years 2026 and 2028, Ecology requests 0.25 FTE Economic Analyst 3 and 0.1 FTE Regulatory Analyst 2 to complete economic and regulatory analyses for both rules.

**Workforce Assumptions:**

<b>Expenditures by Object</b>		<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>	<b>FY 2030</b>	<b>FY 2031</b>
A	Salaries and Wages	406,223	373,436	260,881	228,094		
B	Employee Benefits	138,523	127,343	88,960	77,780		
	Personal Service						
C	Contract	200,000	250,000				
E	Goods and Services	27,798	31,681	19,330	23,213		
G	Travel	9,042	8,270	5,954	5,182		
J	Capital Outlays	5,275	4,824	3,474	3,023		
T	Intra-Agency Reimbursements	162,878	149,732	104,602	91,456		
	<b>Total Objects</b>	<b>949,739</b>	<b>945,286</b>	<b>483,201</b>	<b>428,748</b>	<b>0</b>	<b>0</b>

**Staffing**

<b>Job Class</b>	<b>Salary</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>	<b>FY 2030</b>	<b>FY 2031</b>
ENVIRONMENTAL PLANNER 4	95,650	0.45	0.45	0.25	0.25		
ENVIRONMENTAL PLANNER 5	105,612	1.85	1.85	0.85	0.85		
HYDROGEOLOGIST 4	103,002	0.20	0.20				
HYDROGEOLOGIST 3	93,349	0.75	0.75	0.75	0.75		
NATURAL RESOURCE SCIENTIST 3	88,798	0.50	0.50	0.50	0.50		
ECONOMIC ANALYST 3	95,627	0.25		0.25			
REGULATORY ANALYST 2	88,798	0.10		0.10			
FISCAL ANALYST 2		0.41	0.37	0.27	0.23		
IT APP DEVELOPMENT-JOURNEY		0.21	0.19	0.14	0.12		
	<b>Total FTEs</b>	<b>4.72</b>	<b>4.31</b>	<b>3.11</b>	<b>2.70</b>	<b>0.00</b>	<b>0.00</b>

**Explanation of costs by object:**

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 34.1% of salaries.

Personal Service Contract costs are \$200,000 for fiscal year 2026 and \$250,000 in fiscal year 2027.

Goods and Services are the agency average of \$6,048 per direct program FTE and include \$3,000 in fiscal year 2026 and \$3,000 in fiscal year 2028 for public meetings. Also included are \$9,000 in fiscal year 2027 and \$9,000 in fiscal year 2029 for public hearings.

Travel is the agency average of \$2,205 per direct program FTE.

Equipment is the agency average of \$1,286 per direct program FTE.

Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 29.9% of direct program salaries and benefits and is shown as object T. Agency Administrative Overhead FTEs are included at 0.15 FTE per direct program FTE and are identified as Fiscal Analyst 2 and IT App Development-Journey.

**Historical Funding:**

	<b>FY2026</b>	<b>FY2027</b>
<b>FTE (xx direct FTE)</b>	0.0	0.0
<b>Total Funds (rounded to thousands)</b>	\$411,000	\$205,000
<b>Near General Fund (rounded to thousands)</b>	\$0	\$0
<b>Other Funds (rounded to thousands)</b>	\$411,000	\$205,000

Administrative Overhead related to this program or service is in the agency's Administration Activity A002, but is not shown in the totals above.

## Strategic and Performance Outcomes

### **Strategic Framework:**

This request is essential to achieving the Governor's Results Washington Goal 2: Prosperous Economy, Goal 4: Health and Safe Communities, and Goal 5: Efficient, Effective, and Accountable Government, as well as Ecology's Goal 2: Reduce and prepare for climate impacts, and Goal 4: Protect and manage our state's waters because it will provide the resources we need to:

- Lead the interagency effort to develop a long-term, statewide strategy to collect, manage, share, and store water resource data.
- Better inform local, state, federal, and Tribal decision-makers on the future impacts of climate change on water supply conditions statewide.
- Conduct rulemaking activities to protect instream flows for current and future generations and better position the state to adapt to future climate impacts and protect the limited water resources statewide.

### **Performance Outcomes:**

The outcome(s) of this request will be more informed decisions on how to manage statewide water supplies and enhanced protection of instream flow levels to prepare for impacts of climate change.

## Equity Impacts

### **Community Outreach and Engagement:**

The actions in this request were developed out of the process to create Washington's Climate Resilience Strategy. The ongoing interagency process to create the state's Climate Resilience Strategy included activities specific to overburdened communities and vulnerable populations, including listening sessions, outreach with community organizations, a Climate Justice and Equity Summit, and multiple public comment and survey periods. This process informed the development of the actions in this request, but the specific actions in this request were not referenced in the engagement process.

### **Disproportional Impact Considerations:**

There are no anticipated or identified disproportionate impacts related to this request. The data elements do not contain any impacts to overburdened communities, vulnerable populations, and/or Tribes due to the nature of the activity being the analysis and/or compilation of water resource data.

For the rulemaking activities, potential environmental harms and/or benefits and their associated health impacts to overburdened communities and vulnerable populations will be identified during the EJ Assessment during the rulemaking process.

### **Target Communities and Populations:**

There are no focused populations or communities directly affected by this request. This request will implement four actions to support the climate adaptation report the Legislature directed under Chapter 70A.05 RCW and focus on climate-related data, technical information, and flow rules needed to adaptively manage climate impacts statewide.

Once rulemaking begins, the Environmental Justice (EJ) Assessment process will determine impacts to overburdened communities, vulnerable populations, and Tribes. Each rule will target specific populations or communities, as applicable.

### **Community Inputs and Incorporation:**

See Community Outreach and Engagement response.

## Other Collateral Connections

### **HEAL Act Agencies Supplemental Questions**

Yes, see attached.

### **Puget Sound Recovery:**

N/A

### **State Workforce Impacts:**

N/A

### **Intergovernmental:**

Ecology anticipates governmental stakeholders will be overall supportive of additional analysis and availability of water resources data and information as it relates to responding to and mitigating against future climate impacts. Rulemaking activities are expected to be contentious because most water use, and rights issues typically are. We expect some stakeholders that are more supportive (some of public, environmental, Tribal, etc.) of rulemaking efforts and others (some of public, development interests, etc.) that are not as supportive.

This request is related to actions currently proposed in the draft Washington's Climate Resilience Strategy that is being developed under RCW 70A.05 and will be finalized by September 30, 2024.

### **Stakeholder Impacts:**

Ecology anticipates that stakeholders (business, commercial, industrial, agricultural, environmental, etc.) will be supportive of water resource data collection and coordination activities. Rulemaking activities are expected to be contentious, as most water use, and rights issues typically are. There are expected to be stakeholders that are more supportive (some of public, environmental, Tribal, etc.) of rulemaking efforts, while there will be others that are not as supportive. (some of public, development interests, etc.)

### **State Facilities Impacts:**

N/A

### **Changes from Current Law:**

N/A

### **Legal or Administrative Mandates:**

N/A

### **Governor's Salmon Strategy:**

This request also directly implements the following recommended priority and action in the 2021 Governor's salmon strategy update:

- Strategic Priority: 4. Build climate resiliency
- Action: 4d. Technical capacity for climate resiliency

## Reference Documents

[Water Resource & Climate Resilience-HEAL Act Attachment.pdf](#)

[Water Resource & Climate Resilience-Historical Funding Attachment A.pdf](#)

## IT Addendum

**Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?**

No

### Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
Obj. A	\$406	\$373	<b>\$779</b>	\$261	\$228	<b>\$489</b>
Obj. B	\$139	\$127	<b>\$266</b>	\$89	\$78	<b>\$167</b>
Obj. C	\$200	\$250	<b>\$450</b>	\$0	\$0	<b>\$0</b>
Obj. E	\$28	\$32	<b>\$60</b>	\$19	\$23	<b>\$42</b>
Obj. G	\$9	\$8	<b>\$17</b>	\$6	\$5	<b>\$11</b>
Obj. J	\$5	\$5	<b>\$10</b>	\$3	\$3	<b>\$6</b>
Obj. T	\$163	\$150	<b>\$313</b>	\$105	\$92	<b>\$197</b>

### Agency Contact Information

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**ATTACHMENT A - RELATED BUDGET ITEMS FUNDED IN THE LAST TWO BIENNIA (2023-25, 2021-23)**

Instructions: Enter the following information about any budget items funded over the last two biennia (2021-23 budget, 2022 supplemental budget, 2023-25 budget, 2024 supplemental budget) that is related to your Decision Package for 2025-27.

Biennium	Rec Sum Code/Title	RecSum Description	Fund Source	Duration	Amount
2023-25 (2024 Suppl)	WARD - Water Resource Data	Funding is provided beginning January 2025 to develop a statewide web map tool to integrate Ecology water resources management databases and improve public access to water data.	26D-1	Custom	\$206,000

# 2025-27 Biennial Budget HEAL Act Template

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## Background

### HEAL Act requirements

The Healthy Environment for All Act (HEAL Act), Chapter 314, Laws of 2021 (RCW [70A.02](#)) requires that “covered and opt in agencies” must implement the requirements of the HEAL Act. This includes the:

- Department of Ecology
- Department of Agriculture
- Department of Commerce
- Department of Health
- Department of Natural Resources
- Department of Transportation
- Puget Sound Partnership
- Office of the Attorney General

HEAL Act agencies that are considering a significant agency action initiated after July 1, 2023, are required to conduct an environmental justice assessment. RCW [70A.02.010](#)(12) specifies that significant agency actions include:

- The development and adoption of significant legislative rules as defined in RCW [34.05.328](#).
- The development and adoption of any new grant or loan program that the agency is explicitly authorized or required by statute to implement.
- A capital project, grant, or loan award costing at least \$12,000,000.
- A transportation project, grant, or loan costing at least \$15,000,000.
- The submission of agency request legislation to the Office of the Governor or OFM.

Under RCW [70A.02.080](#), beginning on or before July 1, 2023, covered and opt in agencies must, where practicable, take specific actions when making expenditure decisions or developing budget requests to OFM and the Legislature for programs that address or may cause environmental harms or provide environmental benefits. This includes:

- Focus applicable expenditures on creating environmental benefits that are experienced by overburdened communities and vulnerable populations, including reducing or eliminating environmental harms, creating community and population resilience, and improving the quality of life of overburdened communities and vulnerable populations.
- Create opportunities for overburdened communities and vulnerable populations to meaningfully participate in agency expenditure decisions.
- Clearly articulate environmental justice goals and performance metrics to communicate the basis for agency expenditures.
- Establish a goal of directing 40% of grants and expenditures that create environmental benefits to vulnerable populations overburdened communities.

To help OFM understand how HEAL Act agency budget requests meet HEAL Act requirements, covered agencies are required to complete additional questions related to the HEAL Act. These questions are shown below and are in addition to the equity related questions required of all agencies. Covered agencies are asked to complete the following questions and submit them through ABS.

#### HEAL Act questions

If you answer YES to any of these bullet points, please answer the six additional questions and submit them as an attachment through ABS.

- Is this decision package part of an agency request legislation that is required to complete an environmental justice assessment (RCW [70A.02.010\(12\)](#))?

Yes

No

- Is this decision package requesting funding to support another significant agency action that is required to complete an environmental justice assessment (RCW [70A.02.010\(12\)](#))?

Yes

No

- Is this decision package requesting funding for a program/project/activity that may **provide environmental benefits or reduce, mitigate, or eliminate environmental harms**, (that is not a significant agency action)? Note: This may include decision packages for programs not purposely directed to provide environmental benefits but may have an indirect or unintentional impact.

Yes

No

**If you answer YES to any of the above bullet points, please complete these additional questions.**

1. Please describe specific likely or probable environmental harms and/or benefits related to your decision package and the associated health impacts to overburdened communities and vulnerable populations.

Elements of this request focused on data analysis and coordination activities are not anticipated to result in environmental harms and/or benefits nor impact health of overburdened communities and vulnerable populations.

For the rulemaking activity, potential environmental harms and/or benefits and their associated health impacts to overburdened communities and vulnerable populations would be identified during EJ Assessment during the rulemaking process.

2. Please describe the estimated percentage and amount of the requested funds that will go towards creating environmental benefits in overburdened communities and vulnerable populations as defined in OFM's the [OBC map](#) or as determined by the agency. If applicable, please include your methodology for making this estimate, including project/award lists if available.

The elements of this proposal focused on data analysis and coordination activities do not likely create (or prevent) direct environmental benefits in overburdened communities and vulnerable populations. Ecology also does not have data or methods to support estimating the percentage of funds for rulemaking activities that would go towards creating environmental benefit or preventing environmental harm in overburdened communities.

3. Please describe any potential significant impacts to Indian Tribes' rights and interest in their tribal lands, as well as traditional practices.

This analysis and coordination elements of this proposal will not incur a significant impact on Indian tribes' rights and / or interest in their tribal lands. For the rulemaking activity, potential significant impacts to Indian tribes' rights and interest in their tribal lands would be identified during the rulemaking process and the EJ Assessment for rulemaking.

4. Describe how your agency engaged with Tribes in developing this proposal, including offers for tribal consultation including timelines, methods for feedback, and mechanisms for Tribes to express concern, opposition, or support., and any direction provided by Tribes through this engagement.

The actions in this budget request were developed out of the process to create Washington's Climate Resilience Strategy. This ongoing interagency process to create the state's Climate Resilience Strategy included activities specific to Tribal governments and communities, including multiple periods of Tribal engagement, including a State-Tribal Climate Roundtable, presentations to Intertribal organizations and outreach to individual Tribes and Tribal affiliates. This process informed the development of the actions in this budget request, while the specific actions in this request were not referenced in the Tribal engagement process.

5. If the decision package is part of agency request legislation or supports another significant agency action that is required to complete an environmental justice assessment under RCW [70A.02.010](#)(12), please submit the assessment as an attachment in ABS.

An Environmental Justice Assessment has not been completed but would be included as part of the rulemaking process.

6. If the decision package is part of agency request legislation or constitutes a significant agency action that is required to complete an environmental justice assessment, please describe how your agency used the environmental justice assessment process to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits. If your agency determined that you were unable to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits, please provide a justification for not doing so.

An Environmental Justice Assessment has not been completed but would be included as part of the rulemaking process.

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## Agency Recommendation Summary

European green crab is an invasive species threatening Washington's coastal resources with long-term ecological and economic damage. Governor Inslee directed Ecology and other state agencies to prioritize emergency control measures on state-owned lands in Emergency Proclamation 22-02, Green Crab Infestation. The Legislature provided funding to the Washington Department of Fish and Wildlife, and Ecology received some of these funds to support trapping in 2023-25. Ecology is requesting additional resources for research to increase our understanding of the crab's behavior to inform long-term strategic management and monitoring. This request will help natural resource managers understand environmental factors affecting the pest's dispersal and predict impacts to coastal resources. Directly related to implementing the Governor's Salmon Strategy and Puget Sound Action Agenda. (General Fund-State)

## Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
<b>Staffing</b>						
FTEs	2.3	2.3	2.3	2.3	2.3	2.3
<b>Operating Expenditures</b>						
Fund 001 - 1	\$271	\$271	\$542	\$271	\$271	\$542
Total Expenditures	\$271	\$271	\$542	\$271	\$271	\$542

## Decision Package Description

### Background:

Ecology has been conducting baseline monitoring of European green crab in Padilla Bay since 2001. In 2016, staff found one of the first invasive crabs in Washington's inland waters, prompting the agency to direct resources for an increased monitoring effort and work with the Washington Sea Grant Crab Team to monitor a limited number of additional sites.

In January 2022, Governor Jay Inslee issued Emergency Proclamation 22-02. The proclamation directed Ecology to identify European green crab management as a high priority and put emergency measures in place to eradicate the species on state-owned aquatic lands, including Padilla Bay and adjacent lands and waters in the Skagit and Whatcom counties.

In the 2023-25 biennium, the Legislature provided \$12 million to the Washington Department of Fish and Wildlife (WDFW) for European green crab response activities; \$9 million of this was provided as pass-through funding to other agencies, Tribes, and conservation districts conducting trapping. Ecology received \$640,000 through an interagency agreement with WDFW to support European green crab control measures being conducted by the Padilla Bay National Estuarine Research Reserve and the Northwest Straits Commission.

Ecology used the WDFW funding to expand monitoring and trapping and remove European green crab throughout Padilla Bay and other strategic locations in north Puget Sound. This has enabled Ecology to hire, train, and deploy staff dedicated to European green crab, purchase trapping-related supplies and equipment, expand trapping locations, increase exploratory monitoring efforts, and conduct numerous rapid-response surveys.

In 2022, research staff at Ecology's Padilla Bay Reserve began conducting novel scientific investigations to understand the crab's early life stage biology, which can help predict European green crab dispersal and spread in Puget Sound waters. As part of this work, research staff developed resources for distinguishing European green crab larvae from native crab species and provided training to assist numerous scientists, natural resource and invasive species managers, and shellfish growers in identifying larval European green crab as an early detection method.

Participants included representatives from six different Tribal governments, several state and federal agencies, numerous universities, two other National Estuarine Research Reserves, and attendees from Canadian universities and agencies. Participants also convened for a day-long symposium on European green crab research to discuss and identify mutual interests and needs to best inform management actions and predictive tools that can be used to reduce the risk that the pest will spread and adversely impact coastal ecosystems.

Funds from the interagency agreement with WDFW are anticipated to continue at the same level in 2025-27, but it is not guaranteed, and the 2025-27 agreement has not yet been negotiated. Even if the funding is available in 2025-27, it is not at the level needed to conduct the necessary scale of trapping and control measures, or implement the research, modeling, and other management strategies described in this request.

### Problem/Opportunity:

European green crab is a globally damaging invasive species able to survive in a wide range of habitats and conditions. Where they have become established, the invasive pest has disturbed native habitat, displaced and outcompeted resident native species, altered natural food webs, and decimated shellfish and other aquatic industries. Increasing detections and continued removal of the crab in north Puget Sound waters indicate



the pest is continuing to expand its range in Puget Sound and highlight the need for sustained trapping, monitoring, and better information about the mechanisms that drive European green crab to spread.

If European green crab becomes permanently established in Washington waters, they will likely predate on shellfish and juvenile Dungeness crab, destroy critical habitat such as eelgrass beds and estuarine marshes, disrupt natural food webs, harm overall crab populations, and affect the overall health and resilience of Washington marine waters. If the pest continues to spread, they will impact fisheries, shellfish production, and other natural resources of cultural and economic importance to local Tribes. This growing threat has prompted community members, natural resource managers, scientists, and Tribal partners to express the need for more research to understand the environmental and biological factors that contribute to European green crab's spread, risks to the habitats they are likely to affect, and strategic approaches for intervention and management.

The spread of larval European green crab is intimately linked to and determined by water quality parameters, which is a major focus of Ecology's monitoring and protection efforts. We need a more comprehensive understanding of how these crabs spread and how they impact habitats, ecosystems, and food webs in Puget Sound. This is key to effectively controlling, predicting, and managing the crab's dispersal throughout Puget Sound, Strait of Juan de Fuca, and the Pacific Ocean coast. Ecology staff have piloted research and monitoring efforts to better understand European green crab larval behavior and spread, held larval identification workshops, and hosted symposia about European green crab research and management.

Ecology's current staff capacity, coupled with gaps in understanding about European green crab behavior and dispersal, have limited our ability to be strategic and efficient in our response efforts. We need additional resources to conduct longer-term monitoring and trapping efforts and to study European green crab behavior and dispersal patterns so we can address this risk to Washington's coastal resources.

#### **Proposed Solution:**

This request will support novel research efforts to broaden our understanding of European green crab behavior and dispersal in Washington's inland waters and coastal communities and inform the state's response to this invasive pest. The data we gather about crab larval behavior through field and laboratory studies will be incorporated into Puget Sound water quality and circulation models to help predict its dispersal. We will be able to better anticipate the pest's expansion and guide strategic monitoring responses.

Ecology researchers will play a leadership role by developing a network of partners to monitor European green crab larvae at different marine inland water locations. We will host annual larval identification training workshops and research symposia to provide ongoing support work for larval identification as well as share knowledge, lessons learned, and collaborate with other experts.

#### Outputs

Requested resources will allow Ecology and its partners to:

- Develop and refine European green crab larval identification tools, curate specimen library samples, provide technical assistance, and share resources with the monitoring community.
- Host annual larval identification workshops that are informed and improved based on participant surveys, including input from the first annual workshop hosted at Padilla Bay in February 2024.
- Share European green crab capture data with partner organizations for further research and communicate trapping results to partners and community members.
- Contribute results and updates to monthly the Washington European Green Crab Multi-Agency Coordination (MAC) Group meetings.
- Provide progress reports from the Padilla Bay Reserve and Northwest Straits Commission to WDFW as part of ongoing collaboration and funding.
- Share research results, findings, and lessons learned at least annually at regional or national scientific and/or management conferences.
- Submit research for publication in peer-reviewed scientific journals.
- Identify quantitative relationships between environmental conditions and European green crab larval distribution.
- Contribute data to update and validate Puget Sound water quality and/or hydrodynamic models that include larval behavior and effects of environmental conditions on larval dispersal and survival. Updated models will provide more realistic predictions about how European green crab larvae are dispersed.

#### Outcomes

The above outputs will result in the following outcomes:

- Improved scientific knowledge of European green crab behavior and dispersal that is ecologically relevant to Puget Sound and Salish Sea waters and can inform future management actions.
- Development of risk assessment tools to predict European green crab spread, identify vulnerable habitat types, and provide basis for strategic allocation of monitoring efforts.

- Development of monitoring toolkits and protocols for larval European green crab.
- Development of a network of partners with enhanced capacity to collaborate and monitor for dispersing European green crab.
- More effective response to the spread of European green crab in Puget Sound waters.
- Increased awareness and engagement by the local community.
- Enhanced protection of the habitat and natural resources in the Padilla Bay National Estuarine Research Reserve.
- Linkages between larval and adult European green crab populations that can be used to refine larval abundance as an early detection tool.

**Proposed implementation schedule**

The proposed work includes these primary tasks and deliverables:

- Develop and recruit for Natural Resource Scientist 3 and Environmental Technician positions to lead research in the summer of 2025.
- As soon as positions are filled, begin to conduct ongoing field and laboratory research into larval behavior and dispersal. Research efforts include monitoring European green crab larval populations in waters of north Puget Sound, testing alternative crab detection techniques, and examining larval dispersal models as a predictive tool.
- Conduct quality assurance and quality control reviews of data and perform statistical analysis to test hypotheses and identify trends.
- Provide larval identification workshops and research symposia in the winter of 2026 and 2027.
- Participate in statewide summits and conferences to share data trends, trapping techniques, and lessons learned and contribute to strategic planning for European green crab monitoring and control.
- Present observations, trends, and data analyses from European green crab research and monitoring at regional and national conferences and public audiences in the winter of 2026.

**Impacts on Population Served:**

This work will benefit Washingtonians in several ways. First, research will help state agencies develop efficient and evidence-based management strategies that link together science, larval behavior, and modeling to predict and control European green crab in Washington waters. Using predictive tools and more efficient trapping efforts, coastal communities will be protected from losses to their natural, economic, cultural, and ecological resources vulnerable to the European green crab invasion. The table below highlights the impacts of this work on partners, communities, and populations in Washington.

**Table 1. Impacts of the proposed work and populations served.**

<b>Impacts</b>	<b>Populations Served</b>
<ul style="list-style-type: none"> <li>• Improved scientific knowledge of European green crab relevant to the region.</li> <li>• Develop monitoring toolkits and protocols for larval crab.</li> <li>• Build partner capacity so we can collaborate and monitor European green crab dispersal.</li> <li>• Build a growing network of partners with mutual interest for mutual benefit.</li> <li>• Research contributes to development of risk assessment tools to predict European green crab spread, identify vulnerable habitat types, and inform strategic allocation of monitoring efforts.</li> <li>• Contribute to the WDFW six-year European green crab Management Plan for Washington State.</li> <li>• Continue to fulfill Emergency Proclamation 22-02.</li> </ul>	<ul style="list-style-type: none"> <li>• Natural resource managers and representatives from Tribal nations, including the Samish Indian Nation, the Swinomish Indian Tribal Community, the Lummi Nation, the Makah Tribe, the Suquamish Indian Tribe, the Shoalwater Bay Indian Tribe, and the Tulalip Tribe.</li> <li>• State and federal agencies, including the Washington Department of Fish and Wildlife, the Washington Department of Natural Resources, Washington Sea Grant, the U.S. Geological Survey, the U.S. Department of Energy, Pacific Northwest National Laboratory, the National Oceanic and Atmospheric Administration, and the National Estuarine Research Reserve System.</li> <li>• Representatives from academic and research sectors.</li> <li>• Aquaculture and fisheries industries.</li> </ul>
<ul style="list-style-type: none"> <li>• Protect Padilla Bay’s natural resources, which include the largest known contiguous eelgrass meadow in the continental United States.</li> <li>• Eelgrass serves as a nursery for juvenile salmonids and shellfish. Through eelgrass and marsh habitat conservation, carbon sequestration and nutrient cycling are maintained, thus allowing shorelines to remain stable and resilient.</li> </ul>	<ul style="list-style-type: none"> <li>• Local recreational and Tribal fishers who capture Dungeness crab that use the eelgrass meadow as habitat.</li> <li>• Local communities who use Padilla Bay for recreation and rely on shoreline stabilization for coastal resilience.</li> </ul>

**Alternatives Explored:**

Puget Sound faces a growing and imminent threat from the European green crab invasion, and there are no known alternative control measures outside of extensive field trapping. Ecology’s current staffing levels limit our ability to expand trapping efforts and to be strategic with the resources we have. Although these crabs are expanding their range in Washington waters, support to control European green crab and related research remains steady. This funding request will allow Ecology to develop a more strategic, science-based approach for European green crab control that relies on larval behavior studies and predictive modeling.

Our preliminary work has been promising but remains unfunded. Ecology’s Padilla Bay Reserve and the Northwest Straits Commission will continue basic field trapping to control European green crab as long as temporary WDFW funding exists. However, we do not anticipate an increase in WDFW support during the next biennium. Without additional funding, we would not be able to conduct research that can inform emergent and potentially more effective and adaptive approaches to control European green crab in Washington.

Ecology has explored federal funding, and we have been moderately successful. We secured a \$10,000 grant from the National Estuarine Research Reserve System to develop and host the February 2024 European green crab larval identification workshop. We have also been assigned a Margaret Davidson Fellow at our Padilla Bay Reserve to assist with our larval research. Competitive funding for individual research projects is available through the National Estuarine Research Reserve System, but funding amounts and requirements are inadequate to be meaningful for state-level impact. In the absence of federal funding, the burden of responding to the European green crab threat in Washington waters has been born predominantly by state funds.

**Consequences of Not Funding This Request:**

In terms of ecological and economic impacts, European green crab is ranked as one of the worst invasive species around the globe. It is a new invader to Puget Sound, and now is the least expensive time to prevent significant impacts to Washington. There are many examples of slow responses elsewhere in the world where European green crab quickly reached high densities that had dramatic negative impacts on ecosystems and water-based industries. Washington’s emergency response so far has set an example about how to conduct an effective, rapid state-level response to a major ecological and economic threat.

The state’s early European green crab response was a success, but continued vigilance is crucial. Strategic and science-based management will help proactively and adaptively deploy limited resources for European green crab control and slow further spread. If we fail to act now, growing European green crab populations in north Puget Sound could have devastating impacts on native habitats, species, and food webs. This invasive pest may reduce food sources for native estuarine species, especially in critical eelgrass and salt marsh habitats, and impact commercially and culturally significant food resources such as Dungeness crab, oysters, and clams. Continued management efforts remain important to ensure we meet the directives in the Governor’s emergency proclamation directing Ecology to prioritize European crab green management and implement emergency measures to control their populations.

If this request is not funded, Ecology may be able to continue to obtain partial funding from WDFW through their existing European green crab control program. This funding, however, is not guaranteed and would not be at levels needed to conduct the necessary scale of trapping and control measures or implement the research, modeling, and other management strategies described in this request.

**Assumptions and Calculations**

***Expansion, Reduction, Elimination or Alteration of a current program or service:***

This request expands Activity A042: Provide technical training, education, and research through Padilla Bay Estuarine Reserve by hosting an annual European green crab larval identification workshop and research symposium and by expanding the scope and nature of research to focus on an emergent management issue.

This activity also includes the National Oceanic and Atmospheric Administration Coastal Zone Management (Padilla Bay operations), Northwest Straits Commission grants to marine resource committees, and kelp recovery and conservation.

Below is a summary of the 2021-23 and 2023-25 base funding and FTEs for this activity. Administrative Overhead related to this activity is also in the agency’s Administration Activity A002 but is not shown in the totals below.

<b>Activity A036 - Protect and Manage Shorelines in Partnership with Local Governments</b>		
	<b>2021-23</b>	<b>2023-25</b>
FTEs Total	41.85	63.15
001-1 General Fund State	\$2,002,000	\$2,757,000
001-2 General Fund Federal	\$4,265,000	\$5,407,000
001-7 General Fund Private/Local	\$20,000	\$20,000
02R-1 Aquatic Lands Enhancement	\$150,000	\$150,000
23P-1 Model Toxics Control Operating - State	\$9,014,000	\$10,033,000
26C-1 Climate Commitment	\$0	\$1,140,000
26D-1 Natural Climate Solutions	\$0	\$5,961,000
<b>TOTAL</b>	<b>\$15,451,000</b>	<b>\$25,468,000</b>

**Detailed Assumptions and Calculations:**

Beginning July 1, 2025, and ongoing, Ecology requires salaries, benefits, and associated staff costs for 1.0 FTE Natural Resource Scientist 3 and 1.0 FTE Environmental Technician to develop and implement study designs for novel research into European green crab larval behavior and dispersal, coordinate with natural resource managers to incorporate research findings into European green crab monitoring methods, and support field sampling along with associated research costs outlined below:

- Conducting routine field sampling in the Skagit and Whatcom counties using Ecology research vessels and vehicles (\$10,000/year for vehicle lease, vessel fuel, and maintenance).
- Hosting annual European green crab larval training workshops and symposia (\$2,000/year).
- Professional conferences, European green crab manager meetings, and professional trainings (\$2,000/year).
- Publication costs to make research findings available to the public (\$3,000/year).

**Workforce Assumptions:**

<b>Expenditures by Object</b>		<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>	<b>FY 2030</b>	<b>FY 2031</b>
A	Salaries and Wages	133,531	133,531	133,531	133,531	133,531	133,531
B	Employee Benefits	45,534	45,534	45,534	45,534	45,534	45,534
E	Goods and Services	29,096	29,096	29,096	29,096	29,096	29,096
G	Travel	6,410	6,410	6,410	6,410	6,410	6,410
J	Capital Outlays	2,572	2,572	2,572	2,572	2,572	2,572
T	Intra-Agency Reimbursements	53,541	53,541	53,541	53,541	53,541	53,541
	<b>Total Objects</b>	<b>270,684</b>	<b>270,684</b>	<b>270,684</b>	<b>270,684</b>	<b>270,684</b>	<b>270,684</b>

**Staffing**

<b>Job Class</b>	<b>Salary</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>	<b>FY 2030</b>	<b>FY 2031</b>
ENVIRONMENTAL TECHNICIAN	44,733	1.00	1.00	1.00	1.00	1.00	1.00
NATURAL RESOURCE SCIENTIST 3	88,798	1.00	1.00	1.00	1.00	1.00	1.00
FISCAL ANALYST 2		0.20	0.20	0.20	0.20	0.20	0.20
IT APP DEVELOPMENT-JOURNEY		0.10	0.10	0.10	0.10	0.10	0.10
	<b>Total FTEs</b>	<b>2.30</b>	<b>2.30</b>	<b>2.30</b>	<b>2.30</b>	<b>2.30</b>	<b>2.30</b>

**Explanation of costs by object:**

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 34.1% of salaries.

Goods and Services are the agency average of \$6,048 per direct program FTE. Goods/Services includes \$17,000 per year for the costs as described above.

Travel is the agency average of \$2,205 per direct program FTE. Travel includes an additional \$2,000 per year for conferences and workshops as described above.

Equipment is the agency average of \$1,286 per direct program FTE.

Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 29.9% of direct program salaries and benefits and is shown as object T.

Agency Administrative Overhead FTEs are included at 0.15 FTE per direct program FTE and are identified as Fiscal Analyst 2 and IT App Development-Journey.

**Historical Funding:**

	<b>FY2026</b>	<b>FY2027</b>
<b>FTE</b> (xx direct FTE)	0.00	0.00
<b>Total Funds</b> (rounded to thousands)	\$0	\$0
<b>Near General Fund</b> (rounded to thousands)	\$0	\$0
<b>Other Funds</b> (rounded to thousands)	\$0	\$0

Administrative Overhead related to this program or service is in the agency’s Administration Activity A002, but is not shown in the totals above.

**Strategic and Performance Outcomes**

**Strategic Framework:**

This request is essential to achieving the Governor’s Results Washington Goal 2: Prosperous Economy because it will provide two living-wage employment opportunities at Ecology. It will also reduce the threat to Washington’s shellfish industry, which contributes over \$200 million annually to the Washington State economy.

This request is essential to achieving Ecology’s Goal 4: Protect and Manage our State’s Waters because it will reduce the spread of European green crab to other areas of Puget Sound.

This request also contributes to Goal 1: Support and Engage our Communities, Customers, and Employees because it will build on well-established, ongoing, and substantive collaborations with local Tribes with a shared interest in conserving local aquatic resources across the region.

**Performance Outcomes:**

This research will achieve the following outcomes:

- Scientific knowledge of European green crab behavior and dispersal will be improved and applied to EGC control and management in Washington State.
- Knowledge of EGC behavior and dispersal will lead to the development of risk assessment tools and more strategic actions for EGC control in coastal waters.
- The EGC management community and other stakeholders will have increased awareness of science-based resources, which will be integrated into the response to EGC.
- Habitats and marine organisms throughout Puget Sound and the Washington Coast will be protected from destruction and other negative impacts associated with the European green crab invasion.

## Equity Impacts

### ***Community Outreach and Engagement:***

In February 2024, Ecology conducted an in-person workshop to train scientists, natural resource and invasive species managers, and shellfish growers how to identify larval European green crab. Participants represented six different Tribal nations, several state and federal agencies, as well as attendees from Canada, numerous universities from Oregon to British Columbia, and two other National Estuarine Research Reserves. Participants discussed mutual interests and needs for research about European green crab to inform management actions regarding the risks surrounding the spread and impacts and how to best develop predictive tools. A post-workshop survey showed 96% of participants agreed that research about how the crab is dispersed in its larval stage is important to manage this pest. Participants also highlighted a need to access training, technical assistance, and resources for identifying larval crabs, establish standardized or best practice protocols for monitoring how the crab is dispersed, and create a platform for sharing information.

### ***Disproportional Impact Considerations:***

There are no anticipated disproportionate impacts associated with this request. As one of the top 10 most damaging invasive species, European green crabs have been known to destructively alter coastal habitats where it has been allowed to invade. Science-based management acts to protect vital habitats such as eelgrass meadows and saltmarshes that provide the foundation for shellfish aquaculture and finfish fisheries in the region. Protecting these natural resources is important for the livelihood of Washington's coastal communities, including Tribal fishers and shellfish farmers who rely on healthy estuarine ecosystems.

### ***Target Communities and Populations:***

This request is intended to benefit natural resource managers, invasive species control practitioners, scientists, and resource managers from Tribal, state, and federal agencies; academic institutions; and local coastal communities in the Skagit and Whatcom counties. This request will build on well-established, ongoing, and substantive collaborations with local Tribes with a shared interest in conserving local aquatic resources. This includes the Samish Indian Nation, the Swinomish Indian Tribal Community, the Lummi Nation, and other Tribal communities in north Puget Sound.

### ***Community Inputs and Incorporation:***

See Community Outreach and Engagement response.

## Other Collateral Connections

### **HEAL Act Agencies Supplemental Questions**

Yes, see attached.

### **Puget Sound Recovery:**

This request supports the 2022-2026 Puget Sound Action Agenda implementation through Ongoing Program OGP\_ECY16 Shorelands – Padilla Bay National Estuarine Research Reserve, and through various Vital Signs, Strategies, Desired Outcomes, Actions, and Science Work Plan included in the Action Agenda. See *attachment A* for a complete list of linkages between this request and the agenda.

### **State Workforce Impacts:**

N/A

### **Intergovernmental:**

Ecology's Padilla Bay Reserve and Northwest Straits Commission coordinate with WDFW, Washington Sea Grant, and various other agency partners on European green crab trapping efforts, outreach, research, and data sharing. Ecology also coordinates with the Department of Natural Resources, which conducts an annual assessment of North Sound Aquatic Reserves. The Padilla Bay Reserve manager participates as a representative of Ecology on the Washington European Green Crab Multi-Agency Coordination (MAC) Group.

### **Stakeholder Impacts:**

Non-governmental partners and end-users impacted by this request include researchers from universities in Washington, Oregon, and British Columbia; other reserves that are part of the National Estuarine Research Reserve System; and members from the commercial shellfish and aquaculture industry. Additional partners include not-for-profit societies and foundations in British Columbia. Based on input from participants attending the February 2024 workshop and symposium, we anticipate end-users will be highly supportive of this request. A post-workshop survey showed that 96% of participants agree that research on dispersal of larval crab is important for effective, ongoing management. Responses highlighted a resounding need for training, technical assistance, and resources to identify larval European green crab, as well as standardized protocols and best practices for monitoring the dispersal of larval crabs and establishing a platform for information sharing and communication.

### **State Facilities Impacts:**

N/A

### **Changes from Current Law:**

N/A

### **Legal or Administrative Mandates:**

N/A

### **Governor's Salmon Strategy:**

This request also directly implements the following recommended priority and action in the 2021 Governor's salmon strategy update:

- Strategic Priority: 6. Address predation and food web issues for salmon
- Action: 6b. Food web monitoring

## Reference Documents

[European Green Crab Research-HEAL Act Attachment.pdf](#)

[European Green Crab Research-PS Attachment A.pdf](#)

## IT Addendum

### **Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?**

No



### Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
Obj. A	\$133	\$133	<b>\$266</b>	\$133	\$133	<b>\$266</b>
Obj. B	\$46	\$46	<b>\$92</b>	\$46	\$46	<b>\$92</b>
Obj. E	\$29	\$29	<b>\$58</b>	\$29	\$29	<b>\$58</b>
Obj. G	\$6	\$6	<b>\$12</b>	\$6	\$6	<b>\$12</b>
Obj. J	\$3	\$3	<b>\$6</b>	\$3	\$3	<b>\$6</b>
Obj. T	\$54	\$54	<b>\$108</b>	\$54	\$54	<b>\$108</b>

### Agency Contact Information

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## Attachment A

### Linkages to the Puget Sound Action Agenda

This attachment provides additional supporting details for the following decision package (DP) as it relates to the Puget Sound 2022-2026 Action Agenda implementation.

**DP Title:** European Green Crab Research

#### Vital Signs

- Zooplankton
- Marine Waters
- Estuaries
- Shellfish Beds
- Local Foods
- Economic Vitality
- Cultural Wellbeing

#### Strategies

- 14. Invasive Species
- 16. Eelgrass, Kelp, and Other Vegetation
- 25. Natural Resource Industries
- C. Research and Monitoring

#### Desired Outcomes

- 3.2.1. Programmatic ability to respond to emerging outbreaks and ongoing impacts of invasive species increased.
- 5.4.1. Natural resources sector jobs and production opportunities are supported.

#### Actions

- 46. Prevent and rapidly respond to the introduction and spread of terrestrial and aquatic invasive species, including green crab, predatory fish, and invasive plants.
- 203. Create an integrated planning approach to protect and enhance biodiversity in the Puget Sound ecosystem by mitigating the threat of invasive species.
- 204. Reduce displacement, competition, and predation of imperiled native species caused by native or invasive species.

**Ongoing Program - OGP\_ECY16 Shorelands - Padilla Bay National Estuarine Research Reserve**

#### Science Work Plan

- SECONDARY: Adds value by filling gaps
- SECONDARY: Support science innovation

# 2025-27 Biennial Budget HEAL Act Template

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## Background

### HEAL Act requirements

The Healthy Environment for All Act (HEAL Act), Chapter 314, Laws of 2021 (RCW [70A.02](#)) requires that “covered and opt in agencies” must implement the requirements of the HEAL Act. This includes the:

- Department of Ecology
- Department of Agriculture
- Department of Commerce
- Department of Health
- Department of Natural Resources
- Department of Transportation
- Puget Sound Partnership
- Office of the Attorney General

HEAL Act agencies that are considering a significant agency action initiated after July 1, 2023, are required to conduct an environmental justice assessment. RCW [70A.02.010](#)(12) specifies that significant agency actions include:

- The development and adoption of significant legislative rules as defined in RCW [34.05.328](#).
- The development and adoption of any new grant or loan program that the agency is explicitly authorized or required by statute to implement.
- A capital project, grant, or loan award costing at least \$12,000,000.
- A transportation project, grant, or loan costing at least \$15,000,000.
- The submission of agency request legislation to the Office of the Governor or OFM.

Under RCW [70A.02.080](#), beginning on or before July 1, 2023, covered and opt in agencies must, where practicable, take specific actions when making expenditure decisions or developing budget requests to OFM and the Legislature for programs that address or may cause environmental harms or provide environmental benefits. This includes:

- Focus applicable expenditures on creating environmental benefits that are experienced by overburdened communities and vulnerable populations, including reducing or eliminating environmental harms, creating community and population resilience, and improving the quality of life of overburdened communities and vulnerable populations.
- Create opportunities for overburdened communities and vulnerable populations to meaningfully participate in agency expenditure decisions.
- Clearly articulate environmental justice goals and performance metrics to communicate the basis for agency expenditures.
- Establish a goal of directing 40% of grants and expenditures that create environmental benefits to vulnerable populations overburdened communities.

To help OFM understand how HEAL Act agency budget requests meet HEAL Act requirements, covered agencies are required to complete additional questions related to the HEAL Act. These questions are shown below and are in addition to the equity related questions required of all agencies. Covered agencies are asked to complete the following questions and submit them through ABS.

#### HEAL Act questions

If you answer YES to any of these bullet points, please answer the six additional questions and submit them as an attachment through ABS.

- Is this decision package part of an agency request legislation that is required to complete an environmental justice assessment (RCW [70A.02.010\(12\)](#))?  
 Yes  
 No
- Is this decision package requesting funding to support another significant agency action that is required to complete an environmental justice assessment (RCW [70A.02.010\(12\)](#))?  
 Yes  
 No
- Is this decision package requesting funding for a program/project/activity that may **provide environmental benefits or reduce, mitigate, or eliminate environmental harms**, (that is not a significant agency action)? Note: This may include decision packages for programs not purposely directed to provide environmental benefits but may have an indirect or unintentional impact.  
 Yes  
 No

**If you answer YES to any of the above bullet points, please complete these additional questions.**

1. Please describe specific likely or probable environmental harms and/or benefits related to your decision package and the associated health impacts to overburdened communities and vulnerable populations.

There are no anticipated likely or probable environmental harms or associated health impacts to overburdened communities and vulnerable populations related to this decision package. There are intended benefits. As one of the top 10 most damaging invasive species, European green crab has been known to destructively alter coastal habitats where it has been allowed to invade. Science-based management approaches and research described in this decision package are needed to protect vital habitats such as eelgrass meadows and saltmarshes that provide the foundation for shellfish aquaculture and finfish fisheries in the region. Protecting these natural resources is important for the livelihood of Washington's coastal communities, including tribal fishers and shellfish farmers who rely on healthy estuarine ecosystems.

2. Please describe the estimated percentage and amount of the requested funds that will go towards creating environmental benefits in overburdened communities and vulnerable populations as defined in OFM's the [OBC map](#) or as determined by the agency. If applicable, please include your methodology for making this estimate, including project/award lists if available.

We are not able to estimate at this time the percentage of requested funds that would go towards environmental benefits in overburdened communities and vulnerable populations. This work will provide positive benefits for coastal, fishing-dependent communities across the state of Washington by reducing the biological and economic impacts invasive European green crab have on fish and shellfish populations. Quantifying this potential benefit is difficult and may be somewhat speculative. However, there will be more direct benefits to local overburdened communities identified in OFM's OBC map through engagement with natural resource and environmental protection departments of the Samish Indian Nation, Swinomish Indian Tribal Community, and Lummi Nation. We do not have a method for estimating percentages of staff time and costs that go towards creating direct environmental benefits in overburdened communities and vulnerable populations. However, as much as 20% of the staff time and effort of this project may provide benefit to these communities through training and collaboration. This percentage will be higher if a Tribal member is appointed to the Environmental Technician position being created as part of this project,

3. Please describe any potential significant impacts to Indian Tribes' rights and interest in their tribal lands, as well as traditional practices.

If European green crab becomes permanently established in Washington waters, they will likely predate on shellfish and juvenile Dungeness crab, destroy critical habitat such as eelgrass beds and estuarine marshes, disrupt natural food webs, harm overall crab populations, and affect the overall health and resiliency of Washington marine waters. If the pest continues to spread, they will impact fisheries, shellfish production and other natural resources of cultural and economic importance to local Tribes.

4. Describe how your agency engaged with Tribes in developing this proposal, including offers for tribal consultation including timelines, methods for feedback, and mechanisms for Tribes to express concern, opposition, or support., and any direction provided by Tribes through this engagement.

In February 2024, Ecology conducted an in-person workshop to train scientists, natural resource and invasive species managers, and shellfish growers how to identify larval European green crab. Participants included representation from six different Tribal nations. Given the growing threat of this species, community members, natural resource managers, scientists, and Tribal partners have expressed the need for more research to understand the environmental and biological factors that contribute to European green crab's spread as well as risks to the habitats they are

likely to affect and strategic approaches for intervention and management. Workshop participants, including representatives from multiple Tribal communities, completed a survey indicating their support of ongoing trainings and research into EGC larvae, which has directly informed the development of this decision package.

5. If the decision package is part of agency request legislation or supports another significant agency action that is required to complete an environmental justice assessment under RCW [70A.02.010](#)(12), please submit the assessment as an attachment in ABS.

N/A

6. If the decision package is part of agency request legislation or constitutes a significant agency action that is required to complete an environmental justice assessment, please describe how your agency used the environmental justice assessment process to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits. If your agency determined that you were unable to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits, please provide a justification for not doing so.

N/A



## Agency Recommendation Summary

Pollution and climate change are causing more harmful algae blooms (HABs) in Washington’s lakes, rivers, and streams. These blooms are a growing health concern for humans, animals, and clean water. A bloom can be toxic, impact drinking water supplies, and close waters for recreation. Ecology is requesting dedicated resources to participate in a coordinated, multi-agency approach to respond to HABs. Related to implementing Washington’s Climate Resilience Strategy and Puget Sound Action Agenda. (General Fund-State)

## Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
<b>Staffing</b>						
FTEs	1.2	1.2	1.2	1.2	1.2	1.2
<b>Operating Expenditures</b>						
Fund 001 - 1	\$275	\$176	\$451	\$175	\$176	\$351
Total Expenditures	\$275	\$176	\$451	\$175	\$176	\$351

## Decision Package Description

### Background:

Ecology currently provides grant funding and technical assistance to agencies and communities experiencing HABs in their local waters. The Freshwater Algae Control Program (FACP) provides small grants to local entities for Lake Cyanobacteria Management Plans (LCMP), education, and toxin testing in collaboration with the King County Environmental Lab and the Department of Health (DOH). We routinely coordinate with DOH and regional health districts that are responding to emergent algae blooms.

Ecology staff are working to respond to HAB issues and recently formalized a HABs workgroup. A needs assessment revealed a lack of resources and expertise to address the prevalence of HABs. As HABs in Washington waters increase due to climate change, the need for a statewide strategy and dedicated staff has grown. Our current Ecology dedicated staffing of 0.4 FTE for Freshwater Algae Control Program grants management is focused on HAB issues in specific lakes, rivers, and streams that receive grant funding or funding through the Legislature. The partial position administers the grant and specific projects to ensure funds are spent appropriately. The partial position does not have the capacity to address the statewide needs specific to this HABs request that encompasses all Washington water bodies with HABs issues.

This request is in part an outcome of collaboration between DOH, the Washington Association of Conservation Districts, and the Washington State Conservation Commission (WSCC) to identify strategic steps that can be taken to address HAB outbreaks. This request aligns with the 2023 DOH needs assessment that acknowledges the importance cross-agency collaboration has on our ability to predict and mitigate impacts of HABs on humans, animals, and the environment. In accordance with Washington's Climate Resilience Strategy, we are requesting a position to support and assist in coordinating efforts under the action "An Integrated Approach for Enhancing Climate Resilience by Improving Cross Agency Pathogen and Pest Surveillance and Prevention, Management, and Mitigation."

### Problem/Opportunity:

The incidence and severity of HABs in our state are growing. HABs affect the public’s ability to enjoy and recreate in waters due to health concerns. HAB exposures are potentially fatal to animals and humans, with HAB-associated pet deaths happening every year. Municipal and individual drinking water supplies are also impacted. When access to a lake or river is closed and animals die from HAB exposure, the community wants answers and a path forward, local governments and health districts often need support, and there is extensive media coverage. Ecology responds as best we can to the public requests as they arise, but our resources are limited. There is a clear need for improved coordination, planning, and resources to better understand and address the root causes of HABs and support communities with concerns about the safety and health of their waters.

Nonpoint pollution, also known as runoff, can:

- Carry toxic chemicals, nutrients, and bacteria into lakes, rivers, and marine waters.
- Contribute to shellfish-harvest closures, harm salmon habitat, contaminate drinking water, and contribute to toxic chemicals in the food chain.

We routinely hear directly from concerned residents about the impacts that HABs have on their health and the health of pets, animals, and wildlife. It is important that we work closely with the Environmental Protection Agency (EPA), who are also engaged on the HABs topic in our state. People expect their state and local agencies to be responsive to public health and water quality concerns.

We expect that the current HAB trends, which are becoming more frequent and more severe, will continue until we strategically address the conditions that cause them. For example, warming temperatures and increasing nutrient pollution, typically from nonpoint sources in our waters,



are the primary drivers of HABs. We know the solutions to these issues are complex, and this is why we are proposing the formation of an interagency HABs coordinating committee.

**Proposed Solution:**

HABs are a statewide concern that involve multiple agencies, and there is a need for a formal statewide committee. A statewide HABs coordinating committee can provide effective, short-term responses and work toward long-term solutions to prevent HAB exposure-related illnesses and animal fatalities, as well as impacts to drinking water supplies. In addition to Ecology, the proposed committee will include DOH, the Washington Department of Fish and Wildlife, Washington State Parks and Recreation, WSCC, and the Department of Agriculture. These agencies are not requesting funding for this proposed committee; however, participation from these agencies will result in informed solutions to this complex problem, and we expect they will use existing staff to participate.

Forming a statewide HABs coordinating committee is the first step toward developing a comprehensive, multi-agency HABs program to protect human and animal health and the environment. The goal of the committee will be to identify an interagency strategy that increases our success at mitigating algal blooms and responding to public concerns.

This request is for one-time funds for contracting support to develop an interagency strategy for addressing HABs, as well as funding for an ongoing technical lead position at Ecology. Additionally, this position will guide and coordinate Ecology efforts to manage HAB, manage Ecology's recently approved cross-program HABs workgroup, lead the statewide HAB coordinating committee, and manage a contract to develop an interagency strategy for addressing HABs.

The strategy will identify knowledge gaps, evaluate our tracking and monitoring system, define organizational roles, responsibilities, and coordination, and create short- and long-term implementation tools. The deliverable from this effort will be a summary report and interagency strategy to address HABs. This position also will respond to media requests, carry out public engagement related to HABs, and provide technical support for Freshwater Algae Control grant and loan recipients by serving as a subject matter expert and interacting with communities as they plan and seek Ecology funding for addressing HABs in their waters.

**Impacts on Population Served:**

Ecology is requesting dedicated resources to participate in and help lead a coordinated, multi-agency approach to manage the incidence and severity of HABs. A statewide coordinated response will help ensure that Washington State agencies have the resources needed to assist the public with HAB-related health concerns.

**Alternatives Explored:**

Since 2005, Ecology, DOH, and regional health districts have provided technical assistance and first-line response to HABs. In 2022, the Washington Association of Conservation Districts (WACD) evaluated the impacts of HABs on the state and proposed similar steps to what is proposed in this request to WSCC. The WSCC declined to consider the WACD request and stated they would not be able to submit a budget request to the Legislature due to a lack of staffing and other budget needs for the WSCC. WACD requested Ecology take more of a lead role after WSCC declined.

**Consequences of Not Funding This Request:**

If this request is not funded, Ecology and the DOH would continue to address HAB issues on an ad hoc basis without a strategic statewide response. We are already unable to keep up with the demand, and blooms are becoming more frequent and persistent. Counties with a stronger interest in addressing HABs (and the resources and connections to do so) would likely understand which state agencies to reach out to for technical assistance, but smaller areas and communities with fewer resources would continue to need more assistance and would likely face more unaddressed blooms and closed waters, less public outreach, and potentially more illnesses.

Not funding this request could lead to environmental justice concerns due to exacerbating the disparities between well-equipped counties that have funding and technical competencies to navigate bureaucratic structures and the communities without resources to navigate and resolve issues related to HABs. As Washington continues to experience warming temperatures, nutrient impacts from population increases, and changes in land use, these environmental justice concerns may be amplified without a proactive and coordinated approach.

## Assumptions and Calculations

***Expansion, Reduction, Elimination or Alteration of a current program or service:***

This request expands Activity A049 - Reduce Nonpoint Source Water Pollution by providing staff to help identify, prevent, and mitigate nonpoint source pollution discharges. This position will support a statewide HAB Coordinating Committee to respond to the public and media on HAB-related issues and work with a contractor to develop an interagency strategy for addressing HABs. Below is a summary of the 2021-23 and 2023-25 base funding and FTEs for this activity. Administrative Overhead related to this activity is also in the agency's Administration Overhead related to this activity is also in the agency's Administration Activity A002 and is not shown in the totals below.

<b>A049 – Reduce Nonpoint-Source Water Pollution</b>		
	<b>2021-23</b>	<b>2023-25</b>
FTEs Total	37.75	48.05
001-1 General Fund – State	\$1,927,000	\$1,524,000
001-2 General Fund – Federal	\$2,594,000	\$3,643,000
027-1 Reclamation	\$1,253,000	\$1,347,000
23P-1 Model Toxics Control Operating - State	\$2,254,000	\$3,727,000
26C-1 Climate Commitment	\$0	\$325,000
<b>TOTAL</b>	<b>\$8,027,000</b>	<b>\$10,566,000</b>

**Detailed Assumptions and Calculations:**

Beginning July 1, 2025, and ongoing, Ecology requests salaries, benefits, and associated staff costs for 1.0 FTE Environmental Specialist 5: Technical Lead to lead the interagency coordinating committee to address HABs statewide.

Ecology also requests one-time contract funding in the amount of \$100,000 for fiscal year 2026 to develop an interagency strategy for addressing HABs.

**Workforce Assumptions:**

<b>Expenditures by Object</b>		<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>	<b>FY 2030</b>	<b>FY 2031</b>
A	Salaries and Wages	95,387	95,387	95,387	95,387	95,387	95,387
B	Employee Benefits	32,527	32,527	32,527	32,527	32,527	32,527
E	Goods and Services	106,048	6,048	6,048	6,048	6,048	6,048
G	Travel	2,205	2,205	2,205	2,205	2,205	2,205
J	Capital Outlays	1,286	1,286	1,286	1,286	1,286	1,286
T	Intra-Agency Reimbursements	38,246	38,246	38,246	38,246	38,246	38,246
	<b>Total Objects</b>	<b>275,699</b>	<b>175,699</b>	<b>175,699</b>	<b>175,699</b>	<b>175,699</b>	<b>175,699</b>

**Staffing**

<b>Job Class</b>	<b>Salary</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>	<b>FY 2030</b>	<b>FY 2031</b>
ENVIRONMENTAL SPEC 5	95,387	1.00	1.00	1.00	1.00	1.00	1.00
FISCAL ANALYST 2		0.10	0.10	0.10	0.10	0.10	0.10
IT APP DEVELOPMENT-JOURNEY		0.05	0.05	0.05	0.05	0.05	0.05
<b>Total FTEs</b>		<b>1.15</b>	<b>1.15</b>	<b>1.15</b>	<b>1.15</b>	<b>1.15</b>	<b>1.15</b>

**Explanation of costs by object:**

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 34.1% of salaries.

Goods and Services are the agency average of \$6,048 per direct program FTE. Also included is one-time funding to develop an interagency strategy for addressing HABs, \$100,000 in fiscal year 2026.

Travel is the agency average of \$2,205 per direct program FTE.

Equipment is the agency average of \$1,286 per direct program FTE.

Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 29.9% of direct program salaries and benefits and is shown as object T. Agency Administrative Overhead FTEs are included at 0.15 FTE per direct program FTE and are identified as Fiscal Analyst 2 and IT App Development-Journey.

**Historical Funding:**

	<b>FY2026</b>	<b>FY2027</b>
FTE (xx direct FTE)	0.0	0.0
<b>Total Funds</b> (rounded to thousands)	\$0	\$0
<b>Near General Fund</b> (rounded to thousands)	\$0	\$0
<b>Other Funds</b> (rounded to thousands)	\$0	\$0

Administrative Overhead related to this program or service is in the agency’s Administration Activity A002, but is not shown in the totals above.

## Strategic and Performance Outcomes

### **Strategic Framework:**

This request is essential to achieving the following Governor's Results Washington goals:

- Goal 4: Health and Safe Communities because it will protect humans, animals, and the environment from HABs and ensure safe drinking water and safe access to water for recreation and commerce.
- Goal 5: Efficient, Effective, and Accountable Government because it will support a strategic, statewide response and improve the state's ability to respond to the public regarding HABs issues in a thorough and timely manner.

This request is essential to achieving the following Ecology goals:

- Goal 1: Support and engage our communities, customers, and employees, because it will increase the capacity of Ecology to address HABs issues and provide excellent external customer service.
- Goal 4: Protect and Manage our State's Waters because it will support a statewide HAB strategy that is key to protecting our state's waters.

### **Performance Outcomes:**

Initially, this request will support a formal statewide committee and the development of a statewide strategic plan that aligns Ecology's HAB response actions with the other agencies and outlines how we will address the root causes of HABs.

The potential outcome of this request will be improved state coordination and responsiveness to the public to identify the root causes of HABs and the strategies we will use to protect water quality and reduce impacts on humans, animals, and the environment.

## Equity Impacts

### **Community Outreach and Engagement:**

This request is in response to coordination and identified needs with other state agencies, not the public or vulnerable populations.

However, this request will fund staff capacity to engage overburdened communities and vulnerable populations in the state's HAB strategic response and ongoing treatment. This request will provide staff capacity to help form and oversee a statewide HABs coordinating committee as the first step toward developing a comprehensive, multi-agency HAB program to protect human and animal health. Community outreach and engagement and Tribal consultation will be necessary components of the coordinating committee's strategic plan development and implementation.

### **Disproportional Impact Considerations:**

This request creates a strategic opportunity to assess and reduce disproportionate impacts on overburdened communities or vulnerable populations related to HABs. Without the funding requested, environmental justice concerns related to HABs may increase. Communities with local funding to respond to HABs and technical competencies to navigate disparate bureaucratic structures would continue to manage HABs locally, and the communities without local revenues and technical expertise to engage in resolving issues related to HABs would see increasing environmental and health risks from HABs. As Washington continues to experience warming temperatures, nutrient impacts from population, and increases and changes in land use, these environmental justice concerns may be amplified without a proactive and coordinated approach.

When nutrients from fertilizer, sewage, or rain runoff wash into lakes, rivers, and other water bodies, algal blooms may grow out of control, making toxins and altering water quality. Toxins from these harmful blooms can cause a variety of mild to serious illnesses. They deteriorate water quality, including water that people use for recreation and drinking. Vulnerable populations often have fewer options for accessing clean water, safe recreation, and relief from extreme heat, so harmful algal blooms may disproportionately impact vulnerable people who experience additional socio-economic stressors.

Ecology anticipates that this request will benefit Tribes. Harmful algal blooms deteriorate environmental conditions in the waters of Washington State, on Tribal lands, and in Tribal Usual and Accustomed Areas. These environmental conditions support investment in Tribal lands, access to traditional practices, and protection of culturally relevant species such as salmon and orcas.

### **Target Communities and Populations:**

Ecology anticipates that this request will ultimately benefit overburdened communities or vulnerable populations, because these populations often reside in municipalities and counties with fewer resources to address HABs.

### **Community Inputs and Incorporation:**

See Community Outreach and Engagement response.

## Other Collateral Connections

### **HEAL Act Agencies Supplemental Questions**

Yes, see attached.

### **Puget Sound Recovery:**

This request supports the 2022-2026 Puget Sound Action Agenda implementation through Ongoing Program OGP\_ECY37Water Quality - Reduce Nonpoint Source Water Pollution (Department of Ecology), and through various Vital Signs, Strategies, Desired Outcomes, and Actions included in the Action Agenda. See *attachment A* for a complete list of linkages between this request and the agenda.

### **State Workforce Impacts:**

N/A

### **Intergovernmental:**

Implementing HAB response action and actions that mitigate HABs, such as nonpoint best management practices, includes close coordination with counties, cities, conservation districts, state agencies (especially DOH), federal agencies, and Tribal partners through established water quality programs. These agencies support Ecology having sufficient resources to carry out its mission.

This request supports several cross-agency and intra-governmental relationships. Specifically, DOH supports identifying new opportunities for citizen outreach and cross-sectoral collaboration to predict and mitigate impacts of harmful algae blooms on humans, animals, and the environment.

This budget request is related to actions currently proposed in Washington's Climate Resilience Strategy draft, which is being developed under Chapter 70A.05 RCW and will be finalized by September 30, 2024.

This request builds on the work performed in 2022 by the WACD. WACD proposed similar steps to what is proposed in this request in their request submitted to the WSCC. The WSCC declined to consider the WACD request, citing lack of staffing. Consequently, WACD requested Ecology take more of a lead role.

### **Stakeholder Impacts:**

N/A

### **State Facilities Impacts:**

N/A

### **Changes from Current Law:**

N/A

### **Legal or Administrative Mandates:**

N/A

### **Governor's Salmon Strategy:**

N/A

## Reference Documents

[Addressing Harmful Algae Blooms-HEAL Act Attachment.pdf](#)

[Addressing Harmful Algae Blooms-PS Attachment A.pdf](#)

## IT Addendum

**Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?**

No

**Objects of Expenditure**

<b>Objects of Expenditure</b> <i>Dollars in Thousands</i>	<b>Fiscal Years</b>		<b>Biennial</b>	<b>Fiscal Years</b>		<b>Biennial</b>
	<b>2026</b>	<b>2027</b>	<b>2025-27</b>	<b>2028</b>	<b>2029</b>	<b>2027-29</b>
Obj. A	\$95	\$96	<b>\$191</b>	\$95	\$96	<b>\$191</b>
Obj. B	\$33	\$33	<b>\$66</b>	\$33	\$33	<b>\$66</b>
Obj. E	\$106	\$6	<b>\$112</b>	\$6	\$6	<b>\$12</b>
Obj. G	\$2	\$2	<b>\$4</b>	\$2	\$2	<b>\$4</b>
Obj. J	\$1	\$1	<b>\$2</b>	\$1	\$1	<b>\$2</b>
Obj. T	\$38	\$38	<b>\$76</b>	\$38	\$38	<b>\$76</b>

**Agency Contact Information**

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## Attachment A

### Linkages to the Puget Sound Action Agenda

This attachment provides additional supporting details for the following decision package (DP) as it relates to the Puget Sound 2022-2026 Action Agenda implementation.

**DP Title:** Addressing Harmful Algae Blooms

#### Vital Signs

- Freshwater
- Streams and Floodplains
- Toxics in Aquatic Life
- Outdoor Activity
- Economic Vitality
- Good Governance
- Sense of Place
- Sound Stewardship

#### Strategies

- 21. Sense of Place
- 22. Recreation and Stewardship
- 23. Transparent and Inclusive Governance
- 24. Cultural Practices
- 25. Natural Resource Industries
- 26. Human Health

#### Desired Outcomes

- 2.2.2. Nutrient loading in stormwater runoff from residential and commercial lands reduced.
- 2.2.3. Nutrient loading in runoff from agricultural lands and working forests reduced.
- 2.2.4. Significant anthropogenic sources of nutrients identified (using watershed monitoring and modeling tools) and reduced.
- 2.2.5. Sites that support natural nutrient attenuation restored, enhanced, or created.
- 3.2.1. Programmatic ability to respond to emerging outbreaks and ongoing impacts of invasive species increased.
- 4.3.1. Increase the resilience of the Puget Sound ecosystem and recovery efforts by adapting to changing climate and ocean conditions when conducting protection and restoration activities.
- 5.1.1. Opportunities for stress reduction and motivation from natural environments for diverse human communities are enhanced.
- 5.2.1. Decision making is made more inclusive by participation of a broader set of committed stakeholders and diverse forms of knowledge early in ecosystem recovery processes.
- 5.2.2. Capacity for overburdened communities to engage in environmental decision making is increased.
- 5.2.3. Transparency in environmental and natural resource management decision making and the use of science is improved.
- 5.3. Participation in environmentally related cultural practices and opportunities for



- harvesting of quality local foods are enhanced.
- 5.4. Employment and production in natural resources sectors such as fisheries, aquaculture, agriculture, timber, ecosystem restoration, and tourism are made resilient.
- 5.5. Participation in outdoor recreational and stewardship activities is enhanced.
- 5.6.2. Levels and patterns of contaminants in drinking water do not threaten Puget Sound communities or vulnerable populations with adverse health outcomes.
- 5.6.3. Levels and patterns of contamination in fish and shellfish harvested from Puget Sound waters do not threaten the health of Puget Sound communities or vulnerable populations.
- 5.6.4. Levels and patterns of pollutants and biotoxins in surface waters do not threaten the health of Puget Sound communities or vulnerable populations.

## **Actions**

- 24. Implement habitat protection and restoration projects that restore or maintain natural nutrient attenuation functions and sediment processes in watersheds, estuaries, and tidal wetlands.
- 31. Encourage retrofits and restoration through education and incentives.
- 159. Develop and promote social approaches to encourage behavior changes that will protect, restore, and responsibly enjoy Puget Sound.
- 200. Limit people's exposures to harmful water pollution.

**Ongoing Program** - Program OGP\_ECY37 Water Quality - Reduce Nonpoint Source Water Pollution (Department of Ecology)

# 2025-27 Biennial Budget HEAL Act Template

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## Background

### HEAL Act requirements

The Healthy Environment for All Act (HEAL Act), Chapter 314, Laws of 2021 (RCW [70A.02](#)) requires that “covered and opt in agencies” must implement the requirements of the HEAL Act. This includes the:

- Department of Ecology
- Department of Agriculture
- Department of Commerce
- Department of Health
- Department of Natural Resources
- Department of Transportation
- Puget Sound Partnership
- Office of the Attorney General

HEAL Act agencies that are considering a significant agency action initiated after July 1, 2023, are required to conduct an environmental justice assessment. RCW [70A.02.010](#)(12) specifies that significant agency actions include:

- The development and adoption of significant legislative rules as defined in RCW [34.05.328](#).
- The development and adoption of any new grant or loan program that the agency is explicitly authorized or required by statute to implement.
- A capital project, grant, or loan award costing at least \$12,000,000.
- A transportation project, grant, or loan costing at least \$15,000,000.
- The submission of agency request legislation to the Office of the Governor or OFM.

Under RCW [70A.02.080](#), beginning on or before July 1, 2023, covered and opt in agencies must, where practicable, take specific actions when making expenditure decisions or developing budget requests to OFM and the Legislature for programs that address or may cause environmental harms or provide environmental benefits. This includes:

- Focus applicable expenditures on creating environmental benefits that are experienced by overburdened communities and vulnerable populations, including reducing or eliminating environmental harms, creating community and population resilience, and improving the quality of life of overburdened communities and vulnerable populations.
- Create opportunities for overburdened communities and vulnerable populations to meaningfully participate in agency expenditure decisions.
- Clearly articulate environmental justice goals and performance metrics to communicate the basis for agency expenditures.
- Establish a goal of directing 40% of grants and expenditures that create environmental benefits to vulnerable populations overburdened communities.

To help OFM understand how HEAL Act agency budget requests meet HEAL Act requirements, covered agencies are required to complete additional questions related to the HEAL Act. These questions are shown below and are in addition to the equity related questions required of all agencies. Covered agencies are asked to complete the following questions and submit them through ABS.

#### HEAL Act questions

If you answer YES to any of these bullet points, please answer the six additional questions and submit them as an attachment through ABS.

- Is this decision package part of an agency request legislation that is required to complete an environmental justice assessment (RCW [70A.02.010\(12\)](#))?

Yes

No

- Is this decision package requesting funding to support another significant agency action that is required to complete an environmental justice assessment (RCW [70A.02.010\(12\)](#))?

Yes

No

- Is this decision package requesting funding for a program/project/activity that may **provide environmental benefits or reduce, mitigate, or eliminate environmental harms**, (that is not a significant agency action)? Note: This may include decision packages for programs not purposely directed to provide environmental benefits but may have an indirect or unintentional impact.

Yes

No

**If you answer YES to any of the above bullet points, please complete these additional questions.**

1. Please describe specific likely or probable environmental harms and/or benefits related to your decision package and the associated health impacts to overburdened communities and vulnerable populations.

This request mitigates health impacts from harmful algae blooms. When nutrients from fertilizer, sewage, or rain runoff washes into lakes, rivers, and other water bodies, blooms of algae may grow out of control, making toxins and altering water quality. Toxins from harmful algal blooms can cause a variety of mild to serious illnesses. Harmful algae blooms deteriorate water quality, including water people use for recreation and for drinking.

Harmful algal blooms may disproportionately impact vulnerable people who experience additional socio-economic stressors. Vulnerable populations often have fewer options for accessing clean water, safe recreation, and relief from extreme heat, increasing their risks of health hazards from exposure to HABs. Ecology anticipates that this request will ultimately benefit overburdened communities or vulnerable populations, as these populations often reside in municipalities and counties with fewer resources to address HABs

2. Please describe the estimated percentage and amount of the requested funds that will go towards creating environmental benefits in overburdened communities and vulnerable populations as defined in OFM's the [OBC map](#) or as determined by the agency. If applicable, please include your methodology for making this estimate, including project/award lists if available.

Ecology has not yet identified an anticipated proportion or amount of funds from this request that will create benefits in overburdened communities or for vulnerable populations.

3. Please describe any potential significant impacts to Indian Tribes' rights and interest in their tribal lands, as well as traditional practices.

Ecology anticipates that this request will benefit Tribes. Harmful algal blooms deteriorate environmental conditions in the waters of Washington state, on Tribal lands, and Tribal Usual and Accustomed Areas. These environmental conditions support investment in tribal lands, access to traditional practices, and protection of culturally relevant species such as salmon and orcas.

4. Describe how your agency engaged with Tribes in developing this proposal, including offers for tribal consultation including timelines, methods for feedback, and mechanisms for Tribes to express concern, opposition, or support., and any direction provided by Tribes through this engagement.

Ecology has not yet engaged with Tribes in the development of this proposal. However, Tribal consultation and community engagement will be necessary components of the HABs strategic plan development and implementation.

5. If the decision package is part of agency request legislation or supports another significant agency action that is required to complete an environmental justice assessment under RCW [70A.02.010](#)(12), please submit the assessment as an attachment in ABS.

This decision package is not part of agency request legislation and does not support another significant agency action.

6. If the decision package is part of agency request legislation or constitutes a significant agency action that is required to complete an environmental justice assessment, please describe how your agency used the environmental justice assessment process to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits. If your agency determined that you were unable to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits, please provide a justification for not doing so.

N/A

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## Agency Recommendation Summary

Over 26% of oil spills in Washington waters come from recreational boats, marinas, commercial fishing vessels, and ports. The Washington Sea Grant Small Spill Prevention Education Program was authorized by the Legislature in 1991 to target small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas (RCW 79A.60.620). The program is funded through a budget proviso that has not increased since the program’s inception. More than 30 years of economic inflation has reduced the program’s ability to carry out that mission, while the need for boater education has only grown as the number of recreational boats in the state has increased. This request will enable Washington Sea Grant to increase its ability to provide crucial outreach throughout Washington on preventing spills. Related to Puget Sound Action Agenda Implementation. (Oil Spill Prevention Account)

## Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
<b>Operating Expenditures</b>						
Fund 217 - 1	\$300	\$300	\$600	\$300	\$300	\$600
<b>Total Expenditures</b>	<b>\$300</b>	<b>\$300</b>	<b>\$600</b>	<b>\$300</b>	<b>\$300</b>	<b>\$600</b>

## Decision Package Description

**Background:**

Recreational boats and fishing vessels—not tankers and freighters—are the leading sources of known oil spills in Puget Sound. Between 2018 and 2022, recreational vessels reported spills of 12,841 gallons of diesel and gasoline in Washington, and many small spills go unreported. Overall, about two-thirds of these are small spills of one gallon or less. In a 2024 WSG Boater Survey, oil spills were identified as the number one environmental threat posed by recreational boaters.

In 1991, Washington Sea Grant (WSG) was tasked with establishing an education program that targets small oil spills from sources such as marinas, commercial fishing vessels, and recreational boats. The primary goal of the WSG Small Spill Prevention Education Program (Small Spills Program) is to stop small oil spills at the source through ongoing boater education. The program works with marinas, recreational boaters, commercial fishermen, and ports to address and prevent small spills.

A proviso in Ecology’s budget directs \$170,000 per biennium from the Oil Spill Prevention Account to support the Small Spills Program. The proviso amount was initially \$229,000 but reduced in 2001 and has remained unchanged. When the Small Spills Program began, the appropriated funding supported one full-time position to conduct program outreach and education. Because the cost of salaries and benefits increased, while the funding remained static, it now supports less than a half-time position, and the remainder of the funding covers the costs associated with the suite of boater education program tools and strategies for outreach and communications.

**Problem/Opportunity:**

The Small Spills Program was tailored to small vessel operators and facilities in response to Engrossed Substitute House Bill (ESHB) 1027, passed in 1991. Since then, the Small Spills Program has reached out to commercial and recreational boaters and boating facilities, waterfront operators, and fishermen to educate them on the importance of keeping our waterways clean and how they can serve as the first line of defense against pollution. Successful tools and strategies employed by the Small Spills Program include community engagement, outreach, and communications campaigns like the following:

- Development and distribution of spill kit materials
- Vessel safety and technical classes
- Community events and boat shows
- Washington’s Clean Marina Program
- An oil spill prevention and response workshop for marina staff
- Pacific Oil Spill Prevention Education Team (POSPET) meetings and projects
- Communications, including paid advertising campaigns, media coverage, public relations, and social media outreach

Results of a boater survey conducted by WSG in 2024 suggest that 69% of boaters see a general improvement in the cleanliness of the water as compared to only 60% in 2021. In 2023, 55% of boaters saw fewer petroleum/oil products in the water while boating than they saw in 2021 (44.8%). These positive results indicate that boater education efforts are effective, and the Small Spills Program will be able to successfully build on the established outreach strategies and expand education to other regions and new audiences with increased funding and capacity.

Even with these positive outcomes, the need to invest in continued boater education programming has grown, and the risk of small spills to our waterways is as great as ever. The target population for small oil spill prevention education has increased significantly since the program began



more than 30 years ago. Washington currently has more than 230,000 registered recreational boats—the more boats in the water, the greater the risk of a spill. In the last year, Ecology documented 300 recreational vessel spills and 38 marina spills. Each year an unknown number of spills also goes unreported.

While the need has increased, so has the cost to meet that need. For example, the cost of materials has increased 5% per year for a 50% total increase in the cost of producing bilge pillows since 2014, and 5% per year for producing fuel bibs for a 25% increase since 2020. Additionally, advertising costs have increased over the past 10 years. A one-third page print ad has increased in cost by 21% in some cases—and the cost for staff travel/mileage reimbursements has increased as cost of fuel has gone up.

**Proposed Solution:**

An increase in funding will enable the Small Spills Program to strengthen our education, outreach, and communications effort in the following ways:

**Expand the geographic reach, educating boating audiences in parts of Washington not currently reached due to limited program capacity.**

Small Spills Program activities are currently centered in the Puget Sound region, with limited effort in Eastern Washington. Increased program funding will allow the Small Spills Program to expand outreach to boaters in five Eastern Washington counties that are most popular with boaters and reach an additional 38,390 boaters. Increased capacity will also allow for additional collaboration with new partners on boater education. The following are possible strategies for expanding reach:

- Amplify the benefits of the Small Spills Program through an educational public relations effort in coordination with boating associations, such as the Recreational Boating Association of Washington and Washington yacht clubs to reach 40% more new boaters and new members over three years.
- Increase boating outreach events from approximately eight per year to 16, doubling opportunities to reach boaters at marina events, expos, and via expanded dockside outreach. This includes NW Yacht Brokers Association meetings and Seattle Boats Afloat show, doubling educational opportunities for new boaters.
- Expand and balance the geographic distribution of outreach from 80% currently held in the Puget Sound region to a 10% increase per year over three years in less-frequently served areas such as Grays Harbor; Willapa Bay; Lower Columbia River; and inland waterways, including Moses Lake; Tri-Cities; Okanogan; and Spokane areas.
- Increase the number of certified marinas in the Clean Marina program by 5% per year over three years (currently at 81).
- Develop an online training module for seasonal fuel dock attendants that marina operators can use in their staff onboarding to train fuel dock attendants on oil spill prevention and response.
- Increase paid advertising from approximately \$10,000 to \$20,000 per year. This will target 500,000 additional recreational boaters (including those from out of state) annually through print publications such as Boat US and 2 million in digital impressions through digital newspaper publication formats. Additional traditional advertising will also reach Washington's coastal communities and be able to expand further into Eastern Washington boating communities through boating guides, such as the Washington State Fishing Regulations Guide.
- Increase social media reach primarily through Facebook, expanding from the current 2,500 followers to 3,500 followers reached over three years. Increase Facebook engagements by 15% annually through a variety of tactics, including boosting posts. The Small Spills Program will also consider complementing the Facebook strategy with an Instagram campaign targeting younger (new) boaters for a goal of 20% increase in reach over three years.

**Maintain and expand the content of outreach materials for greater impact.**

Current outreach materials include signs, stickers, fuel bibs, and bilge pillows, which are requested by and supplied to marinas until supplies run out. To meet current demands, additional outreach materials will be developed in partnership with Ecology, based on input from commercial and recreational boaters and boating facilities. Specifically, the Small Spills Program will produce and distribute to new boaters an increased supply of those materials at highest demand. In past boater surveys, boaters consistently identified absorbent pads (fuel bibs and bilge pillows) as the number one effective method for cleaning up spills. Currently, the Small Spills Program can only produce 2,000 fuel bibs per year. With an increase in funding, the Small Spills Program could distribute 6,000 per year, meeting marina demand and expanding distribution to the approximately 60 Class 4 fuel docks servicing smaller vessels throughout Washington.

**Improve accountability for results by strengthening performance metrics within the program.**

The Small Spills Program currently conducts an annual survey measuring boater perceptions and best practice behaviors, which has proven to be an effective performance metric for measuring progress of an environmental issue that is known for being challenging to measure. For example, in 2019 and 2020, only 40% of boaters were knowledgeable of what to do when a small spill occurred. However, in 2024, 90% indicated they knew what to do. The program will expand metrics to include commercial and recreational boating facilities, working with them to identify additional performance metrics.

**Impacts on Population Served:**

The Small Spills Program is a statewide program serving communities along lakes, rivers, and marine shorelines. The Small Spills Program improves water quality by preventing and reducing oil entering Washington waterways, creating healthy freshwater and marine ecosystems for the people of Washington to recreate and harvest aquatic and marine resources.

**Alternatives Explored:**

To address static funding, the Small Spills Program has tried to integrate its educational outreach into other related outreach activities, such as the Clean Vessel Act Pump Out Washington program funded by the State Parks & Recreation Commission; safety and operations classes for vessel operators; boating events, conferences, and workshops; and communications outreach (social media, media relations). However, these efforts have not been able to counterbalance cost increases over the years, nor have they enabled reaching as many new audiences as needed.

The Small Spills Program has also engaged a network of partners and intermediate audiences that include state and federal agencies, industry and marine associations, volunteer groups, marinas and yacht clubs, and environmental organizations. The program has leveraged their in-kind resources to educate small vessel operators and facilities audiences.

These efforts to leverage other programs and activities have enabled the Small Spills Program to stretch efforts as far as possible—including sharing costs across funding sources for printing, program materials, travel, advertisements, outreach booth registrations, travel and staff time. But even these creative alternatives are now insufficient to fulfill the mission of the program and meet the current need to educate boaters, marina operators, fishermen, shellfish farmers, and others to keep Washington's waterways clean.

Insufficient funding has prevented development of an online module to be used by marinas for seasonal employees. This has severely limited the number of in-person oil spill prevention training opportunities, especially at remote marinas, which has limited the integration of oil spill prevention into the Clean Marina program and limited small spill prevention supplies, advertising, and outreach and education efforts.

**Consequences of Not Funding This Request:**

The number of recreational boaters in Washington has grown to an average of more than 230,000 recreational boats registered each year. Increased outreach and education is imperative for the health of our aquatic ecosystems and the communities and economies that rely on our marine waters. Without increased funding, the Small Spills Program's capacity for outreach and education work would continue to decline, and the risk of small spills would increase, resulting in reduced quality of Washington's waters.

## Assumptions and Calculations

### Expansion, Reduction, Elimination or Alteration of a current program or service:

This request expands Activity A033 - Prevent Oil Spills from Vessels and Oil Handling Facilities because it will increase the proviso funding for the Small Spills Program. Below is a summary of the 2021-23 and 2023-25 base funding and FTEs for this activity. Administrative Overhead related to this activity is also in the agency's Administration Activity A002 but is not shown in the totals below.

<b>Activity A033 – Prevent Oil Spills from Vessels and Oil Handling Facilities</b>		
	<b>2021-23</b>	<b>2023-25</b>
FTEs Total	25.75	29.15
001-7 General Fund - Private/Local	\$112,000	\$112,000
217-1 Oil Spill Prevention	\$2,971,000	\$3,482,000
23P-1 Model Toxics Control Operating - State	\$6,296,000	\$8,573,000
<b>TOTAL</b>	<b>\$9,379,000</b>	<b>\$12,167,000</b>

### Detailed Assumptions and Calculations:

The proviso funding is managed by Ecology through an interagency agreement with the University of Washington Sea Grant Program, which administers the Small Spills Program. The Small Spills Program submits invoices monthly detailing what work was performed under the tasks listed in the scope of work. Expenditures show up under object C – Professional Service Contracts.

Beginning July 1, 2025, Ecology requires \$300,000 per fiscal year and ongoing to support the following scope of work:

- *Spill Prevention Materials* – \$20,000 per fiscal year ongoing to increase the number of fuel bibs and bilge pillows distributed to marinas, ports, and boat owners to keep waterways clean and rapidly respond to small spills. This will increase the number of fuel bibs distributed per year by approximately 4,000 and expand distribution to an additional 60 Class 4 fuel docks servicing smaller vessels.
- *Outreach and Partner Activities* - \$230,000 per fiscal year ongoing to increase boating education and outreach events, expand geographic distribution of outreach, and broaden our engagement with new partners and audiences. This will allow for an additional eight boating outreach events each year and expand outreach into underserved areas such as Grays Harbor, Willapa Bay, Lower Columbia River, and inland waterways that include Moses Lake, Tri-Cities, Okanogan, Spokane areas.
- *Communications Campaign* - \$50,000 per fiscal year ongoing to reach thousands of additional boaters, marina and ferry workers, and new audiences through targeted advertising and media, reaching Washington's coastal communities and expanding further into Eastern Washington boating communities through boating guides.

### Workforce Assumptions:

<b>Expenditures by Object</b>		<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>	<b>FY 2030</b>	<b>FY 2031</b>
C	Personal Service Contract	300,000	300,000	300,000	300,000	300,000	300,000
	<b>Total Objects</b>	<b>300,000</b>	<b>300,000</b>	<b>300,000</b>	<b>300,000</b>	<b>300,000</b>	<b>300,000</b>
<b>Staffing</b>							
<b>Job Class</b>	<b>Salary</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>	<b>FY 2030</b>	<b>FY 2031</b>
	<b>Total FTEs</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

### Historical Funding:

	<b>FY2026</b>	<b>FY2027</b>
FTE (xx direct FTE)	0.0	0.0
<b>Total Funds</b> (rounded to thousands)	\$85,000	\$85,000
<b>Near General Fund</b> (rounded to thousands)	\$0	\$0
<b>Other Funds</b> (rounded to thousands)	\$85,000	\$85,000

## Strategic and Performance Outcomes

### **Strategic Framework:**

This request is essential to achieving the following Governor's Results Washington goals:

- Goal 3: Sustainable Energy and a Clean Environment because it will reduce water pollution from small oil spills at the source, resulting in improved freshwater and marine water quality.
- Goal 4: Health and Safe Communities because it will engage recreational and commercial boaters, ports, and marina operators in waterfront communities throughout Washington State in preventing oil pollution and improving freshwater and marine water quality.

This request is essential to achieving the following Ecology goals:

- Goal 1: Support and engage our communities, customers, and employees because it will engage recreational and commercial boaters, ports, and marina operators in waterfront communities throughout Washington State.
- Goal 3: Prevent and reduce waste, toxic threats, and pollution because it will reduce water pollution from small oil spills.
- Goal 4: Protect and manage our state's waters because it will educate boaters on the best practices for preventing small oil spills, prevent oil spill pollution, and improve water quality.

### **Performance Outcomes:**

The outcome of this request will be:

- Improved water quality.
- Better prepared recreational and commercial boaters and port and marina operators who can properly respond to small oil spills.

## Equity Impacts

### **Community Outreach and Engagement:**

The Small Spills Program has engaged a network of partners that include community members such as volunteer groups and environmental organizations to develop strategies outlined in this request.

The Small Spills Program currently educates boaters and marina managers on how to effectively prevent oil spills before they happen, engaging boaters seasonally at approximately eight boating events during the summer and fall and onsite at marina docks. The Small Spills Program also distributes outreach materials directly to boaters at marinas and outreach events. Additionally, the Small Spills Program coordinates with marina operators to deliver materials for distribution at marinas. Increased program funding will allow expansion of program activities to include more marina operators and boaters in Eastern Washington and around Puget Sound and will enable additional workshops across the state that provide training for seasonal marina staff on oil spill prevention and response.

### **Disproportional Impact Considerations:**

Overburdened communities, vulnerable populations, and Tribes are highly impacted by degraded water quality. Educating boaters in best practices *before* oil is spilled in Washington waters stops the problem at the source and protects vulnerable communities from experiencing negative environmental degradation and harm resulting from water pollution.

### **Target Communities and Populations:**

This request expands an existing program that is centered around the Puget Sound to benefit Tribal communities and people who live, work, and recreate near less-resourced and well-known lakes and rivers in other parts of the state.

High priority areas for this request include overburdened communities in Grays Harbor, Willapa Bay, Lower Columbia River, and inland waterways that include Moses Lake, Tri-Cities, Okanogan, Spokane areas. With increased funding, the Small Spills Program will be able to increase outreach and education in Eastern Washington and other communities not currently served, including Tribal and fishing communities. Expanded outreach and education to boaters will mitigate their likelihood of spilling pollutants into the waterbodies and harming the vulnerable and overburdened communities that rely on these waterbodies for drinking, watering crops, harvesting fish, and other environmental benefits.

### **Community Inputs and Incorporation:**

See Community Outreach and Engagement response.

## Other Collateral Connections

### **HEAL Act Agencies Supplemental Questions**

Yes, see attached.

***Puget Sound Recovery:***

This request supports the 2022-2026 Puget Sound Action Agenda implementation through Ongoing Program OGP\_ECY26 Spill Prevention, the Toxics in Aquatic Life Vital Sign, and through the following Strategies, Desired Outcomes, and Actions:

**Strategies**

- 13. Oil Spills - Prevent oil spills and plan and prepare to respond to any that occur.

**Desired Outcomes and Actions**

- 2.4.1. Risk and potential harm of spills of oil and hazardous substances to waterways reduced.
- Action 65. Strengthen and integrate spill response readiness of all partners, including federal, state, tribal nations, local government, oil spill response organizations, and transboundary partners.

This request also supports Orca Task Force Recommendation 24. Reduce the threat of oil spills in Puget Sound to the survival of Southern Residents.

***State Workforce Impacts:***

N/A

***Intergovernmental:***

The Small Spills Program works with local government ports and marinas, county public utility districts and county staff, and Tribes to plan workshops and coordinate delivery of outreach materials to port and marina staff and boaters. Current funding has limited the focus of that outreach to the Puget Sound region. This request would expand outreach to less-frequently served areas such as Grays Harbor; Willapa Bay; Lower Columbia River; and inland waterways, including Moses Lake; Tri-Cities; Okanogan; and Spokane areas.

***Stakeholder Impacts:***

Impacted stakeholders include recreational and commercial vessel owners, marina operators, communities living near marine and freshwater, Tribes, industry and marine associations, volunteer groups, marinas and yacht clubs, environmental organizations, and residents. These groups rely on shorelines and clean water resources for healthy coastal ecosystems and more directly for access to aquatic foods through fishing and harvesting for commercial and personal uses, as well as recreational uses of waterways including swimming, wading, and tourism.

The Small Spills Program has been supported and appreciated by boaters, ports, and marinas for more than 30 years. Boaters and marina staff are committed to clean waterways and are partners in educating one another on best boating practices. This program has received support through sharing messaging and resources from the Recreational Boating Alliance of Washington and the Northwest Marine Trades Association. This request has been shared with the Washington Sea Grant Advisory Committee, including representatives of partners and stakeholders reflecting the diversity of Washington's coastal regions, culture and demographics from a broad range of coastal interests, including resource managers; Tribes; federal, state, and local governments; business and maritime interests; nonprofits; community groups; researchers; educators; and others with interests and/or responsibilities related to coastal resource use, development, or conservation.

***State Facilities Impacts:***

N/A

***Changes from Current Law:***

Impacted stakeholders include recreational and commercial vessel owners, marina operators, communities living near marine and freshwater, Tribes, industry and marine associations, volunteer groups, marinas and yacht clubs, environmental organizations, and residents. These groups rely on shorelines and clean water resources for healthy coastal ecosystems and more directly for access to aquatic foods through fishing and harvesting for commercial and personal uses, as well as recreational uses of waterways including swimming, wading, and tourism.

The Small Spills Program has been supported and appreciated by boaters, ports, and marinas for more than 30 years. Boaters and marina staff are committed to clean waterways and are partners in educating one another on best boating practices. This program has received support through sharing messaging and resources from the Recreational Boating Alliance of Washington and the Northwest Marine Trades Association. This request has been shared with the Washington Sea Grant Advisory Committee, including representatives of partners and stakeholders reflecting the diversity of Washington's coastal regions, culture and demographics from a broad range of coastal interests, including resource managers; Tribes; federal, state, and local governments; business and maritime interests; nonprofits; community groups; researchers; educators; and others with interests and/or responsibilities related to coastal resource use, development, or conservation.

**Legal or Administrative Mandates:**

N/A

**Governor's Salmon Strategy:**

N/A

**Reference Documents**

[Small Oil Spills Prevention-Attachment.pdf](#)

[Small Oil Spills Prevention-HEAL Act Attachment.pdf](#)

**IT Addendum**

**Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?**

No

**Objects of Expenditure**

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
Obj. C	\$300	\$300	<b>\$600</b>	\$300	\$300	<b>\$600</b>

**Agency Contact Information**

Ryan Olson  
(360) 584-4086  
ryan.olson@ecy.wa.gov

August 1, 2024

Carlos Clements, Program Manager  
Washington State Department of Ecology  
Spills Prevention, Preparedness, and Response  
PO Box 47600  
Olympia, WA 98504-7600

Dear Mr. Clements,

On behalf of the College of the Environment at the University of Washington, I am writing to express our support for the Small Oil Spill Prevention Education program funding proposed by the Washington State Department of Ecology.

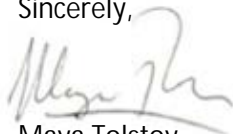
The Small Oil Spill Prevention Education program is conducted by Washington Sea Grant on behalf of the Department of Ecology and is housed within the University of Washington's College of the Environment. Washington Sea Grant is deeply engaged in research, technical assistance, and outreach related to water quality that benefits our Washington communities and marine environments.

The Small Oil Spill Prevention program will enable Ecology to restore program capacity to fulfill the mission of the program – to provide outreach throughout Washington on small spill prevention. And with over 26% of oil spills in Washington waters coming from recreational boats, marinas, commercial fishing vessels, and ports, an educational program is critical to improving water quality as new boaters enter the water arena every year. This proposal complements multiple College of the Environment efforts to improve water quality throughout Washington State.

Moreover, this program and its proposed outcomes are highly relevant to the College of the Environment's core work, which seeks to understand the fundamental processes of our planet and environment, manage natural resources sustainably, equitably and ethically, devise mitigation and adaptation strategies in response to climate change, and build policy and find solutions with diverse partners. The program also aligns with the College 2024-2027 Strategic Plan (Goal 2, Strategy 5) to nurture and sustain mutually enriching partnerships and interdisciplinary and transdisciplinary collaborations beyond the College and develop new knowledge and tools that lead to just and equitable environmental solutions. Washington Sea Grant works collaboratively with partners and stakeholders to develop tools and share knowledge to solve environmental problems.

The College of the Environment strongly supports the Small Oil Spill Prevention Program and encourages the State of Washington to provide the ongoing funding that will allow the program to reach its potential for improving water quality and continue to educate the boating communities within Washington. We look forward to a future where water quality education is available to everyone who shares and enjoys the lakes, rivers and waterways of Washington State.

Sincerely,



Maya Tolstoy  
Maggie Walker Dean  
UW College of the Environment



# 2025-27 Biennial Budget HEAL Act Template

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## Background

### HEAL Act requirements

The Healthy Environment for All Act (HEAL Act), Chapter 314, Laws of 2021 (RCW [70A.02](#)) requires that “covered and opt in agencies” must implement the requirements of the HEAL Act. This includes the:

- Department of Ecology
- Department of Agriculture
- Department of Commerce
- Department of Health
- Department of Natural Resources
- Department of Transportation
- Puget Sound Partnership
- Office of the Attorney General

HEAL Act agencies that are considering a significant agency action initiated after July 1, 2023, are required to conduct an environmental justice assessment. RCW [70A.02.010](#)(12) specifies that significant agency actions include:

- The development and adoption of significant legislative rules as defined in RCW [34.05.328](#).
- The development and adoption of any new grant or loan program that the agency is explicitly authorized or required by statute to implement.
- A capital project, grant, or loan award costing at least \$12,000,000.
- A transportation project, grant, or loan costing at least \$15,000,000.
- The submission of agency request legislation to the Office of the Governor or OFM.

Under RCW [70A.02.080](#), beginning on or before July 1, 2023, covered and opt in agencies must, where practicable, take specific actions when making expenditure decisions or developing budget requests to OFM and the Legislature for programs that address or may cause environmental harms or provide environmental benefits. This includes:

- Focus applicable expenditures on creating environmental benefits that are experienced by overburdened communities and vulnerable populations, including reducing or eliminating environmental harms, creating community and population resilience, and improving the quality of life of overburdened communities and vulnerable populations.
- Create opportunities for overburdened communities and vulnerable populations to meaningfully participate in agency expenditure decisions.
- Clearly articulate environmental justice goals and performance metrics to communicate the basis for agency expenditures.
- Establish a goal of directing 40% of grants and expenditures that create environmental benefits to vulnerable populations overburdened communities.

To help OFM understand how HEAL Act agency budget requests meet HEAL Act requirements, covered agencies are required to complete additional questions related to the HEAL Act. These questions are shown below and are in addition to the equity related questions required of all agencies. Covered agencies are asked to complete the following questions and submit them through ABS.

#### HEAL Act questions

If you answer YES to any of these bullet points, please answer the six additional questions and submit them as an attachment through ABS.

- Is this decision package part of an agency request legislation that is required to complete an environmental justice assessment (RCW [70A.02.010\(12\)](#))?

Yes

No

- Is this decision package requesting funding to support another significant agency action that is required to complete an environmental justice assessment (RCW [70A.02.010\(12\)](#))?

Yes

No

- Is this decision package requesting funding for a program/project/activity that may **provide environmental benefits or reduce, mitigate, or eliminate environmental harms**, (that is not a significant agency action)? Note: This may include decision packages for programs not purposely directed to provide environmental benefits but may have an indirect or unintentional impact.

Yes

No

**If you answer YES to any of the above bullet points, please complete these additional questions.**

1. Please describe specific likely or probable environmental harms and/or benefits related to your decision package and the associated health impacts to overburdened communities and vulnerable populations.

This budget request expands an existing program that is centered around the Puget Sound to benefit Tribal communities and people who live, work, and recreate near less resourced and well-known lakes and rivers in Southern and Eastern Washington, including several overburdened communities as defined in the OFM's overburdened communities map.

The Small Spills Program improves water quality by preventing and reducing oil entering Washington waterways, creating healthy freshwater and marine ecosystems for the people of

Washington to recreate and harvest aquatic and marine resources. Oil spills can cause physical, mental, and financial stress to people as individuals. They can also damage the environment and the wildlife and marine life that depend on it. Overburdened communities, vulnerable populations, and Tribes are highly impacted by degraded water quality. Educating boaters in best practices before oil is spilled in Washington waters stops the problem at the source and protects vulnerable communities from experiencing negative environmental degradation and harm resulting from water pollution.

2. Please describe the estimated percentage and amount of the requested funds that will go towards creating environmental benefits in overburdened communities and vulnerable populations as defined in OFM's the [OBC map](#) or as determined by the agency. If applicable, please include your methodology for making this estimate, including project/award lists if available.

Ecology anticipates that 46.5% or \$278,880 of this request will be directed to overburdened communities as defined by OFM.

The Small Spills Program goal is to prevent small oil spills from boaters, targeting educational campaigns towards ports and marinas as the primary way to reach these boaters. Since this request will expand the geographic reach of these educational campaigns, using the number of ports and marinas in areas identified as overburdened communities and vulnerable populations in OFM's OBC map will give a proxy for the percentage of this request that will go towards creating environmental benefits to those communities. Per the below table, approximately \$278,880 per biennium of this request will go towards creating environmental benefits to overburdened communities and vulnerable populations.

Type	State Count	Within OBC Count	Percentage
Ports	14	9	64.3%
Marinas	1,236	572	46.3%
<b>Total</b>	<b>1,250</b>	<b>581</b>	<b>46.5%</b>
Total Request	\$600,000		
% OBC	46.5%		
\$ OBC	\$278,880		

3. Please describe any potential significant impacts to Indian Tribes' rights and interest in their tribal lands, as well as traditional practices.

No significant impacts to Indian Tribes' rights and interest in their tribal lands is anticipated.

4. Describe how your agency engaged with Tribes in developing this proposal, including offers for tribal consultation including timelines, methods for feedback, and mechanisms for Tribes to express concern, opposition, or support., and any direction provided by Tribes through this engagement.

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## Agency Recommendation Summary

This request is a technical adjustment to move funding for two current FTEs for the Clean Water State Revolving Fund loan program from the capital budget and fund 727 to the operating budget and fund 564. This request will align the funding for these resources with how the rest of the funding and staff administering these loans are funded. (Water Pollution Control Revolving Administration Account)

## Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
<b>Staffing</b>						
FTEs	2.3	2.3	2.3	2.3	2.3	2.3
<b>Operating Expenditures</b>						
Fund 564 - 1	\$302	\$302	\$604	\$302	\$302	\$604
Total Expenditures	<b>\$302</b>	<b>\$302</b>	<b>\$604</b>	<b>\$302</b>	<b>\$302</b>	<b>\$604</b>

## Decision Package Description

### Background:

Congress established the Clean Water State Revolving Fund (CWSRF) under Title VI of the federal Clean Water Act to capitalize state-run, low-interest loan programs to finance water quality facilities and activities. The Washington State Water Pollution Control Revolving Account (CWSRF), established under Chapter 90.50A RCW, implemented the loan program to provide low-interest loans to local governments, special purpose districts, and federally recognized Tribes for high-priority water quality projects statewide.

Ecology uses these funds to finance planning, designing, acquiring, constructing, and improving water pollution control facilities and for related nonpoint source activities that help meet state and federal water pollution control requirements.

Ecology makes loans available through a statewide competitive rating and ranking process. Since its creation in 1989, the CWSRF program has loaned more than \$3.36 billion to public entities. The CWSRF is by far the largest source of low-interest loan funds Washington State government has dedicated to environmental protection. The work accomplished through CWSRF loans is an integral and essential part of the state's strategy to reduce pollution of our marine waters, estuaries, lakes, rivers, and groundwater.

Prior to 2013, Ecology funded the administration of the CWSRF with a portion of the yearly federal CWSRF capitalization grant. In 2013, as a response to impending federal cuts, Washington's Legislature passed House Bill 1141 (codified as RCW 90.50A.090) that authorized a new Water Pollution Control Revolving Administration Account (564), (referred to as the administration fund), and established an administration charge to ensue ongoing funding to manage the CWSRF.

Ecology is currently charging one-third of one percent administration charge on the declining balance of loans to fund the cost of administering the loan program, at no additional cost to the borrowers, on loans entering repayment. Ecology uses the administration account for financial and engineering expertise as well as performance of day-to-day work associated with managing CWSRF loans for high-priority water quality projects. The income Ecology is collecting is keeping pace with the cost needed to fund the administration of the loan program.

The Environmental Protection Agency (EPA) allows administrative costs to be funded out of a portion of the capitalization grant received so when there are unanticipated administrative costs, Ecology can utilize that fund source. However for anticipated and ongoing administrative costs, EPA and Ecology prefer to utilize our dedicated administration fund.

### Is this request related to any budget items funded in the past two biennia?

Yes, see attached.

### Problem and Proposed Solution:

Ecology had an unanticipated need for additional support to help manage the large influx of CWSRF Bipartisan Infrastructure Law (BIL) funds in 2023-25, and we received approval from EPA and the Office of Financial Management (OFM) through the allotment approval process to support the costs of 2.3 FTEs with a portion of the federal capitalization grant and appropriation from fund 727 in the 2023-25 capital budget. This allowed Ecology to meet its needs in the current biennium, but creates inconsistency with how the administration of the loan program is supported, as the rest of the administrative costs are currently funded out of fund 564 - Water Pollution Control Revolving Administration Account in the operating budget.

This request seeks to align how these administrative costs are funded by requesting authority out of fund 564 to support these two positions ongoing. This will result in more projects being funded out of the capital budget appropriation each biennium, and create efficiencies by having all administrative costs funded out of the same account in the operating budget, where they can be more easily tracked and reported on to EPA.

**Impacts on Population Served:**

By moving these administrative costs to the operating budget, Ecology can ensure that every dollar of the capital funding provided each biennium in the capital budget for CWSRF loans goes to communities for the purposes intended, which helps protect the environment, human health, and the value of the places where people live, work and recreate.

**Alternatives Explored:**

Ecology could leave the two FTEs in the capital budget. However, that would lead to inconsistencies in how Ecology funds its CWSRF administration. It would also require additional steps to ensure administrative costs for the EPA annual report and the Intended Use Plan reflect both operating and capital expenditures.

**Consequences of Not Funding This Request:**

If this request is not approved, Ecology would continue the less efficient process of funding a portion of the CWSRF administration in the capital budget, which would require additional effort to track and report the administrative work that supports the CWSRF.

## Assumptions and Calculations

### Expansion, Reduction, Elimination or Alteration of a current program or service:

This request does not expand Activity A043 provides Water Quality Financial Assistance because it doesn't increase or decrease financial assistance. It merely moves administrative costs from the capital budget to the operating budget.

### Detailed Assumptions and Calculations:

Beginning July 1, 2025, and ongoing, Ecology requires salaries, benefits, and associated staff costs for 1.0 FTE Budget Analyst 4 and 1.0 FTE Communications Consultant 3, which are currently supported with appropriation from fund 727 in the capital budget during the 2023-25 biennium. This request will provide the ongoing funding for these two positions from fund 564 in the operating budget. These two positions will continue to oversee and manage 137 active loans supporting both new and other related reappropriation projects. These staff will perform project tracking, reporting, and communications and outreach support for the CWSRF loan program.

### Workforce Assumptions:

Expenditures by Object		<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>	<u>FY 2030</u>	<u>FY 2031</u>
A	Salaries and Wages	162,222	162,222	162,222	162,222	162,222	162,222
B	Employee Benefits	55,318	55,318	55,318	55,318	55,318	55,318
E	Goods and Services	12,096	12,096	12,096	12,096	12,096	12,096
G	Travel	4,410	4,410	4,410	4,410	4,410	4,410
J	Capital Outlays	2,572	2,572	2,572	2,572	2,572	2,572
T	Intra-Agency Reimbursements	65,045	65,045	65,045	65,045	65,045	65,045
<b>Total Objects</b>		<b>301,663</b>	<b>301,663</b>	<b>301,663</b>	<b>301,663</b>	<b>301,663</b>	<b>301,663</b>

Job Class	Salary	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>	<u>FY 2030</u>	<u>FY 2031</u>
BUDGET ANALYST 4	91,073	1.00	1.00	1.00	1.00	1.00	1.00
COMMUNICATIONS CONSULTANT 3	71,149	1.00	1.00	1.00	1.00	1.00	1.00
FISCAL ANALYST 2		0.20	0.20	0.20	0.20	0.20	0.20
IT APP DEVELOPMENT-JOURNEY		0.10	0.10	0.10	0.10	0.10	0.10
<b>Total FTEs</b>		<b>2.30</b>	<b>2.30</b>	<b>2.30</b>	<b>2.30</b>	<b>2.30</b>	<b>2.30</b>

### Explanation of costs by object:

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 34.1% of salaries.

Goods and Services are the agency average of \$6,048 per direct program FTE.

Travel is the agency average of \$2,205 per direct program FTE.

Equipment is the agency average of \$1,286 per direct program FTE.

Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 29.9% of direct program salaries and benefits, and is shown as object T. Agency Administrative Overhead FTEs are included at 0.15 FTE per direct program FTE, and are identified as Fiscal Analyst 2 and IT App Development-Journey.

### Historical Funding:

	<u>FY2026</u>	<u>FY2027</u>
FTE (xx direct FTE)	21.6	21.6
<b>Total Funds</b> (rounded to thousands)	\$3,957,500	\$3,957,500
<b>Near General Fund</b> (rounded to thousands)	\$0	\$0
<b>Other Funds</b> (rounded to thousands)	\$3,957,500	\$3,957,500

Administrative Overhead related to this program or service is in the agency's Administration Activity A002, but is not shown in the totals above.



## Strategic and Performance Outcomes

### **Strategic Framework:**

This request is essential to achieving the following Ecology goals:

- Goal 1: Support and Engage our Communities, Customers, and Employees because it will support economic security by providing grant and loan subsidies to small low-income communities to protect public health and keep utility rates reasonable.
- Goal 2: Reduce and Prepare for Climate Impacts because it will fund projects that help communities prepare for climate impacts and integrate climate resiliency and long-term sustainability practices. For example, reclaimed water and water reuse facilities that help small communities increase stream buffers and native vegetation to help address stream flow dynamics, temperature impacts, carbon sequestration, and improve water quality.
- Goal 4 - Protect and Manage our State Waters because it will fund projects for water pollution control infrastructure and projects that reduce nonpoint pollution and nutrient discharges.

This request is essential to achieving the following Governor's Results Washington Goals:

- Goal 2: Prosperous Economy because it will provide opportunities for quality jobs when a new wastewater system is constructed, or an existing system is repaired or upgraded. The Office of Financial Management estimates that 12 direct and indirect jobs in Washington are created for every \$1 million spent on building clean water infrastructure. The program also helps communities build well-functioning and sustainable clean water infrastructure that supports local economies.
- Goal 3: Sustainable Energy and a Clean Environment because it will provide loans for high-priority water quality projects statewide. CWSRF loan projects help local communities protect public health and the environment by reducing pollution of our lakes, rivers, streams, marine waters, estuaries, and groundwater.
- Goal 4: Healthy and Safe Communities because it will fund projects that address the impacts of climate change and improve community resiliency through support of long-term multi-benefit solutions to problems caused from water pollution, including excess nutrients and increased temperature. It will also address needs in low-income communities through low- or no-interest loans combined with forgivable principal to reduce residential rate impacts.
- Goal 5: Efficient, Effective, and Accountable Government because it will provide one application rating and ranking process to award funds from four separate funding sources, including CWSRF. This creates an efficient and streamlined approach for communities to apply for funding resources through an integrated water quality financial assistance program.

### **Performance Outcomes:**

The outcome of this request will be a more efficient and effective program management of the CWSRF loan program.

## Equity Impacts

### **Community Outreach and Engagement:**

None anticipated. This request is a technical adjustment to shift the fund source for two current FTEs.

### **Disproportional Impact Considerations:**

None anticipated. This request is a technical adjustment to shift the fund source for two current FTEs.

### **Target Communities and Populations:**

None anticipated. This request is a technical adjustment to shift the fund source for two current FTEs.

### **Community Inputs and Incorporation:**

See Community Outreach and Engagement response.

## Other Collateral Connections

### **HEAL Act Agencies Supplemental Questions**

N/A

### **Puget Sound Recovery:**

N/A

### **State Workforce Impacts:**

N/A

### **Intergovernmental:**

N/A

### **Stakeholder Impacts:**

N/A

### **State Facilities Impacts:**

N/A

### **Changes from Current Law:**

N/A

### **Legal or Administrative Mandates:**

N/A

### **Governor's Salmon Strategy:**

N/A

## Reference Documents

[WQ Grant & Loan Administration-Historical Funding Attachment A.pdf](#)

## IT Addendum

**Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?**

No

## Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
Obj. A	\$162	\$162	\$324	\$162	\$162	\$324
Obj. B	\$55	\$55	\$110	\$55	\$55	\$110
Obj. E	\$12	\$12	\$24	\$12	\$12	\$24
Obj. G	\$5	\$5	\$10	\$5	\$5	\$10
Obj. J	\$3	\$3	\$6	\$3	\$3	\$6
Obj. T	\$65	\$65	\$130	\$65	\$65	\$130

## Agency Contact Information

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## ATTACHMENT A - RELATED BUDGET ITEMS FUNDED IN THE LAST TWO BIENNIA (2023-25, 2021-23)

Instructions: Enter the following information about any budget items funded over the last two biennia (2021-23 budget, 2022 supplemental budget, 2023-25 budget, 2024 supplemental budget) that is related to your Decision Package for 2025-27.

Biennium	Rec Sum Code/Title	RecSum Description	Fund Source	Duration	Amount
2023-25	PH-WQ Grant & Loan Administration	Funding is provided for additional staff to administer grants and loans for water quality infrastructure and nonpoint pollution projects.	564-1	Ongoing	\$2,136,000
2023-25	2023-25 Water Pollution Control Revolving Program	Funding is provided for low-interest loans to local governments and Tribes to plan, design, acquire, construct, and improve water pollution control facilities and related non-point source activities to meet state and federal water pollution control requirements.	727-1/2	One-Time (Capital)	\$635,000,000
2021-23	2021-23 Water Pollution Control Revolving Program	Funding is provided for low-interest loans to local governments and Tribes to plan, design, acquire, construct, and improve water pollution control facilities and related non-point source activities to meet state and federal water pollution control requirements.	727-1/2	One-Time (Capital)	\$300,000,000

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Department of Ecology  
2025-2027 Operating Budget

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## Agency Recommendation Summary

This request will help fill capacity gaps to implement environmental justice requirements in the HEAL Act and state and federal environmental justice and equity mandates. In the 2021 Healthy Environment for All (HEAL) Act fiscal note, Ecology identified several unknown fiscal impacts. Now that the workload is better understood, Ecology is working to address those impacts. We have attempted to address workload issues using existing staff and filling gaps with temporary positions. However, this has resulted in job turnover and challenges meeting deadlines and maintaining work quality. Ecology is requesting staff resources to meet current and growing statutory demands and embed expertise within specific Ecology environmental programs with the greatest need. (Multiple Accounts)

## Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
<b>Staffing</b>						
FTEs	6.9	6.9	<b>6.9</b>	6.9	6.9	<b>6.9</b>
<b>Operating Expenditures</b>						
Fund 001 - 1	\$264	\$264	<b>\$528</b>	\$264	\$264	<b>\$528</b>
Fund 044 - 1	\$88	\$88	<b>\$176</b>	\$88	\$88	<b>\$176</b>
Fund 176 - 1	\$88	\$88	<b>\$176</b>	\$88	\$88	<b>\$176</b>
Fund 23P - 1	\$441	\$441	<b>\$882</b>	\$441	\$441	<b>\$882</b>
Fund 26B - 1	\$176	\$176	<b>\$352</b>	\$176	\$176	<b>\$352</b>
Total Expenditures	<b>\$1,057</b>	<b>\$1,057</b>	<b>\$2,114</b>	<b>\$1,057</b>	<b>\$1,057</b>	<b>\$2,114</b>

## Decision Package Description

### Background:

In 2021, the Legislature passed an environmental justice (EJ) law referred to as the HEAL Act (Chapter 70A.02 RCW). The law requires Ecology and other covered agencies to create and integrate accountability to equity and EJ practices in significant areas of agency decision-making and authority. Ecology is mandated through HEAL to ensure people are treated fairly and involved in environmental decisions and actions affecting them. This includes areas such as air and water quality, toxic site cleanup, hazardous and solid waste management, and climate change impacts. This unprecedented step toward more equitable public service has and continues to drive change in our core processes, guidelines, and rules. Developing the infrastructure to accomplish this and working toward implementation is straining our current staff resources.

As Washington’s environmental protection agency, Ecology has a lead role in the state to address EJ, specifically the disproportionate burdens of pollution and environmental hazards across communities. Unlike other covered agencies under HEAL, all of Ecology’s authority and mission are tied to EJ and HEAL Act goals. As such, these obligations directly involve 18 of Ecology’s environmental programs and administrative offices.

HEAL Act requirements include integrating EJ into agency strategic planning, conducting EJ assessments for significant agency actions, developing and following a community engagement plan and a Tribal consultation framework, and implementing wide-ranging procedures and reporting to meet budget equity requirements. All these obligations involve establishing policies, processes, metrics, and reporting infrastructure.

HEAL obligations also add indirect workload tied to state and federal laws that support inclusive participation and prevent discrimination. These existing obligations include EJ and nondiscrimination commitments to federal oversight agencies and compliance with Title VI of the Civil Rights Act, Americans with Disabilities Act (ADA), Lived Experience Compensation (RCW 43.03.220), and initiatives from the state Office of Equity. This request focuses on developing capacity for tasks directly associated with HEAL implementation, but awareness and coordination among multiple associated lines of effort are necessary for success.

For the 2021-2023 biennium, Ecology received 5.1 FTEs ongoing to lead implementation and meet the requirements of the HEAL Act at the agency level. With this funding and staff capacity, Ecology established the Office of Equity and Environmental Justice (OEEJ) to develop foundational processes and guidance and allow Ecology to meet immediate statutory deadlines. This included creating, launching, and training staff on the newly developed EJ assessments; drafting and adopting several required publications, including a HEAL implementation plan and community engagement plan; and creating an agencywide reporting mechanism to evaluate equity in Ecology budget decisions, grants, and expenditures. OEEJ also provides critical leadership for multiple interagency work groups and the Governor’s Task Team on Identifying Overburdened Communities for CCA and the HEAL Act Reporting. Supporting these external efforts continues to be essential to building a unified and resilient state approach.

### Is this request related to any budget items funded in the past two biennia?

Yes, see attached.

**Problem/Opportunity:**

Our current staffing model does not provide the expertise needed to comply with EJ statutory requirements from within each of Ecology's agency's distinct and specialized environmental programs and offices. To meet HEAL requirements and to advance EJ outcomes, Ecology needs staff embedded in key environmental programs with EJ technical training and expertise related to the programmatic subject matter, legal context, and data to support meeting the requirements.

Currently, Ecology has ongoing funding for EJ leads in only two of our 11 environmental programs. The other programs are without dedicated EJ expertise and capacity, and they rely on temporary positions, existing staff, or assistance from other programs. For the two current environmental program EJ leads, their EJ and equity workload is significant. Roughly only half of their time is available for HEAL Act compliance on EJ Assessments, budget equity, strategic planning, and metrics and reporting combined; the other half is dedicated to other work priorities in their program. Ecology has assessed our efforts to date and determined that we do not currently have the capacity to effectively meet the HEAL Act and related mandates. This shortfall in agency capacity was anticipated in our 2021 HEAL fiscal note. The fiscal note reflected significant unknowns related to novel processes, an undetermined scope of obligation at the agency, and uncertainty around pending guidance from the EJ Council. As such, this request will directly address some of the areas noted as partially indeterminate in the fiscal note for fiscal year 2021, including EJ Assessments, budget and funding equity, and EJ assessment appeals capacity. Information below details gaps for three key HEAL areas: 1) EJ Assessments; 2) Budget Equity; and 3) Strategic planning, metrics development, and reporting.

**1. EJ Assessments**

The HEAL Act requires staff to conduct EJ Assessments on significant agency actions. Ecology's 2021 fiscal note estimated a minimum of 0.5 FTE per EJ assessment to meet the lowest bar of compliance. In practice, the estimated 0.5 FTE was insufficient to address the complexity of the EJ Assessment process that was subsequently developed. Specific workload challenges include the high number of assessments and the time and resources required to respectfully and meaningfully consult with Tribes and engage with overburdened communities. In the 2023-25 biennium, Ecology initiated 22 EJ Assessments, and we anticipate 37 more by the end of the biennium. Further, the number of assessments is expected to increase in the 2025-27 biennium due to an increase in significant agency actions defined in statute and the potential addition of new categories of significant agency actions. HEAL requires covered agencies to consider additional types of agency actions that will be subject to an EJ Assessment by July 1, 2025. The number of assessments, initiated and anticipated, already outpaces the agency's capacity.

Our current staffing levels may elevate the risk of potential appeals and litigation on activities that receive an EJ Assessment, resulting in longer timelines to complete an assessment and lower-quality assessments. Compressed timelines, limited resources, and inexperienced staff all lead to inadequate external engagement, which has potentially diminished relationships with affected communities, Tribes and/or Tribal staff, and the EJ Council.

**2. Budget Equity**

Ecology must meet budget equity requirements outlined in the HEAL Act, as well as other state and federal requirements. We have identified 66 covered grant, loan, contract, and voucher programs (representing more than 70% of our budget). Of these 66 covered funding programs, 41 (62%) are in the six environmental programs identified as having the highest EJ capacity needs. Each covered funding program differs in statute, eligibility, scope, size, discretion, and location. As a result, each has unique HEAL equity and reporting obligations and opportunities. Ecology lacks HEAL budget equity implementation expertise for the specific technical and regulatory context of each environmental program. This is needed so the goals, metrics, and engagement are program-specific and align with statutory requirements and agency guidance.

**3. Strategic Planning, Metrics Development, and Reporting**

Ecology is required to incorporate EJ into strategic planning activities across the agency, set goals to reduce environmental and health disparities, provide annual reports to the EJ Council, and develop various public-facing dashboards that require both policy and technical development. Current agency OEEJ staff lead the higher-level development, but environmental program staff are needed to adjust current data collection processes to align with these agencywide metrics and reporting protocols. Individual environmental programs are also impacted by other reporting requirements, such as the Model Toxics Control Act accounts biennial report of expenditures and Climate Commitment Act reporting, that need to fit with HEAL reporting and planning.

HEAL also underscores the importance of agency accountability to nondiscrimination and civil rights laws and policies, including Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975. Ensuring access and nondiscrimination in decisions, processes, and outcomes is essential to HEAL strategic planning obligations, community engagement, and public participation in agency expenditure decisions. Ecology continues to evaluate our civil rights compliance and has identified several opportunities for improvement in digital accessibility, language access, and equitable access to information and services. However, shortfalls in expertise and implementation capacity are an expanding challenge for agency programs, especially those with significant HEAL accountability.

**Proposed Solution:**

This request aims to direct capacity toward current stress points and add 6.0 FTEs to provide subject matter expertise in programs with the highest EJ workloads. EJ research and practice is an established discipline with over 40 years of history, research, data, methodology, and case law. The staff capacity requested will provide some of Ecology's most in-need programs with EJ expertise. Additionally, each program has different rules, guidance, and other unique factors that interact with how they will implement HEAL and EJ requirements. Dedicated staff with both EJ and program-specific expertise will help to ensure appropriate and defensible implementation of HEAL and related obligations

according to each environmental program's scientific and legal frameworks.

This request focuses on core compliance obligations in HEAL, but these new positions will also begin to address expertise and workforce gaps for EJ analyses under the State Environmental Policy Act (SEPA), the National Environmental Policy Act (NEPA), the Office of Financial Management and the Office of Equity required equity analyses for budget development and bill analyses, and additional civil rights and accessibility obligations. These activities are ongoing and significant to Ecology's local, statewide, and regional work.

Additional staff capacity will directly address EJ mandates, including:

- Coordinating developing, completing, and tracking EJ Assessments for significant agency actions.
- Creating opportunities for people from overburdened communities, vulnerable populations, and Tribes to meaningfully participate in agency-expenditure decisions and decision-making (status: not yet initiated).
- Establishing, implementing, and reporting on EJ goals and metrics (status: initial stages).
- Assessing a broad scope of grants and contracting opportunities for equity and EJ outcomes, including grants to monitor pollution, build capacity and provide training for community scientists and other staff, increase technical assistance, and support education/work readiness youth programs. These opportunities will further require:
  - Developing budget proposals.
  - Novel collaborations with people from or representatives of overburdened communities and vulnerable populations and engagement with Tribes and Tribal communities.
- Implementing language access and digital accessibility plans in all Ecology programs.
- Incorporating EJ in agency and program strategic plans and partnership agreement planning.

Based on two years of HEAL Act process, procedure, and infrastructure development and initial piloting, Ecology has determined 6 EJ specialists, at the Environmental Planner 4 level are required to address critical capacity gaps and implement the most urgent compliance requirements. We prioritized among Ecology's 11 environmental programs to fill our largest workload gaps and maximize opportunity for addressing environmental injustices. Based on these criteria, the prioritized Ecology environmental programs include:

- Climate Pollution Reduction Program
- Shorelands & Environmental Assistance Program/Office of Chehalis Basin
- Solid Waste Management Program
- Toxics Cleanup Program
- Water Quality Program
- Water Resources Program/Office of Columbia River

This request is aligned in capacity with how other agencies are covered under HEAL Act implementation funding. The Governor's EJ Council endorsed covered agency budget requests in 2023 that were related to HEAL implementation, and we anticipate the Council's support will continue this year.

#### **Impacts on Population Served:**

This request will add staff capacity focused on equity and HEAL Act obligations. EJ specialists understand the data, methods, and leading practices for strategically addressing negative or disproportionate impacts on overburdened communities and vulnerable populations. The populations to be served are those that have been historically marginalized, including communities of color, immigrants, Tribes, and populations who are indigenous, linguistically isolated, low-income, or rural. Trained and knowledgeable EJ staff will support strengthening community access to Ecology information, planning for equitable decision-making and actions, and increasing our internal accountability to civil rights and EJ requirements and goals.

#### **Alternatives Explored:**

Ecology attempted to fill HEAL and EJ capacity gaps within programs by creating positions out of temporary funding, repurposing existing staff, hiring temporary staff, and relying on non-experts to lead expert-driven work. This has proven to be unsustainable for Ecology and the individual staff and has resulted in delayed or compromised work products and stretched resources for other critical agency work. Ecology has also tried to scale HEAL deliverables and workload in ways that meet statutory deadlines and requirements. However, these efforts have fallen short of EJ internal and external expectations and have led to concerns expressed by the EJ Council and subcommittees and community-based organizations. HEAL workload challenges exist in other agencies covered by this law, but Ecology's HEAL implementation has particularly high visibility and impact, as the state lead in environmental regulation and protection, EJ, and the Climate Commitment Act.

The new agency workload for HEAL's public processes has also expanded and strained accessibility and inclusion resources and responsiveness. For this reason, in 2023, Ecology completed an in-depth appraisal of our civil rights compliance and developed a plan that identified several opportunities for improvement in digital accessibility, language access, and non-discrimination. The agency has attempted to absorb this workload by strategically scaling efforts; however, resource and capacity barriers remain.

Ecology initially identified a need for additional HEAL-directed staff to address HEAL obligations for conducting EJ assessments, annual reporting, community engagement, Tribal consultation, and budget equity practices. However, recognizing state budget constraints, we are focusing our request on six positions to support the most pressing workload and highest priorities. Ecology will continue to seek efficiencies and assess capacity gaps and will likely submit future requests to address workload growth, such as the HEAL-required expansions of significant agency actions and obligations relating to EJ in budgets and funding.

**Consequences of Not Funding This Request:**

Without subject matter expert capacity to fulfill obligations from the HEAL Act and related state and federal mandates, we would continue to experience challenges and potentially costly mistakes. These include:

- Legal risks associated with noncompliance, such as:
  - Potential appeals and litigation on covered activities.
  - EJ Assessments that do not meet the legal requirements or intent of the law.
  - Engagement opportunities and agency practices that may not meet state or federal nondiscrimination requirements (including Title VI, language access, and ADA accessibility) because they were developed on tight timelines without adequate support.
  - Potential disruptive federal audits or compliance investigations and accompanied risks to critical federal funding.
- Reputational and relationship risks, such as:
  - Potential harm to and limited meaningful engagement and partnership from Tribes and/or Tribal staff who are not adequately notified of our work or invited for consultation and collaboration.
  - Engagement opportunities that do not meet standards set by the Community Engagement Plan adapted from the Inter Agency Work Group’s collaboratively developed plan.
  - Potentially damaged reputation as an agency committed to EJ and the well-being of the environment and communities across the state.
- Risks associated with insufficient staff allocation and expertise:
  - Longer timelines to complete required EJ work and community engagement activities, which may delay the underlying action and project.
  - Missed statutory requirements in work products.
  - Inadequate analyses and missing data about potential project impacts, benefits, and mitigation alternatives.
  - Staff fatigue and over-deployment are contributing to burnout, turnover, and redundant staff hiring and orientation cycles.

**Assumptions and Calculations**

***Expansion, Reduction, Elimination or Alteration of a current program or service:***

This request expands multiple activities within six of Ecology’s environmental programs by providing new staff capacity to meet state statutory obligations under the HEAL Act.

***Detailed Assumptions and Calculations:***

Beginning July 1, 2025, and ongoing, Ecology requires salaries, benefits, and associated staff costs for 6.0 Environmental Planner (EP) 4 FTEs to:

- Conduct and coordinate EJ Assessments for the program’s Significant Agency Actions.
- Serve as programmatic subject matter experts on alignment and implementation of HEAL budget equity obligations and goals with program authority and activities.
- Provide equity and EJ program strategic planning.
- Lead development of EJ goals, metrics, and reporting related to the programs’ activities.
- Support Title VI compliance accountability.

We expect state and federal EJ policies and obligations to continuously change and the expand, and these positions will support program responsiveness and accountability. Positions will be established in the following six (of 11) environmental programs:

- 1.0 FTE EP4 Climate Pollution Reduction Program EJ Coordinator
- 1.0 FTE EP4 Water Quality Program EJ Coordinator
- 1.0 FTE EP4 Toxics Cleanup Program EJ Coordinator
- 1.0 FTE EP4 Shorelands & Environmental Assessment Program EJ Coordinator
  - Will also support the Office of Chehalis Basin

- 1.0 FTE EP4 Water Resources Program EJ Coordinator
  - Will also support the Office of Columbia River
- 1.0 FTE EP4 Solid Waste Management Program EJ Coordinator

**Workforce Assumptions:**

<b>Expenditures by Object</b>		<b><u>FY 2026</u></b>	<b><u>FY 2027</u></b>	<b><u>FY 2028</u></b>	<b><u>FY 2029</u></b>	<b><u>FY 2030</u></b>	<b><u>FY 2031</u></b>
A	Salaries and Wages	573,900	573,900	573,900	573,900	573,900	573,900
B	Employee Benefits	195,699	195,699	195,699	195,699	195,699	195,699
E	Goods and Services	36,288	36,288	36,288	36,288	36,288	36,288
G	Travel	13,233	13,233	13,233	13,233	13,233	13,233
J	Capital Outlays	7,716	7,716	7,716	7,716	7,716	7,716
T	Intra-Agency Reimbursements	230,112	230,112	230,112	230,112	230,112	230,112
<b>Total Objects</b>		<b>1,056,948</b>	<b>1,056,948</b>	<b>1,056,948</b>	<b>1,056,948</b>	<b>1,056,948</b>	<b>1,056,948</b>

<b>Staffing</b>		<b>Salary</b>	<b><u>FY 2026</u></b>	<b><u>FY 2027</u></b>	<b><u>FY 2028</u></b>	<b><u>FY 2029</u></b>	<b><u>FY 2030</u></b>	<b><u>FY 2031</u></b>
<b>Job Class</b>								
ENVIRONMENTAL PLANNER 4		95,650	6.00	6.00	6.00	6.00	6.00	6.00
FISCAL ANALYST 2			0.60	0.60	0.60	0.60	0.60	0.60
IT APP DEVELOPMENT-JOURNEY			0.30	0.30	0.30	0.30	0.30	0.30
<b>Total FTEs</b>			<b>6.90</b>	<b>6.90</b>	<b>6.90</b>	<b>6.90</b>	<b>6.90</b>	<b>6.90</b>

**Explanation of costs by object:**

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 34.1% of salaries.

Goods and Services are the agency average of \$6,048 per direct program FTE.

Travel is the agency average of \$2,205 per direct program FTE.

Equipment is the agency average of \$1,286 per direct program FTE.

Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 29.9% of direct program salaries and benefits and is shown as object T. Agency Administrative Overhead FTEs are included at 0.15 FTE per direct program FTE and are identified as Fiscal Analyst 2 and IT App Development-Journey.

**Historical Funding:**

	<b><u>FY2026</u></b>	<b><u>FY2027</u></b>
<b>FTE (direct FTE)</b>	4.5	4.5
<b>Total Funds (rounded to thousands)</b>	\$768,500	\$768,500
<b>Near General Fund (rounded to thousands)</b>	\$100,000	\$100,000
<b>Other Funds (rounded to thousands)</b>	\$668,500	\$668,500

Administrative Overhead related to this program or service is in the agency’s Administration Activity A002, but is not shown in the totals above.

**Strategic and Performance Outcomes**

**Strategic Framework:**

This request is essential to achieving the Governor’s Results Washington Goal 4: Health and Safe Communities because it will provide the resources needed to complete the required EJ assessments to identify and mitigate potential environmental and health impacts of significant agency actions.

This request is also essential to achieving the Governor’s Results Washington Goal 5: Efficient, Effective, and Accountable Government and Ecology’s Goal 1: Support and engage our communities, customers, and employees because it will:

- Ensure communities are engaged and Tribes are offered consultation in the EJ Assessment process.
- Ensure community interests and concerns are heard and incorporated into agency decision-making.
- Develop agency protocols to meet HEAL Act reporting requirements to ensure equitable investment toward vulnerable populations and overburdened communities.



**Performance Outcomes:**

Ecology will be better positioned to conduct, guide, and model effective EJ Assessments, budget equity protocols and reporting, and strategic planning that mitigates environmental and health disparities. The outcomes of this request will be:

- Improved agency capacity to comply with the HEAL Act Implementation Plan, which includes statutory obligations and goals.
- Strengthened community engagement and Tribal consultation practices across the agency to ensure the meaningful involvement of all of Washington in Ecology’s decision-making and policy implementation.
- Improved Title VI and non-discrimination accountability.

Undesirable results include non-compliance with state and federal laws, limited engagement from communities, and insufficient consultation with Tribes, outcomes that are inconsistent with agency, state, and federal interests and priorities on equity and EJ.

**Equity Impacts**

**Community Outreach and Engagement:**

This request was developed based on feedback from community partners who have stressed the need for greater accountability to the intent and directives in the HEAL Act. The Governor's EJ Council has also expressed their support for agencies to bolster EJ capacity for the purpose of HEAL Act implementation.

**Disproportional Impact Considerations:**

There are no anticipated negative disproportionate impacts associated with this request. Expanding our EJ expertise will help us identify and engage with populations most at risk from environmental and health harms and support more informed decisions that avoid negative impacts and promote benefits. Funding this request will enable Ecology to strengthen critical work on addressing environmental and health disparities in Washington and better ensure equitable services to overburdened communities and vulnerable populations.

**Target Communities and Populations:**

This request will create staff capacity with expertise on advancing Ecology programmatic work to address environmental and health disparities across Washington. New positions will bring analytical, policy, research, and legal expertise to shaping program-specific priorities and practices that can improve outcomes for people from overburdened communities and vulnerable populations. This includes people facing cumulative environmental harms, people disproportionately impacted by climate change, people from low-income populations and communities of color, populations of workers experiencing environmental harms, and Tribes.

**Community Inputs and Incorporation:**

See Community Outreach and Engagement response.

## Other Collateral Connections

### **HEAL Act Agencies Supplemental Questions**

Yes, see attached.

### **Puget Sound Recovery:**

N/A

### **State Workforce Impacts:**

N/A

### **Intergovernmental:**

The HEAL Act directs covered agencies to improve environmental and health disparities for people from overburdened communities, vulnerable populations, and Tribes. This should result in an increase in equitable distribution of resources, improved accountability, and more opportunities to influence agency activities and decision-making. Increased capacity to institutionalize practices that meet HEAL Act requirements is anticipated to benefit other covered agencies, local government, and Tribal governments. There are no anticipated impacts on other state agencies or known opposition at this time.

### **Stakeholder Impacts:**

Ecology expects groups representing overburdened communities and vulnerable populations, EJ organizations, and environmental organizations generally to support this request because it will help us implement Washington's EJ law and is designed to help address environmental and health disparities. The Governor's EJ Council also has endorsed covered agency budget requests in past biennia that were related to HEAL implementation, and we anticipate the Council's support will continue this year.

### **State Facilities Impacts:**

N/A

### **Changes from Current Law:**

N/A

### **Legal or Administrative Mandates:**

This request is a response to HEAL Act requirements that have recently gone into effect and are based on the EJ recommendations in the 2020 EJ Task Force Report.

### **Governor's Salmon Strategy:**

N/A

## Reference Documents

[Environmental Justice Capacity-HEAL Act Attachment.pdf](#)

[Environmental Justice Capacity-Historical Funding Attachment.pdf](#)

## IT Addendum

### **Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?**

No

## Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
Obj. A	\$574	\$574	<b>\$1,148</b>	\$574	\$574	<b>\$1,148</b>
Obj. B	\$196	\$196	<b>\$392</b>	\$196	\$196	<b>\$392</b>
Obj. E	\$36	\$36	<b>\$72</b>	\$36	\$36	<b>\$72</b>
Obj. G	\$13	\$13	<b>\$26</b>	\$13	\$13	<b>\$26</b>
Obj. J	\$8	\$8	<b>\$16</b>	\$8	\$8	<b>\$16</b>
Obj. T	\$230	\$230	<b>\$460</b>	\$230	\$230	<b>\$460</b>

## Agency Contact Information

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## ATTACHMENT A - RELATED BUDGET ITEMS FUNDED IN THE LAST TWO BIENNIA (2023-25, 2021-23)

Instructions: Enter the following information about any budget items funded over the last two biennia (2021-23 budget, 2022 supplemental budget, 2023-25 budget, 2024 supplemental budget) that is related to your Decision Package for 2025-27.

Biennium	Rec Sum Code/Title	RecSum Description	Fund Source	Duration	Amount
2021-23	PL 5141 - Environmental Justice Task Force Recommendations	Ongoing funding was provided to implement SB 5141 (Environmental Justice Task Force Recommendations) to integrate environmental justice into practices and decision-making of covered agencies.	Multiple	Ongoing	\$1,537,000

# 2025-27 Biennial Budget HEAL Act Template

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## Background

### HEAL Act requirements

The Healthy Environment for All Act (HEAL Act), Chapter 314, Laws of 2021 (RCW [70A.02](#)) requires that “covered and opt in agencies” must implement the requirements of the HEAL Act. This includes the:

- Department of Ecology
- Department of Agriculture
- Department of Commerce
- Department of Health
- Department of Natural Resources
- Department of Transportation
- Puget Sound Partnership
- Office of the Attorney General

HEAL Act agencies that are considering a significant agency action initiated after July 1, 2023, are required to conduct an environmental justice assessment. RCW [70A.02.010](#)(12) specifies that significant agency actions include:

- The development and adoption of significant legislative rules as defined in RCW [34.05.328](#).
- The development and adoption of any new grant or loan program that the agency is explicitly authorized or required by statute to implement.
- A capital project, grant, or loan award costing at least \$12,000,000.
- A transportation project, grant, or loan costing at least \$15,000,000.
- The submission of agency request legislation to the Office of the Governor or OFM.

Under RCW [70A.02.080](#), beginning on or before July 1, 2023, covered and opt in agencies must, where practicable, take specific actions when making expenditure decisions or developing budget requests to OFM and the Legislature for programs that address or may cause environmental harms or provide environmental benefits. This includes:

- Focus applicable expenditures on creating environmental benefits that are experienced by overburdened communities and vulnerable populations, including reducing or eliminating environmental harms, creating community and population resilience, and improving the quality of life of overburdened communities and vulnerable populations.
- Create opportunities for overburdened communities and vulnerable populations to meaningfully participate in agency expenditure decisions.
- Clearly articulate environmental justice goals and performance metrics to communicate the basis for agency expenditures.
- Establish a goal of directing 40% of grants and expenditures that create environmental benefits to vulnerable populations overburdened communities.

To help OFM understand how HEAL Act agency budget requests meet HEAL Act requirements, covered agencies are required to complete additional questions related to the HEAL Act. These questions are shown below and are in addition to the equity related questions required of all agencies. Covered agencies are asked to complete the following questions and submit them through ABS.

#### HEAL Act questions

If you answer YES to any of these bullet points, please answer the six additional questions and submit them as an attachment through ABS.

- Is this decision package part of an agency request legislation that is required to complete an environmental justice assessment (RCW [70A.02.010\(12\)](#))?

Yes

No

- Is this decision package requesting funding to support another significant agency action that is required to complete an environmental justice assessment (RCW [70A.02.010\(12\)](#))?

Yes

No

- Is this decision package requesting funding for a program/project/activity that may **provide environmental benefits or reduce, mitigate, or eliminate environmental harms**, (that is not a significant agency action)? Note: This may include decision packages for programs not purposely directed to provide environmental benefits but may have an indirect or unintentional impact.

Yes

No

**If you answer YES to any of the above bullet points, please complete these additional questions.**

1. Please describe specific likely or probable environmental harms and/or benefits related to your decision package and the associated health impacts to overburdened communities and vulnerable populations.

This decision package increases agency environmental justice staff capacity and expertise to support compliance with HEAL Act obligations and address environmental and health disparities for people from vulnerable populations in overburdened communities across WA. Supporting this request would enable Ecology to better identify target populations facing complex environmental challenges, better understand institutional systems that potentially reproduce environmental and health disparities, and support strategies leading to greater engagement and influence of people underserved by government on agency work.

2. Please describe the estimated percentage and amount of the requested funds that will go towards creating environmental benefits in overburdened communities and vulnerable populations as defined in OFM's the [OBC map](#) or as determined by the agency. If applicable, please include your methodology for making this estimate, including project/award lists if available.

The agency has not developed a method for estimating percentage of staff time going towards creating direct and meaningful environmental benefits for people from one specific overburdened community or from one specific vulnerable population. However, this request is intended to create agency capacity to improve equity and environmental justice outcomes across environmental programs. The entirety of this request is dedicated to improving equity outcomes, prioritizing environmental benefits, mitigating environmental harms, and providing more equitable opportunities for influencing agency work for people from overburdened communities and vulnerable populations.

3. Please describe any potential significant impacts to Indian Tribes' rights and interest in their tribal lands, as well as traditional practices.

Ecology does not anticipate any potential significant impacts to Indian Tribes' rights and interest in their tribal lands, as well as traditional practices. However, increasing staff dedicated to this work should result in positive impacts, potentially greater resources, and greater influence over agency decision making. The HEAL Act identifies Tribal Lands (which includes reservations as identified by BIA, as well as sacred sites, traditional cultural properties, burial grounds, and other tribal sites protected by federal or state law) as overburdened communities, which should lead to prioritization in funding, more opportunities to influence agency decision making, and opportunities for direct consultation in Environmental Justice Assessments.

4. Describe how your agency engaged with Tribes in developing this proposal, including offers for tribal consultation including timelines, methods for feedback, and mechanisms for Tribes to express concern, opposition, or support., and any direction provided by Tribes through this engagement.

This request is for an increase in staff capacity. Ecology did not consult with Tribes in developing this proposal.

5. If the decision package is part of agency request legislation or supports another significant agency action that is required to complete an environmental justice assessment under RCW [70A.02.010](#)(12), please submit the assessment as an attachment in ABS.

N/A

6. If the decision package is part of agency request legislation or constitutes a significant agency action that is required to complete an environmental justice assessment, please describe how your agency used the environmental justice assessment process to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits. If your agency determined that you were unable to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits, please provide a justification for not doing so.

N/A

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## Agency Recommendation Summary

Passage of both the Bipartisan Infrastructure Law and the Inflation Reduction Act has substantially increased the amount of federal funding being passed through to state, local, and Tribal governments across the country to address environmental and public health priorities, including water infrastructure improvements, legacy pollution cleanup, and tackling the climate crisis. As these funding opportunities have become available, Ecology, like other state agencies, Tribes, and local governments across Washington, have applied for and been awarded funds to support environmental and public health work and projects being done across the state. Ecology is requesting the additional federal spending authority needed to leverage seven new funding opportunities that have been awarded or applied for, as of August 1, 2024. (General Fund-Federal)

## Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
<b>Staffing</b>						
FTEs	9.1	9.1	9.1	9.1	9.1	9.1
<b>Operating Expenditures</b>						
Fund 001 - 2	\$41,810	\$41,810	\$83,620	\$41,810	\$41,810	\$83,620
Total Expenditures	\$41,810	\$41,810	\$83,620	\$41,810	\$41,810	\$83,620
<b>Revenue</b>						
001 - 0311	\$37,544	\$37,544	\$75,088	\$37,544	\$37,544	\$75,088
001 - 0366	\$4,266	\$4,266	\$8,532	\$4,266	\$4,266	\$8,532
Total Revenue	\$41,810	\$41,810	\$83,620	\$41,810	\$41,810	\$83,620

## Decision Package Description

**Background:**

Since 2021, Congress has passed two pieces of legislation that have substantially increased the amount of federal funding being passed through to state, local, and Tribal governments across the country to address environmental and public health priorities, including water infrastructure improvements, legacy pollution cleanup, and tackling the climate crisis.

Bipartisan Infrastructure Law

The first of these, the Bipartisan Infrastructure Law (BIL), was signed into law on November 15, 2021. The BIL represents one of the single largest investment packages ever to modernize the country’s infrastructure, increase equity, help fight climate change, strengthen the nation’s supply chain, and create jobs. BIL funding is being made available to the state and local level through many different federal agencies, including the U.S. Environmental Protection Agency (EPA) and the National Oceanic and Atmospheric Administration (NOAA).

Through EPA, the BIL will provide over \$60 billion in funding between federal fiscal years 2022 and 2026 to advance public health and safety by improving the nation’s drinking water, wastewater, and stormwater infrastructure, cleaning up decades of old pollution, investing in healthier air, and enhancing the country’s climate resilience. Of that \$60 billion investment:

- More than \$50 billion will be for clean water and drinking water projects, along with other water protection programs. With these funds, EPA will make progress on replacing the 6 to 10 million lead service lines still in the ground across the country, address the threat of per- and polyfluoroalkyl substances (PFAS) pollution facing communities, and broaden efforts to protect critical water bodies that are important to communities and the economy.
- More than \$5 billion will be for cleaning up long-standing pollution at Superfund and Brownfields sites and for improving waste management and recycling systems managed under the Resource Conservation and Recovery Act (RCRA).
- \$5 billion will be for decarbonizing the nation’s school bus fleet, improving air quality for more than 25 million children who ride the bus to school each day.
- \$100 million will be for the Pollution Prevention Program to increase access to safer and more sustainable products and services.

Through NOAA, the BIL is providing nearly \$3 billion over the five-year period to take action in the areas of habitat restoration, coastal resilience, and weather forecasting infrastructure. Funding available through NOAA will address climate risks and key impact areas, including floods, fire, drought, and extreme heat, and will build resilience in marine and coastal regions. These targeted investments will be scalable and responsive to societal needs for climate information and support and to leverage partnerships. A significant portion of the funds will be issued through competitive grants to organizations to do on-the-groundwork around the country. The funding that will be available is organized into three main initiatives:

- Climate Data and Services: \$904 million – Supporting efforts to address the climate crisis by getting critical information in the hands

of decision-makers.

- Climate-Ready Coasts: \$1.47 billion – Helping coastal communities build the future they want to see. Investing in high-impact natural infrastructure projects that build coastal resilience, create jobs, store carbon, and restore habitat.
- Fisheries and Protected Resources: \$592 million – Advancing complementary efforts to support environmental stewardship and promote community economic development.

#### Inflation Reduction Act (IRA)

The IRA was signed into law on August 16, 2022, and marked the most significant action that Congress has taken on clean energy and climate change in the nation's history. The \$370 billion in IRA investments aim to lower energy costs for families and small businesses, accelerate private investment in clean energy solutions in every sector of the economy and every corner of the country, strengthen supply chains for everything from critical minerals to efficient electric appliances, and create good-paying jobs and new economic opportunities for workers.

As with the BIL, IRA funding is being made available to the state and local level through multiple federal agencies, including, again, EPA and NOAA. The IRA is providing over \$41 billion through EPA to reduce emissions, build a clean economy, lower energy costs for households and businesses, create good-paying jobs, and advance environmental justice across the country. A majority of this funding will be made available to the states, Tribes, and local governments via grants to reduce pollution in neighborhoods where people live, work, play, and go to school, accelerate environmental justice efforts in communities overburdened by pollution for far too long, and tackle our biggest climate challenges while creating jobs and delivering energy security. Funding available will focus on the following areas:

- Tackling Climate Pollution: \$7.1 billion
- Advancing Environmental Justice: \$34.1 billion
- Delivering Cleaner Air: \$270.5 million

Through NOAA, the IRA will provide over \$4.8 billion to help communities prepare, adapt, and build resilience to weather and climate events, improve supercomputing capacity and research on weather, oceans, and climate, strengthen NOAA's hurricane hunter aircraft and fleet, and replace aging NOAA facilities. As with its BIL funding, a significant portion of NOAA's IRA funds will be issued through competitive grants to organizations to do on-the-groundwork around the country. This funding is organized under two main initiatives:

- Climate-Ready Coasts and Communities: \$2.6 billion - Supporting coastal communities' resilience to changing climate conditions through funding and technical assistance for capacity building, transformational adaptation, and resilience planning, conserving and protecting fisheries and other critical resources, creating quality climate-ready jobs, and improving delivery of climate services to communities and businesses.
- Climate Data and Services: \$200 million - Improving weather and climate data and services through regional climate data and information and industry proving grounds.

NOAA will also invest IRA funding internally in climate resilient facilities, an additional hurricane hunter aircraft, mapping and charting ships, enhanced supercomputing capacity, sanctuary designations, and increased staffing for fisheries and other permitting activities.

#### **Opportunity:**

As different funding opportunities available through both the BIL and IRA have formalized since 2021, Ecology, like other state agencies, Tribes, and local governments across Washington, have applied for and been awarded funds to further the goals and objectives described above. Unfortunately, the timing for when these different opportunities have and continue to materialize has been different in each case and often hasn't aligned well with the state's budget legislative timelines.

For BIL funding applied for or awarded prior to the Governor's 2024 supplemental budget proposals last December, Ecology was able to secure additional federal spending authority in the enacted biennial budgets to support these federal investments. In total, the 2023-25 biennial and 2024 supplemental operating and capital budgets provided \$132.7 million in additional federal spending to support BIL funding. This funding was awarded for clean water infrastructure projects, Brownfields redevelopment, increased coastal zone management capacity, and Padilla Bay Conservation Area improvements and land acquisitions.

However, since the Governor's budget proposals last winter, Ecology has applied for and/or was selected to receive additional federal funding through the BIL and IRA, and we need additional federal spending authority, beginning in 2025-27, to leverage these new investments. The requested authority will support environmental and public health priorities across the state through both pass-through awards to local partners and work done by Ecology and other state agencies. Below are details on each of the federal grants supported by this budget request.



<b>Climate Resilience Regional Challenge</b>	
<b>Source:</b> IRA	<b>Federal Agency:</b> NOAA
<b>Anticipated Total Award:</b> \$73.6 million over five years	<b>2025-27 Authority Need:</b> \$73.6 million; 1.0 FTE
<b>Funding Use:</b> Staff: 1% Pass-through: 99%	<b>Match:</b> None
<p><b>Brief Description:</b> In May 2024, National Oceanic and Atmospheric Administration selected Ecology as the recipient of the Climate Resilience Regional Challenge. As the lead applicant, Ecology will pass through 99% of the award to local participating jurisdictions over a five-year grant period.</p> <p>The Washington State Coastal Climate Resilience Partnership – a statewide inter-organizational collaboration that includes state agencies, Tribes, local and national non-governmental organizations and multiple local government partners –to accelerate Washington’s ability to plan and implement coastal resilience work in a comprehensive approach to redesign our coastlines for the future. Over twenty years of foundational work enables this convening of a strategic partnership to implement our shared vision for coastal climate resilience. The resilience partnership proposes a targeted portfolio of complementary adaptation actions across Washington State’s coastlines. The portfolio of projects was developed through an inclusive inter-organizational project prioritization process which centered meaningful input from 20 different state agencies, Tribes, non-profit organizations, and local city and county governments in each of the three geographic focus areas of this regional proposal.</p> <p>Together, this project will support Washington State Coastal Climate Resilience Partners to:</p> <ol style="list-style-type: none"> <li>1. Complete critical shovel-ready projects across diverse and underserved areas. These projects will transform coastal landscapes and create multi-benefit outcomes while also developing meaningful feedback loops for continuous improvement that support a long-term pipeline of prioritized projects.</li> <li>2. Conduct outreach and engagement for knowledge exchange, support workforce development and local capacity, and address key data gaps. This work will focus on the fundamental principles of empathy, empowerment, diversity, equity, and inclusion.</li> <li>3. Solidify an existing ad-hoc coalition into a durable inter-organizational Coastal Climate Resilience Partnership. We will establish the leadership and systems needed to successfully implement long-term projects and the strategies that provide enduring capacity for future efforts. Our process and outcomes will be documented in new guidance and shared to improve and inform current projects, future state policies, and partner initiatives.</li> </ol> <p>In August 2024, Ecology accepted this award. An Unanticipated Receipt for State Fiscal Year 2025 will be explored due to the timing of the receipt of this award.</p>	
<p><b>Additional Information:</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Search Results Detail   Grants.gov</a></li> <li>• <a href="#">NOAA Climate Resilience Regional Challenge</a></li> </ul>	

<b>Air Monitoring Grants Under Inflation Reduction Act</b>	
<b>Source:</b> IRA	<b>Federal Agency:</b> EPA
<b>Anticipated Total Award:</b> \$1.45 million over three years	<b>2025-27 Authority Need:</b> \$1.45 million; 0.08 FTE
<b>Funding Use:</b> Staffing: 43% Pass-through: 47%	<b>Match:</b> None
<p><b>Brief Description:</b> This funding will primarily be used to expand and enhance the Washington Ambient Air Monitoring network operated by Ecology and its local partners. Consistent with EPA’s primary goal to expand and enhance air monitoring across the country, Ecology plans to use the fence line and multi-pollutant monitoring funding to establish five new monitoring sites, upgrade data acquisition systems used for ambient air monitoring in Washington, purchase new monitoring equipment and supplies, and expand the use of air sensors for Air Quality Index reporting.</p>	
<p><b>Additional Information:</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Air Monitoring and Air Quality Sensors Grants under the Inflation Reduction Act   US EPA</a></li> </ul>	

<b>Columbia River Basin Toxics Monitoring – Federal Fiscal Year 2024</b>	
<b>Source:</b> BIL	<b>Federal Agency:</b> EPA
<b>Anticipated Total Award:</b> \$2.9 million over five years	<b>2025-27 Authority Need:</b> \$2.9 million; 2.92 FTE
<b>Funding Use:</b> Staff: 100%	<b>Match:</b> 25% - Ecology will use existing Model Toxic Control Operating Account appropriation to meet the match requirements. No additional state funding is needed.
<p><b>Brief Description:</b> Washington State Department of Ecology, Toxic Studies Unit in the Environmental Assessment Program is proposing a toxics monitoring project for the mid and upper-Columbia River Basin (CRB) with two components: <i>(1) a synoptic survey of the major tributaries and assessment of a fixed monitoring network</i>, and <i>(2) a fish otolith microchemistry and baseline dataset to assess the movement and uptake of toxics by resident fish</i>. We will be building upon Ecology’s long-term commitment to toxics monitoring and reduction efforts in the CRB by providing <i>monitoring to evaluate trends</i> (RFA Section 1.C, Category 1). Both our proposed monitoring components contain objectives that cover all three of the 2024 priorities: (1) Characterization and spatiotemporal trend analysis; (2) pathway identification; and (3) novel methods and approaches. Ecology’s work in the CRB is increasingly collaborative and dependent on partnerships; the proposed project will further our collaborative networks and provide technical assistance and monitoring tools that are transferrable and scalable for the larger CRB community. The monitoring being proposed expands and continues Ecology’s commitment to reducing toxics that disproportionately impacts the human and environmental health of underserved communities.</p>	
<p><b>Additional Information:</b></p> <ul style="list-style-type: none"> <li>• <a href="#">2024 Science and Monitoring Grants in the Columbia River Basin   US EPA</a></li> </ul>	

<b>National Estuarine Research Reserve System Bipartisan Infrastructure Law Non-Competitive Agreements</b>	
<b>Source:</b> BIL	<b>Federal Agency:</b> NOAA
<b>Anticipated Total Award:</b> \$600,000/year over three years	<b>2025-27 Authority Need:</b> \$600,000; 1.3 FTE
<b>Funding Use:</b> Staff: 100%	<b>Match:</b> None
<p><b>Brief Description:</b> This funding opportunity will build on previous Capacity and Competitive funding from Bipartisan Infrastructure Law (BIL) and Inflation Reduction Act (IRA) programs awarded to the Padilla Bay National Estuarine Research Reserve (PBNERR), as well as leveraging a NERRS Science Collaborative catalyst project on biocultural restoration. Funding from this opportunity will expand the reach of existing restoration projects and facilitate the development of new restoration and conservation projects. This will be accomplished by contributing support to five PBNERR restoration project staff and contracting for key restoration expertise.</p>	
<p><b>Additional Information:</b></p> <ul style="list-style-type: none"> <li>• <a href="#">National Estuarine Research Reserve System Applicant Information (noaa.gov)</a></li> </ul>	

<b>Bipartisan Infrastructure Law (BIL) Capacity Building Federal Fiscal Year 2024-26</b>	
<b>Source:</b> BIL	<b>Federal Agency:</b> NOAA
<b>Anticipated Total Award:</b> \$900,000 over 3 years	<b>2025-27 Authority Need:</b> \$900,000; 1.9 FTE
<b>Funding Use:</b> Staff: 100%	<b>Match:</b> None
<p><b>Brief Description:</b> This capacity building award will focus on identifying, developing, and prioritizing habitat acquisition and restoration projects to be funded through the BIL, as well as managing previously acquired BIL projects and advancing development of enduring strategies for community-based coastal resilience work. The program advances the Coastal Zone Management program’s efforts to restore and enhance aquatic and shoreline habitats, support nature-based approaches to shoreline management, and build resilience to climate change hazards. The program also advances equity in the field of habitat acquisition and restoration by actively encouraging and supporting project proposals from Tribal governments and underserved communities.</p>	

<b>Clean Heavy-Duty Vehicle Grant</b>	
<b>Source:</b> IRA	<b>Federal Agency:</b> EPA
<b>Anticipated Total Award:</b> \$1.9 million over three years	<b>2025-27 Authority Need:</b> \$1.9 million; 0.6 FTE
<b>Funding Use:</b> Staff: 5% Pass-through: 95%	<b>Match:</b> 25% - Ecology will use existing Model Toxic Control Capital Account appropriation from the 2024 supplemental transportation budget to meet the match requirements. No additional state funding is needed.
<b>Brief Description:</b> This project proposes the replacement of 13 diesel school buses with electric school buses in Washington State. These buses are owned by four school districts, all of which experience high exposures to diesel pollution. School districts will be sub-recipients of this grant and Ecology will oversee project implementation. Funding provided by EPA will be stacked on state grant funds appropriated to Ecology’s school bus program. This funding will support the Washington’s commitment to transitioning its school bus fleets to zero emissions.	
<b>Additional Information:</b>	
<ul style="list-style-type: none"> <li>• <a href="#">Clean Heavy-Duty Vehicles Grant Program   US EPA</a></li> </ul>	

<b>Pollution Prevention Grant Fiscal Year 2024-26</b>	
<b>Source:</b> BIL	<b>Federal Agency:</b> EPA
<b>Anticipated Total Award:</b> \$239,000 over three years	<b>2025-27 Authority Need:</b> \$239,000; 0.13 FTE
<b>Funding Use:</b> Staff: 100%	<b>Match:</b> None
<b>Brief Description:</b> Exposure to hazardous substances, along with high energy consumption and the depletion of natural resources from large-scale manufacturing and processing industries, poses considerable risks to both the environment and human health, with adverse effects on ecosystems and the exacerbation of climate change. Through collaboration with subject matter experts, Ecology aims to provide businesses with tailored solutions using on-site and off-site technical assistance strategies and deliver innovative training sessions. These technical assistance approaches lead to a decreased release of pollutants associated with energy production, cleaning systems, and painting practices. These approaches are also designed to empower businesses to conserve natural resources, leading to a healthier environment and improved human health.	
<b>Additional Information:</b>	
<ul style="list-style-type: none"> <li>• <a href="#">Bipartisan Infrastructure Law Pollution Prevention Grant   US EPA</a></li> </ul>	

Please note that these federal grants do not create a new policy direction for Ecology or the state, and acceptance of these federal funds does not commit the state to future expenditures in a later period.

Ecology will provide updates to the Office of Financial Management (OFM) and legislative staff on any additional grants received or applied for through the BIL or IRA by November 2024 and January 2025.

**Impacts on Population Served:**

This request provides the federal spending authority needed to leverage new funding opportunities coming to Washington State through BIL and IRA. Communities, Tribes, residents, visitors, and organizations across Washington will benefit from Ecology’s ability to utilize these federal resources. Based on current implementation plans for each of the federal awards supported by this request, 93% of the funds from these grants will be passed through to local communities to support environmental and health work across the state.

**Alternatives Explored:**

The only alternative to requesting additional federal spending authority is to request it through the Unanticipated Receipt process. However, this is not the preferred approach because information is available to support a formal budget request from the spending authority from the Legislature. This approach is the most appropriate, as it allows Ecology to keep pace with the increases in federal funding through BIL and IRA while recognizing the Legislature’s role in authorizing spending.

**Consequences of Not Funding This Request:**

If this request is not funded, Ecology would not have the spending authority needed to support millions of additional federal dollars available through BIL and IRA to support priority environmental and public health work and projects across the state.

**Assumptions and Calculations**

**Expansion, Reduction, Elimination or Alteration of a current program or service:**

This request expands several agency activities on a limited-time basis by providing the federal spending authority needed to leverage new funding coming to Washington State through the BIL and IRA. Activities affected include:

- A025 – Measure Air Pollution Levels and Emissions
- A027 – Monitor the Quality of State Waters and Measure Stream Flows Statewide
- A038 – Protect, Restore, and Manage Wetlands
- A047 – Reduce Health and Environmental Threats from Motor Vehicle Emissions
- A052 – Reduce the Generation of Hazardous Waste and the Use of Toxic Substances through Technical Assistance

***Detailed Assumptions and Calculations:***

Between fiscal years 2026 and 2031, Ecology requires additional federal expenditure and FTE authority to support new and/or increased funding awards coming through the BIL and IRA. The requested funding will support seven new funding opportunities that have been awarded or applied for by the agency as of August 1, 2024. The amounts requested per year are to ensure Ecology has sufficient spending authority each biennium over the lifecycle of each grant, as spending patterns will differ for each award.

Expenditure authority requested will be used for both project staff and pass-through funding to local entities to support environmental and health work done across the state. Based on current implementation plans for each of the federal awards supported by this request, 93% of the funding received is planned to be passed through. However, the specific type of agreement used to facilitate the pass-through will differ based on the specific award. For the purposes of this Decision Package, all funding that is planned to be passed through is shown in object N.

Please note that the percentage of funding identified for staff vs. pass-through agreements is based on the best information available at this time. Actual spending may differ as implementation proceeds, changes to spending plans are negotiated and approved by our federal partners, and additional information is learned through the process.

The agency anticipates a total of \$83 million dollars for the 2025-27 biennium in additional federal funding through these seven grants.

As noted above, two of the federal grants supported by this decision package require state match, but Ecology does not need additional state funding to meet those requirements:

- **Clean Heavy Duty Vehicles Grant Program-** Ecology will use existing Model Toxic Control Capital Account appropriation from the 2024 supplemental transportation budget to meet the match requirements. No additional state funding is needed.
- **Columbia River Basin Toxics Monitoring FFY24:** Ecology will use existing Model Toxic Control Operating Account appropriation to meet the match requirements. No additional state funding is needed.

***Workforce Assumptions:***

<b>Expenditures by Object</b>		<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>	<b>FY 2030</b>	<b>FY 2031</b>
A	Salaries and Wages	677,501	677,501	677,501	677,501	345,589	
B	Employee Benefits Personal Service	231,029	231,029	231,029	231,029	117,846	
C	Contract	1,490,852	1,490,854	1,490,852	1,490,854	1,049,663	
E	Goods and Services	274,003	274,002	274,003	274,001	67,746	
G	Travel	61,277	61,279	61,277	61,279	48,201	
J	Capital Outlays	128,198	128,198	128,198	128,198	20,042	
N	Grants, Benefits, and Client Services	38,675,223	38,675,224	38,675,223	38,675,224	36,482,973	
T	Intra-Agency Reimbursements	271,649	271,649	271,649	271,649	138,566	
<b>Total Objects</b>		<b>41,809,732</b>	<b>41,809,736</b>	<b>41,809,732</b>	<b>41,809,735</b>	<b>38,270,626</b>	<b>0</b>

**Staffing**

<b>Job Class</b>	<b>Salary</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>	<b>FY 2030</b>	<b>FY 2031</b>
ENVIRONMENTAL PLANNER 3	86,716	2.97	2.97	2.97	2.97	1.00	
ENVIRONMENTAL SPEC 4	86,324	1.54	1.54	1.54	1.54	0.46	
NATURAL RESOURCE SCIENTIST 4	105,394	1.00	1.00	1.00	1.00	1.00	
NATURAL RESOURCE SCIENTIST 2	72,923	1.00	1.00	1.00	1.00	1.00	
NATURAL RESOURCE SCIENTIST 3	88,798	0.46	0.46	0.46	0.46	0.46	
ENVIRONMENTAL SPEC 2	61,405	0.40	0.40	0.40	0.40		
ENVIRONMENTAL SPEC 3	74,489	0.50	0.50	0.50	0.50		
ENVIRONMENTAL ENGINEER 2	91,073	0.02	0.02	0.02	0.02		
ENVIRONMENTAL ENGINEER 3	105,612	0.04	0.04	0.04	0.04		
FISCAL ANALYST 2		0.79	0.79	0.79	0.79	0.39	
IT APP DEVELOPMENT-JOURNEY		0.40	0.40	0.40	0.40	0.20	
<b>Total FTEs</b>		<b>9.12</b>	<b>9.12</b>	<b>9.12</b>	<b>9.12</b>	<b>4.51</b>	<b>0.00</b>

**Explanation of costs by object:**

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 34.1% of salaries.

Goods and Services are the agency average of \$6,048 per direct program FTE.

Travel is the agency average of \$2,205 per direct program FTE.

Equipment is the agency average of \$1,286 per direct program FTE.

Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 29.9% of direct program salaries and benefits and is shown as object T. Agency Administrative Overhead FTEs are included at 0.15 FTE per direct program FTE and are identified as Fiscal Analyst 2 and IT App Development-Journey.

**Historical Funding:**

	<b>FY2026</b>	<b>FY2027</b>
<b>FTE (xx direct FTE)</b>	0.00	0.00
<b>Total Funds (rounded to thousands)</b>	\$0	\$0
<b>Near General Fund (rounded to thousands)</b>	\$0	\$0
<b>Other Funds (rounded to thousands)</b>	\$0	\$0

Administrative Overhead related to this program or service is in the agency's Administration Activity A002, but is not shown in the totals above.

## Strategic and Performance Outcomes

### **Strategic Framework:**

Goal 1: Support and engage our communities, customers, and employees because of the partnerships created with landowners, other agencies, communities, Tribes, and organizations through the grant programs.

Goal 2: Reduce and prepare for climate impacts because enhancing air monitoring and improving tracking of regulatory sources will assist in achieving and maintaining health-based air pollution standards to reduce the direct emission of particulate matter and other criteria air pollution from stationary and mobile sources that are protective of human health.

Goal 3: Prevent and reduce toxic threats and pollution because the Clean Heavy Duty Vehicles Grant program as well as the Pollution Prevention program will both continue to work toward reducing pollution impacts statewide.

Goal 4: Protect and manage our state's waters because the Climate Resilience Regional Challenge, NERRS Non-Competitive Agreement, and the BIL Capacity Building Grants will all work toward a path of resilience and restoration for our waters and coastlines.

This request is also essential to achieving the Governor's Results Washington Goal 3: Sustainable Energy and a Clean Environment and Goal 4: Healthy and Safe Communities because these grants will fund projects that protect and restore the natural environment and focus on reducing impacts to overburdened communities.

### **Performance Outcomes:**

The outcome of this request will be that Ecology has the federal spending authority needed to leverage new funding opportunities coming to Washington State through the BIL and IRA. Communities, residents, Tribes, visitors, and organizations across Washington will benefit from Ecology's ability to use these federal dollars. Based on current implementation plans for each of the federal grants supported by this request, 93% of the funding received will be passed through to local communities to support environmental and health work across the state.

## Equity Impacts

### **Community Outreach and Engagement:**

This request itself only seeks the federal spending authority needed to leverage new funding opportunities coming to the state through the BIL and IRA, so there are no overburdened communities or vulnerable populations affected by the request. Therefore, Ecology has not conducted community outreach and engagement with any overburdened communities or vulnerable populations on this request specifically. However, many of the federal funding opportunities supported by this request have included outreach and engagement activities with communities and groups as application materials for each award were developed and submitted.

The Climate Resilience Regional Challenge, for example, included input from 20 different state agencies, Tribes, non-profit organizations, and local city and county governments to ensure an equitable grant application as well as a comprehensive state plan.

### **Disproportional Impact Considerations:**

This request itself only seeks the federal spending authority needed to leverage new funding opportunities coming to the state through the BIL and IRA. Ecology does not anticipate any disproportionate impacts regarding this request, nor with the new federal funding opportunities through the BIL and IRA that it supports.

### **Target Communities and Populations:**

This request itself only seeks the federal spending authority needed to leverage new funding opportunities coming to the state through the BIL and IRA. The request itself does not directly affect any specific overburdened communities or vulnerable populations. However, the federal funding opportunities supported by this request may have an impact.

### **Community Inputs and Incorporation:**

See Community Outreach and Engagement response.

## Other Collateral Connections

### **HEAL Act Agencies Supplemental Questions**

Yes, see attached.

### **Puget Sound Recovery:**

N/A

### **State Workforce Impacts:**

N/A

### **Intergovernmental:**

Several of the grants supported by this request will pass through funding to other governmental entities and/or Tribes. These funds will support environmental protection and restoration work within those communities. Other grants will pass through funding to state agency partners to support work and projects done throughout the state. Ecology is confident that these entities will support this request and Ecology's ability to offer these funds.

### **Stakeholder Impacts:**

This request will allow Ecology to leverage new funding opportunities coming to Washington State through the BIL and IRA. Communities, Tribes, residents, visitors, and organizations across Washington will benefit from Ecology's ability to use these federal dollars. Based on current implementation plans for each of the federal awards supported by this request, 93% of the funding received will be passed through to local communities to support environmental and health work across the state. Ecology anticipates broad stakeholder support for this request.

### **State Facilities Impacts:**

N/A

### **Changes from Current Law:**

N/A

### **Legal or Administrative Mandates:**

N/A

### **Governor's Salmon Strategy:**

N/A

## Reference Documents

[Fed Authority for BIL-IRA Grants-HEAL Act Attachment.pdf](#)

## IT Addendum

**Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?**

No



## Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
Obj. A	\$678	\$678	<b>\$1,356</b>	\$678	\$678	<b>\$1,356</b>
Obj. B	\$231	\$231	<b>\$462</b>	\$231	\$231	<b>\$462</b>
Obj. C	\$1,491	\$1,491	<b>\$2,982</b>	\$1,491	\$1,491	<b>\$2,982</b>
Obj. E	\$274	\$274	<b>\$548</b>	\$274	\$274	<b>\$548</b>
Obj. G	\$61	\$61	<b>\$122</b>	\$61	\$61	<b>\$122</b>
Obj. J	\$128	\$128	<b>\$256</b>	\$128	\$128	<b>\$256</b>
Obj. N	\$38,675	\$38,675	<b>\$77,350</b>	\$38,675	\$38,675	<b>\$77,350</b>
Obj. T	\$272	\$272	<b>\$544</b>	\$272	\$272	<b>\$544</b>

## Agency Contact Information

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# 2025-27 Biennial Budget HEAL Act Template

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## Background

### HEAL Act requirements

The Healthy Environment for All Act (HEAL Act), Chapter 314, Laws of 2021 (RCW [70A.02](#)) requires that “covered and opt in agencies” must implement the requirements of the HEAL Act. This includes the:

- Department of Ecology
- Department of Agriculture
- Department of Commerce
- Department of Health
- Department of Natural Resources
- Department of Transportation
- Puget Sound Partnership
- Office of the Attorney General

HEAL Act agencies that are considering a significant agency action initiated after July 1, 2023, are required to conduct an environmental justice assessment. RCW [70A.02.010](#)(12) specifies that significant agency actions include:

- The development and adoption of significant legislative rules as defined in RCW [34.05.328](#).
- The development and adoption of any new grant or loan program that the agency is explicitly authorized or required by statute to implement.
- A capital project, grant, or loan award costing at least \$12,000,000.
- A transportation project, grant, or loan costing at least \$15,000,000.
- The submission of agency request legislation to the Office of the Governor or OFM.

Under RCW [70A.02.080](#), beginning on or before July 1, 2023, covered and opt in agencies must, where practicable, take specific actions when making expenditure decisions or developing budget requests to OFM and the Legislature for programs that address or may cause environmental harms or provide environmental benefits. This includes:

- Focus applicable expenditures on creating environmental benefits that are experienced by overburdened communities and vulnerable populations, including reducing or eliminating environmental harms, creating community and population resilience, and improving the quality of life of overburdened communities and vulnerable populations.
- Create opportunities for overburdened communities and vulnerable populations to meaningfully participate in agency expenditure decisions.
- Clearly articulate environmental justice goals and performance metrics to communicate the basis for agency expenditures.
- Establish a goal of directing 40% of grants and expenditures that create environmental benefits to vulnerable populations overburdened communities.

To help OFM understand how HEAL Act agency budget requests meet HEAL Act requirements, covered agencies are required to complete additional questions related to the HEAL Act. These questions are shown below and are in addition to the equity related questions required of all agencies. Covered agencies are asked to complete the following questions and submit them through ABS.

#### HEAL Act questions

If you answer YES to any of these bullet points, please answer the six additional questions and submit them as an attachment through ABS.

- Is this decision package part of an agency request legislation that is required to complete an environmental justice assessment (RCW [70A.02.010\(12\)](#))?

Yes

No

- Is this decision package requesting funding to support another significant agency action that is required to complete an environmental justice assessment (RCW [70A.02.010\(12\)](#))?

Yes

No

- Is this decision package requesting funding for a program/project/activity that may **provide environmental benefits or reduce, mitigate, or eliminate environmental harms**, (that is not a significant agency action)? Note: This may include decision packages for programs not purposely directed to provide environmental benefits but may have an indirect or unintentional impact.

Yes

No

**If you answer YES to any of the above bullet points, please complete these additional questions.**

1. Please describe specific likely or probable environmental harms and/or benefits related to your decision package and the associated health impacts to overburdened communities and vulnerable populations.

This request itself only seeks the federal spending authority needed to leverage new funding opportunities coming to the state through the BIL and IRA. However, the federal funding opportunities supported by this request may have an impact, and that will be factored into the implementation plans for each funding award, independent of this request.

2. Please describe the estimated percentage and amount of the requested funds that will go towards creating environmental benefits in overburdened communities and vulnerable populations as defined in OFM's the [OBC map](#) or as determined by the agency. If applicable, please include your methodology for making this estimate, including project/award lists if available.

This request itself only seeks the federal spending authority needed to leverage new funding opportunities coming to the state through the BIL and IRA. However, the federal funding opportunities supported by this request may have create significant environmental benefits in overburdened communities across Washington. Over \$77 million dollars are anticipated to pass through to Washington communities.

3. Please describe any potential significant impacts to Indian Tribes' rights and interest in their tribal lands, as well as traditional practices.

This request itself only seeks the federal spending authority needed to leverage new funding opportunities coming to the state through the BIL and IRA. The request itself does not include any potential significant impacts to Tribes or their lands. However, the federal funding opportunities supported by this request may have an impact, and that will be factored into the implementation plans for each funding award, as applicable, independent of this request.

4. Describe how your agency engaged with Tribes in developing this proposal, including offers for tribal consultation including timelines, methods for feedback, and mechanisms for Tribes to express concern, opposition, or support., and any direction provided by Tribes through this engagement.

This request itself only seeks the federal spending authority needed to leverage new funding opportunities coming to the state through the BIL and IRA. Ecology has not engaged with Tribes in developing the request. However, many of the funding opportunities supported by this request will include funding that may be passed through to eligible Tribes. Ecology will engage with Tribes and other eligible entities on those pass-through funding opportunities, as applicable.

5. If the decision package is part of agency request legislation or supports another significant agency action that is required to complete an environmental justice assessment under RCW [70A.02.010](#)(12), please submit the assessment as an attachment in ABS.

No. This request itself only seeks the federal spending authority needed to leverage new funding opportunities coming to the state through the BIL and IRA. It does not represent a significant agency action under the HEAL Act.

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## Agency Recommendation Summary

Ecology will increase the following authorized fees in the 2025-27 biennium: Underground Storage Tank Fee, Biosolids Permit Fee, and Water Quality Permit Fee. These fees are dedicated revenue for specific environmental protection purposes and are paid by parties requesting the service.

## Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2026	2027	2025-27	2028	2029	2027-29
<b>Revenue</b>						
176 - 0286	\$400	\$500	<b>\$900</b>	\$500	\$500	<b>\$1,000</b>
182 - 0299	\$118	\$239	<b>\$357</b>	\$239	\$239	<b>\$478</b>
199 - 0299	\$77	\$160	<b>\$237</b>	\$160	\$160	<b>\$320</b>
Total Revenue	<b>\$595</b>	<b>\$899</b>	<b>\$1,494</b>	<b>\$899</b>	<b>\$899</b>	<b>\$1,798</b>

## Decision Package Description

Ecology manages over 60 different fund sources with a multitude of fee-funded programs. The Office of Financial Management encourages agencies, where feasible, to adjust fees on an annual or biennial basis to ensure revenue covers the cost of running the program. Ecology will increase the following fees in the 2025-27 biennium to cover inflationary costs like increases in salary, benefits, and central service expenditures. Revenue for these fees is included in this request. No additional expenditure authority is needed at this time.

### UNDERGROUND STORAGE TANK FEE

1. Fee Name: Underground Storage Tank Fee

2. Current Fee Rate:

The fee for fiscal year 2025 is \$228.58 per tank, effective July 1, 2024. RCW 70A.355.080 gives Ecology authority to increase the tank fee according to the Fiscal Growth Factor (FGF) each year with a 15 month notification process. Ecology is required to give public notification of the fee increase by March 1 before the year for which the new fee is effective. In order to increase the UST fee effective July 1, 2026, Ecology will provide notice in March 2025 to the UST owners and publish the new fee in the Washington State Register.

3. Proposed Rate:

FY 2026: \$243.21  
FY 2027: \$258.29

4. Incremental Change for Each Year:

FY 2026: FGF (using FY 2025 rate) of 6.4 percent, or \$243.21 per tank from FY 2025 base fee  
FY 2027: FGF (using FY 2026 rate) of 6.2 percent, or \$258.29 per tank from FY 2025 base fee

5. Expected Implementation Date: July 1, 2025 for fiscal year 2026 and July 1, 2026 for fiscal year 2027.

6. Estimated Additional Revenue Generated by Increase:

FY 2026: Estimated revenue by applying the FGF to the current tank fee. ( $\$228.58 \times 1.064 = \$243.21$ )

Ecology estimates the proposed fee increase will generate \$118,000 in new revenue for fiscal year 2026. The new revenue is calculated by using the projected number of tank renewals for fiscal year 2026. The tank renewals are based on a three fiscal year average of tank renewals. (8,048 tanks averaged during fiscal years 2022-2024).

8,062 tanks x \$228.58 tank fee = \$1,840,000 rounded to thousands

8,048 tanks x \$243.21 tank fee = \$1,958,000 rounded to thousands

Estimated Revenue Increase = \$118,000

FY 2027: Estimated revenue by applying the FGF to the proposed FY 2026 tank fee: ( $\$243.21 \times 1.062 = \$258.29$ )

Ecology estimates the proposed fee increase will generate \$239,000 in new revenue for FY 2027.

8,062 tanks x \$228.58 tank fee = \$1,840,000 rounded to thousands

8,048 tanks x \$258.29 tank fee = \$2,079,000 rounded to thousands

Estimated Revenue Increase = \$239,000

Implementing tank fee increases of 6.4 percent in fiscal year 2026 and 6.2 percent in fiscal year 2027 will continue to keep the positive balance in the UST Account at the end of the 2025-27 biennium. Without these steps, the fund balance could erode over time due to inflation and other legislative increases as detailed in question seven below. A two-month minimum fund balance based on the current estimated 2025-27 carryforward level would equal \$406,000.

7. Justification: Ecology's Underground Storage Tank (UST) program regulates more than 8,000 underground storage tanks used to store petroleum products. It is a federally delegated program from the Environmental Protection Agency (EPA). The program provides preventative inspections, technical assistance, and seeks to have all UST systems installed, managed, and monitored to prevent releases of toxics into the environment.

Tank fees were implemented in 1998 to fund the UST regulatory program. Currently, the fees do not cover the entire cost of the program, which is funded by a combination of federal grants, Model Toxics Control Operating Account (MTCA-Operating) funding, and the per tank fee. In previous fiscal years, federal cuts to EPA's budget have resulted in reductions in grant funding for USTs and cleanup of leaking tanks. Since fiscal year 2017, the level of federal grant awards has stabilized. However, the past reductions created a funding gap in the UST program. At the same time, operational costs continue to increase, for instance state mandated salary increases, health care benefits, and legal services. MTCA-Operating funding helps bridge the funding gap and provides state match for the federal grant. This gap will continue to grow without regular UST tank fee increases. RCW 90.76.030 gives Ecology authority to increase the tank fee according to the FGF each year. By continuing to increase the tank fee each year by the FGF, the funding gap will be managed and not grow. If this gap continues to grow, funds will have to be diverted from other important state funded programs to cover the cost of regulating USTs, or the program will have to be cut back.

8. Changes in Who Pays: No Change

9. Changes in Methodology: No Change

10. RecSum Code: RA

11. Alternatives: Without a fee increase, Ecology will consider its options for managing the regulatory program. These options may include reducing the program or divert funds from other important state funded programs to cover the revenue gap.

12. Statutory Change Required? No statutory changes are required. Ecology has authority in RCW 70A.355.080 to increase the fee up to the FGF each year.

## **BIOSOLIDS PERMIT FEE**

1. Fee Name: Biosolids Permit Fee

2. Current Fee Rate:

The fee rates are based on various factors dependent on the facility type outlined in WAC 173-308-320. Annual fee of \$1,067.89 plus an additional fee for each resident the system serves (or residential equivalent) which is determined by a formula ranging from \$0.081 to \$0.380; Average Permit Fee = \$3,325.48.

3. Proposed Rate:

FY 2026: \$1,322,511

FY 2027: \$1,405,432

The 1997 Legislature unanimously authorized the biosolids permit fee program (Chapter 70A.226 RCW, WAC 173-308-320). Stakeholders solidly supported an innovative approach that adjusts fees annually, based on the size of the facility (Residential Equivalent Value per Chapter 173-224 WAC), and the state Fiscal Growth Factor. Ecology established a new base year for permit fees in 2008, but has tried to minimize costs to fee payers, and has not sought regular annual increments as provided for by rule.

Ecology is authorized to adjust the Biosolids Permit Fee annually according to RCW 70A.226.030. Ecology is planning to increase fees for the 2025-27 biennium by the fiscal growth factor of 6.20 percent in fiscal year 2026 and 6.27 percent in fiscal year 2027. The revenue estimates are based on the fiscal year 2023 revenue actual of \$1,245,302.

4. Incremental Change for Each Year:

FY 2026: 6.20% (FY 2026 rate)

FY 2027: 6.27% (FY 2027 rate)

5. Expected Implementation Date: July 1, 2025, and July 1, 2026

6. Estimated Additional Revenue Generated by Increase:

FY 2026: \$77,209  
FY 2027: \$160,130

7. Justification: RCW 70A.226.030 requires the biosolids program to be fully fee supported and allow for the fee schedule to be adjusted once every two years. Ecology is requesting an increase to the biosolids fee by the fiscal growth factor of 6.20 percent in fiscal year 2026 and 6.27 percent in fiscal year 2027. This fee increase is required to support the ongoing implementation of the biosolids permit program, including general permit, technical assistance, and stakeholder outreach and education. This will result in better compliance and greater assurance of protections for human health and the environment.

8. Changes in Who Pays: None.

9. Changes in Methodology: None.

10. RecSum Code: RA

11. Alternatives: The alternative would be to not increase fees. However, a fee increase is needed to maintain a positive projected fund balance in the Biosolids Permit Account for the 2025-27 biennium.

12. Statutory Change Required: No.

**WATER QUALITY PERMIT FEES**

1. Fee Name: Water Quality Permit Fees

2. Current Tax or Fee Rate: The fee rates are based on various factors, dependent on permit fee category, as outlined in Chapter 173-224 WAC.

3. Proposed Rate: Traditionally, Water Quality Permit Fees are adjusted every two years to account for inflationary costs. Ecology believes the increase in certain fee categories will be minimal for the 2025-27 biennium, depending on economic influences and any decrease or increase in Ecology's permit administration work. Ecology's workload could decrease due to salary or hiring restrictions as well as any permit administration efficiencies implemented. Ecology's workload could increase if permit complexity increases or staff is required to do more inspections and enforcement work. Fee adjustments for the 2025-27 biennium will be based on the actual fiscal year 2023 and 2024 revenue; inflationary cost increases (e.g. salaries, benefits, central services charges); and 2023-25 biennium budget impacts.

Ecology will draft language proposing to amend the rule in March 2025 and will have a better sense at that time what fee increases are needed. For this request, estimated fee increases are based on the FGFs for fiscal year 2023 and fiscal year 2024.

FY 2026: The rate structure in place in fiscal year 2025 will be carried over to fiscal year 2026 and increased by the rate necessary to fund base operations and proposed budget changes for fiscal year 2026. If there is not a significant loss in revenue for some unforeseen reason, Ecology estimates fee increases will be up to 5.86%, or the FGF, for certain underpaying fee categories.

FY 2027: The rate structure in place in fiscal year 2026 will be carried over to fiscal year 2027 and increased by the rate necessary to fund base operations and proposed budget changes for fiscal year 2027. If there is not a significant loss in revenue for some unforeseen reason, Ecology estimates fee increases will be up to 6.22%, or the FGF, for certain underpaying fee categories.

4. Incremental Change for Each Year: Incremental changes are estimated to increase based on the FGF for fiscal year 2023 and fiscal year 2024.

FY 2026: The incremental change in revenue is estimated to increase up to 5.86% (using FY 2023 rate).

FY 2027: The incremental change in revenue is estimated to increase up to 6.22% (using FY 2024 rate).

5. Expected Implementation Date: July 1, 2025 and July 1, 2026

6. Estimated Additional Revenue Generated by Increase:

FY 2026: \$400,000. Ecology estimates \$400,000 in new revenue from underpaying fee categories.  
FY 2027: \$500,000 = \$400,000 from fiscal year 2026 increases plus \$100,000 Fiscal Year 2027 estimated increases.

7. Justification: The request is necessary to continue core services to administer Ecology's Water Quality Permit Program. Permit fees support the work of staff writing permits that set pollution limits, staff who provide technical support for solving pollution problems, and inspectors who monitor compliance through site visits. The permit fees outlined in Chapter 173-224 WAC implement requirements from RCW 90.48.465.

If we do not have adequate revenue to cover our appropriation, the cash and fund balances in fund 176 may decline to the point where cuts in appropriations and services would be required. Permit backlog rates may not improve. Fewer inspections and regulatory oversight would be conducted, diminishing on-the-ground environmental protection. Ecology's ability to respond to permittees, stakeholders, and other government agencies' needs would be compromised.

8. Changes in Who Pays: No Change

9. Changes in Methodology: No Change

10. RecSum Code: RA

11. Alternatives: Ecology explored the option of not doing a fee increase for the 2025-27 biennium. However, without a fee increase of some amount to keep pace with inflationary cost increases, there is a chance that the revenue collected next biennium may not sufficiently cover the appropriation level authorized by the legislature. Furthermore, if we do not adjust fees at all, we lose the opportunity to continue moving towards payment equity between our over and underpaying fee categories, something that is very important to both Ecology and our permittees.

12. Statutory Change Required? No statutory changes are required. Chapter 173-224 WAC will be revised to implement the fee changes. Regular revisions to Chapter 173-224 WAC to adjust permit fees are already included in the program plan.

## Assumptions and Calculations

### ***Expansion, Reduction, Elimination or Alteration of a current program or service:***

N/A

### ***Detailed Assumptions and Calculations:***

N/A

### ***Workforce Assumptions:***

N/A

### ***Historical Funding:***

N/A

## Strategic and Performance Outcomes

### ***Strategic Framework:***

N/A

### ***Performance Outcomes:***

N/A

## Equity Impacts

### ***Community Outreach and Engagement:***

N/A

### ***Disproportional Impact Considerations:***

N/A

### ***Target Communities and Populations:***

N/A

### ***Community Inputs and Incorporation:***

N/A



## Other Collateral Connections

### **HEAL Act Agencies Supplemental Questions**

N/A

### **Puget Sound Recovery:**

N/A

### **State Workforce Impacts:**

N/A

### **Intergovernmental:**

N/A

### **Stakeholder Impacts:**

N/A

### **State Facilities Impacts:**

N/A

### **Changes from Current Law:**

N/A

### **Legal or Administrative Mandates:**

N/A

### **Governor's Salmon Strategy:**

N/A

## IT Addendum

### **Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?**

No

## Agency Contact Information

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**Department of Ecology  
2025-2027 Operating Budget**

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Dollars in  
Thousands

**ABS 029 Summarized Revenue by Account and Source**  
**Department of Ecology**  
**Agency Level**  
**2025-27 Regular Budget Session**  
**BI - Biennial 2025-27 Initial**

	Maintenance Level		Policy Level		Annual Totals		Biennial Total
	FY2026	FY2027	FY2026	FY2027	FY2026	FY2027	
<b>001 - General Fund</b>							
0285 - Water Resources Fees - S							
90 - Maintenance Level Revenue	364	368	0	0			
Total - 0285 - Water Resources Fees - S	364	368	0	0	364	368	732
0299 - Other Licenses Permi - S							
90 - Maintenance Level Revenue	2,333	2,665	0	0			
BR - Laboratory Accreditation Auditors	0	0	967	967			
Total - 0299 - Other Licenses Permi - S	2,333	2,665	967	967	3,300	3,632	6,932
0311 - Dept of Commerce - F							
90 - Maintenance Level Revenue	12,209	12,635	0	0			
CB - Fed Authority for BIL/IRA Grants	0	0	37,544	37,544			
Total - 0311 - Dept of Commerce - F	12,209	12,635	37,544	37,544	49,753	50,179	99,932
0315 - Dept of Interior - F							
90 - Maintenance Level Revenue	17,129	17,727	0	0			
EC - WCC Member Wages and Benefits	16	47	0	0			
Total - 0315 - Dept of Interior - F	17,145	17,774	0	0	17,145	17,774	34,919
0355 - Fed Rev Non-Assist - F							
90 - Maintenance Level Revenue	1,860	1,925	0	0			
Total - 0355 - Fed Rev Non-Assist - F	1,860	1,925	0	0	1,860	1,925	3,785
0366 - Environ Protection A - F							
90 - Maintenance Level Revenue	57,613	59,626	0	0			
CB - Fed Authority for BIL/IRA Grants	0	0	4,266	4,266			
Total - 0366 - Environ Protection A - F	57,613	59,626	4,266	4,266	61,879	63,892	125,771
0381 - Dept of Energy - F							
90 - Maintenance Level Revenue	5,732	5,932	0	0			
ED - Hanford Workload Adjustment	(413)	(413)	0	0			
Total - 0381 - Dept of Energy - F	5,319	5,519	0	0	5,319	5,519	10,838
0397 - Homeland Security - F							

**ABS 029 Summarized Revenue by Account and Source**  
**Department of Ecology**  
**Agency Level**  
**BI - Biennial 2025-27 Initial**  
*Dollars in Thousands*

	Maintenance Level		Policy Level		Annual Totals		Biennial Total
	FY2026	FY2027	FY2026	FY2027	FY2026	FY2027	
90 - Maintenance Level Revenue	1,055	1,092	0	0	1,055	1,092	2,147
Total - 0397 - Homeland Security - F	1,055	1,092	0	0	1,055	1,092	2,147
0416 - Sale of Prop/Other - S							
90 - Maintenance Level Revenue	8	4	0	0	8	4	12
Total - 0416 - Sale of Prop/Other - S	8	4	0	0	8	4	12
0541 - Contributions Grants - P/L							
90 - Maintenance Level Revenue	2,480	2,594	0	0	2,480	2,594	5,074
Total - 0541 - Contributions Grants - P/L	2,480	2,594	0	0	2,480	2,594	5,074
0546 - Federal Revenue - P/L							
90 - Maintenance Level Revenue	39	41	0	0	39	41	80
Total - 0546 - Federal Revenue - P/L	39	41	0	0	39	41	80
0597 - Reimburs Contracts - P/L							
90 - Maintenance Level Revenue	30,908	31,471	0	0	30,980	31,687	62,667
EC - WCC Member Wages and Benefits	72	216	0	0			
Total - 0597 - Reimburs Contracts - P/L	30,980	31,687	0	0	30,980	31,687	62,667
<b>001 - General Fund - State</b>	<b>2,705</b>	<b>3,037</b>	<b>967</b>	<b>967</b>	<b>3,672</b>	<b>4,004</b>	<b>7,676</b>
<b>001 - General Fund - Federal</b>	<b>95,201</b>	<b>98,571</b>	<b>41,810</b>	<b>41,810</b>	<b>137,011</b>	<b>140,381</b>	<b>277,392</b>
<b>001 - General Fund - Private/Local</b>	<b>33,499</b>	<b>34,322</b>			<b>33,499</b>	<b>34,322</b>	<b>67,821</b>
<b>Total - 001 - General Fund</b>	<b>131,405</b>	<b>135,930</b>	<b>42,777</b>	<b>42,777</b>	<b>174,182</b>	<b>178,707</b>	<b>352,889</b>
<b>027 - Reclamation Account</b>							
0266 - Power Licenses - S							
90 - Maintenance Level Revenue	835	845	0	0	835	845	1,680
Total - 0266 - Power Licenses - S	835	845	0	0	835	845	1,680
0287 - Well Const And Licen - S							
90 - Maintenance Level Revenue	1,100	1,200	0	0			
Total - 0287 - Well Const And Licen - S	1,100	1,200	0	0	1,100	1,200	2,300
0405 - Fines, Forfeits - S							
90 - Maintenance Level Revenue	2	2	0	0			

**ABS 029 Summarized Revenue by Account and Source**  
**Department of Ecology**  
**Agency Level**  
**BI - Biennial 2025-27 Initial**  
*Dollars in Thousands*

	Maintenance Level		Policy Level		Annual Totals		
	FY2026	FY2027	FY2026	FY2027	FY2026	FY2027	Biennial Total
Total - 0405 - Fines, Forfeits - S	2	2	0	0	2	2	4
<b>027 - Reclamation Account - State</b>	<b>1,937</b>	<b>2,047</b>			<b>1,937</b>	<b>2,047</b>	<b>3,984</b>
<b>Total - 027 - Reclamation Account</b>	<b>1,937</b>	<b>2,047</b>			<b>1,937</b>	<b>2,047</b>	<b>3,984</b>
<b>05W - St Drought Prep Acct</b>							
0499 - Other Revenue - S	2	2	0	0			
90 - Maintenance Level Revenue	2	2	0	0	2	2	4
Total - 0499 - Other Revenue - S							
<b>05W - St Drought Prep Acct - State</b>	<b>2</b>	<b>2</b>			<b>2</b>	<b>2</b>	<b>4</b>
<b>Total - 05W - St Drought Prep Acct</b>	<b>2</b>	<b>2</b>			<b>2</b>	<b>2</b>	<b>4</b>
<b>072 - Improv-Water Supply</b>							
0866 - Loan Principal Repay - S	3	4	0	0			
90 - Maintenance Level Revenue	3	4	0	0	3	4	7
Total - 0866 - Loan Principal Repay - S							
<b>072 - Improv-Water Supply - State</b>	<b>3</b>	<b>4</b>			<b>3</b>	<b>4</b>	<b>7</b>
<b>Total - 072 - Improv-Water Supply</b>	<b>3</b>	<b>4</b>			<b>3</b>	<b>4</b>	<b>7</b>
<b>08R - Waste Tire Removal A</b>							
0299 - Other Licenses Permi - S	7	7	0	0			
90 - Maintenance Level Revenue	7	7	0	0	7	7	14
Total - 0299 - Other Licenses Permi - S							
<b>08R - Waste Tire Removal A - State</b>	<b>7</b>	<b>7</b>			<b>7</b>	<b>7</b>	<b>14</b>
<b>Total - 08R - Waste Tire Removal A</b>	<b>7</b>	<b>7</b>			<b>7</b>	<b>7</b>	<b>14</b>
<b>10G - Water Rights T Acct</b>							
0285 - Water Resources Fees - S	97	97	0	0			
90 - Maintenance Level Revenue	97	97	0	0	97	97	194
Total - 0285 - Water Resources Fees - S							

**ABS 029 Summarized Revenue by Account and Source**  
**Department of Ecology**  
**Agency Level**  
**BI - Biennial 2025-27 Initial**  
*Dollars in Thousands*

	Maintenance Level		Policy Level		Annual Totals		Biennial Total
	FY2026	FY2027	FY2026	FY2027	FY2026	FY2027	
<b>10G - Water Rights T Acct - State</b>	97	97			97	97	194
<b>Total - 10G - Water Rights T Acct</b>	97	97			97	97	194
<b>116 - Basic Data Account</b>							
0427 - Property/Resc Mgmt - S							
90 - Maintenance Level Revenue	50	50	0	0			100
Total - 0427 - Property/Resc Mgmt - S	50	50	0	0	50	50	100
<b>116 - Basic Data Account - State</b>	50	50			50	50	100
<b>Total - 116 - Basic Data Account</b>	50	50			50	50	100
<b>11J - Electronic Recycling</b>							
0299 - Other Licenses Permi - S							
90 - Maintenance Level Revenue	355	355	0	0			710
Total - 0299 - Other Licenses Permi - S	355	355	0	0	355	355	710
<b>11J - Electronic Recycling - State</b>	355	355			355	355	710
<b>Total - 11J - Electronic Recycling</b>	355	355			355	355	710
<b>16T - Product Stewardship</b>							
0299 - Other Licenses Permi - S							
90 - Maintenance Level Revenue	120	165	0	0			285
Total - 0299 - Other Licenses Permi - S	120	165	0	0	120	165	285
<b>16T - Product Stewardship - State</b>	120	165			120	165	285
<b>Total - 16T - Product Stewardship</b>	120	165			120	165	285
<b>16V - Water Rights Process</b>							
0285 - Water Resources Fees - S							
90 - Maintenance Level Revenue	5	5	0	0			10
Total - 0285 - Water Resources Fees - S	5	5	0	0	5	5	10
0299 - Other Licenses Permi - S							



**ABS 029 Summarized Revenue by Account and Source**  
**Department of Ecology**  
**Agency Level**  
**BI - Biennial 2025-27 Initial**  
*Dollars in Thousands*

	Maintenance Level		Policy Level		Annual Totals		Biennial Total
	FY2026	FY2027	FY2026	FY2027	FY2026	FY2027	
90 - Maintenance Level Revenue	4	5	0	0	4	5	9
Total - 0299 - Other Licenses Permi - S	4	5	0	0	4	5	9
<b>16V - Water Rights Process - State</b>	<b>9</b>	<b>10</b>			<b>9</b>	<b>10</b>	<b>19</b>
<b>Total - 16V - Water Rights Process</b>	<b>9</b>	<b>10</b>			<b>9</b>	<b>10</b>	<b>19</b>
<b>176 - Water Quality Permit</b>							
0286 - Water Quality Fees - S	29,224	29,224	0	0			
90 - Maintenance Level Revenue	29,224	29,224	0	0			
RA - New or Increased Fee Requests	0	0	400	500			
Total - 0286 - Water Quality Fees - S	29,224	29,224	400	500	29,624	29,724	59,348
<b>176 - Water Quality Permit - State</b>	<b>29,224</b>	<b>29,224</b>	<b>400</b>	<b>500</b>	<b>29,624</b>	<b>29,724</b>	<b>59,348</b>
<b>Total - 176 - Water Quality Permit</b>	<b>29,224</b>	<b>29,224</b>	<b>400</b>	<b>500</b>	<b>29,624</b>	<b>29,724</b>	<b>59,348</b>
<b>182 - Underground Storage</b>							
0299 - Other Licenses Permi - S	1,958	2,079	0	0			
90 - Maintenance Level Revenue	1,958	2,079	0	0			
RA - New or Increased Fee Requests	0	0	118	239			
Total - 0299 - Other Licenses Permi - S	1,958	2,079	118	239	2,076	2,318	4,394
0405 - Fines, Forfeits - S							
90 - Maintenance Level Revenue	14	13	0	0			
Total - 0405 - Fines, Forfeits - S	14	13	0	0	14	13	27
<b>182 - Underground Storage - State</b>	<b>1,972</b>	<b>2,092</b>	<b>118</b>	<b>239</b>	<b>2,090</b>	<b>2,331</b>	<b>4,421</b>
<b>Total - 182 - Underground Storage</b>	<b>1,972</b>	<b>2,092</b>	<b>118</b>	<b>239</b>	<b>2,090</b>	<b>2,331</b>	<b>4,421</b>
<b>199 - Biosolids Permit Acc</b>							
0299 - Other Licenses Permi - S	1,323	1,405	0	0			
90 - Maintenance Level Revenue	1,323	1,405	0	0			
RA - New or Increased Fee Requests	0	0	77	160			
Total - 0299 - Other Licenses Permi - S	1,323	1,405	77	160	1,400	1,565	2,965

**ABS 029 Summarized Revenue by Account and Source**  
**Department of Ecology**  
**Agency Level**  
**BI - Biennial 2025-27 Initial**  
*Dollars in Thousands*

	Maintenance Level		Policy Level		Annual Totals		Biennial Total
	FY2026	FY2027	FY2026	FY2027	FY2026	FY2027	
<b>199 - Biosolids Permit Acc - State</b>	<b>1,323</b>	<b>1,405</b>	<b>77</b>	<b>160</b>	<b>1,400</b>	<b>1,565</b>	<b>2,965</b>
<b>Total - 199 - Biosolids Permit Acc</b>	<b>1,323</b>	<b>1,405</b>	<b>77</b>	<b>160</b>	<b>1,400</b>	<b>1,565</b>	<b>2,965</b>
<b>207 - Hazardous Waste</b>							
0294 - Hazardous Waste Fees - S	4,184	4,184	0	0	4,184	4,184	8,368
90 - Maintenance Level Revenue	4,184	4,184	0	0			
Total - 0294 - Hazardous Waste Fees - S	4,184	4,184	0	0	4,184	4,184	8,368
<b>207 - Hazardous Waste - State</b>	<b>4,184</b>	<b>4,184</b>	<b>4,184</b>	<b>4,184</b>	<b>4,184</b>	<b>4,184</b>	<b>8,368</b>
<b>Total - 207 - Hazardous Waste</b>	<b>4,184</b>	<b>4,184</b>	<b>4,184</b>	<b>4,184</b>	<b>4,184</b>	<b>4,184</b>	<b>8,368</b>
<b>20R - Radioactive MW Acct</b>							
0294 - Hazardous Waste Fees - S	12,216	12,170	0	0	12,949	13,766	26,715
90 - Maintenance Level Revenue	0	0	177	900			
BH - Hanford Holistic Negotiations	0	0	139	279			
BJ - Hanford Unit Closure & Construction	413	413	0	0			
ED - Hanford Workload Adjustment	4	4	0	0			
EK - Minimum Wage Increases - Facilities	12,633	12,587	316	1,179	12,949	13,766	26,715
Total - 0294 - Hazardous Waste Fees - S	12,633	12,587	316	1,179	12,949	13,766	26,715
<b>20R - Radioactive MW Acct - State</b>	<b>12,633</b>	<b>12,587</b>	<b>316</b>	<b>1,179</b>	<b>12,949</b>	<b>13,766</b>	<b>26,715</b>
<b>Total - 20R - Radioactive MW Acct</b>	<b>12,633</b>	<b>12,587</b>	<b>316</b>	<b>1,179</b>	<b>12,949</b>	<b>13,766</b>	<b>26,715</b>
<b>216 - Air Pollution Ctl Ac</b>							
0225 - Burning Permit Fees - S	379	375	0	0	379	375	754
90 - Maintenance Level Revenue	379	375	0	0			
Total - 0225 - Burning Permit Fees - S	379	375	0	0	379	375	754
0299 - Other Licenses Permi - S	1,751	1,872	0	0			
90 - Maintenance Level Revenue	0	0	279	279			
BK - Air Quality Industrial Inspectors	1,751	1,872	279	279	2,030	2,151	4,181
Total - 0299 - Other Licenses Permi - S	1,751	1,872	279	279	2,030	2,151	4,181
0405 - Fines, Forfeits - S							

**ABS 029 Summarized Revenue by Account and Source**  
**Department of Ecology**  
**Agency Level**  
**BI - Biennial 2025-27 Initial**  
*Dollars in Thousands*

	Maintenance Level		Policy Level		Annual Totals		Biennial Total
	FY2026	FY2027	FY2026	FY2027	FY2026	FY2027	
90 - Maintenance Level Revenue	73	84	0	0	73	84	157
Total - 0405 - Fines, Forfeits - S	73	84	0	0	73	84	157
<b>216 - Air Pollution Ctl Ac - State</b>	<b>2,203</b>	<b>2,331</b>	<b>279</b>	<b>279</b>	<b>2,482</b>	<b>2,610</b>	<b>5,092</b>
<b>Total - 216 - Air Pollution Ctl Ac</b>	<b>2,203</b>	<b>2,331</b>	<b>279</b>	<b>279</b>	<b>2,482</b>	<b>2,610</b>	<b>5,092</b>
<b>219 - Air Operating Perm A</b>							
0299 - Other Licenses Permi - S							
90 - Maintenance Level Revenue	2,843	2,850	0	0			
EJ - Meeting Air Operating Permit Needs	131	131	0	0			
Total - 0299 - Other Licenses Permi - S	2,974	2,981	0	0	2,974	2,981	5,955
<b>219 - Air Operating Perm A - State</b>	<b>2,974</b>	<b>2,981</b>			<b>2,974</b>	<b>2,981</b>	<b>5,955</b>
<b>Total - 219 - Air Operating Perm A</b>	<b>2,974</b>	<b>2,981</b>			<b>2,974</b>	<b>2,981</b>	<b>5,955</b>
<b>21H - WWT Plant Oper Cert</b>							
0271 - Sewage Trtmt Op Fee - S							
90 - Maintenance Level Revenue	404	405	0	0			
Total - 0271 - Sewage Trtmt Op Fee - S	404	405	0	0	404	405	809
<b>21H - WWT Plant Oper Cert - State</b>	<b>404</b>	<b>405</b>			<b>404</b>	<b>405</b>	<b>809</b>
<b>Total - 21H - WWT Plant Oper Cert</b>	<b>404</b>	<b>405</b>			<b>404</b>	<b>405</b>	<b>809</b>
<b>223 - Oil Spill Resp</b>							
0434 - Hazard Waste Cleanup - S							
90 - Maintenance Level Revenue	100	100	0	0			
Total - 0434 - Hazard Waste Cleanup - S	100	100	0	0	100	100	200
<b>223 - Oil Spill Resp - State</b>	<b>100</b>	<b>100</b>			<b>100</b>	<b>100</b>	<b>200</b>
<b>Total - 223 - Oil Spill Resp</b>	<b>100</b>	<b>100</b>			<b>100</b>	<b>100</b>	<b>200</b>
<b>22G - Photovolt Mod Rcycl</b>							
0299 - Other Licenses Permi - S							

**ABS 029 Summarized Revenue by Account and Source**  
**Department of Ecology**  
**Agency Level**  
**BI - Biennial 2025-27 Initial**  
*Dollars in Thousands*

	Maintenance Level		Policy Level		Annual Totals		Biennial Total
	FY2026	FY2027	FY2026	FY2027	FY2026	FY2027	
90 - Maintenance Level Revenue	40	40	0	0			
Total - 0299 - Other Licenses Permi - S	40	40	0	0	40	40	80
<b>22G - Photovolt Mod Rcycl - State</b>	<b>40</b>	<b>40</b>			<b>40</b>	<b>40</b>	<b>80</b>
<b>Total - 22G - Photovolt Mod Rcycl</b>	<b>40</b>	<b>40</b>			<b>40</b>	<b>40</b>	<b>80</b>
<b>22K - Wtrshd Rstrtn Enhnc</b>							
0299 - Other Licenses Permi - S							
90 - Maintenance Level Revenue	270	270	0	0			
Total - 0299 - Other Licenses Permi - S	270	270	0	0	270	270	540
<b>22K - Wtrshd Rstrtn Enhnc - State</b>	<b>270</b>	<b>270</b>			<b>270</b>	<b>270</b>	<b>540</b>
<b>Total - 22K - Wtrshd Rstrtn Enhnc</b>	<b>270</b>	<b>270</b>			<b>270</b>	<b>270</b>	<b>540</b>
<b>23N - MTC Capital Account</b>							
0434 - Hazard Waste Cleanup - S							
90 - Maintenance Level Revenue	4,482	4,407	0	0			
Total - 0434 - Hazard Waste Cleanup - S	4,482	4,407	0	0	4,482	4,407	8,889
<b>23N - MTC Capital Account - State</b>	<b>4,482</b>	<b>4,407</b>			<b>4,482</b>	<b>4,407</b>	<b>8,889</b>
<b>Total - 23N - MTC Capital Account</b>	<b>4,482</b>	<b>4,407</b>			<b>4,482</b>	<b>4,407</b>	<b>8,889</b>
<b>23P - MTC Operating Acct</b>							
0402 - Income From Property - S							
90 - Maintenance Level Revenue	131	131	0	0			
Total - 0402 - Income From Property - S	131	131	0	0	131	131	262
0405 - Fines, Forfeits - S							
90 - Maintenance Level Revenue	175	175	0	0			
Total - 0405 - Fines, Forfeits - S	175	175	0	0	175	175	350
0435 - En Fac App & Mon Fee - S							
90 - Maintenance Level Revenue	62	62	0	0			
Total - 0435 - En Fac App & Mon Fee - S	62	62	0	0	62	62	124

**ABS 029 Summarized Revenue by Account and Source**  
**Department of Ecology**  
**Agency Level**  
**BI - Biennial 2025-27 Initial**  
*Dollars in Thousands*

	Maintenance Level		Policy Level		Annual Totals		Biennial Total
	FY2026	FY2027	FY2026	FY2027	FY2026	FY2027	
0597 - Reimburs Contracts - P/L							
90 - Maintenance Level Revenue	249	250	0	0			499
Total - 0597 - Reimburs Contracts - P/L	249	250	0	0	249	250	499
<b>23P - MTC Operating Acct - State</b>	<b>368</b>	<b>368</b>			<b>368</b>	<b>368</b>	<b>736</b>
<b>23P - MTC Operating Acct - Private/Local</b>	<b>249</b>	<b>250</b>			<b>249</b>	<b>250</b>	<b>499</b>
<b>Total - 23P - MTC Operating Acct</b>	<b>617</b>	<b>618</b>			<b>617</b>	<b>618</b>	<b>1,235</b>
<b>23V - Voluntary Cleanup Ac</b>							
0434 - Hazard Waste Cleanup - S							
90 - Maintenance Level Revenue	195	195	0	0			390
Total - 0434 - Hazard Waste Cleanup - S	195	195	0	0	195	195	390
<b>23V - Voluntary Cleanup Ac - State</b>	<b>195</b>	<b>195</b>			<b>195</b>	<b>195</b>	<b>390</b>
<b>Total - 23V - Voluntary Cleanup Ac</b>	<b>195</b>	<b>195</b>			<b>195</b>	<b>195</b>	<b>390</b>
<b>23W - Paint Prod Stewd Acc</b>							
0299 - Other Licenses Permi - S							
90 - Maintenance Level Revenue	70	70	0	0			140
Total - 0299 - Other Licenses Permi - S	70	70	0	0	70	70	140
<b>23W - Paint Prod Stewd Acc - State</b>	<b>70</b>	<b>70</b>			<b>70</b>	<b>70</b>	<b>140</b>
<b>Total - 23W - Paint Prod Stewd Acc</b>	<b>70</b>	<b>70</b>			<b>70</b>	<b>70</b>	<b>140</b>
<b>25Q - Clean Fuels Prog Acc</b>							
0405 - Fines, Forfeits - S							
90 - Maintenance Level Revenue	1,645	1,681	0	0			3,326
Total - 0405 - Fines, Forfeits - S	1,645	1,681	0	0	1,645	1,681	3,326
<b>25Q - Clean Fuels Prog Acc - State</b>	<b>1,645</b>	<b>1,681</b>			<b>1,645</b>	<b>1,681</b>	<b>3,326</b>
<b>Total - 25Q - Clean Fuels Prog Acc</b>	<b>1,645</b>	<b>1,681</b>			<b>1,645</b>	<b>1,681</b>	<b>3,326</b>
<b>25R - Recycled Content Acc</b>							
0299 - Other Licenses Permi - S							

**ABS 029 Summarized Revenue by Account and Source**  
**Department of Ecology**  
**Agency Level**  
**BI - Biennial 2025-27 Initial**  
*Dollars in Thousands*

	Maintenance Level		Policy Level		Annual Totals		Biennial Total
	FY2026	FY2027	FY2026	FY2027	FY2026	FY2027	
90 - Maintenance Level Revenue	578	578	0	0	578	578	1,156
Total - 0299 - Other Licenses Permi - S	578	578	0	0	578	578	1,156
<b>25R - Recycled Content Acc - State</b>	<b>578</b>	<b>578</b>			<b>578</b>	<b>578</b>	<b>1,156</b>
<b>Total - 25R - Recycled Content Acc</b>	<b>578</b>	<b>578</b>			<b>578</b>	<b>578</b>	<b>1,156</b>
<b>25T - RefriEmissManageAcct</b>							
0299 - Other Licenses Permi - S	1,692	1,755	0	0	1,692	1,755	3,447
90 - Maintenance Level Revenue	1,692	1,755	0	0	1,692	1,755	3,447
Total - 0299 - Other Licenses Permi - S	1,692	1,755	0	0	1,692	1,755	3,447
<b>25T - RefriEmissManageAcct - State</b>	<b>1,692</b>	<b>1,755</b>			<b>1,692</b>	<b>1,755</b>	<b>3,447</b>
<b>Total - 25T - RefriEmissManageAcct</b>	<b>1,692</b>	<b>1,755</b>			<b>1,692</b>	<b>1,755</b>	<b>3,447</b>
<b>26A - CarbonEmReductionAcc</b>							
0460 - Climate Commit Rev - S	359,117	359,117	0	0	359,117	359,117	718,234
90 - Maintenance Level Revenue	359,117	359,117	0	0	359,117	359,117	718,234
Total - 0460 - Climate Commit Rev - S	359,117	359,117	0	0	359,117	359,117	718,234
<b>26A - CarbonEmReductionAcc - State</b>	<b>359,117</b>	<b>359,117</b>			<b>359,117</b>	<b>359,117</b>	<b>718,234</b>
<b>Total - 26A - CarbonEmReductionAcc</b>	<b>359,117</b>	<b>359,117</b>			<b>359,117</b>	<b>359,117</b>	<b>718,234</b>
<b>26B - Climate Invest Accou</b>							
0460 - Climate Commit Rev - S	472,765	422,789	0	0	472,765	422,789	895,554
90 - Maintenance Level Revenue	472,765	422,789	0	0	472,765	422,789	895,554
Total - 0460 - Climate Commit Rev - S	472,765	422,789	0	0	472,765	422,789	895,554
<b>26B - Climate Invest Accou - State</b>	<b>472,765</b>	<b>422,789</b>			<b>472,765</b>	<b>422,789</b>	<b>895,554</b>
<b>Total - 26B - Climate Invest Accou</b>	<b>472,765</b>	<b>422,789</b>			<b>472,765</b>	<b>422,789</b>	<b>895,554</b>
<b>26E - AirQualHeadisImpAcc</b>							
0460 - Climate Commit Rev - S	10,000	10,000	0	0	10,000	0	0
90 - Maintenance Level Revenue	10,000	10,000	0	0	10,000	0	0

**ABS 029 Summarized Revenue by Account and Source**  
**Department of Ecology**  
**Agency Level**  
**BI - Biennial 2025-27 Initial**  
*Dollars in Thousands*

	Maintenance Level		Policy Level		Annual Totals		Biennial Total
	FY2026	FY2027	FY2026	FY2027	FY2026	FY2027	
Total - 0460 - Climate Commit Rev - S	10,000	10,000	0	0	10,000	10,000	20,000
<b>26E - AirQualHeadisplmpAcc - State</b>	<b>10,000</b>	<b>10,000</b>			<b>10,000</b>	<b>10,000</b>	<b>20,000</b>
<b>Total - 26E - AirQualHeadisplmpAcc</b>	<b>10,000</b>	<b>10,000</b>			<b>10,000</b>	<b>10,000</b>	<b>20,000</b>
<b>28C - Resp Battery Mgmt Ac</b>							
0299 - Other Licenses Permi - S	0	673	0	0		673	673
90 - Maintenance Level Revenue	0	673	0	0		673	673
Total - 0299 - Other Licenses Permi - S	0	673	0	0		673	673
<b>28C - Resp Battery Mgmt Ac - State</b>	<b>673</b>	<b>673</b>			<b>673</b>	<b>673</b>	<b>673</b>
<b>Total - 28C - Resp Battery Mgmt Ac</b>	<b>673</b>	<b>673</b>			<b>673</b>	<b>673</b>	<b>673</b>
<b>296 - Col River Bas Wtr Su</b>							
0285 - Water Resources Fees - S	720	730	0	0		730	1,450
90 - Maintenance Level Revenue	720	730	0	0	720	730	1,450
Total - 0285 - Water Resources Fees - S	720	730	0	0	720	730	1,450
<b>296 - Col River Bas Wtr Su - State</b>	<b>720</b>	<b>730</b>			<b>720</b>	<b>730</b>	<b>1,450</b>
<b>Total - 296 - Col River Bas Wtr Su</b>	<b>720</b>	<b>730</b>			<b>720</b>	<b>730</b>	<b>1,450</b>
<b>408 - Coastal Protec Acct</b>							
0405 - Fines, Forfeits - S	250	250	0	0		250	500
90 - Maintenance Level Revenue	250	250	0	0	250	250	500
Total - 0405 - Fines, Forfeits - S	250	250	0	0	250	250	500
0499 - Other Revenue - S	45	45	0	0		45	90
90 - Maintenance Level Revenue	45	45	0	0	45	45	90
Total - 0499 - Other Revenue - S	45	45	0	0	45	45	90
<b>408 - Coastal Protec Acct - State</b>	<b>295</b>	<b>295</b>			<b>295</b>	<b>295</b>	<b>590</b>
<b>Total - 408 - Coastal Protec Acct</b>	<b>295</b>	<b>295</b>			<b>295</b>	<b>295</b>	<b>590</b>
<b>500 - Perpetual Surv/Maint</b>							

**ABS 029 Summarized Revenue by Account and Source**  
**Department of Ecology**  
**Agency Level**  
**BI - Biennial 2025-27 Initial**  
*Dollars in Thousands*

	Maintenance Level		Policy Level		Annual Totals		Biennial Total
	FY2026	FY2027	FY2026	FY2027	FY2026	FY2027	
0427 - Property/Resc Mgmt - S							
90 - Maintenance Level Revenue	35	35	0	0			70
Total - 0427 - Property/Resc Mgmt - S	35	35	0	0	35	35	70
<b>500 - Perpetual Surv/Maint - State</b>	<b>35</b>	<b>35</b>			<b>35</b>	<b>35</b>	<b>70</b>
<b>Total - 500 - Perpetual Surv/Maint</b>	<b>35</b>	<b>35</b>			<b>35</b>	<b>35</b>	<b>70</b>
<b>564 - Water Pollution Cont</b>							
0420 - Charges for Services - S							
90 - Maintenance Level Revenue	6,713	7,351	0	0			14,064
Total - 0420 - Charges for Services - S	6,713	7,351	0	0	6,713	7,351	14,064
<b>564 - Water Pollution Cont - State</b>	<b>6,713</b>	<b>7,351</b>			<b>6,713</b>	<b>7,351</b>	<b>14,064</b>
<b>Total - 564 - Water Pollution Cont</b>	<b>6,713</b>	<b>7,351</b>			<b>6,713</b>	<b>7,351</b>	<b>14,064</b>
<b>727 - Water Pollution Cont</b>							
0366 - Environ Protection A - F							
90 - Maintenance Level Revenue	186,286	186,286	0	0			372,572
Total - 0366 - Environ Protection A - F	186,286	186,286	0	0	186,286	186,286	372,572
0409 - Interest Income - S							
90 - Maintenance Level Revenue	12,891	14,924	0	0			27,815
Total - 0409 - Interest Income - S	12,891	14,924	0	0	12,891	14,924	27,815
0866 - Loan Principal Repay - S							
90 - Maintenance Level Revenue	70,987	82,875	0	0			153,862
Total - 0866 - Loan Principal Repay - S	70,987	82,875	0	0	70,987	82,875	153,862
<b>727 - Water Pollution Cont - State</b>	<b>83,878</b>	<b>97,799</b>			<b>83,878</b>	<b>97,799</b>	<b>181,677</b>
<b>727 - Water Pollution Cont - Federal</b>	<b>186,286</b>	<b>186,286</b>			<b>186,286</b>	<b>186,286</b>	<b>372,572</b>
<b>Total - 727 - Water Pollution Cont</b>	<b>270,164</b>	<b>284,085</b>			<b>270,164</b>	<b>284,085</b>	<b>554,249</b>
<b>746 - Hanford Econ Invest</b>							
0294 - Hazardous Waste Fees - S							



**ABS 029 Summarized Revenue by Account and Source**  
**Department of Ecology**  
**Agency Level**  
**BI - Biennial 2025-27 Initial**  
*Dollars in Thousands*

	Maintenance Level		Policy Level		Annual Totals		Biennial Total
	FY2026	FY2027	FY2026	FY2027	FY2026	FY2027	
90 - Maintenance Level Revenue	129	129	0	0	129	129	258
Total - 0294 - Hazardous Waste Fees - S	129	129	0	0	129	129	258
<b>746 - Hanford Econ Invest - State</b>	<b>129</b>	<b>129</b>			<b>129</b>	<b>129</b>	<b>258</b>
<b>Total - 746 - Hanford Econ Invest</b>	<b>129</b>	<b>129</b>			<b>129</b>	<b>129</b>	<b>258</b>
<b>Agency: 461 ECY - State</b>	<b>1,003,294</b>	<b>969,365</b>	<b>2,157</b>	<b>3,324</b>	<b>1,005,451</b>	<b>972,689</b>	<b>1,978,140</b>
<b>Agency: 461 ECY - Federal</b>	<b>281,487</b>	<b>284,857</b>	<b>41,810</b>	<b>41,810</b>	<b>323,297</b>	<b>326,667</b>	<b>649,964</b>
<b>Agency: 461 ECY - Private/Local</b>	<b>33,748</b>	<b>34,572</b>			<b>33,748</b>	<b>34,572</b>	<b>68,320</b>
<b>Total - Agency: 461 ECY</b>	<b>1,318,529</b>	<b>1,288,794</b>	<b>43,967</b>	<b>45,134</b>	<b>1,362,496</b>	<b>1,333,928</b>	<b>2,696,424</b>

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# Revenue Descriptions

## Department of Ecology

September 2024

Account	Major Source	Source	Source Name	Revenue Description
001 - General Fund	02	85	Water Resources Fees	<p>Chapter 90.03 RCW allows the Department of Ecology to levy a charge based upon the amount of water proposed to be appropriated from state waters, and to charge a fee for engineering plan review and inspection of dams. Chapter 90.03 RCW directs that eighty percent of the fee will be deposited into General Fund State while the remaining twenty percent will be deposited into the Water Rights Tracking System Account.</p> <p>1. Dam Safety Fee (000009): Chapter 90.03 RCW authorizes Ecology to levy fees for the review of plans and specification of dams. Ecology can charge the facility owner the actual cost of the review of plans and specifications of storage dams. Fee for review of plans and specifications are established by 173-175 WAC and are adjusted annually by the fiscal growth factor per chapter 43.135 RCW.</p> <p>2. Water Rights Tracking System Fee (000011): Chapter 90.03 RCW authorizes Ecology to levy a fee based upon the amount of water proposed to be appropriated from state waters, and to charge a fee for engineering plan reviews of dams.</p> <p>3. Dam Safety Inspection Fee (000012): Chapter 90.03 RCW authorizes Ecology to levy fees for the inspection of hydraulic works to assure safety. Ecology can charge the facility owner the actual cost of the inspection. The review of periodic inspection fees are established in 173-175 WAC and are adjusted annually by the fiscal growth factor per chapter 43.135 RCW.</p>
001 - General Fund	02	99	Other Licenses, Permits, and Fees	<p>1. Laboratory Certification Fees (000030): Chapter 43.21A RCW authorizes the Department of Ecology to design a laboratory certification program for those entities which conduct tests or prepare data for submittal to the department. It also authorizes the department to charge fees sufficient to defer the cost of the certification process. Approximately 430 laboratories are certified. Fees are based on the requested scopes of accreditation.</p> <p>2. Incinerator and Landfill Operator Certification Fees (000045): Chapter 70A.216 RCW authorizes an Incinerator and Landfill Operator Certification program, and fee requirements are defined in WAC 173-300. Incinerator Certification fees are as follows: the examination fee is \$50, and certification fees and fees for renewals of certifications after three years are \$200 for operators. Inspectors are exempted from fee requirements. In previous years, Ecology has processed an average of five new operator certifications and thirty renewal certifications each year.</p>
001 - General Fund	03	01-99	Federal Revenue	All federal revenue estimates are based upon historical data as well as current ongoing negotiations. Currently including Department of Commerce, Department of Defense, Department of the Interior, Environmental Protection Agency, Homeland Security, and Federal Assistance-Other.
001 - General Fund	03	55	Federal Revenue Non-Assistance	Federal non-grant revenue is included here. The WCC program contracts with Federal agencies to perform environmental restoration work, primarily the US Forest Service, National Park Service and Fish and Wildlife Service. This reimbursement, while Federal, is not a grant and is recognized in this source.
001 - General Fund	04	05	Fines, Forfeits and Seizures	The Department of Ecology is authorized, through various state laws, to levy fines on individuals and/or entities that do not comply with specific legislation. It is estimated that future revenue will remain at current levels, (e.g. Water Resources and Spills [RCW 88.46.090] penalties).

Account	Major Source	Source	Source Name	Revenue Description
001 - General Fund	04	09	Interest Income (Local investment)	Water Quality Account Loans: Chapter 70.146 RCW authorized the department to loan grant funds from the Water Quality Account. As of July 1, 2009, the Water Quality Account was abolished and all revenue is now deposited into the State General Fund. Revenue estimates are derived from outstanding loan repayments due during the biennium.
001 - General Fund	04	16	Sale of Property - Other	Surplus Autos (AUTOSS): Revenue generated from the sale of vehicles and other equipment that the Department of Ecology sends to the Department of Enterprise Services for surplus.
001 - General Fund	04	99	Other Revenue	Miscellaneous revenue from various sources and programs across the Department of Ecology that changes biennium to biennium.
001 - General Fund	05	41	Private/Local Contributions and Grants	Contributions and grants from nonfederal sources external to the state. Similar to federal grants, the expenditure of these private/local contribution and grant revenues are restricted by contract or agreement. This source could also include donations to Ecology facilities and programs. Revenue from this source is not estimated, budgeted, or allotted because it is small and infrequent.
001 - General Fund	05	46	Federal Revenue - Pass Through	General Fund Private/Local Pass through Federal Revenue is comprised of federal revenue that is passed through to Ecology via private or local organizations. Revenue estimates are based upon historical data.
001 - General Fund	05	97	Reimbursable Contracts (Reimbursable P/L Contributions)	<p>General Fund private/local reimbursable contracts revenue source is comprised of the following:</p> <ol style="list-style-type: none"> <li>1. Hanford Sublease Rent (000052): The State of Washington leases 100 acres of the Hanford Reservation from the U.S. Department of Energy. The Department of Ecology subleases the 100 acres to US Ecology Inc. for operation of a commercial low-level radioactive waste disposal facility. The sublease rate is adjusted every three years based on the consumer price index.</li> <li>2. Washington Conservation Corps Revenues (Various): Revenues from services provided to local governments by Washington Conservation Corps crews.</li> <li>3. Cost Reimbursements (CR0000): Voluntary cost-reimbursement monies will be collected under cost-recovery law to reimburse for permitting activities.</li> <li>4. Other Private Local (OTH000): Other reimbursable contracts with private and local entities for environmental review and other activities.</li> </ol>
027 - Reclamation Account	02	66	Power Licenses	Power License Fees (000001, 000002): Chapter 90.16.050 RCW authorizes the department to charge users of water for power development an annual fee based upon the theoretical waterpower that they will produce in horsepower.
027 - Reclamation Account	02	87	Well Construction and Licensing	<ol style="list-style-type: none"> <li>1. Water Well Operator's License Fee (000103): RCW 18.104.040, 18.104.070 and 173-162-070; a \$75 application fee is charged for each new operator or training license. An existing license is renewable for two years upon payment of a \$75 fee. Chapter 18.104 RCW authorizes Ecology to collect well drilling licensing fee and fees associated with the drilling of all wells. It is anticipated that 850 licenses will be issued or renewed each year during the biennium. It is also assumed that 6,000 wells per year will be installed during the biennium.</li> <li>2. Well Construction &amp; Inspection Fee (000100-102; 000104-109): RCW 18.104.055 authorizes the Department of Ecology to collect well drilling licensing fees and fees associated with the construction of all water wells. Fee is due per occurrence. Counties may receive portion of fee generated revenue to cover partial cost of delegated inspection authority. Chapter 18.104 RCW authorizes Ecology to collect well drilling licensing fee and fees associated with the drilling of all wells. It is anticipated that 850 licenses will be issued or renewed each year during the biennium. It is also assumed that 6,000 wells per year will be installed during the biennium.</li> </ol>

Account	Major Source	Source	Source Name	Revenue Description
027 - Reclamation Account	04	05	Fines, Forfeits and Seizures	Well Driller Penalties (000051): Ecology can levee penalties for violation of the well construction laws and rules.
032 - State Emergency Water Projects Revolving Account	04	09	Local Investment Interest	Chapter 43.83B RCW authorizes the department to loan grant funds from the State Emergency Water Projects Revolving Fund.
032 - State Emergency Water Projects Revolving Account	08	66	Loan Principal Repayment	Chapter 43.83B RCW authorizes the department to loan/grant funds from the State Emergency Water Projects Revolving Fund.
044 - Waste Reduction, Recycling, and Litter Control Account	04	05	Fines, Forfeits and Seizures (Litter Control Revenue)	RCW 70A.200.070 authorizes the collection of penalties for violations of the Waste Reduction, Recycling, and Model Litter Control Act. Revenue from this source is not estimated, budgeted, or allotted because it is typically minimal and infrequent.
05W - State Drought Preparedness Account	04	99	State Charges & Misc. Revenue	ESHB 1092 Chapter 520, Laws of 2007 – 2007-09 Capital Budget proviso directs the department to recover all costs from participating domestic water users (cabin owners) for the costs of securing a water right or rights (in WRIA 37, 38 & 39 that have a surface water right with a priority date later than May 10, 1905) associated with the annual operational costs owed to the United States Bureau of Reclamation.
05W - State Drought Preparedness Account	08	66	Loan Principal Repayment	Chapter 43.83B RCW authorizes the department to loan/grant funds from the State Drought Preparedness and Response Account. Revenue estimates were derived from the outstanding loan repayments due during the biennium.
072 - State & Local Improvements Revolving Account (Water Supply Facilities)	04	09	Local Investment Interest	Chapter 43.83B RCW authorizes the department to loan/grant funds from the State and Local Improvements Revolving Account - Water Supply Facilities (Referendum 38). Revenue estimates are derived from the outstanding loan/grant interest payments due during the biennium.
072 - State & Local Improvements Revolving Account (Water Supply Facilities)	08	66	Loan Principal Repayment	Chapter 43.83B RCW authorizes the department to loan/grant funds from the State and Local Improvements Revolving Account Water Supply Facilities (Referendum 38). Revenue estimates are derived from the outstanding loan repayments due during the biennium.
08R - Waste Tire Removal Account	02	99	Other Licenses, Permits, and Fees	Waste tire carrier/storage license fee (000032): RCW 70A.205.445 requires any person engaged in the business of transporting or storing waste tires shall be licensed by the department. DOR collects the fee and transmits it to Ecology. Waste Carrier License: The license costs \$250 for the business and \$50 for each vehicle. The license is renewed annually. Waste Carrier Storage: The license costs \$250 for the business.
10G - Water Rights Tracking System Account	02	85	Water Resources Fees	Chapter 90.03 RCW allows the Department of Ecology to levy a charge based upon the amount of water proposed to be appropriated from state waters, and to charge a fee for engineering plan review and inspection of dams. Chapter 90.03 RCW directs that eighty percent of the fee will be deposited into General Fund State while the remaining twenty percent will deposited into the Water Rights Tracking System Account.  1. Dam Safety Fee (000009): Chapter 90.03 RCW authorizes Ecology to levy fees for the review of plans and specification of dams. Ecology can charge the facility owner the actual cost of the review of plans and specifications of storage dams. Fee for review of plans and specifications are established by 173-175 WAC and are adjusted annually by the fiscal growth factor per chapter 43.135 RCW.  2. Water Rights Tracking System Fee (000011): Chapter 90.03 RCW authorizes Ecology to levy a fee based upon the amount of water proposed to be appropriated from state waters, and to charge a fee for engineering plan reviews of dams.  3. Dam Safety Inspection Fee (000012): Chapter 90.03 RCW authorizes Ecology to levy fees for the inspection of hydraulic works to assure safety. Ecology can charge the facility owner the actual cost of the inspection. The review of periodic inspection fees are established in 173-175 WAC and are adjusted annually by the fiscal growth factor per chapter 43.135 RCW.

Account	Major Source	Source	Source Name	Revenue Description
116 - Basic Data Account	04	27	Property and Resources Management (Basic Data)	Chapters 43.21 RCW authorizes the department to accept contributions from persons and entities who require information regarding stream flow, ground water and water quality data, or other hydrographic information. Revenue estimates are based upon future information needs and historic trends.
11J - Electronic Products Recycling Account	02	99	Other Licenses, Permits, and Fees	Registration/Renewal Fee (000001): RCW 70A.500.130 creates the Electronic Products Recycling Account, to fund Ecology oversight of electronic products recovery. Ecology is directed to charge fees to cover the costs of the program. Revenue is based on Ecology's authorized spending level for administering the program; fees are calculated based upon market share to create the needed revenue. Collection is approximately \$355,000 per fiscal year.
11J - Electronic Products Recycling Account	04	05	Fines, Forfeits and Seizures	Electronic Products Recycling Penalty (000061): Electronic products recycling penalties authorized under RCW 70A.500.260 may be assessed against manufacturers that do not comply with the manufacturer registration requirements under RCW 70A.500.040 and deposited into the account. No revenue is estimated for this source because collection is uncommon and unpredictable.
15H - Cleanup Settlement Account	04	99	Other Revenue	Chapter 70A.305 RCW, Model Toxics Control Act, provides authority for the State to enter into settlement agreements with potentially liable parties for payment of funds to be used in future remedial actions or natural resource restoration at sites where the parties are responsible for these actions. In the 2008 Legislative Session, SB 6722 established Fund 15H, Cleanup Settlement Account, to receive these payments of funds to be used for future remedial actions or natural resource restoration.
16T- Mercury-Containing Light Product Stewardship Programs Account	02	99	Other Licenses, Permits, and Fees	Mercury Light Generation Fee (000025): In the 2010 Legislative Session, the Legislature passed ESSB 5543, which established the Product Stewardship Programs Account (16T), and authorized Ecology to charge a fee to be paid by producers of mercury-containing lights that are sold in or into Washington State. In 2014, the Legislature passed ESHB 2246 which updated chapter 70A.505 RCW, allowing the Product Stewardship Organization (PSO) to apply an Environmental Handling Charge (EHC) to each bulb sold. In 2017, the Legislature passed Senate Bill 5762 to allow the PSO, using funds from the EHC, to pay \$3,000 per participating producer to Ecology to cover the program's administration and enforcement costs.
16V- Water Rights Processing Account	02	85	Water Resources Fees	Expedited Water Right Processing Fee (000013): Chapter 90.03 RCW authorizes the department to process surface water applications using expedited processing of applications within the same water source. This would allow Ecology staff to recover costs of processing applications for those that participate.
16V- Water Rights Processing Account	02	99	Other Licenses, Permits, and Fees	Certified Water Right Examiner Fees (000813): Chapter 90.03 RCW authorizes the department to establish and collect fees for the examination, certification, and renewal of certification of water right examiners. Fees may be adjusted by rule.
176 - Water Quality Permit Account	02	86	Water Quality Fees (Permits)	Ecology establishes fees to recover expenses for issuing and administering wastewater discharge permits under RCW 90.48.465. Fees are based on factors relating to the complexity of permit issuance and compliance. The Water Quality program will administer approximately 7,000 discharge permits.
176 - Water Quality Permit Account	04	09	State Charges & Miscellaneous Revenue	Chapter 90.48.465 RCW authorizes the department to administer wastewater discharge permits. This source represents various miscellaneous contributions to the fund (e.g. revenue from surcharge on delinquent permits transferred to collection agencies; revenue from application fee; and recovery of revenue from prior time period). Revenue estimates are derived using prior time period actuals.

Account	Major Source	Source	Source Name	Revenue Description
182 - Underground Storage Tank Account	02	99	Other Licenses, Permits, and Fees	Underground Storage Tank Licenses (000033): Chapter 90.76 RCW authorizes the department to develop an underground storage tank program. It also authorizes the department to charge a per tank fee. The fee is currently set at \$228.58 per tank as of January 2024. Revenue estimates were derived from the current underground storage tank database, actual receipts, and tank removals and tank installations.
182 - Underground Storage Tank Account	04	05	Fines, Forfeits and Seizures	Underground Storage Tank Penalties (000039): Chapter 90.76 RCW authorizes the department to issue penalties for infractions discovered during periodic inspections of Underground Storage Tank systems. These penalties vary in amount, depending on the severity of the infractions.
199 - Biosolids Permit Account	02	99	Other Licenses, Permits, and Fees	Biosolids Permit (000095): RCW 70A.226.020 authorizes the department to collect permit fees to support permitting and inspecting biosolids generation facilities and application sites. Fees are established in WAC 173-308-320; they are based on the type of facility and number of residential equivalents serviced; Ecology is authorized to adjust the fee schedule once every two years using the fiscal growth factor calculated under chapter 43.135 RCW.
207 - Hazardous Waste Assistance Account	02	94	Hazardous Waste Fees	Hazardous Waste Generation and Planning Fees (000024, 000025): Chapter 70A.218 RCW authorizes the Department to collect fees from hazardous waste generators to conduct a program to reduce such waste. The fees are collected annually and consist of two parts, a hazardous waste generation fee and a planning fee. The \$65 hazardous waste generation fee is applied to about 31,000 potential waste generators. The fee is adjusted annually for inflation if the adjustment is at least a \$1 increment. The planning fee varies by amount of waste generated and was capped at a base amount of \$10,000 per facility in 1992 and adjusted annually for inflation which currently puts the cap at \$26,236 per facility. The overall cap for the planning fee is also adjusted annually for inflation and is currently capped at \$2,623,690. The planning fee is applied to about 451 firms.
207 - Hazardous Waste Assistance Account	04	09	State Charges & Misc. Revenue	Hazardous Waste Generation and Planning Fee Interest (000024): In administration of Chapter 70A.218 for the enforcement and collection of fees from hazardous waste generators, the department may apply RCW 43.17.240 which allows the department to charge interest on the costs associated with conducting a program to reduce such waste.
20R - Radioactive Mixed Waste Account	02	94	Hazardous Waste Fees	Mixed Waste Fees (000300-304): Chapter 70A.300.460 RCW authorizes the department to assess the Mixed Waste Management Fee for regulation of radioactive mixed waste facilities. The Nuclear Waste Program bills the US Department of Energy at Hanford and three other mixed waste facilities. The Mixed Waste Management Fee is adjusted annually to fund program costs to implement 70.105 RCW and WAC 173-303 at radioactive mixed waste facilities.
216 - Air Pollution Control Account	02	25	Agricultural Burning Permit Fees	Agricultural Burning Permit Fees (000037): RCW 70A.15.5090 allows for collection of fees for agricultural burning permits. Fees are assessed at the statutory cap of \$3.75 per acre for field stubble burning and \$1.00 per ton for agricultural pile burning. The fees collected will cover the costs of the agricultural burn program and are divided between local administration, research, and smoke management.
216 - Air Pollution Control Account	02	99	Facility Permit Fees	<p>1. Air Fees (000404): RCW 70A.15.2210 allows for fees to be collected to cover the cost of certain agency air quality permitting activities, including New Source Review, Notice of Construction, and Control Technology reviews.</p> <p>2. Air Contaminate Source Registration Fee (000800): RCW 70A.15.2200 allows for the collection of fees from certain small to mid-sized air emission sources. Annual fees are set in rule based on a workload model and vary per source based on pollutants and annual emissions.</p> <p>3. Greenhouse Gas Reporting Fee (000811): RCW 70A.15.2200 allows Ecology to collect annual fees from facilities and suppliers required to report greenhouse gas emissions. The fees cover the administrative costs of the greenhouse gas reporting program.</p>

Account	Major Source	Source	Source Name	Revenue Description
216 - Air Pollution Control Account	04	05	Fines, Forfeits and Seizures	Air Penalty (000041): Chapter 70A.15 RCW authorizes Ecology to levy fines on individuals and/or entities that do not comply with Clean Air legislation.
217 - Oil Spill Prevention Account	04	34	Hazardous Waste Cleanup Recoveries	Spills/Oil Related Cost Recovery (CP0022): Chapter 90.56 RCW authorizes the department to recover costs relating to the unlawful discharge of oil into waters of the state.
219 - Air Operating Permit Account	02	99	Other Licenses, Permits, and Fees	Air Operating Fees (000803, 000807): RCW 70A.15.2270 authorizes Ecology to collect fees to administer an Air Operating Permit Program for large industrial sources. Fees established are based on a sliding scale and cover all direct and indirect program costs.
21H - Wastewater Treatment Plant Operator Certification Account	02	71	Other Licenses, Permits, and Fees	RCW 70A.212.100 authorizes Ecology to establish rules for the collection of fees for the issuance and renewal of sewage treatment plant operator licenses. Revenue estimates are based on the number of new and renewal of applications multiplied by the rates (Group I application fee \$75; other groups application fee \$125; renewal fee \$200).
223 - Oil Spill Response Account	04	34	Hazardous Waste Cleanup Recoveries	Spills/Oil Related Cost Recovery (CP0022): Chapter 90.56 RCW authorizes the department to recover costs relating to the unlawful discharge of oil into waters of the state. Revenue estimates were derived from historical data.
22G - Photovoltaic Module Recycling Account	02	99	Other Licenses, Permits, and Fees	RCW 70A.510.010 authorizes Ecology to collect fees from participating manufacturers to recover costs associated with plan guidance, review, and approval of photovoltaic module stewardship and takeback programs. HB 1393, enacted July 25, 2021, delayed program requirements, which has suspended administrative costs and the fee; the fee will be reinstated when the program is resumed before July 1, 2024 when manufacturers are required to submit stewardship plans to Ecology.
22K - Watershed Restoration and Enhancement Act Account	02	99	Other Licenses, Permits, and Fees	The department receives funds from local governments for collection of fees on building permits for buildings that rely on a permit exempt well for a water source.
23N - Model Toxics Control Capital Account	04	09	Local Investment Interest	TCP Interest-Cost Recovery (ECYINT): Chapter 70A.305 RCW allows the department to charge interest on the costs associated with cleaning up a hazardous waste site. Revenue estimates are based upon historical data.
23N - Model Toxics Control Capital Account	04	34	Hazardous Waste Cleanup Recoveries	1. Cost Recovery (ECY000, CP0020, CP0022, RCRA00, CP0021, ECK000): Chapter 70A.305 RCW allows the department to recover costs associated with the cost of cleaning up a hazardous waste site. Revenues are based on historical data for funds recovered from hazardous waste cleanup activities.  2. Voluntary Cleanup (005001): In order to provide additional incentives for Potentially Liable Parties (PLP) to initiate independent cleanups, the Toxics Cleanup Program is authorized by Chapter 70A.305 RCW to provide informal advice and assistance to persons conducting or otherwise interested in independent remedial actions. The department may charge fees in order to recoup the costs of providing this service. Revenues are based on historical data.
23P - Model Toxics Control Operating Account	04	05	Fines, Forfeits and Seizures	Penalties are authorized under multiple chapters in Title 70A to be deposited in the MTCA Operating Account. Revenue estimates are based upon historical data.
23P - Model Toxics Control Operating Account	05	97	Reimbursable Private/Local Contracts	Recovered LUST (00009B): MTCA Operating private local contributions are comprised of expenditures of recovered LUST funds. Revenues are based on historical data.
23V - Voluntary Cleanup Account	04	34	Hazardous Waste Cleanup Recoveries	Fees and Cost Recovery (5X0000, 5X0001, 5X0000): RCW 70A.305.170 provides additional incentives for Potentially Liable Parties (PLP) to initiate independent cleanups through the Voluntary Cleanup Program's expedited process. The department may charge fees, cost recovery, or both to recoup the costs of providing this service.



Account	Major Source	Source	Source Name	Revenue Description
23W - Paint Product Stewardship Account	02	99	Other Licenses, Permits, and Fees	RCW 70A.515.060 authorizes the department to collect fees from a paint stewardship organization. The total amount of fees collected must not exceed the amount necessary to reimburse costs incurred by the department to enforce and administer this chapter. The fee must be paid annually, and may not exceed five percent of the aggregate assessment added to the cost of all architectural paint sold by producers in the state for the preceding calendar year.
25Q - Clean Fuels Program Account	04	05	Fines, Forfeits and Seizures	RCW 70A.535.130 authorizes Ecology to require a fee from persons that register or report under the provisions of the Clean Fuels Program. The fee is set so that receipts equal but not exceed the payment schedule and fee amount. All receipts from fees and penalties received under the program are deposited into this account. Expenditures from this account may only be used for carrying out the Clean Fuels Program, which aims to reduce carbon intensity of transportation fuels through use of credits generated and used in a credit market by covered entities; and to produce a fuel supply forecast.
25R - Recycled Content Account	02	99	Other Licenses, Permits, and Fees	Chapter 70A.245 RCW authorizes Ecology to collect fees from producers of certain products. The total amount of fees collected must not exceed the amount necessary to reimburse costs incurred by the department to enforce and administer specified sections of this chapter. Methods to equitably distribute the fee among producers will be established in rule; until then, a general order will accompany fee invoices describing the basis for the fee calculation; the fee will be calculated based on each producer's percentage weight of plastic resin sold or distributed for sale in Washington.
25S - Recycling Enhancement Account	04	05	Fines, Forfeits and Seizures	RCW 70A.245.040 requires penalties as calculated using the methods described in this section be applied for failure to meet post-consumer recycled content requirements in RCW 70A.245.020. RCW 70A.245.050 authorizes penalties for violation of registration, reporting, and labeling requirements in the specified sections of Chapter 70A.245 RCW. Revenue from penalties required and authorized in RCW 70A.245.040 and RCW 70A.245.050 are to be deposited in the Recycling Enhancement Account. No revenue is estimated for this source because this is a new chapter in statute, enforcement actions begin with corrective measures, and penalties are uncommon and unpredictable.
25T - Refrigerant Emission Management Account	02	99	Other Licenses, Permits, and Fees	RCW 70A.60.030 authorizes Ecology to determine, assess, and collect annual fees from the owners or operators of refrigeration and air conditioning systems regulated under the Refrigerant Management Program in an amount sufficient to cover the direct and indirect costs of administering and enforcing the provisions.
26A - Carbon Emissions Reduction Account	04	60	CCA Auction Revenue	Auction revenue received from the Climate Commitment Act cap-and-invest program for the purpose of funding carbon emissions reduction in the Transportation sector. Auction proceeds are collected by the financial services administrator and transferred to the State Treasurer for deposit. Ecology's revenue estimate for CERA reflects the statutory requirement that auction proceeds will be first deposited into CERA to meet the amounts specified under RCW 70A.65.100. Remaining auction proceeds will be deposited in the CIA and AQHDIA. Note that the State Treasurer will transfer 24 percent of the revenues in CERA to the Climate Active Transportation Account (26M) per RCW 46.68.490, and 56 percent to the Climate Transit Programs Account (26N) per RCW 46.68.500. State Treasurer transfers are not reflected in Ecology revenue estimates.

Account	Major Source	Source	Source Name	Revenue Description
26B - Climate Investment Account	04	60	CCA Auction Revenue	Auction revenue received from the Climate Commitment Act cap-and-invest program for the purpose of funding the costs to administer the program and funding projects that support the transition to clean energy, build ecosystem resilience, and support carbon sequestration. Auction proceeds are collected by the financial services administrator and transferred to the State Treasurer for deposit. Ecology's revenue estimate for the CIA reflects the agency's current estimate of auction proceeds from the June 2024 forecast minus the statutory amount deposited in CERA and \$20 million per biennium deposited in AQHDIA. Note that annually each July, the State Treasurer transfers revenues available in the CIA that are not already appropriated in the account to administer the program. Per RCW 70A.65.250, 75 percent is transferred to the Climate Commitment Account (26C) and 25 percent is transferred to the Natural Climate Solutions Account (26D). State Treasurer transfers are not reflected in Ecology revenue estimates.
26E - Air Quality and Health Disparities Improvement	04	60	CCA Auction Revenue	Auction revenue received from the Climate Commitment Act cap-and-invest program for the purpose of funding reductions in criteria pollutants and health disparities in overburdened communities. Auction proceeds are to be collected by the financial services administrator and transferred to the State Treasurer for deposit. Under RCW 70A.65.100, auction revenue is directed to the CIA and AQHDIA after first being deposited in CERA. Ecology's revenue estimate reflects the funding intent specified in RCW 70A.65.280 that not less than \$20 million per biennium be dedicated to the account.
27P - Price Ceiling Unit Emission Reduction Investment	04	99	Other Revenue	All receipts from the sale of price ceiling units must be deposited in the account. Moneys in the account must be expended to achieve emissions reductions on at least a metric ton for metric ton basis that are real, permanent, quantifiable, verifiable, enforceable by the state, and in addition to any greenhouse gas emission reduction otherwise required by law or regulation and any other greenhouse gas emission reduction that otherwise would occur. Ecology estimates zero revenue in this account for the 2025-27 biennium.
277 - State Agency Parking Account	04	02	Income From Property	The department is authorized to assess employee parking fees which are deposited into this account to pay for commute trip reduction incentives per RCW 43.01.240.
28C - Responsible Battery Management	02	99	Other Licenses, Permits, and Fees	Chapter 70A.555 RCW authorizes the department to collect annual fees for the purposes of covering the costs associated with the implementation of the battery stewardship program as established under E2SSB 5144 (2023). Ecology estimates fee collections will begin in FY 2027.
28U - Clean Fuels Credit Account	04	99	Other Revenue	Chapter 70A.535 RCW authorizes revenue from the sale of clean fuel credits by a state agency to be deposited in the Clean Fuels Credit Account. If Ecology were to choose to sell credits, any revenue received would be deposited in the account.
296 - Columbia River Basin Water Supply Rev Recovery Account	02	85	Water Resources Fees	Columbia Basin Water Supply Permit Recovery (KGHOSP, LAKROS, SULLAK, WWALLA): Chapter 90.90.100 RCW authorizes the Columbia River Basin Water Supply Revenue Recovery Account. Revenue to this account includes all receipts from direct appropriations from the legislature, moneys directed to the account pursuant to RCW 90.90.020 (Allocation and Development of Water Supplies) and 90.90.030 (Voluntary Regional Agreements), revenue from water service contracts described in this chapter, or moneys directed into the account from any other sources. Revenue from 90.90.020 and 90.90.030 RCW are collected from entities paying fees from receiving water developed from the Columbia River Program through permitting or contracting of the newly developed water.
408 - Coastal Protection Account	04	05	Fines, Forfeits and Seizures	Spills and Water Quality Penalties (000044, 000046): Chapter 90.48 RCW authorizes the department to recover costs relating to the unlawful discharge of oil into waters of the state, as well as providing for penalties. Revenue estimates are derived from historical data.

Account	Major Source	Source	Source Name	Revenue Description
408 - Coastal Protection Account	04	99	Other Revenue	Resource Damage Assessments (RDAC00, RDAN00, RDAS00): Chapter 90.48 and 90.56 RCW authorize charging a fee for resource damage assessment. Revenue estimates are derived from historical data.
500 - Perpetual Surveillance Account	04	27	Property and Resources Management	Perpetual Surveillance and Maintenance Surcharge (000023): The department shall impose and collect fees from parties disposing of radioactive wastes for waste management purposes. The department collects a charge per cubic foot of waste received by US Ecology (a private corporation). Revenue estimates are based on a projection of the annual volume of waste to be disposed at the facility.
564 - Water Pollution Control Revolving Administration Account	04	20	Charge for Services	Chapter 90.50A RCW authorizes an administrative charge as a portion of the debt service for loans issued under the Water Pollution Control Revolving Fund Program. A maximum of 1% of the outstanding loan balances are collected when loan payments are made for each loan in repayment. The administrative charge is deposited into fund 564. Funds can be used for conducting application processes, managing loan agreements, collecting loan payments, managing funds, providing technical assistance, and meeting state and federal reporting requirements as well as information and data system costs associated with loan tracking and fund management.
727 - Water Pollution Control Revolving Account	03	66	Environmental Protection Agency	The department receives funds from the Environmental Protection Agency to provide capitalization grants. EPA policies allow disbursement of grant funds on a cost-reimbursement basis.
727 - Water Pollution Control Revolving Account	04	09	Local Investment Interest	The department is authorized to loan/grant funds from the Water Pollution Control Revolving Account. Revenue estimates are derived from outstanding loan/grant interest payments due during the biennium.
727 - Water Pollution Control Revolving Account	08	66	Loan Principal Repayment	The department is authorized to loan/grant funds from the Water Pollution Control Revolving Account. Revenue estimates are derived from loan repayments due during the biennium.
746 - Hanford Area Economic Investment Account	02	94	Hazardous Waste Fees	Radioactive Waste Surcharge (000023): The department deposits a surcharge into the Hanford Area Economic Investment Account per cubic foot of low level radioactive waste disposed at Hanford. Revenue estimates are based on the amount of cubic feet being received annually. A surcharge of \$6.50 is collected for each cubic foot of radioactive waste received at the disposal facility. Benton County receives \$2.00 for each cubic foot of waste and the remaining \$4.50 is deposited into the Hanford Area Economic Investment Account. Revenue estimates are based on a projection of the annual volume of waste to be disposed at the facility.

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State of Washington  
Request for Fees and Taxes  
2025-27 Biennium

AGENCY	Code 461	Title Department of Ecology
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Agy #	Agency Name	Fee Code	Name of Fee/Tax	Is a bill required?	Z-Draft # (or Pending)	New, Increased, Continued?	Incremental Revenue Dollars in Thousands			Tied to Expenditure Change?	Fee Payer Position	Explanation of Change
							FY 2026	FY 2027	Other Funds			
461	Dept. of Ecology	J001	Underground Storage Tank Fee	No	No Legislation	Increased		118	239	No See PL RA	Neutral - TCP works with stakeholders and informs them of changes per the statute in one on one meetings and at conferences prior to publishing plans to increase.  Neutral - WQP traditionally increases fees every two years to maintain pace with inflation. We work with stakeholders and other interested parties and inform them of changes through the rulemaking process that includes public hearings and a public comment period.	
461	Dept. of Ecology	F004	Wastewater Discharge Permit Fee	No	No Legislation	Increased		400	500	No See PL RA	Estimated revenue is based on applying the fiscal growth factor to fees for underpaying fee categories for FY 2026 and FY 2027 in order to collect the revenue needed to recover the costs of administering the wastewater and stormwater programs next biennium.	
461	Dept. of Ecology	N001	Biosolids Permit Fee	No	No Legislation	Increased		77	160	No See PL RA	RCW 70A.226.030 requires the biosolids program to be fully fee supported and allow for the fee schedule to be adjusted once every two years. Ecology is requesting an increase to the biosolids fee by the fiscal growth factor of 6.20 percent in Fiscal Year 2026 and 6.27 percent in Fiscal Year 2027. This fee increase is required to support the ongoing implementation of the biosolids permit program, including general permit, technical assistance, and stakeholder outreach and education.	
461	Dept. of Ecology	K003	Mixed Waste Management Fee	No	No Legislation	Increased		733	1,596	Yes See ML ED, ML EK, PL BH, PL BJ	RCW 70.105.280 authorizes the department to assess the Mixed Waste Management Fee for regulation of radioactive mixed waste facilities. The Nuclear Waste Program bills the US Department of Energy at Hanford and three other mixed waste facilities. The Mixed Waste Management Fee is adjusted annually to fund program costs to implement 70.105 RCW and WAC 173-303 at radioactive mixed waste facilities.	

		Incremental Revenue Dollars in Thousands											
		GF-S		Other Funds									
Agy #	Agency Name	Fee Code	Name of Fee/Tax	Is a bill required?	Z-Draft # (or Pending)	New, Increased, Continued?	FY 2026	FY 2027	FY 2026	FY 2027	Tied to Expenditure Change?	Fee Payer Position	Explanation of Change
461	Dept. of Ecology	B003	Air Operating Permit Fee	No	No Legislation	Increased			131	131	Yes See MLEJ	Ecology published the draft workload analysis (WLA) in February 2024 and made it available to the public for review and comment. Ecology did not receive any comments from stakeholders. The final WLA was published in June 2024. Local air agencies, local economic development interests, and businesses affected by the AOP generally support the fee increase because it will ensure timely permit processing and help Ecology provide additional assistance to AOP facilities.	Fees are adjusted per the 2025-27 Biennial Workload Analysis for Air Operating Permits completed in June 2024, per WAC 173-401-900.
461	Dept. of Ecology	B002	Air Contaminant Source Registration Fee	No	No Legislation	Increased			279	279	Yes See PL BK	Fee payers are aware of the increasing adjustment. Information is shared with sources across the 6 Tiers establish in the workload model. Stakeholders are understanding.	WAC 173-455-040 authorizes Ecology to adjust fees based on a workload analysis to cover the costs of the air contaminant source registration program in counties without an active local air pollution control authority.
Additional Comments:													



Dollars in Thousands

**ABS030 Working Capital Reserve  
461 Department of Ecology  
2025-27 Regular Budget Session  
BI - Biennial 2025-27 Initial**

FUND ADMINISTRATOR AGENCY ONLY		RECOMMENDED ENDING FUND BALANCE	
FUND	FUND TITLE	2023-25 Current Biennium	2025-27 Ensuing Biennium
027	Reclamation Account	100	100
032	St Emergency Water Projects Revolv	3	3
044	Waste Reduct/Recycle/Litter Control	2,000	3,000
05W	State Drought Preparedness Account	1	1
10A	Aquatic Algae Control Account	30	30
10G	Water Rights Tracking System Acct	5	5
11J	Electronic Products Recycling Acct	70	75
160	Wood Stove Education/Enforcement	40	40
176	Water Quality Permit Account	4,135	4,300
199	Biosolids Permit Account	227	256
207	Hazardous Waste Assistance Account	350	700
20R	Radioactive Mixed Waste Acct	2,000	2,200
216	Air Pollution Control Account	450	450
217	Oil Spill Prevention Account	700	700

**ABS030 Working Capital Reserve  
461 Department of Ecology  
BI - Biennial 2025-27 Initial**

*Dollars in Thousands*

FUND ADMINISTRATOR AGENCY ONLY		RECOMMENDED ENDING FUND BALANCE	
FUND	FUND TITLE	2023-25 Current Biennium	2025-27 Ensuing Biennium
219	Air Operating Permit Account	1,430	2,000
21H	Wastewater Treatmt Plant Oper Cert	69	69
222	Freshwater Aquatic Weeds Account	70	70
23P	Model Toxics Control Operating Acct	15,000	15,000
25Q	Clean Fuels Program Account	133	500
25T	RefrigerantEmissionManagementAcct	226	250
26B	Climate Investment Account	5,000	5,000
564	Water Pollution Control Revol Admin	150	150
727	Water Pollution Control Revolving	2,000	2,000



# 2025-27 Biennium Requested Fund Transfers

## Department of Ecology

### September 2024

Purpose: This table summarizes Treasurer fund transfers identified by Ecology for inclusion in the 2025-27 Biennium Budget. Includes items 5 and 6 that are appropriations or other transactions made to achieve a transfer or repayment of funds.

Item	Budget Reference	Account From	Account To	FY 2026	FY 2027	Biennium Total	Explanation & Statutory Citation
1	Capital Project 40000626	State Taxable Building Construction Account (355)	Water Pollution Control State Revolving Account – Federal (727)	\$20.5 million	\$20.5 million	\$41 million	The Washington State Water Pollution Control Revolving Fund (SRF), established under <a href="#">Chapter 90.50A RCW</a> , implements the state's loan program to provide low- interest loans to public entities for high priority water quality projects statewide. Twenty percent state match toward federal capitalization dollars is required. The state provides the matching funds when federal dollars are actually spent. The \$41 million requested match for the 2025-27 biennium is based on an estimated \$41 million match for anticipated CWSRF federal capitalization and the Bipartisan Infrastructure Law (BIL) CWSRF (20 percent match for both).
2	Operating	Water Pollution Control Revolving Administrative Account (564)	Water Pollution Control Revolving Program (727)	\$3 million	\$3 million	\$6 million	The Administrative Rate is calculated at up to 1% of the declining principal loan balances in the Water Pollution Control Revolving Account. Per RCW 90.50A.090. Request transfer of \$6 million back to 727 to maintain a projected balance of \$4 million in the Administrative Account.
3	Operating	State General Fund (001)	Flood Control Assistance Account - FCAA (02P)	\$2 million	\$2 million	\$4 million	According to <a href="#">RCW 86.26.007</a> , the state treasurer is required to transfer \$4 million from the General Fund to the Flood Control Assistance Account each biennium.

Item	Budget Reference	Account From	Account To	FY 2026	FY 2027	Biennium Total	Explanation & Statutory Citation
4		State General Fund ( <a href="#">001</a> )	Site Closure Account ( <a href="#">125</a> )	\$1.360 million	\$1.387 million	\$2.747 million	<p>In the 2003-05 Biennium, the Legislature transferred \$13.8 million from the Site Closure Account to the general fund. Beginning July 1, 2008, and each July 1st thereafter, the treasurer shall transfer from the state general fund to the site closure account the sum of nine hundred sixty-six thousand dollars. The nine hundred sixty-six thousand dollars transferred on July 1, 2009, and thereafter shall be adjusted to a level equal to the percentage increase in the United States implicit price deflator for personal consumption. The last transfer under shall occur on July 1, 2033. The amount shown is based on an assumed 1.9% increase from July 1, 2024 transfer of \$1,334,448. (<a href="#">RCW 43.200.080 3(a), (b)</a>)</p>
5		Columbia River Water Delivery Account ( <a href="#">15K</a> )	Confederated Tribes of the Colville Reservation				<p><a href="#">RCW 90.90.060</a> outlines provisions whereby the state and the Confederated Tribes of the Colville Reservation and the Spokane Tribe of Indians agree to support additional releases of water from Lake Roosevelt. The state also agrees to share a portion of the benefits derived from Lake Roosevelt water releases, and to mitigate for any impacts such releases may have upon the tribes.</p> <p>Enacted budgets include the benefit in the back of the budget section titled State Revenues For Distribution. The Columbia River Water Delivery Account (Account 15K) is administered by Ecology, but is an administrative account of the State General Fund. Amounts are defined per <a href="#">RCW 90.90.070</a>.</p>

Item	Budget Reference	Account From	Account To	FY 2026	FY 2027	Biennium Total	Explanation & Statutory Citation
6		Columbia River Water Delivery Account <a href="#">(15K)</a>	Spokane Tribe of Indians				See note above.
7		From auction proceeds received under <a href="#">RCW 70A.65.100(7)</a>	Air Quality & Health Disparities Improvement Account <a href="#">(26E)</a>	\$10,000,000	\$10,000,000	Not less than \$20,000,000	<a href="#">RCW 70A.65.280 (3)</a> : It is the intent of the legislature that not less than \$20,000,000 per biennium be dedicated to the account for the purposes of the account.

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# Department of Ecology 2025-27 Operating Budget Requests Supporting the Puget Sound Action Agenda

September 5, 2024

Decision Package	Vital Signs	Strategies	Targets	Desired Outcomes	Actions	Ongoing Program	Orca Task Force Recommendation	Federal Leveraging	Local Leveraging	Puget Sound Dollars	Total Request Dollars
1. PLBP Reduce Toxic Tire Chemical Exposure	Freshwater Toxics in Aquatic Life	8. Prevent Pollution 10. Stormwater Runoff and Legacy Contamination	Reduce the amount of toxic chemicals used or generated hazardous waste an additional 8,000 pounds above their existing goal of 160,000 pound and realize an additional cost savings for participating businesses of \$20,000 above their existing cost-savings goal of \$400,000	2.1.2, 2.1.3, 5.6.4	31, 32, 33, 41, 4.2, 4.3, 45	<ul style="list-style-type: none"> <li>OGP_ECY54: Hazardous Waste and Toxics Reduction- Reducing Toxic Threats, Safer Products WA, Chemicals in Products Compliance</li> <li>OGP_ECY34: Water Quality -Control Stormwater and Wastewater Pollution</li> </ul>	30			\$ 5,384,000	\$ 8,974,000
2. PLCE PFAS Response	Freshwater Marine Water Streams and Floodplains Toxics in Aquatic Life Estuaries Forests and Wetlands Forage Fish Groundfish and Benthic Invertebrates Orcas Salmon Outdoor Activity Shellfish Beds Economic Vitality Good Governance Sense of Place Sound Stewardship	2. Protect Working Lands 7. Freshwater Availability 8. Prevent Pollution 10. Stormwater Runoff and Legacy Contamination 11. Wastewater Systems 12. Working Lands Runoff 22. Recreation and Stewardship 23. Transparent and Inclusive Governance 24. Cultural Practices 26. Human Health A. Funding B. Strategic Leadership & Collaboration	Reduce the amount of toxic chemicals used or generated hazardous waste an additional 8,000 pounds above their existing goal of 160,000 pound and realize an additional cost savings for participating businesses of \$20,000 above their existing cost-savings goal of \$400,000	2.1.1, 2.1.2, 2.1.3, 2.1.4, 2.1.5, 5.2.1, 5.2.2, 5.2.3, 5.2.4, 5.3.1, 5.3.2, 5.6.2, 5.6.3, 5.6.4	33, 41, 78, 96, 126, 128, 147, 149, 150, 161	<ul style="list-style-type: none"> <li>OGP_ECY54: Hazardous Waste and Toxics Reduction- Reducing Toxic Threats, Safer Products WA, Chemicals in Products Compliance</li> <li>OGP_ECY34: Water Quality -Control Stormwater and Wastewater Pollution</li> </ul>	30			\$ 2,605,000	\$ 4,008,000
3. PLBV Implementing Climate Resilience	Freshwater, Marine Water, Streams and Floodplains, Beaches and Marine Vegetation, Good governance	20. Climate Adaptation and Resilience 18. Awareness of Effects of Climate Change 23. Transparent and Inclusive Governance B. Strategic Leadership & Collaboration		4.1.1, 4.3.1	137, 147, 149, 150, 171		45			\$ 776,000	\$ 1,158,000
4. PLCD Solid fuel burning devices	Air Quality	8. Prevent Pollution 26. Human health		5.6.1	112, 199	OGP_ECY33: Air - Reducing Toxic: Woodstove Emissions				\$ 272,000	\$ 406,000
5. PLBQ Protecting Washington's Shorelines	Freshwater, Marine Water, Streams and Floodplains, Beaches and Marine Vegetation, Good governance.	1. Smart Growth 2. Protect working lands 3. Shoreline armoring 4. Riparian areas 5. floodplains and estuaries 16. Eelgrass, kelp and other vegetation 18. Awareness of effects of climate change 20. Climate adaptation and resilience 23. Promote transparent and inclusive governance		1.1, 1.1.2, 4.1, 4.3, 5.2.3	1, 2, 16, 17, 26, 131, 133, 150, 178	<ul style="list-style-type: none"> <li>OGP_ECY12: Shorelands - Shoreline Master Programs</li> </ul>	3		The Shoreline Management Act establishes a cooperative program between local and state governments, in which local governments develop and administer local Shoreline Master Programs, and the Department of Ecology provides support and oversight. Local governments will be providing substantial staff and decision maker time and resources in order to incorporate climate resilience and riparian management SMA rule updates into their SMPs at the next periodic review cycle. We anticipate additional support, involvement, and input from other state agencies and Tribes during the SMP periodic reviews, vulnerability assessment, mapping and permitting-related review efforts.	\$ 988,000	\$ 1,317,000

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6. PL CA Accelerating Floodplain Resilience	Streams and Floodplains Salmon	4. Riparian Areas 5. Floodplains and Estuaries 20. Climate Adaptation and Resilience A. Funding	• Fund 4,554 acres of floodplain or estuary habitat restoration or reconnection • Support 1,340 homes or structures with reduced flood or climate risk	1.4.1, 1.4.2, 4.3.1	12, 19, 20	• OGP_ECY15: Shorelands - Coastal Hazards resilience network • OGP_ECY16: Shorelands - Padilla Bay National Estuarine Research Reserve		Grant from FEMA Region 10 for \$175k expected for the time period 10/1/24 - 9/30-26. Additionally, the work we will begin as part of this state funding will make us eligible to apply for separate nationwide FEMA funding in FFY2026.	local governments, Tribes, and/or other project proponents will need to provide staff time to work on mapping and permitting-related efforts with us, but working with us on these efforts is voluntary, and there will be no specific minimum requirements for engagement.	\$ 393,000	\$ 1,122,000
7. PL BM Coastal Resilience Capacity Grants	Economic Vitality Salmon Beaches and Marine Vegetation Estuaries Good Governance	18. Awareness of Effects of Climate Change 20. Climate Adaptation and Resilience 23. Transparent and Inclusive Governance B. Strategic Leadership & Collaboration	Support 1,340 homes or structures with reduced flood or climate risk	4.3.1, 5.2.1, 5.2.2, 5.2.3, 5.2.4, 5.4.3	137, 150			Supports access to federal coastal resilience funding.		\$ 1,320,000	\$ 2,000,000
8. PL BT Aquatic Permitting and Aquaculture	Marine Water Shellfish Beds Economic Vitality	8. Prevent Pollution 16. Eelgrass, Kelp, and Other Vegetation.		2.1.3, 2.1.4, 2.4.1, 3.5.1, 5.4.1	14, 15, 26, 45, 62, 200		3, 37, 48			\$ 537,000	\$ 671,000
9. PL BE River Migration Mapping for Salmon	Streams and Floodplains Salmon	4. Riparian Areas 5. Floodplains and Estuaries 20. Climate Adaptation and Resilience A. Funding	• Fund 4,554 acres of floodplain or estuary habitat restoration or reconnection • Support 1,340 homes or structures with reduced flood	1.1.1, 1.1.3, 1.3.1, 1.4.1, 1.4.2, 2.2.5, 4.3.1, 5.2.3	11, 19	• OGP_ECY14: Shorelands - Floodplain Management • OGP_ECY15: Shorelands - Coastal Hazards resilience network	45			\$ 189,000	\$ 378,000
10. PL BA Litter Control and Market Development	Freshwater, Marine Water Streams and Floodplains Toxics in Aquatic Life Outdoor Activity, Economic Vitality Sense of Place, Sound Stewardship	8. Prevent Pollution 11. Human Health	Structures with reduced flood	2.1.1, 2.1.3, 5.1.1, 5.1.2	45, 125, 127, 159, 163	OGP_ECY42: Solid Waste Management Litter pickup				\$ 3,350,000	\$ 5,000,000
11. PL BY European Green Crab Research	Zooplankton Marine Waters Estuaries.	14. Invasive Species 16. Eelgrass, Kelp, and Other Vegetation 25. Natural Resource Industries C. Research and Monitoring		3.2.1, 5.4.1	46, 203, 204	OGP_ECY16: Shorelands - Padilla Bay National Estuarine Research Reserve		Work will be conducted at the federally funded Padilla Bay National Estuarine Research Reserve, with support from a federally funded graduate fellow.	Work will involve collaboration with local university faculty, Tribes, WDFW.	\$ 542,000	\$ 542,000
12. PL BZ Addressing Harmful Algae Blooms	Freshwater, Streams and Floodplains, Toxics in Aquatic Life, Outdoor Activity, Economic Vitality, Good Governance, Sense of Place, Sound Stewardship.	21. Sense of Place 22. Recreation and Stewardship 23. Transparent and Inclusive Governance 24. Cultural Practices 25. Natural Resource Industries 26. Human Health		2.2.2, 2.2.3, 2.2.4, 2.2.5, 3.2.1, 4.3.1, 5.1.1, 5.2.1, 5.2.2, 5.2.3, 5.3.1, 5.3.2, 5.4.1, 5.4.2, 5.4.3, 5.5.1, 5.5.2, 5.5.3, 5.6.2, 5.6.3, 5.6.4	24, 31, 159, 159, 200	OGP_ECY38: Water Quality - Provide Financial Assistance (Department of Ecology)				\$ 271,000	\$ 451,000
13. PL BG Small Oil Spill Prevention	Toxics in Aquatic Life	13. Oil Spills		2.4.1	65	OGP_ECY26: Spill Prevention	24			\$ 390,000	\$ 600,000

## Department of Ecology 2025-27 Operating Budget Requests Supporting the Puget Sound Action Agenda

September 5, 2024

Decision Package	Vital Signs	Strategies	Targets	Desired Outcomes	Actions	Ongoing Program	Orca Task Force Recommendation	Federal Leveraging	Local Leveraging	Puget Sound Dollars	Total Request Dollars
14. MLEB Public Participation Grants	Freshwater, Marine Water, Streams and Floodplains, Toxics in Aquatic Life, Drinking Water, Outdoor Activity, Cultural, Wellbeing, Economic Vitality, Good Governance, Sense of Place, Sound Stewardship	8. Prevent Pollution 9. Source Identification and Correction 10. Stormwater Runoff and Legacy Contamination 21. Sense of Place 22. Recreation and Stewardship 23. Transparent and Inclusive Governance 24. Cultural Practices 25. Natural Resource Industries 26. Human Health		2.1.5., 5.1.2., 5.2.1., 5.2.2., 5.2.3., 5.2.4., 5.5.3., 5.6.2., 5.6.3., 5.6.4.	41, 45, 61, 72, 78, 86, 112, 114, 128, 149, 150, 151, 157, 158, 159, 160, 161, 162, 163, 164, 174, 179, 184, 189, 190, 191, 192, 197, 198,	OCP_ECY45: Solid Waste Management - Public Participation Grants (Department of Ecology)				\$ 657,000	\$ 939,000
<b>Total Operating Request in Support of the Puget Sound Action Agenda</b>											<b>\$ 17,674,000</b>

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Code	Title
461	Department of Ecology

**2025-27 Federal Funding Estimates**

Activity	CFDA No.	Agency / CFDA Title	State Fiscal Year	State Match	State Match Source
<b>Agency Total</b>					
		FY 2024	102,885,985	34,723,826	
		FY 2025	113,554,695	38,859,855	
		FY 2026	160,653,632	43,001,407	
		FY 2027	175,244,055	37,312,631	
		FY 2028	103,494,482	21,540,224	
		FY 2029	74,159,098	21,723,985	
<b>A036</b>	<b>11.419</b>	<b>National Oceanic and Atmospheric Administration Coastal Zone Management Sections 306, 309, 310</b>			
		FY 2024	3,068,000	2,590,000	23P
		FY 2025	3,100,000	2,622,000	23P
		FY 2026	3,231,100	2,753,100	23P
		FY 2027	3,368,755	2,890,755	23P
		FY 2028	3,513,293	3,035,293	23P
		FY 2029	3,665,058	3,187,058	23P
<b>A042</b>	<b>11.420</b>	<b>National Oceanic and Atmospheric Administration Coastal Zone Management Section 315</b>			
		FY 2024	865,282	370,835	23P
		FY 2025	880,967	377,557	23P
		FY 2026	969,064	415,313	23P
		FY 2027	1,017,517	436,079	23P
		FY 2028	1,068,393	457,883	23P
		FY 2029	1,121,813	480,777	23P
<b>A056</b>	<b>15.231</b>	<b>U.S. Department of Interior, Bureau of Land Management Washington Conservation Corps/BLM</b>			
		FY 2024	94,775	31,592	23P
		FY 2025	94,775	31,592	23P
		FY 2026	94,775	31,592	23P
		FY 2027	94,775	31,592	23P
		FY 2028	94,775	31,592	23P
		FY 2029	94,775	31,592	23P
<b>A056</b>	<b>15.608</b>	<b>U.S. Department of Interior, Fish and Wildlife Service Washington Conservation Corps/Nisqually Wildlife Refuge</b>			
		FY 2024	241,000	79,667	23P
		FY 2025	251,000	83,000	23P
		FY 2026	261,500	86,500	23P
		FY 2027	231,525	90,175	23P
		FY 2028	284,102	94,034	23P
		FY 2029	296,257	98,086	23P

Activity	CFDA No.	Agency / CFDA Title	State Fiscal Year	State Match	State Match Source	
A038	15.614	U.S. Fish and Wildlife Service National Coastal Wetland Conservation (Capital)	FY 2024	5,600,000	-	n/a
			FY 2025	5,000,000	-	n/a
			FY 2026	5,900,000	-	n/a
			FY 2027	5,500,000	-	n/a
			FY 2028	5,500,000	-	n/a
			FY 2029	5,500,000	-	n/a
			A036	15.808	U.S. Geological Survey Studies of Morphology and Habitat	FY 2024
FY 2025	145,000	-				n/a
FY 2026	145,000	-				n/a
FY 2027	145,000	-				n/a
FY 2028	145,000	-				n/a
FY 2029	145,000	-				n/a
A056	15.931	U.S. Department of Interior, National Park Service Washington Conservation Corps/North Cascades				FY 2024
			FY 2025	32,213	10,739	23P
			FY 2026	32,213	10,739	23P
			FY 2027	33,824	11,276	23P
			FY 2028	33,824	11,276	23P
			FY 2029	33,824	11,276	23P
			A056	15.931	U.S. Department of Interior, National Park Service Washington Conservation Corps/Olympic National Park	FY 2024
FY 2025	156,049	52,016				23P
FY 2026	156,049	52,016				23P
FY 2027	196,622	196,622				23P
FY 2028	196,622	196,622				23P
FY 2029	196,622	196,622				23P
A056	15.931	U.S. Department of Interior, National Park Service Washington Conservation Corps/Mount Rainier National Park				FY 2024
			FY 2025	29,847	9,949	23P
			FY 2026	29,847	9,949	23P
			FY 2027	29,847	9,949	23P
			FY 2028	29,847	9,949	23P
			FY 2029	29,847	9,949	23P

Activity	CFDA No.	Agency / CFDA Title	State Fiscal Year	State Match	State Match Source	
A025	66.034	Environmental Protection Agency Surveys, Studies, Investigations & Special Purpose Rel to Clean Air Act / NATTs	FY 2024	80,000	-	n/a
			FY 2025	80,000	-	n/a
			FY 2026	80,000	-	n/a
			FY 2027	80,000	-	n/a
			FY 2028	80,000	-	n/a
			FY 2029	80,000	-	n/a
			A025	66.034	Environmental Protection Agency Surveys, Studies, Investigations & Special Purpose Rel to Clean Air Act / PM 2.5	FY 2024
FY 2025	673,209	-				n/a
FY 2026	673,209	-				n/a
FY 2027	673,209	-				n/a
FY 2028	673,209	-				n/a
FY 2029	673,209	-				n/a
A051	66.040	Environmental Protection Agency National Clean Diesel Funding Assistance / DERA				FY 2024
			FY 2025	1,660,119	336,463	23N
			FY 2026	1,660,119	338,680	23N
			FY 2027	1,660,119	338,680	23N
			FY 2028	1,660,119	338,680	23N
			FY 2029	1,660,119	338,680	23N
			A008	66.123	Environmental Protection Agency Puget Sound Action Agenda: Technical Investigations and Implementation Assistance Program	FY 2024
FY 2025	5,000,000	5,000,000				057, 727
FY 2026	5,000,000	5,000,000				057, 727
FY 2027	5,000,000	5,000,000				057, 727
FY 2028	5,000,000	5,000,000				057, 727
FY 2029	5,000,000	5,000,000				057, 727
A027	66.419	Environmental Protection Agency Monitoring Strategies Grant				FY 2024
			FY 2025	177,000	-	n/a
			FY 2026	177,000	-	n/a
			FY 2027	349,000	-	n/a
			FY 2028	177,000	-	n/a
			FY 2029	177,000	-	n/a

Activity	CFDA No.	Agency / CFDA Title	State Fiscal Year	State Match	State Match Source	
A027	66.419	Environmental Protection Agency BEACH Program	FY 2024	281,000	-	n/a
			FY 2025	281,000	-	n/a
			FY 2026	281,000	-	n/a
			FY 2027	281,000	-	n/a
			FY 2028	281,000	-	n/a
			FY 2029	281,000	-	n/a
			A006	66.454	Environmental Protection Agency Water Quality Management & Planning CWA 604(b)	FY 2024
FY 2025	279,000	-				n/a
FY 2026	279,000	-				n/a
FY 2027	279,000	-				n/a
FY 2028	279,000	-				n/a
FY 2029	279,000	-				n/a
A006, A049, A043, A027	66.460	Environmental Protection Agency Nonpoint Source Implementation Grants 319 (h)				FY 2024
			FY 2025	3,233,000	2,155,000	23P, 23R, 057
			FY 2026	3,233,000	2,155,000	23P, 23R, 057
			FY 2027	3,233,000	2,155,000	23P, 23R, 057
			FY 2028	3,233,000	2,155,000	23P, 23R, 057
			FY 2029	3,233,000	2,155,000	23P, 23R, 057
			A038	66.461	Environmental Protection Agency Regional Wetland Development grants	FY 2024
FY 2025	100,000	33,334				23P
FY 2026	100,000	33,334				23P
FY 2027	100,000	33,334				23P
FY 2028	100,000	33,334				23P
FY 2029	100,000	33,334				23P
A043	66.505	Environmental Protection Agency Water Pollution Control				FY 2024
			FY 2025	57,444,000	10,749,200	058
			FY 2026	102,500,000	20,500,000	355
			FY 2027	102,500,000	20,500,000	355
			FY 2028	30,000,000	6,000,000	355
			FY 2029	30,000,000	6,000,000	355

Activity	CFDA No.	Agency / CFDA Title	State Fiscal Year	State Match	State Match Source
A043	66.447	Environmental Protection Agency			
		Sewer Overflow and Stormwater Reuse Municipal Grant			
		FY 2024	932,000	-	n/a
		FY 2025	764,000	-	n/a
		FY 2026	916,800	-	n/a
		FY 2027	1,100,160	-	n/a
		FY 2028	-	-	n/a
		FY 2029	-	-	n/a
A007, A027, A034, A043, A049	66.605	Environmental Protection Agency			
		Performance Partnership Grant			
		FY 2024	5,320,902	2,576,090	001, 23P, 23N, 160, 216
		FY 2025	5,320,902	2,576,090	001, 23P, 23N, 160, 216
		FY 2026	5,320,902	2,576,090	001, 23P, 23N, 160, 216
		FY 2027	5,320,902	2,576,090	001, 23P, 23N, 160, 216
		FY 2028	5,320,902	2,576,090	001, 23P, 23N, 160, 216
		FY 2029	5,320,902	2,576,090	001, 23P, 23N, 160, 216
A037	66.605	Environmental Protection Agency			
		Performance Partnership Grant			
		FY 2024	103,315	-	n/a
		FY 2025	103,315	-	n/a
		FY 2026	103,315	-	n/a
		FY 2027	103,315	-	n/a
		FY 2028	103,315	-	n/a
		FY 2029	103,315	-	n/a
A052, A065	66.708	Environmental Protection Agency			
		Pollution Prevention Grants Program - P2 Grant			
		FY 2024	198,363	198,363	23P
		FY 2025	198,363	198,363	23P
		FY 2026	198,363	198,363	23P
		FY 2027	198,363	198,363	23P
		FY 2028	163,785	163,785	23P
		FY 2029	163,785	163,785	23P
A019, A021, A031	66.801	Environmental Protection Agency			
		Hazardous Waste Management State Program Support			
		FY 2024	1,650,000	550,000	23P
		FY 2025	1,650,000	550,000	23P
		FY 2026	1,650,000	550,000	23P
		FY 2027	1,650,000	550,000	23P
		FY 2028	1,650,000	550,000	23P
		FY 2029	1,650,000	550,000	23P

Activity	CFDA No.	Agency / CFDA Title	State Fiscal Year	State Match	State Match Source	
A005	66.802	Environmental Protection Agency Superfund State, Political Subdivision & Indian Tribe Site Specific Coop Agreement	FY 2024	679,327	-	n/a
			FY 2025	679,327	-	n/a
			FY 2026	577,836	-	n/a
			FY 2027	577,836		n/a
			FY 2028	556,774		n/a
			FY 2029	556,774		n/a
			A023	66.804	Environmental Protection Agency State & Tribal Underground Storage Tank Program (LUST Prevention & STAG)	FY 2024
FY 2025	461,270	139,671				23P
FY 2026	461,270	139,671				23P
FY 2027	461,270	139,671				23P
FY 2028	493,217	164,405				23P
FY 2029	493,217	164,405				23P
A005	66.805	Environmental Protection Agency Leaking Underground Storage Tank Fund Program (LUST)				FY 2024
			FY 2025	543,769	60,419	23P
			FY 2026	543,769	60,419	23P
			FY 2027	543,769	60,419	23P
			FY 2028	480,989	53,443	23P
			FY 2029	480,989	53,443	23P
			A005	66.809	Environmental Protection Agency Superfund State and Indian Tribe Core Program Cooperative Agreements (CORE)	FY 2024
FY 2025	112,500	12,500				23P
FY 2026	112,500	12,500				23P
FY 2027	112,500	12,500				23P
FY 2028	112,500	12,500				23P
FY 2029	112,500	12,500				23P
A005	66.817	Environmental Protection Agency State & Tribal Response Program Grants (STRP)				FY 2024
			FY 2025	1,916,492	-	n/a
			FY 2026	1,916,492	-	n/a
			FY 2027	1,916,492	-	n/a
			FY 2028	1,500,000	-	n/a
			FY 2029	1,000,000	-	n/a

Activity	CFDA No.	Agency / CFDA Title	State Fiscal Year	State Match	State Match Source	
A014	81.104	US Department of Energy Oversight of CERCLA practices at the Hanford Site	FY 2024	3,765,870	-	n/a
		FY 2025	3,656,048	-	n/a	
		FY 2026	3,684,956	-	n/a	
		FY 2027	3,795,505	-	n/a	
		FY 2028	3,909,370	-	n/a	
		FY 2029	4,026,651	-	n/a	
		A040	97.023	Federal Emergency Management Agency National Flood Insurance Program - Community Assistance Program	FY 2024	290,960
FY 2025	303,726			75,931	02P	
FY 2026	318,912			79,728	02P	
FY 2027	334,858			83,714	02P	
FY 2028	351,600			87,900	02P	
FY 2029	369,181			92,295	02P	
A011	97.041			Federal Emergency Management Agency National Dam Safety	FY 2024	101,000
		FY 2025	101,000	101,000	001	
		FY 2026	101,000	101,000	001	
		FY 2027	101,000	101,000	001	
		FY 2028	101,000	101,000	001	
		FY 2029	101,000	101,000	001	
		A040	97.045	Federal Emergency Management Agency Cooperating Technical Partners	FY 2024	200,000
FY 2025	200,000			-	n/a	
FY 2026	200,000			-	n/a	
FY 2027	200,000			-	n/a	
FY 2028	200,000			-	n/a	
FY 2029	200,000			-	n/a	

Activity	CFDA No.	Agency / CFDA Title	State Fiscal Year	State Match	State Match Source
<b>NEW BIL/IRA Funding</b>					
<b>A038</b>	<b>66.123</b>	<b>Environmental Protection Agency Puget Sound Climate Riparian System Lead</b>			
		FY 2024	3,111,522	12,000,000	727-1
		FY 2025	6,783,163	12,000,000	727-1
		FY 2026	5,250,000	6,000,000	727-1
		FY 2027	6,229,345	-	n/a
		FY 2028	1,611,709	-	n/a
		FY 2029	7,014,261	-	n/a
	<b>66.962</b>	<b>Environmental Protection Agency Columbia River Basin Toxic Reduction Lead</b>			
		FY 2024	3,733,685	239,246	n/a
		FY 2025		234,483	n/a
		FY 2026	3,175,315	446,865	n/a
		FY 2027		446,865	n/a
		FY 2028		467,439	n/a
		FY 2029		468,094	n/a
<b>A036</b>	<b>11.473</b>	<b>National Oceanic and Atmospheric Administration CZM Noncompetitive IRA</b>			
		FY 2024	-	-	
		FY 2025	875,000	-	n/a
		FY 2026	-	-	
		FY 2027	-	-	
		FY 2028	-	-	
		FY 2029	-	-	
	<b>66.454</b>	<b>Environmental Protection Agency CWA (604) Water Quality Mgmt Planning Grants</b>			
		FY 2024	535,000		n/a
		FY 2025			
		FY 2026	535,000		n/a
		FY 2027			
		FY 2028			
		FY 2029			
	<b>66.708</b>	<b>Environmental Protection Agency Pollution Prevention Grant: Environmental Justice Through Safer and More Sustainable Products</b>			
		FY 2024	412,327		n/a
		FY 2025			
		FY 2026			
		FY 2027			
		FY 2028			
		FY 2029			



Activity	CFDA No.	Agency / CFDA Title	State Fiscal Year	State Match	State Match Source
	66.920	Environmental Protection Agency Solid Waste Infrastructure For Recycling (SWIFR) Grant Program			
		FY 2024	390,075	409,925	n/a
		FY 2025	-	-	
		FY 2026	-	-	
		FY 2027	-	-	
		FY 2028	-	-	
		FY 2029	-	-	
	66.034	Environmental Protection Agency Clean Air Grants under the Inflation Reduction Act			
		FY 2024	1,450,547	1,450,547	001
		FY 2025	1,450,547	1,450,547	001
		FY 2026	1,450,547	1,450,547	001
		FY 2027	1,450,547	1,450,547	001
		FY 2028			
		FY 2029			
A042	11.473	National Oceanic and Atmospheric Administration Inflation Reduction Act (IRA) Padilla Bay			
		FY 2024	-		
		FY 2025	400,000		n/a
		FY 2026			
		FY 2027			
		FY 2028			
		FY 2029			
A036	11.419	National Oceanic and Atmospheric Administration PSM Advancing CR Equity			
		FY 2024	250,000	-	n/a
		FY 2025	-	-	n/a
		FY 2026	-	-	n/a
		FY 2027	-	-	n/a
		FY 2028	-	-	n/a
		FY 2029	-	-	n/a
A042	11.473	National Oceanic and Atmospheric Administration Coastal Prairie Restoration			
		FY 2024	-	-	n/a
		FY 2025	623,315	-	n/a
		FY 2026	-	-	n/a
		FY 2027	-	-	n/a
		FY 2028	-	-	n/a
		FY 2029	-	-	n/a

Activity	CFDA No.	Agency / CFDA Title	State Fiscal Year	State Match	State Match Source	
A042	11.473	National Oceanic and Atmospheric Administration Habitat/Coastal Resilience at Padilla Bay	FY 2024	-	-	n/a
			FY 2025	500,000	-	n/a
			FY 2026	-	-	n/a
			FY 2027	-	-	n/a
			FY 2028	-	-	n/a
			FY 2029	-	-	n/a
			A036	11.473	National Oceanic and Atmospheric Administration CZM Coastal Climate Resilience Partners	FY 2024
FY 2025	6,429,000	-				n/a
FY 2026	7,368,000	-				n/a
FY 2027	25,425,000	-				n/a
FY 2028	34,365,137	-				n/a
FY 2029	-	-				n/a
A042	11.473	National Oceanic and Atmospheric Administration CZM Capacity Building - Padilla Bay				FY 2024
			FY 2025	50,000	-	n/a
			FY 2026	-	-	n/a
			FY 2027	-	-	n/a
			FY 2028	-	-	n/a
			FY 2029	-	-	n/a
			A036	11.473	National Oceanic and Atmospheric Administration CZM Capacity Building	FY 2024
FY 2025	75,000	-				n/a
FY 2026	225,000	-				n/a
FY 2027	450,000	-				n/a
FY 2028	225,000	-				n/a
FY 2029	-	-				n/a
A042	11.473	National Oceanic and Atmospheric Administration Samish Conservation Area Jobs Act				FY 2024
			FY 2025	740,779	-	n/a
			FY 2026	740,779	-	n/a
			FY 2027	-	-	n/a
			FY 2028	-	-	n/a
			FY 2029	-	-	n/a

Activity	CFDA No.	Agency / CFDA Title	State Fiscal Year	State Match	State Match Source
A042	11.469	National Oceanic and Atmospheric Administration NWS Marine Conservation Initiative			
		FY 2024	1,000,000	-	n/a
		FY 2025	1,000,000	-	n/a
		FY 2026	1,000,000	-	n/a
		FY 2027	500,000	-	n/a
		FY 2028	-	-	n/a
		FY 2029	-	-	n/a

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Code	Title
461	Department of Ecology

2025-27 Federal Funding Estimates - Summary for RCW 43.88.096

CFDA No.	Agency / CFDA Title	(A) Federal Fiscal Year	(B) State Fiscal Year	(C) Federal Funds % of Agency Budget for State FY	(D) Federal Grant Projections Under a 5% Reduction	(E) Federal Grant Projections Under a 25% Reduction	(F) Probability Grant Will be Subject to Reduction (1 to 5)	(G) Agency Plans to Implement Reduction (Categories 1 to 5)	Comments
<b>Agency Total</b>									
	FY 2024	104,717,075	102,885,985	5.52%	99,389,595	78,465,470			
	FY 2025	115,411,890	113,554,695	6.09%	109,549,669	86,486,581			
	FY 2026	162,690,036	160,653,632	7.09%	154,555,534	122,017,527			
	FY 2027	177,545,533	175,244,055	7.73%	168,668,256	133,159,149			
	FY 2028	105,071,794	103,494,482	4.57%	99,818,204	78,803,846			
	FY 2029	75,962,271	74,159,098	3.27%	72,164,157	56,971,703			
11.419	<b>National Oceanic and Atmospheric Administration Coastal Zone Management Sections 306, 309, 310</b>								
	FY 2024	3,068,000	3,068,000	0.16%	2,914,600	2,301,000	1	3	Supports approximately 35 state employees every fiscal year. There are no other expenditures supported by this grant.
	FY 2025	3,100,000	3,100,000	0.17%	2,945,000	2,325,000	1	3	
	FY 2026	3,231,100	3,231,100	0.14%	3,069,545	2,423,325	1	3	
	FY 2027	3,368,755	3,368,755	0.15%	3,200,317	2,526,566	1	3	
	FY 2028	3,513,293	3,513,293	0.16%	3,337,628	2,634,970	1	3	
	FY 2029	3,665,058	3,665,058	0.16%	3,481,805	2,748,794	1	3	
11.420	<b>National Oceanic and Atmospheric Administration Coastal Zone Management Section 315</b>								
	FY 2024	865,282	865,282	0.05%	822,018	648,962	1	3	Supports approximately 8 state employees every fiscal year. There are other programmatic and operational expenditures supported by this grant.
	FY 2025	880,967	880,967	0.05%	836,919	660,725	1	3	
	FY 2026	969,064	969,064	0.04%	920,611	726,798	1	3	
	FY 2027	1,017,517	1,017,517	0.04%	966,641	763,138	1	3	
	FY 2028	1,068,393	1,068,393	0.05%	1,014,973	801,295	1	3	
	FY 2029	1,121,813	1,121,813	0.05%	1,065,722	841,360	1	3	
15.231	<b>U.S. Department of Interior, Bureau of Land Management Washington Conservation Corps/BLM</b>								
	FY 2024	94,775	94,775	0.01%	90,036	71,081	1	4	Project employees would be placed on other projects.
	FY 2025	94,775	94,775	0.01%	90,036	71,081	3	4	
	FY 2026	94,775	94,775	0.00%	90,036	71,081	3	4	
	FY 2027	94,775	94,775	0.00%	90,036	71,081	4	4	
	FY 2028	94,775	94,775	0.00%	90,036	71,081	4	4	
	FY 2029	94,775	94,775	0.00%	90,036	71,081	4	4	
15.608	<b>U.S. Department of Interior, Fish and Wildlife Service Washington Conservation Corps/Nisqually Wildlife Refuge</b>								
	FY 2024	241,000	241,000	0.01%	228,950	180,750	1	4	Project employees would be placed on other projects.
	FY 2025	251,000	251,000	0.01%	238,450	188,250	1	4	
	FY 2026	261,500	261,500	0.01%	248,425	196,125	1	4	
	FY 2027	231,525	231,525	0.01%	219,949	173,644	1	4	
	FY 2028	284,102	284,102	0.01%	269,897	213,077	1	4	
	FY 2029	296,257	296,257	0.01%	281,444	222,193	1	4	
15.614	<b>U.S. Fish and Wildlife Service National Coastal Wetland Conservation (Capital)</b>								
	FY 2024	5,600,000	5,600,000	0.30%	5,320,000	4,200,000	1	2, 3	Supports approximately 0.70 FTE. This grant also pays for contracts with conservation entities to purchase wetlands.
	FY 2025	5,000,000	5,000,000	0.27%	4,750,000	3,750,000	1	2, 3	
	FY 2026	5,900,000	5,900,000	0.26%	5,605,000	4,425,000	1	2, 3	
	FY 2027	5,500,000	5,500,000	0.24%	5,225,000	4,125,000	1	2, 3	
	FY 2028	5,500,000	5,500,000	0.24%	5,225,000	4,125,000	1	2, 3	
	FY 2029	5,500,000	5,500,000	0.24%	5,225,000	4,125,000	1	2, 3	
15.808	<b>U.S. Geological Survey Studies of Morphology and Habitat</b>								
	FY 2024	145,000	145,000	0.01%	137,750	108,750	1	3	Supports approximately 0.20 FTE.
	FY 2025	145,000	145,000	0.01%	137,750	108,750	1	3	
	FY 2026	145,000	145,000	0.01%	137,750	108,750	1	3	
	FY 2027	145,000	145,000	0.01%	137,750	108,750	1	3	
	FY 2028	145,000	145,000	0.01%	137,750	108,750	1	3	
	FY 2029	145,000	145,000	0.01%	137,750	108,750	1	3	

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15.931	U.S. Department of Interior, National Park Service Washington Conservation Corps/North Cascades								
	FY 2024	42,952	32,213	0.00%	40,805	32,214	1	1	WCC North Cascades. Project employees would be placed on other projects.
	FY 2025	42,952	32,213	0.00%	40,805	32,214	1	1	
	FY 2026	42,952	32,213	0.00%	40,805	32,214	1	1	
	FY 2027	33,824	33,824	0.00%	32,133	25,368	1	1	
	FY 2028	33,824	33,824	0.00%	32,133	25,368	1	1	
	FY 2029	33,824	33,824	0.00%	32,133	25,368	1	1	
15.931	U.S. Department of Interior, National Park Service Washington Conservation Corps/Olympic National Park								
	FY 2024	187,259	187,259	0.01%	177,896	140,444	1	1	WCC Olympic National Park. Project employees would be placed on other projects.
	FY 2025	156,049	156,049	0.01%	148,246	117,037	1	1	
	FY 2026	156,049	156,049	0.01%	148,246	117,037	1	1	
	FY 2027	196,622	196,622	0.01%	186,791	147,466	1	1	
	FY 2028	196,622	196,622	0.01%	186,791	147,466	1	1	
	FY 2029	196,622	196,622	0.01%	186,791	147,466	1	1	
15.931	U.S. Department of Interior, National Park Service Washington Conservation Corps/Mount Rainier National Park								
	FY 2024	28,426	28,426	0.00%	27,005	21,319	1	1	WCC Mt. Rainier National Park. Project employees would be placed on other projects.
	FY 2025	29,847	29,847	0.00%	28,355	22,385	1	1	
	FY 2026	29,847	29,847	0.00%	28,355	22,385	1	1	
	FY 2027	29,847	29,847	0.00%	28,355	22,385	1	1	
	FY 2028	29,847	29,847	0.00%	28,355	22,385	1	1	
	FY 2029	29,847	29,847	0.00%	28,355	22,385	1	1	
66.034	Environmental Protection Agency Surveys, Studies, Investigations & Special Purpose Rel to Clean Air Act / NATTs								
	FY 2024	80,000	80,000	0.00%	76,000	60,000	1	4,5	Comment: NATTs Updated amount based on award EPA amounts received
	FY 2025	80,000	80,000	0.00%	76,000	60,000	1	4,5	
	FY 2026	80,000	80,000	0.00%	76,000	60,000	1	4,5	
	FY 2027	80,000	80,000	0.00%	76,000	60,000	1	4,5	
	FY 2028	80,000	80,000	0.00%	76,000	60,000	1	4,5	
	FY 2029	80,000	80,000	0.00%	76,000	60,000	1	4,5	
66.034	Environmental Protection Agency Surveys, Studies, Investigations & Special Purpose Rel to Clean Air Act / PM 2.5								
	FY 2024	673,209	673,209	0.04%	639,549	504,907	3	2,4	Comment: PM 2.5 Anticipating a possible increase due to H.R.8294 on EPA programs.
	FY 2025	673,209	673,209	0.04%	639,549	504,907	3	2,4	
	FY 2026	673,209	673,209	0.03%	639,549	504,907	2	2,4	
	FY 2027	673,209	673,209	0.03%	639,549	504,907	2	2,4	
	FY 2028	673,209	673,209	0.03%	639,549	504,907	2	2,4	
	FY 2029	673,209	673,209	0.03%	639,549	504,907	2	2,4	
66.040	Environmental Protection Agency National Clean Diesel Funding Assistance / DERA								
	FY 2024	1,660,119	1,660,119	0.09%	1,577,113	1,245,089	2	2,4	Comment: DERA. Match is optional - when match is committed, EPA increases the federal portion of the grant by approximately 1/2 of the match. Match in 2021-23 and beyond is assumed from MTCA Capital Account.
	FY 2025	1,660,119	1,660,119	0.09%	1,577,113	1,245,089	2	2,4	
	FY 2026	1,660,119	1,660,119	0.07%	1,577,113	1,245,089	2	2,4	
	FY 2027	1,660,119	1,660,119	0.07%	1,577,113	1,245,089	2	2,4	
	FY 2028	1,660,119	1,660,119	0.07%	1,577,113	1,245,089	2	2,4	
	FY 2029	1,660,119	1,660,119	0.07%	1,577,113	1,245,089	2	2,4	
66.123	Environmental Protection Agency Puget Sound Action Agenda: Technical Investigations and Implementation Assistance Program								
	FY 2024	5,000,000	5,000,000	0.27%	4,750,000	3,750,000	1	1,2	Comment: Ecy received annual awards for the NEP Stormwater Strategic Initiative (SI) grant through FFY2020. EPA initiated a new competitive process for the next round of NEP grants in 2020. We anticipate similar incremental awards through 6/30/26.
	FY 2025	5,000,000	5,000,000	0.27%	4,750,000	3,750,000	1	1,2	
	FY 2026	5,000,000	5,000,000	0.22%	4,750,000	3,750,000	1	1,2	
	FY 2027	5,000,000	5,000,000	0.22%	4,750,000	3,750,000	1	1,2	
	FY 2028	5,000,000	5,000,000	0.22%	4,750,000	3,750,000	1	1,2	
	FY 2029	5,000,000	5,000,000	0.22%	4,750,000	3,750,000	1	1,2	

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66.419	Environmental Protection Agency Monitoring Strategies Grant								
	FY 2024	177,000	177,000	0.01%	168,150	132,750	1	1	Comment: During FY 2022, in addition to the annual grant for biological monitoring, EAP also received funding for the National Lakes Assessment, which occurs every five years. Next occurrence should be FY 2027.
	FY 2025	177,000	177,000	0.01%	168,150	132,750	1	1	
	FY 2026	177,000	177,000	0.01%	168,150	132,750	1	1	
	FY 2027	349,000	349,000	0.02%	331,550	261,750	1	1	
	FY 2028	177,000	177,000	0.01%	168,150	132,750	1	1	
	FY 2029	177,000	177,000	0.01%	168,150	132,750	1	1	
66.419	Environmental Protection Agency BEACH Program								
	FY 2024	281,000	281,000	0.02%	266,950	210,750	1	1,2	Comment: While this program does not issue grants, it does pass through funding to the Dept of Health and Local Health Jurisdictions.
	FY 2025	281,000	281,000	0.02%	266,950	210,750	1	1,2	
	FY 2026	281,000	281,000	0.01%	266,950	210,750	1	1,2	
	FY 2027	281,000	281,000	0.01%	266,950	210,750	1	1,2	
	FY 2028	281,000	281,000	0.01%	266,950	210,750	1	1,2	
	FY 2029	281,000	281,000	0.01%	266,950	210,750	1	1,2	
66.454	Environmental Protection Agency Water Quality Management & Planning CWA 604(b)								
	FY 2024	279,000	279,000	0.01%	265,050	209,250	2	1	Comment: Grant has remained stable for a number of years. May fluctuate between \$230,000 and \$279,000 per year.
	FY 2025	279,000	279,000	0.01%	265,050	209,250	2	1	
	FY 2026	279,000	279,000	0.01%	265,050	209,250	2	1	
	FY 2027	279,000	279,000	0.01%	265,050	209,250	2	1	
	FY 2028	279,000	279,000	0.01%	265,050	209,250	2	1	
	FY 2029	279,000	279,000	0.01%	265,050	209,250	2	1	
66.460	Environmental Protection Agency Nonpoint Source Implementation Grants 319 (h)								
	FY 2024	3,233,000	3,233,000	0.17%	3,071,350	2,424,750	1	1,2	Comment: Grant has been relatively stable.
	FY 2025	3,233,000	3,233,000	0.17%	3,071,350	2,424,750	1	1,2	
	FY 2026	3,233,000	3,233,000	0.14%	3,071,350	2,424,750	1	1,2	
	FY 2027	3,233,000	3,233,000	0.14%	3,071,350	2,424,750	1	1,2	
	FY 2028	3,233,000	3,233,000	0.14%	3,071,350	2,424,750	1	1,2	
	FY 2029	3,233,000	3,233,000	0.14%	3,071,350	2,424,750	1	1,2	
66.461	Environmental Protection Agency Regional Wetland Development grants								
	FY 2024	100,000	100,000	0.01%	95,000	75,000	2	3, 4	Supports approximately 1.5 state employees every fiscal year.
	FY 2025	100,000	100,000	0.01%	95,000	75,000	2	3, 4	
	FY 2026	100,000	100,000	0.00%	95,000	75,000	3	3, 5	
	FY 2027	100,000	100,000	0.00%	95,000	75,000	3	3, 5	
	FY 2028	100,000	100,000	0.00%	95,000	75,000	3	3, 5	
	FY 2029	100,000	100,000	0.00%	95,000	75,000	3	3, 5	
66.505	Environmental Protection Agency Water Pollution Control								
	FY 2024	52,991,000	52,991,000	2.84%	50,341,450	39,743,250	1	1	Comment: This grant has been stable over the last several biennia. ECY is authorized to receive larger awards through FY 2027 due to a federal stimulus related to COVID-19.  CFDA for current CAP grant is 66.458.
	FY 2025	57,444,000	57,444,000	3.08%	54,571,800	43,083,000	1	1	
	FY 2026	102,500,000	102,500,000	4.52%	97,375,000	76,875,000	1	1	
	FY 2027	102,500,000	102,500,000	4.52%	97,375,000	76,875,000	1	1	
	FY 2028	30,000,000	30,000,000	1.32%	28,500,000	22,500,000	1	1	
	FY 2029	30,000,000	30,000,000	1.32%	28,500,000	22,500,000	1	1	
66.447	Environmental Protection Agency Sewer Overflow and Stormwater Reuse Municipal Grant								
	FY 2024	932,000	932,000	0.05%	885,400	699,000	1	1	Comment: Ecyc expects to pass through all of the funds to local governments and Tribes. WQ does not expect funding to continue beyond FY 2027.
	FY 2025	764,000	764,000	0.04%	725,800	573,000	1	1	
	FY 2026	916,800	916,800	0.04%	870,960	687,600	1	1	
	FY 2027	1,100,160	1,100,160	0.05%	1,045,152	825,120	1	1	
	FY 2028	-	-	0.00%	-	-	n/a	n/a	
	FY 2029	-	-	0.00%	-	-	n/a	n/a	

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66.605	Environmental Protection Agency Performance Partnership Grant								
	FY 2024	7,094,536	5,320,902	0.29%	6,739,809	5,320,902	2	1	Comment: Grant has been relatively stable through the years. ECY received a decrease in the award during the 2023-25 biennium.
	FY 2025	7,094,537	5,320,902	0.29%	6,739,810	5,320,903	2	1	
	FY 2026	7,094,538	5,320,902	0.23%	6,739,811	5,320,904	2	1	
	FY 2027	7,094,539	5,320,902	0.23%	6,739,812	5,320,904	2	1	
	FY 2028	7,094,539	5,320,902	0.23%	6,739,812	5,320,904	2	1	
	FY 2029	7,094,539	5,320,902	0.23%	6,739,812	5,320,904	2	1	
66.605	Environmental Protection Agency Performance Partnership Grant								
	FY 2024	103,315	103,315	0.01%	98,149	77,486	1	3	Comment: This grant supports approximately 0.90 state employees every fiscal year. There are no other expenditures supported by this grant.
	FY 2025	103,315	103,315	0.01%	98,149	77,486	1	3	
	FY 2026	103,315	103,315	0.00%	98,149	77,486	1	3	
	FY 2027	103,315	103,315	0.00%	98,149	77,486	1	3	
	FY 2028	103,315	103,315	0.00%	98,149	77,486	1	3	
	FY 2029	103,315	103,315	0.00%	98,149	77,486	1	3	
66.708	Environmental Protection Agency Pollution Prevention Grants Program - P2 Grant								
	FY 2024	198,363	198,363	0.01%	96,818	76,436	2	1	Comment: Grant increased +9.4% from FY 2020-23 level. No indication of potential reduction. New FFY22-25 P2 grant is for a 3-yr period starting 10/1/2022 and going through 9/30/2025.
	FY 2025	198,363	198,363	0.01%	96,818	76,436	2	1	
	FY 2026	198,363	198,363	0.01%	188,445	148,772	2	1	
	FY 2027	198,363	198,363	0.01%	188,445	148,772	2	1	
	FY 2028	163,785	163,785	0.01%	155,596	122,839	2	1	
	FY 2029	163,785	163,785	0.01%	155,596	122,839	2	1	
66.801	Environmental Protection Agency Hazardous Waste Management State Program Support								
	FY 2024	1,650,000	1,650,000	0.09%	1,567,500	1,237,500	4	4	Comment: Grant subject to -5.8% decrease from prior award.
	FY 2025	1,650,000	1,650,000	0.09%	1,567,500	1,237,500	4	4	
	FY 2026	1,650,000	1,650,000	0.07%	1,567,500	1,237,500	4	4	
	FY 2027	1,650,000	1,650,000	0.07%	1,567,500	1,237,500	4	4	
	FY 2028	1,650,000	1,650,000	0.07%	1,567,500	1,237,500	4	4	
	FY 2029	1,650,000	1,650,000	0.07%	1,567,500	1,237,500	4	4	
66.802	Environmental Protection Agency Superfund State, Political Subdivision & Indian Tribe Site Specific Coop Agreement								
	FY 2024	679,327	679,327	0.04%	645,361	509,495	1	4	Comment: Three agreements include Upper Columbia, Commencement Bay and Multi-Site. Anticipating extension for 2023-25 biennium for all 3. Expecting Commencement Bay spent next biennium. 2025-27 has next installment for UCR.
	FY 2025	679,327	679,327	0.04%	645,361	509,495	1	4	
	FY 2026	577,836	577,836	0.03%	548,944	433,377	4	4	
	FY 2027	577,836	577,836	0.03%	548,944	433,377	4	4	
	FY 2028	556,774	556,774	0.02%	528,935	417,581	4	4	
	FY 2029	556,774	556,774	0.02%	528,935	417,581	4	4	
66.804	Environmental Protection Agency State & Tribal Underground Storage Tank Program (LUST Prevention & STAG)								
	FY 2024	461,270	461,270	0.02%	438,207	345,953	3	3	Comment: Saw minor reductions recently.
	FY 2025	461,270	461,270	0.02%	438,207	345,953	3	3	
	FY 2026	461,270	461,270	0.02%	438,207	345,953	3	3	
	FY 2027	461,270	461,270	0.02%	438,207	345,953	3	3	
	FY 2028	493,217	493,217	0.02%	468,556	369,913	3	3	
	FY 2029	493,217	493,217	0.02%	468,556	369,913	3	3	
66.805	Environmental Protection Agency Leaking Underground Storage Tank Fund Program (LUST)								
	FY 2024	543,769	543,769	0.03%	516,581	407,827	3	3	Comment: LUST sees regular reductions though they are usually minor other than when significant funding was directed to PLIA instead of Ecology.
	FY 2025	543,769	543,769	0.03%	516,581	407,827	3	3	
	FY 2026	543,769	543,769	0.02%	516,581	407,827	3	3	
	FY 2027	543,769	543,769	0.02%	516,581	407,827	3	3	
	FY 2028	480,989	480,989	0.02%	456,940	360,742	3	3	
	FY 2029	480,989	480,989	0.02%	456,940	360,742	3	3	



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66.809	Environmental Protection Agency Superfund State and Indian Tribe Core Program Cooperative Agreements (CORE)								
	FY 2024	112,500	112,500	0.01%	106,875	84,375	1	1	Comment: This grant is stable.
	FY 2025	112,500	112,500	0.01%	106,875	84,375	1	1	
	FY 2026	112,500	112,500	0.00%	106,875	84,375	1	1	
	FY 2027	112,500	112,500	0.00%	106,875	84,375	1	1	
	FY 2028	112,500	112,500	0.00%	106,875	84,375	1	1	
	FY 2029	112,500	112,500	0.00%	106,875	84,375	1	1	
66.817	Environmental Protection Agency State & Tribal Response Program Grants (STRP)								
	FY 2024	1,916,492	1,916,492	0.10%	1,820,667	1,437,369	1	1,4	Comment: IIJA increase of up to \$5 million. Grant expires December of 2027 (which is FY 28). After that grant expires expecting to be back at roughly \$2 million award/ biennium. IIJA has also seen rewards under the full \$1 million.
	FY 2025	1,916,492	1,916,492	0.10%	1,820,667	1,437,369	1	1,4	
	FY 2026	1,916,492	1,916,492	0.08%	1,820,667	1,437,369	1	1,4	
	FY 2027	1,916,492	1,916,492	0.08%	1,820,667	1,437,369	1	1,4	
	FY 2028	1,500,000	1,500,000	0.07%	1,425,000	1,125,000	5	5	
	FY 2029	1,000,000	1,000,000	0.04%	950,000	750,000	5	5	
81.104	US Department of Energy Oversight of CERCLA practices at the Hanford Site								
	FY 2024	3,812,586	3,765,870	0.20%	3,621,957	2,859,440	1	1	Comment: Grant amount assumes increases due to increased staffing, travel, supplies/equipment and indirect costs.
	FY 2025	3,603,869	3,656,048	0.20%	3,423,676	2,702,902	1	1	
	FY 2026	3,711,985	3,684,956	0.16%	3,526,386	2,783,989	1	1	
	FY 2027	3,823,345	3,795,505	0.17%	3,632,178	2,867,509	1	1	
	FY 2028	3,938,045	3,909,370	0.17%	3,741,143	2,953,534			
	FY 2029	4,056,186	4,026,651	0.18%	3,853,377	3,042,140			
97.023	Federal Emergency Management Agency National Flood Insurance Program - Community Assistance Program								
	FY 2024	290,960	290,960	0.02%	276,412	218,220	1	1	Supports approximately 1.6 state employees every fiscal year. There are no other expenditures. Annual base funding available is based on the state's Tiered State Framework score so funding will remain constant as a significant score change is not anticipated.
	FY 2025	303,726	303,726	0.02%	288,540	227,795	1	1	
	FY 2026	318,912	318,912	0.01%	302,966	239,184	1	1	
	FY 2027	334,858	334,858	0.01%	318,115	251,144	1	1	
	FY 2028	351,600	351,600	0.02%	334,020	263,700	1	1	
	FY 2029	369,181	369,181	0.02%	350,722	276,886	1	1	
97.041	Federal Emergency Management Agency National Dam Safety								
	FY 2024	101,000	101,000	0.01%	95,950	75,750	1	1	Comment: This grant supports approximately 1.0 state employee every fiscal year. There are no other expenditures.
	FY 2025	101,000	101,000	0.01%	95,950	75,750	1	1	
	FY 2026	101,000	101,000	0.00%	95,950	75,750	1	1	
	FY 2027	101,000	101,000	0.00%	95,950	75,750	1	1	
	FY 2028	101,000	101,000	0.00%	95,950	75,750	1	1	
	FY 2029	101,000	101,000	0.00%	95,950	75,750	1	1	
97.045	Federal Emergency Management Agency Cooperating Technical Partners								
	FY 2024	200,000	200,000	0.01%	190,000	150,000	1	1	Supports approximately 1.0 state employee every fiscal year. There are no other expenditures.
	FY 2025	200,000	200,000	0.01%	190,000	150,000	1	1	
	FY 2026	200,000	200,000	0.01%	190,000	150,000	1	1	
	FY 2027	200,000	200,000	0.01%	190,000	150,000	1	1	
	FY 2028	200,000	200,000	0.01%	190,000	150,000	1	1	
	FY 2029	200,000	200,000	0.01%	190,000	150,000	1	1	

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<b>NEW BIL/IRA Funding</b>									
66.123	<b>Environmental Protection Agency Puget Sound Climate Riparian System Lead</b>								
	FY 2024	3,111,522	3,111,522	0.17%	2,955,946	2,333,642	1	1	There has been no indication of a potential reduction in funding from EPA. This is BIL/IJA one-time funding. This supports 5 FTEs at Ecology
	FY 2025	6,783,163	6,783,163	0.36%	6,444,005	5,087,372	1	1	
	FY 2026	5,250,000	5,250,000	0.23%	4,987,500	3,937,500	1	1	
	FY 2027	6,229,345	6,229,345	0.27%	5,917,878	4,672,009	1	1	
	FY 2028	1,611,709	1,611,709	0.07%	1,531,124	1,208,782	1	1	
	FY 2029	7,014,261	7,014,261	0.31%	6,663,548	5,260,696	1	1	
66.962	<b>Environmental Protection Agency Columbia River Basin Toxic Reduction Lead</b>								
	FY 2024	3,733,685	3,733,685	0.20%	3,547,001	2,800,264	1	4	
	FY 2025			0.00%	-	-			
	FY 2026	3,175,315	3,175,315	0.14%	3,016,549	2,381,486	1	4	
	FY 2027			0.00%	-	-			
	FY 2028			0.00%	-	-			
	FY 2029			0.00%	-	-			
11.473	<b>National Oceanic and Atmospheric Administration CZM Noncompetitive IRA</b>								
	FY 2024	-	-	0.00%	-	-			This grant is subawarded to Washington Sea Grant and supports approx. 2 FTE that are developing and operating a new Coastal Fellowship Program.
	FY 2025	875,000	875,000	0.05%	831,250	656,250	1	4	
	FY 2026	-	-	0.00%	-	-			
	FY 2027	-	-	0.00%	-	-			
	FY 2028	-	-	0.00%	-	-			
	FY 2029	-	-	0.00%	-	-			
66.454	<b>Environmental Protection Agency CWA (604) Water Quality Mgmt Planning Grants</b>								
	FY 2024	535,000	535,000	0.03%	508,250	401,250			
	FY 2025			0.00%	-	-			
	FY 2026	535,000	535,000	0.02%	508,250	401,250	1	4	
	FY 2027			0.00%	-	-			
	FY 2028			0.00%	-	-			
	FY 2029			0.00%	-	-			
66.708	<b>Environmental Protection Agency Pollution Prevention Grant: Environmental Justice Through Safer and More Sustainable Products</b>								
	FY 2024	412,327	412,327	0.02%	391,711	309,245	1	4	This EPA grant is for a 3 year on a calendar year time-frame starting 01/2024 through 12/2026. No state match is required. Full funding was provided in initial award in FY24.
	FY 2025			0.00%	-	-			
	FY 2026			0.00%	-	-			
	FY 2027			0.00%	-	-			
	FY 2028			0.00%	-	-			
	FY 2029			0.00%	-	-			
66.920	<b>Environmental Protection Agency Solid Waste Infrastructure For Recycling (SWIFR) Grant Program</b>								
	FY 2024	390,075	390,075	0.02%	370,571	292,556	1	4	No FTE supported, external contract to fund a business accelerator for recycling projects. Per EPA's request, these funds will be spent in the first fiscal year, currently 93% spent. At this time, we don't know the status of future SWIFR grants.
	FY 2025	-	-	0.00%	-	-			
	FY 2026	-	-	0.00%	-	-			
	FY 2027	-	-	0.00%	-	-			
	FY 2028	-	-	0.00%	-	-			
	FY 2029	-	-	0.00%	-	-			
66.034	<b>Environmental Protection Agency Clean Air Grants under the Inflation Reduction Act</b>								
	FY 2024	1,450,547	1,450,547	0.08%	1,378,020	1,087,910	1	4	Current submitted amounts based off of workplan to EPA. Currently in review expected response Fall 2024
	FY 2025	1,450,547	1,450,547	0.08%	1,378,020	1,087,910	1	4	
	FY 2026	1,450,547	1,450,547	0.06%	1,378,020	1,087,910	1	4	
	FY 2027	1,450,547	1,450,547	0.06%	1,378,020	1,087,910	1	4	
	FY 2028			0.00%	-	-			
	FY 2029			0.00%	-	-			

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11.473	National Oceanic and Atmospheric Administration Inflation Reduction Act (IRA) Padilla Bay								
	FY 2024	-	-	0.00%	-	-			Supports 4 FTE at Pad Bay, restoration work and two subcontracts.
	FY 2025	400,000	400,000	0.02%	380,000	300,000	1	4	
	FY 2026			0.00%	-	-			
	FY 2027			0.00%	-	-			
	FY 2028			0.00%	-	-			
	FY 2029			0.00%	-	-			
11.419	National Oceanic and Atmospheric Administration PSM Advancing CR Equity								
	FY 2024	250,000	250,000	0.01%	237,500	187,500	1	4	No FTE supported; external contract to develop an equity and EJ plan for coastal resilience.
	FY 2025	-	-	0.00%	-	-			
	FY 2026	-	-	0.00%	-	-			
	FY 2027	-	-	0.00%	-	-			
	FY 2028	-	-	0.00%	-	-			
	FY 2029	-	-	0.00%	-	-			
11.473	National Oceanic and Atmospheric Administration Coastal Prairie Restoration								
	FY 2024	-	-	0.00%	-	-			Supports 5 FTE at Pad Bay, restoration work and three subcontracts.
	FY 2025	623,315	623,315	0.03%	592,149	467,486	1	3	
	FY 2026	-	-	0.00%	-	-			
	FY 2027	-	-	0.00%	-	-			
	FY 2028	-	-	0.00%	-	-			
	FY 2029	-	-	0.00%	-	-			
11.473	National Oceanic and Atmospheric Administration Habitat/Coastal Resilience at Padilla Bay								
	FY 2024	-	-	0.00%	-	-			Supports 2 FTE at Padilla Bay and two subcontracts.
	FY 2025	500,000	500,000	0.03%	475,000	375,000	1	3	
	FY 2026	-	-	0.00%	-	-			
	FY 2027	-	-	0.00%	-	-			
	FY 2028	-	-	0.00%	-	-			
	FY 2029	-	-	0.00%	-	-			
11.473	National Oceanic and Atmospheric Administration CZM Coastal Climate Resilience Partners								
	FY 2024	-	-	0.00%	-	-			
	FY 2025	6,429,000	6,429,000	0.34%	6,107,550	4,821,750	1	1	
	FY 2026	7,368,000	7,368,000	0.33%	6,999,600	5,526,000	1	1	
	FY 2027	25,425,000	25,425,000	1.12%	24,153,750	19,068,750	1	1	
	FY 2028	34,365,137	34,365,137	1.52%	32,646,880	25,773,853	1	1	
	FY 2029	-	-	0.00%	-	-			
11.473	National Oceanic and Atmospheric Administration CZM Capacity Building - Padilla Bay								
	FY 2024	100,000	100,000	0.01%	95,000	75,000	1	3	Supports 2 FTE at Padilla Bay.
	FY 2025	100,000	50,000	0.00%	95,000	75,000	1	3	
	FY 2026			0.00%	-	-			
	FY 2027			0.00%	-	-			
	FY 2028			0.00%	-	-			
	FY 2029			0.00%	-	-			
11.473	National Oceanic and Atmospheric Administration CZM Capacity Building								
	FY 2024	150,000	150,000	0.01%	142,500	112,500	1	3	Supports 2 FTE project staff at Ecology.
	FY 2025	150,000	75,000	0.00%	142,500	112,500	1	3	
	FY 2026	450,000	225,000	0.01%	427,500	337,500	1	3	
	FY 2027	450,000	450,000	0.02%	427,500	337,500	1	3	
	FY 2028	-	225,000	0.01%	-	-			
	FY 2029	-	-	0.00%	-	-			

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<b>11.473 National Oceanic and Atmospheric Administration Samish Conservation Area Jobs Act</b>									
	FY 2024	740,779	740,779	0.04%	703,740	555,584	1	3	No Ecology FTEs supported by this award, the award supports 2 FTEs at Skagit Land Trust and the acquisition and restoration work on site.
	FY 2025	740,779	740,779	0.04%	703,740	555,584	1	3	
	FY 2026	740,779	740,779	0.03%	703,740	555,584	1	3	
	FY 2027	-	-	0.00%	-	-	-	-	
	FY 2028	-	-	0.00%	-	-	-	-	
	FY 2029	-	-	0.00%	-	-	-	-	
<b>11.469 National Oceanic and Atmospheric Administration NWS Marine Conservation Initiative</b>									
	FY 2024	1,000,000	1,000,000	0.05%	950,000	750,000	1	1	Supports 3 FTE at Ecology and provides support for Marine Resources Committees.
	FY 2025	1,000,000	1,000,000	0.05%	950,000	750,000	1	1	
	FY 2026	1,000,000	1,000,000	0.04%	950,000	750,000	1	1	
	FY 2027	1,000,000	500,000	0.02%	950,000	750,000	-	-	
	FY 2028	-	-	0.00%	-	-	-	-	
	FY 2029	-	-	0.00%	-	-	-	-	

Department of Ecology  
2025-2027 Operating Budget

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Central Service Fund Splits

		All Columns by Agency must equal 100%									
Agency	Account and Approp Title	Facilities & Services					Workers' Comp	Debt Services	All Other	Risk Mgmt Division	Self Insurance
		Auditor	AttGen	OAH	Only	WaTech					
461-Department of Ecology	001-1 General Fund-State	11.30%	27.30%	11.30%	11.30%	11.30%	11.30%	11.30%	11.30%	11.30%	11.30%
461-Department of Ecology	027-1 Reclamation Account-State	0.60%	1.50%	0.60%	0.60%	0.60%	0.60%	0.60%	0.60%	0.60%	0.60%
461-Department of Ecology	02P-1 Flood Control Assistance Account-State	0.50%	0.00%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%
461-Department of Ecology	044-1 Waste Reduct/Recycle/Litter Control-State	3.00%	0.90%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%
461-Department of Ecology	176-1 Water Quality Permit Account-State	12.00%	10.30%	12.00%	12.00%	12.00%	12.00%	12.00%	12.00%	12.00%	12.00%
461-Department of Ecology	182-1 Underground Storage Tank Account-State	1.00%	1.40%	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%
461-Department of Ecology	199-1 Biosolids Permit Account-State	0.50%	0.00%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%
461-Department of Ecology	207-1 Hazardous Waste Assistance Account-State	1.70%	0.70%	1.70%	1.70%	1.70%	1.70%	1.70%	1.70%	1.70%	1.70%
461-Department of Ecology	20R-1 Radioactive Mixed Waste Account-State	4.90%	8.40%	4.90%	4.90%	4.90%	4.90%	4.90%	4.90%	4.90%	4.90%
461-Department of Ecology	216-1 Air Pollution Control Account-State	1.00%	1.10%	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%
461-Department of Ecology	217-1 Oil Spill Prevention Account-State	1.60%	0.70%	1.60%	1.60%	1.60%	1.60%	1.60%	1.60%	1.60%	1.60%
461-Department of Ecology	219-1 Air Operating Permit Account-State	1.10%	1.10%	1.10%	1.10%	1.10%	1.10%	1.10%	1.10%	1.10%	1.10%
461-Department of Ecology	23P-1 Model Toxics Control Operating Account-State	49.50%	37.70%	49.50%	49.50%	49.50%	49.50%	49.50%	49.50%	49.50%	49.50%
461-Department of Ecology	25Q-1 Clean Fuels Program-State	0.90%	0.60%	0.90%	0.90%	0.90%	0.90%	0.90%	0.90%	0.90%	0.90%
461-Department of Ecology	26B-1 Climate Investment Account-State	6.60%	5.00%	6.60%	6.60%	6.60%	6.60%	6.60%	6.60%	6.60%	6.60%
461-Department of Ecology	26C-1 Climate Commitment-State	1.70%	1.30%	1.70%	1.70%	1.70%	1.70%	1.70%	1.70%	1.70%	1.70%
461-Department of Ecology	26D-1 Natural Climate Solutions-State	0.80%	0.70%	0.80%	0.80%	0.80%	0.80%	0.80%	0.80%	0.80%	0.80%
461-Department of Ecology	564-1 Water Pollution Ctrl Revl Admin-State	1.30%	1.30%	1.30%	1.30%	1.30%	1.30%	1.30%	1.30%	1.30%	1.30%
		100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%

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State Fee Inventory

September 2024

Agency	461	Department of Ecology						
Fee Title	Agency	Fee Amount as of 1/1/2021	Fee Amount as of 1/1/2022	Fee Amount as of 1/1/2023	Fee Amount as of 1/1/2024	Fee Amount as of 1/1/2025	Statutory Authority	Purpose
Agricultural Burning Fee	Department of Ecology	\$3.75/acre, \$1/ton pile burning	\$3.75/acre, \$1/ton pile burning	\$3.75/acre, \$1/ton pile burning	\$3.75/acre, \$1/ton pile burning	\$3.75/acre, \$1/ton pile burning	RCW 70A.15.5090	The fee is imposed on all agricultural burning activities. The fee cap is established by the Legislature. The fee is set by rule and is determined by the agricultural burning practices and research task force.
Air Contaminant Source Registration Fee	Department of Ecology	\$200-\$7,500	\$200-\$8,000	\$200-\$8,000	\$200-\$8,000	\$241 - \$9,627	RCW 70A.15.2200	Any person operating or responsible for the operation of air contaminant sources are required to register and report to the Department. The fee is determined by a workload analysis based on the cost of the registration program in counties without an active local air pollution control authority (WAC: 173-455-040).
Air Operating Permit Fee	Department of Ecology	\$27,428 - \$339,209	\$27,428 - \$339,209	\$27,428 - \$339,209	\$27,428 - \$339,209	\$37,784 - \$505,364	RCW 70A.15.2270	Statute authorizes Ecology to annually collect fees to administer an Air Operating Permit Program for large industrial sources. Fees established are based on a sliding scale to cover direct and indirect program costs. The fee is set by workload model, as described in WAC.
Battery Stewardship Program Annual Fee	Department of Ecology	N/A	N/A	N/A	N/A	Fee amount will be based on Ecology's costs to implement, administer, and enforce the battery stewardship program. We assume two stewardship organizations will pay the fee, which may be pro-rated by relative volumes managed by each organization. Fee collection is expected to begin in FY 2027.	RCW 70A.555.100	Battery stewardship organizations must pay an annual fee to cover Ecology's costs to implement, administer, and enforce the battery stewardship program. The fee is expected to be effective in FY 2027 after rulemaking is complete.
Biosolids Permit Fee	Department of Ecology	Annual fee of \$956.092 plus an additional fee for each residential equivalent rate ranges from \$0.081 to \$0.342; Average Permit Fee = \$2,855.	Annual fee of \$956.092 plus an additional fee for each residential equivalent rate ranges from \$0.081 to \$0.342; Average Permit Fee = \$2,855.	Annual fee of \$956.092 plus an additional fee for each residential equivalent rate ranges from \$0.081 to \$0.342; Average Permit Fee = \$2,855.	Annual fee of \$956.092 plus an additional fee for each residential equivalent rate ranges from \$0.081 to \$0.342; Average Permit Fee = \$2,855.	Annual fee of \$1,067.89 plus an additional fee for each residential equivalent rate ranges from \$0.081 to \$0.380; Average Permit Fee = \$3,325.48	RCW 70A.226.030	The fee funds implementation of the state biosolids management program, that includes rule development, permitting, technical assistance and enforcement activities. The fee is based on a "residential equivalent" or RE value determined for each facility subject to the program. The majority (> 300) of the 375 facilities covered by the program are publicly owned wastewater treatment plants. The RE value generally relates to the size of the facility or operation. Each facility is charged an annual fee of \$956.092 plus an additional fee for each residential equivalent. The fee for each residential equivalent ranges from \$0.081 to \$0.342, depending on the type of activity. There are caps in place for some types of facilities. New permit applicants also pay a one-time review fee of \$2,868.28. Revenue collection is reliable, generally trending upward over time with increases in population and the amount of wastewater treated/biosolids generated. Ecology has established a few schedule in rule.

Fee Title	Agency	Fee Amount as of 1/1/2021	Fee Amount as of 1/1/2022	Fee Amount as of 1/1/2023	Fee Amount as of 1/1/2024	Fee Amount as of 1/1/2025	Statutory Authority	Purpose
Certified Water Right Examiner Fee	Department of Ecology	\$500 total with (1) initial exam fee of \$300, and (2) initial certification fee of \$200. \$100 annual certification fee. \$50 late fee for renewal up to 30 days past due and \$100 for renewal 31 to 90 days past due.	\$500 total with (1) initial exam fee of \$300, and (2) initial certification fee of \$200. \$100 annual certification fee. \$50 late fee for renewal up to 30 days past due and \$100 for renewal 31 to 90 days past due.	\$500 total with (1) initial exam fee of \$300, and (2) initial certification fee of \$200. \$100 annual certification fee. \$50 late fee for renewal up to 30 days past due and \$100 for renewal 31 to 90 days past due.	\$500 total with (1) initial exam fee of \$300, and (2) initial certification fee of \$200. \$100 annual certification fee. \$50 late fee for renewal up to 30 days past due and \$100 for renewal 31 to 90 days past due.	The first examination cost is \$500 total with (1) initial exam fee of \$300, and (2) initial certification fee of \$200. \$100 annual certification fee. \$50 late fee for renewal up to 30 days past due and \$100 for renewal 31 to 90 days past due.	RCW 90.03.665	Covers costs for program that authorizes contractors to complete the proof examination to qualify water users for water right certificates.
Clean Fuels Program Fee	Department of Ecology	N/A	N/A	Each deficit generator will pay: \$50,649. Each credit generator will pay: \$982.	Each deficit generator will pay: \$50,649. Each credit generator will pay: \$982.	Category 1 (highest fee) — top 30% of deficit generators, 70% of fee amount; Category 2 (middle fee) — middle 30% of deficit generators, 20% of fee amount; Category 3 (lowest fee) — lower 30% of deficit generators, 10% of fee amount; General participation fee (5% of total program) per participant	RCW 70A.535.130	Fee covers the cost to participate in the Clean Fuel Standard program and is based on the estimated costs to administer the program for the coming year.
Columbia Basin Water Supply Permit Recovery	Department of Ecology	The amount will be variable and based on the specifics and complexity of any given permit / contract to use water from an OCR developed supply.	The amount will be variable and based on the specifics and complexity of any given permit / contract to use water from an OCR developed supply.	The amount will be variable and based on the specifics and complexity of any given permit / contract to use water from an OCR developed supply.	The amount will be variable and based on the specifics and complexity of any given permit / contract to use water from an OCR developed supply.	The amount will be variable and based on the specifics and complexity of any given permit / contract to use water from an OCR developed supply.	RCW 90.90.010(6)	Cost to develop new water supplies under RCW 90.90 is passed through to recipients using the water under permit from Ecology based on the type of water developed and the amount received.
Dam Construction and Inspection Fee	Department of Ecology	New Const.\$2462 to \$98532 / Dam Safety-\$1977 to percent (10/25/35) of project's new const. fee / Safety deficiency repair-\$1400 / Removal with safety Reclamation of mining \$1400 / Inspection Fee \$1208 High & \$881 Significant Hazard. \$20	New Const.\$2462 to \$98532 / Dam Safety-\$1977 to percent (10/25/35) of project's new const. fee / Safety deficiency repair-\$1400 / Removal with safety Reclamation of mining \$1400 / Inspection Fee \$1208 High & \$881 Significant Hazard. \$20	New Const.\$2462 to \$98532 / Dam Safety-\$1977 to percent (10/25/35) of project's new const. fee / Safety deficiency repair-\$1400 / Removal with safety Reclamation of mining \$1400 / Inspection Fee \$1208 High & \$881 Significant Hazard. \$20	New Const.\$2462 to \$98532 / Dam Safety-\$1977 to percent (10/25/35) of project's new const. fee / Safety deficiency repair-\$1400 / Removal with safety Reclamation of mining \$1400 / Inspection Fee \$1208 High & \$881 Significant Hazard. \$20	New Const.\$2462 to \$98532 / Dam Safety-\$1977 to percent (10/25/35) of project's new const. fee / Safety deficiency repair-\$1400 / Removal with safety Reclamation of mining \$1400 / Inspection Fee \$1208 High & \$881 Significant Hazard. \$20	RCW 90.03.470(8) & (9)	The statute provides for fees for inspection of hydraulic works to assure safety. Ecology charges for the review of plans and specifications of storage dams. Ecology charges fees for engineering plan reviews of dams proposed for construction or modification and imposes a fee on period inspection of high and significant hazard dams. Irregular fee interval - fee required prior to approval of repairs or new construction. The inspection fee is charged each year though inspections are on a five year cycle. 80% of the fee is deposited in GFS and 20% will be deposited into the Water Rights Tracking System Acct.
Employee Parking Fee	Department of Ecology	\$20	\$20	\$20	\$20	\$20	RCW 43.01.240	Fees are charged to Lacey building employees to reserve a parking space. This money is used to pay for commute trip reduction incentives. Monthly fee of \$20 is set by Executive Leadership Team.

Fee Title	Agency	Fee Amount as of 1/1/2021	Fee Amount as of 1/1/2022	Fee Amount as of 1/1/2023	Fee Amount as of 1/1/2024	Fee Amount as of 1/1/2025	Statutory Authority	Purpose
Expedited Voluntary Cleanup Recoveries or Fees	Department of Ecology	Cost Recovery and/or Fee. Expected to be established by July 1, 2020.	Cost Recovery and/or Fee. Expected to be established by July 1, 2020.	Cost Recovery and/or Fee.	Cost Recovery and/or Fee.	Cost Recovery and/or Fee.	RCW 70A.305.170	\$3,000 application fee \$1,500 close out fee or \$9,000 close out fee if it includes environmental covenant Cost recovery on technical assistance hours
Expedited Water Right Processing Fee	Department of Ecology	The amount will be variable and based on the specifics and complexity of any given contract.	The amount will be variable and based on the specifics and complexity of any given contract.	The amount will be variable and based on the specifics and complexity of any given contract.	The amount will be variable and based on the specifics and complexity of any given contract.	The amount will be variable and based on the specifics and complexity of any given contract.	RCW 90.03.665	Fee Paid to process water right application. Fee is variable depending on the complexity and time to process application. Fee will capture 100% of agency cost to process application.
Greenhouse Gas Reporting Fee	Department of Ecology	\$2,604 per facility	\$2,604 per facility	\$2,604 per facility	\$2,604 per facility	Reporting fee for entities subject to third-party verification \$2,269	RCW 70A.15.2200	Annual fees are collected from facilities required to report greenhouse gas emissions. The fees cover the administrative costs of the greenhouse gas reporting program and are based on a workload model and limited to fee eligible activities in statute. Details are established in WAC 173-441-110.
Hazardous Waste Generation Fee	Department of Ecology	\$55 estimated annual fee per generator. Statutory rate adjustment will be calculated in March.	\$56 estimated annual fee per generator. Statutory rate adjustment will be calculated in March.	\$60 estimated annual fee per generator. Statutory rate adjustment will be calculated in March.	\$65 estimated annual fee per generator. Statutory rate adjustment will be calculated in March.	\$65 estimated annual fee per generator. Statutory rate adjustment will be calculated in March.	RCW 70A.218.020 RCW 70A.218.040 RCW 70A.218.050	The department collects an annual fee from hazardous waste generators to conduct activities to help generators voluntarily reduce such waste and reduce use of toxic substances. Every generator pays the same amount.
Hazardous Waste Planning Fee	Department of Ecology	Total ESTIMATED maximum revenue=\$2,246,899; Individual ESTIMATED facility maximum=\$22,469. Statutory rates and inflation adjustment will be calculated in March.	Total ESTIMATED maximum revenue=\$2,410,509; Individual ESTIMATED facility maximum=\$24,105. Statutory rates and inflation adjustment will be calculated in March.	Total ESTIMATED maximum revenue=\$2,597,713; Individual ESTIMATED facility maximum=\$25,977. Statutory rates and inflation adjustment will be calculated in March.	Total ESTIMATED maximum revenue=\$2,597,713; Individual ESTIMATED facility maximum=\$25,977. Statutory rates and inflation adjustment will be calculated in March.	Total ESTIMATED maximum revenue=\$2,623,690; Individual ESTIMATED facility maximum=\$26,236. Statutory rates and inflation adjustment will be calculated in March.	RCW 70A.218.030 RCW 70A.218.040 RCW 70A.218.050	An annual fee is imposed on hazardous waste generators that are required to prepare plans under RCW 70A.214.110. The fee (due every July 1) is based on the pounds of hazardous waste and toxic emissions as reported annually by planning facilities.
Hydropower License Fee	Department of Ecology	For each & every theoretical horsepower (hp) 51-1,000 hp: 18 cents 1,001-10,000 hp: 3.6 cents Over 10,000 hp: 1.8 cents FERC projects in operation - 51-1,000 hp: 32 cents 1,001- 10,000 hp: 6.4 cents Over 10,000 hp: 3.2 cents.	For each & every theoretical horsepower (hp) 51-1,000 hp: 18 cents 1,001-10,000 hp: 3.6 cents Over 10,000 hp: 1.8 cents FERC projects in operation - 51-1,000 hp: 32 cents 1,001- 10,000 hp: 6.4 cents Over 10,000 hp: 3.2 cents.	For each & every theoretical horsepower (hp) 51-1,000 hp: 18 cents 1,001-10,000 hp: 3.6 cents Over 10,000 hp: 1.8 cents FERC projects in operation - 51-1,000 hp: 32 cents 1,001- 10,000 hp: 6.4 cents Over 10,000 hp: 3.2 cents.	For each & every theoretical horsepower (hp) 51-1,000 hp: 18 cents 1,001-10,000 hp: 3.6 cents Over 10,000 hp: 1.8 cents FERC projects in operation - 51-1,000 hp: 32 cents 1,001- 10,000 hp: 6.4 cents Over 10,000 hp: 3.2 cents.	For each & every theoretical horsepower (hp) 51-1,000 hp: 18 cents 1,001-10,000 hp: 3.6 cents Over 10,000 hp: 1.8 cents FERC projects in operation - 51-1,000 hp: 32 cents 1,001- 10,000 hp: 6.4 cents Over 10,000 hp: 3.2 cents.	RCW 90.16.050 90.16.090	Annual charge is based upon a statutory fee formula established in 1929 which requires calculating the theoretical horsepower of project.

Fee Title	Agency	Fee Amount as of 1/1/2021	Fee Amount as of 1/1/2022	Fee Amount as of 1/1/2023	Fee Amount as of 1/1/2024	Fee Amount as of 1/1/2025	Statutory Authority	Purpose
Incinerator Operator Certification Fee	Department of Ecology	Rate = \$360-\$410 for first time operator certification, \$50-\$210 for first time inspector certification, and \$200 for operator recertification.	Rate = \$360-\$410 for first time operator certification, \$50-\$210 for first time inspector certification, and \$200 for operator recertification.	Rate = \$360-\$410 for first time operator certification, \$50-\$210 for first time inspector certification, and \$200 for operator recertification.	Rate = \$360-\$410 for first time operator certification, \$50-\$210 for first time inspector certification, and \$200 for operator recertification.	Rate = \$360-\$410 for first time operator certification, \$50-\$210 for first time inspector certification, and \$200 for operator recertification.	RCW 70A.216.020	The solid waste landfill operator certification/recertification program is administered for Ecology by the Solid Waste Management Association of North America through a Memorandum of Agreement. All fees related to the solid waste certification program go to SWANA.  The incinerator operator/inspector program administered by Ecology certifies/recertifies operators of solid waste incinerators. All fees related are paid to Ecology. Public agency employee inspectors are specifically exempt from all certification/recertification fees by rule and pay only the application and if needed, the textbook fee.
Lab Accreditation Program Fee	Department of Ecology	\$300-\$25,000	\$300-\$25,000	\$300-\$25,000	\$300-\$25,000	\$500-\$50,000	RCW 43.21A.230	Ecology's laboratory accreditation program evaluates environmental laboratories to determine whether the laboratories have demonstrated the capability to provide accurate, defensible data. Accreditation is required for those entities which conduct tests or prepare data for submittal to the agency. Fees are determined by the type of analyses performed. Fees are intended to cover the cost of the accreditation program; however, they do not directly support the program as they are deposited into General Fund-State (GF-S). Previously, the laboratory accreditation program was entirely funded with GF-S. However, during the 2017-19 biennium, the program's GF-S was replaced with State Toxics Control Account (STCA) funding, which, in turn was replaced by Model Toxics Control Account - Operating funding in the 2019-21 biennium.
Low Level Site Perpetual Care & Maint Fee	Department of Ecology	\$1.75/cu ft.	\$1.75/cu ft.	\$1.75/cu ft.	\$1.75/cu ft.	\$1.75/cu ft.	RCW 70A.384.050(2)	US Ecology collects \$1.75 for each cubic foot of radioactive waste received for disposal. The company remits the revenue to the Department of Ecology who deposits these funds into the perpetual surveillance and maintenance account. Fee revenue deposited in the PSMA fund the State's obligations for ensuring adequate commercial low level waste disposal facility after return to the federal government under the prime lease between the United States and State of Washington.
Manufacturer Registration and Renewal Fee	Department of Ecology	Tier 1 = \$44,518 (5), Tier 2 = \$9,829 (11), Tier 3 = \$1,380 (15), Tier 4 = \$211 (14), Tier 5 = \$59 (14), Tier 6 = \$9 (209).	Tier 1 = \$41,073 (5), Tier 2 = \$11,032 (12), Tier 3 = \$1,203 (12), Tier 4 = \$200 (10), Tier 5 = \$56 (24), Tier 6 = \$8 (189).	Amounts are based on the latest Tier Schedule for the 2024 fee. Tier 1 = \$35,792 Tier 2 = \$10,112 Tier 3 = \$1,201 Tier 4 = \$234 Tier 5 = \$63 Tier 6 = \$0 (not collected)	Amounts are based on the latest Tier Schedule for the 2024 fee. Tier 1 = \$35,792 Tier 2 = \$10,112 Tier 3 = \$1,201 Tier 4 = \$234 Tier 5 = \$63 Tier 6 = \$0 (not collected)	Amounts are based on the latest Tier Schedule for the 2024 fee. Tier 1 = \$35,792 Tier 2 = \$10,112 Tier 3 = \$1,201 Tier 4 = \$234 Tier 5 = \$63 Tier 6 = \$0 (not collected)	RCW 70A.500.130 RCW 70A.500.230 RCW 70A.500.290	Six tier structure based on % of the total Washington market share for computers, monitors, and TVs sold in or into Washington. Depending on the market for the period of time in question, manufacturers may move from one tier to another.

Fee Title	Agency	Fee Amount as of 1/1/2021	Fee Amount as of 1/1/2022	Fee Amount as of 1/1/2023	Fee Amount as of 1/1/2024	Fee Amount as of 1/1/2025	Statutory Authority	Purpose
Mercury Light Generation Fee	Department of Ecology	\$3,000 annually per manufacturer	\$3,000 annually per manufacturer	\$3,000 annually per manufacturer	\$3,000 annually per manufacturer	N/A	RCW 70A.505.050	Producers that sell mercury-containing lights in or into Washington State are required to pay a fee of \$3,000 to Ecology annually for oversight of mercury containing lights collection and recovery, including review and approve plans and plan revisions, monitor and evaluate program operations, and implement the regulations.
Mercury Light Stewardship Organization Fee	Department of Ecology					Beginning March 1, 2025, each stewardship organization shall pay to the department the annual fee to cover the department's administrative and enforcement costs.	RCW 70A.505.050	Each mercury lights stewardship organization shall pay to the department the annual fee to cover the department's administrative and enforcement costs.
Mixed Waste Management Fee	Department of Ecology	\$10,351,000	\$9,275,000	\$12,032,000	\$11,923,000	\$12,216,000	RCW 70A.300.460	Funds are received from the US Department of Energy and other facilities that treat, store, or dispose of mixed wastes. The fee established shall be sufficient to fund all costs of carrying out the department's duties under 70.105 RCW (recodified as RCW 70A.300.460) at mixed waste facilities. Fee is determined annually. Fees are prorated to payee's on planned hours for the year.
New Source Review Fee	Department of Ecology	\$1,500-\$10,000 for permit application fee which covers a base number of hours. Hours over the base amount are charged at \$95/hour.	\$1,500-\$10,000 for permit application fee which covers a base number of hours. Hours over the base amount are charged at \$95/hour.	\$1,500-\$10,000 for permit application fee which covers a base number of hours. Hours over the base amount are charged at \$95/hour.	\$1,904-\$12,614 for permit application fee which covers a base number of hours. Hours over the base amount are charged at \$119/hour.	\$1,904-\$12,614 for permit application fee which covers a base number of hours. Hours over the base amount are charged at \$119/hour.	RCW 70A.15.2210	The fee is imposed on owners or operators of new sources of air emissions that are required to submit a notice of construction of proposed new sources or emissions unit.
Paint Stewardship Administration Fee	Department of Ecology	N/A	N/A	Annual fee is calculated based on estimated costs for the forthcoming fiscal year and billed to the product stewardship organization. In the 2023-25 biennium, annual costs are estimated to be \$70,500.	Annual fee is calculated based on estimated costs for the forthcoming fiscal year and billed to the product stewardship organization. In the 2023-25 biennium, annual costs are estimated to be \$70,500.	Annual fee is calculated based on estimated costs for the forthcoming fiscal year and billed to the product stewardship organization.	RCW 70A.515.060	A paint stewardship organization representing producers of architectural paint sold in Washington state is required to pay an annual fee for the purposes of funding Ecology's costs to implement and enforce the paint stewardship program. The stewardship organization or producer subject to this law must pay Ecology's administrative fee by June 30 each year.
Photovoltaic Module Product Stewardship Fee	Department of Ecology	A one-time flat fee and an annual fee based on the manufacturer's pro rata share of sales in Washington to cover the agency's annual program implementation costs.	A one-time flat fee and an annual fee based on the manufacturer's pro rata share of sales in Washington to cover the agency's annual program implementation costs.	An annual fee based on the manufacturer's pro rata share of sales in Washington to cover the agency's annual program implementation costs.	An annual fee based on the manufacturer's pro rata share of sales in Washington to cover the agency's annual program implementation costs.	An annual fee based on the manufacturer's pro rata share of sales in Washington to cover the agency's annual program implementation costs.	RCW 70A.510.010	Producers that sell photovoltaic modules (solar panels) in or into Washington State were required to pay a one-time flat fee in 2018 and an annual fee based on the manufacturer's pro rata share of sales in Washington to cover the agency's annual program implementation costs. Beginning July 1, 2025, the sale or offer for sale of photovoltaic modules in or into the state will be prohibited, unless a manufacturer has an approved stewardship plan by Ecology.



Fee Title	Agency	Fee Amount as of 1/1/2021	Fee Amount as of 1/1/2022	Fee Amount as of 1/1/2023	Fee Amount as of 1/1/2024	Fee Amount as of 1/1/2025	Statutory Authority	Purpose
Plastic Product Manufacturer Annual Fee	Department of Ecology	N/A	The fee amount is based on annual workload analysis cost estimates, and each producer's total Washington weight of plastic resin as a percentage of the total resin reported during registration for all covered producers. The variable fee ranged from \$5 to nearly \$93,000 per producer for the FY 2024 workload analysis.	The fee amount is based on annual workload analysis cost estimates, and each producer's total Washington weight of plastic resin as a percentage of the total resin reported during registration for all covered producers. The variable fee ranged from \$5 to nearly \$93,000 per producer for the FY 2024 workload analysis.	The fee amount is based on annual workload analysis cost estimates, and each producer's total Washington weight of plastic resin as a percentage of the total resin reported during registration for all covered producers. The variable fee ranged from \$5 to nearly \$93,000 per producer for the FY 2024 workload analysis.	FY 2025 workload analysis cost \$667,105. The variable fee ranged from \$1,48 to nearly \$55,847.05 per producer	RCW 70A.245.020	Producers of covered products must pay an annual administrative fee to Ecology, either individually or through a third-party representative. Ecology determines the equitable distribution of fees to cover, but not exceed, costs necessary to implement the plastics post-consumer recycled content law.
Radioactive Waste Surcharge Fee	Department of Ecology	\$6.5/cu ft.	\$6.5/cu ft.	\$6.5/cu ft.	\$6.5/cu ft.	\$6.5/cu ft.	RCW 70A.384.110	US Ecology collects \$6.50 for each cubic foot of waste received for disposal. The company remits the revenue to the Department of Ecology and then Ecology deposits \$4.50 into the Hanford Area Economic Investment Account and remits \$2.00 to Benton County. This fee is set by statute.
Refrigerant Management Program Fee	Department of Ecology	N/A	N/A	N/A	For AC systems larger than 1500 pounds - Initial implementation fee of \$150 and annual implementation fee of \$370. (Starting in FY 26 - For systems 200 to 1500 pounds - annual implementation fee of \$170.)	For AC systems larger than 1500 pounds - Initial implementation fee of \$150 and annual implementation fee of \$370. (Starting in FY 26 - For systems 200 to 1500 pounds - annual implementation fee of \$170.)	RCW 70A.60.030	Fee covers the cost of administering the refrigerant management program. Fees may be adjusted based on workload analysis
Sewage Treatment Plant Operator's License Fee	Department of Ecology	Group I application fee \$50; other groups application fee \$59; renewal fee \$64.	Group I application fee \$50; other groups application fee \$67; renewal fee \$98.	Group I application fee \$60; other groups application fee \$85; renewal fee \$135.	Group I application fee \$75; other groups application fee \$125; renewal fee \$200.	Group I application fee \$75; other groups application fee \$125; renewal fee \$200.	RCW 70.95B.090 70.95B.095	Ecology collects fees for the issuance and renewal of wastewater treatment plant operator certificates as provided for in RCW 70.95B.090. Fees are established biennially in amounts to fully recover and not to exceed expenses incurred to administer the wastewater operator certification program, to include evaluating applications necessary to verify compliance with certification requirements, maintaining and administering credible examinations, ensuring operators receive necessary training, outreach, and technical assistance, enforcing certification program requirements, providing necessary education and training to program staff, and supporting the overhead expenses related to administering the wastewater operator certification program.  If fee increases above the state's fiscal growth factor are proposed, due to an expansion of the wastewater operator certification program, Ecology must submit a report to the legislature describing the need for the increase.

Fee Title	Agency	Fee Amount as of 1/1/2021	Fee Amount as of 1/1/2022	Fee Amount as of 1/1/2023	Fee Amount as of 1/1/2024	Fee Amount as of 1/1/2025	Statutory Authority	Purpose
Underground Storage Tank Fee	Department of Ecology	\$192.58/tank	\$204.13/tank	\$216.09/tank	\$228.58/tank	\$243.21/tank	RCW 90.76.090	The fee is currently set at \$228.58 per tank with annual renewal. The department may authorize additional annual local tank fees in environmentally sensitive areas but not to exceed fifty percent of the annual state fee. The fee amount may increase using the fiscal growth factor each year. Revenue estimates were derived from the current UST database, actual receipts, and tank removals/installations.
Waste Tire Carrier / Storage License fee	Department of Ecology	The Waste Carrier license costs \$250 for the business and \$50 for each vehicle. The Waste Carrier Storage license costs \$250 for the business.	The Waste Carrier license costs \$250 for the business and \$50 for each vehicle. The Waste Carrier Storage license costs \$250 for the business.	The Waste Carrier license costs \$200 for the business and \$50 for each vehicle. The Waste Storage license costs \$250 for the business.	The Waste Carrier license costs \$200 for the business and \$50 for each vehicle. The Waste Storage license costs \$250 for the business.	The Waste Carrier license costs \$200 for the business and \$50 for each vehicle. The Waste Storage license costs \$250 for the business.	RCW 70A.205.445	The Waste Carrier license costs \$200 for the business and \$50 for each vehicle. The Waste Storage license costs \$250 for the business. The monies are used for cleanup of unauthorized waste tire piles, measures that prevent future accumulation of unauthorized waste tire piles, and road wear related maintenance on state and local public highways (WSDOT).
Wastewater Discharge Permit Fee	Department of Ecology	Fees range annually from \$147 to \$176,697 for industrial permit holders; general permit holders pay annual fees ranging from \$103 to \$41,232.	Fees range annually from \$147 to \$176,697 for industrial permit holders; general permit holders pay annual fees ranging from \$103 to \$41,232.	Fees range annually from \$150 to \$176,700 for industrial permit holders; general permit holders pay annual fees ranging from \$150 to \$33,200.	Fees range annually from \$150 to \$176,700 for industrial permit holders; general permit holders pay annual fees ranging from \$150 to \$33,200.	Fees range annually from \$150 to \$176,700 for industrial permit holders; general permit holders pay annual fees ranging from \$150 to \$33,200; Municipal stormwater Phase 1 permits pay a flat fee of \$76,916. Municipal wastewater permits fees are calculated based on residential equivalents or discharge flow amount - these fees are between \$250 and \$1.4 million.	RCW 90.48.465	Ecology is required to assess annual fees to holders of wastewater and stormwater discharge permits. Permit fees are used to fund Ecology's administration of the wastewater/stormwater discharge permit program. Ecology must go through formal rulemaking to amend the fee regulation. This can only occur once every two years.
Water Pollution Control Revolving Admin Charge	Department of Ecology	Administration charge calculated at one percent of the outstanding balance on each SRF loan in repayment.	Administration charge calculated at one percent of the outstanding balance on each SRF loan in repayment.	Administration charge calculated at one percent of the outstanding balance on each SRF loan in repayment.	Administration charge calculated at one percent of the outstanding balance on each SRF loan in repayment.	Administration charge calculated up to one percent of the outstanding balance on each SRF loan in repayment. Currently it is .3% of the outstanding loan balance.	RCW 90.50A.090	The department is authorized to assess administration charges as a portion of the debt service for loans issued under the water pollution control revolving fund. The sole purpose of assessing administration charges is to predictably and adequately fund the department's costs of administering the water pollution control revolving fund loan program. The department must assess administration charges on each water pollution control revolving fund loan at the point the loan enters repayment status; after July 28, 2013, and rule changes are adopted to implement the administration charge. Loans that are at an interest rate below the established administration charge rate are exempt from the administration charge.

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**Department of Ecology**  
**Enterprise Risk Management Updates - September 2024**

Risk Name	Risk Description	Current Controls	Risk Treatment Details
<b>Hanford Cleanup</b>	If Congress does not appropriate adequate funds to the Department of Energy and maintain key laws, cleanup could be delayed or stalled indefinitely, leaving us with a problematic legacy of contamination and no way to address it.	Governor's Washington D.C. Office works as a liaison to Congress on issues related to Hanford. Ecology hired an outside lobbying firm to help us actively advocate for a compliant federal budget.	Ecology continues, through the Governor's Washington D.C. Office and Ecology's contracted lobbying firm, to request funding from the Federal Government to maintain compliance at Hanford.
<b>Climate Program Implementation and Potential Litigation</b>	If the Climate Pollution Reduction Program is not able to meet the aggressive timelines in state law for implementing the cap and invest program, clean fuels program, or the Hydrofluorocarbon Program (HFC), we could face reputational and legal risks, and risk not meeting state Greenhouse Gas (GHG) limits.	Ecology is working closely with the Attorney General's Office (AGO) to mitigate legal risks. Following APA process. Coordinating policies to maximize complementary effects.	Continue hiring staff and issuing contracts to implement program. Continue working with AGO.
<b>Data System and Infrastructure Integrity</b>	If old databases, systems, or infrastructure fail it could result in loss of data and system availability unless they are adequately backed up and restore procedures are in place.	Ecology Programs work with IT to assess and upgrade or replace databases as needed. Additionally, leverage the One Washington effort to upgrade or retire legacy systems where the functionality will be replaced by One Washington.	Leverage the One Washington effort to upgrade or retire legacy systems where the functionality will be replaced by One Washington. Leverage the Portfolio Management Process to identify the scope, impact, risk, cost, project duration, etc. to assess OCIO oversight, compliance with State IT Policies, and agency coordination.

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