



DEPARTMENT OF ECOLOGY

2023 – 2025

Operating Budget

SEPTEMBER 2022

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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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September 20, 2022

TO: David Schumacher, Director
Office of Financial Management (OFM)

FROM: Laura Watson, Director 

SUBJECT: Ecology's 2023-25 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 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 \$79.6 million 2023-25 biennial operating budget request. It reflects an economy that is largely recovered from the impacts of the COVID-19 pandemic and aims to help support our communities during this time, while continuing to protect environmental and public health through a focus on equity and environmental justice. This operating budget request is needed to:

- Effectively implement recently enacted climate policy legislation aimed at reducing carbon pollution - including the Climate Commitment Act and Clean Fuel Standard - to achieve state greenhouse gas emission limits and reduce air pollution in overburdened communities.
- Support recommended 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.

- Improve water quality through timely issuance of municipal wastewater and industrial discharge permits, implementing water quality cleanup plans and best management practices to reduce nonpoint pollution, and mitigating toxic chemicals in stormwater runoff from industrial and contaminated sites.
- Assist local communities with environmental issues, including coastal climate hazards and resiliency, flood risks, drought, contaminated drinking water, toxic site cleanup, water right adjudications, and the impacts of solid waste and litter accumulation.
- Fund key information technology enhancements to ensure Ecology can continue to pass funding through to local communities for environmental and public health projects and improve data collection and reporting on hazardous waste generation, toxic chemicals in consumer products, water quality permits, and wastewater treatment plant operator certifications.
- Support legal costs incurred by the Attorney General's Office related to current litigation involving Ecology.

These requests are supported primarily by dedicated environmental funds and direct charges to customers for services provided.

Placeholders

Supporting Whatcom Flood Resiliency and Transboundary Initiative

In November 2021, Whatcom County communities along the Nooksack River experienced record floods, and that same weather event exacerbated flooding in many local river systems in British Columbia. Unfortunately, many of the same homes, businesses, and infrastructure damaged in the 2021 flood also experienced flooding less than a year earlier.

The Nooksack River watershed has many unique physical characteristics that make it prone to flooding, including a steep gradient and high sediment load. As the climate changes, we anticipate these factors will only increase the frequency and severity of flood events within this dynamic river system. Additional flooding will cause further disruption to communities along the river and increase the potential for catastrophic damage to both Whatcom County and neighboring communities in Canada.

This past spring, the Legislature appropriated \$750,000 in the 2022 supplemental operating budget to address these flooding challenges and bolster local, state, and cross-border coordination efforts. \$500,000 of the appropriation was provided, through Ecology, directly to Whatcom County to support their established Floodplain Integrated Planning (FLIP) process. The remaining \$250,000 was provided in Ecology's budget to reinvigorate an international task force focused on improved cross-border communication and coordination around flood planning and response efforts. The task force was led by the Governor's Office and the British Columbia Premier's Office.



Moving forward, we know there is a significant need for additional funding. Flood hazard risk reduction involves scientific evaluation, planning, and execution of capital projects to relocate, redesign, or protect communities and public infrastructure and to implement nature-based solutions for reducing flood damage and protecting aquatic habitat. This work will also require coordination and consensus building among diverse parties on solutions.

- At the county level, we need to better understand how well existing and expected funding dovetails with known discrete local needs. This will help to identify where potential bottlenecks may occur (e.g., the arrival of funds and the readiness of projects are not well synchronized) and where gaps exist outright.
- We also need to allow more time for the Governor's Office and the B.C. Premier's Office to agree on key objectives for the cross-border effort and to put an associated governance structure and timeline in place.

These insights, as well as others we expect to gain while continuing to work with the Governor's Office, OFM, affected communities, and the Legislature will help determine what options and funding strategies may be needed for the 2023-25 biennium.

Low-Carbon Energy Project Siting Improvement Study and Recommendations

As directed by Engrossed Third Substitute House Bill 1091 in 2021, Ecology and the Department of Commerce are developing recommendations to improve siting and permitting processes for industrial low-carbon energy facilities and projects. The legislative intent for developing these recommendations is to "provide increased clarity on areas in the state that may be suitable for siting projects that have a lower potential for negative environmental impacts, especially to highly impacted communities as defined in RCW 19.405.020, and identify strategies for minimizing and mitigating negative environmental impacts where possible."

We are currently conducting a [siting improvement study](#) to help identify systemic issues and areas for improvement related to:

- Siting industrial clean energy projects.
- Environmental review and permitting processes.
- Tribal treaty rights and Tribal and cultural resources.
- Consideration of highly impacted communities and vulnerable populations as defined in the [Clean Energy Transformation Act](#).

The study is designed to identify opportunities and roadblocks in current processes, and develop guidance and tools to improve siting processes, including a mapping tool prototype. The study focuses on industrial low-carbon energy projects, such as:

- Bio-refineries and refineries producing alternative fuels.



- Solar and wind farms.
- Solar and energy storage major component manufacturers, including electric vehicle batteries.
- Pumped storage hydropower and battery energy storage facilities.
- Green hydrogen facilities.
- Offshore energy facilities (such as wind and tidal).

These recommendations are due in a report to the Governor and Legislature by December 1, 2022. Once submitted, Ecology looks forward to working with the Governor's Office, Legislature, and others on next steps, including helping to identify what resources may be needed to put these recommendations into action starting in the 2023-25 biennium.

One Washington Project

While not a placeholder, please note that, per the OFM Budget Instructions for the 2023-25 operating budget, Ecology did submit required information to One Washington in August 2022, outlining our resource needs for the 2023-25 biennial operating budget, so they could be integrated into a single, consolidated, enterprise-wide decision package.

Thank you for considering Ecology's 2023-25 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:

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September 20, 2022

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**Department of Ecology
2023-2025 Operating Budget**

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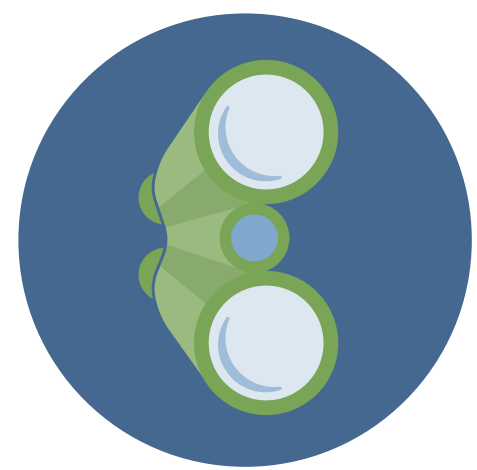
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2023–2025 Strategic Plan



Vision

Our innovative 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



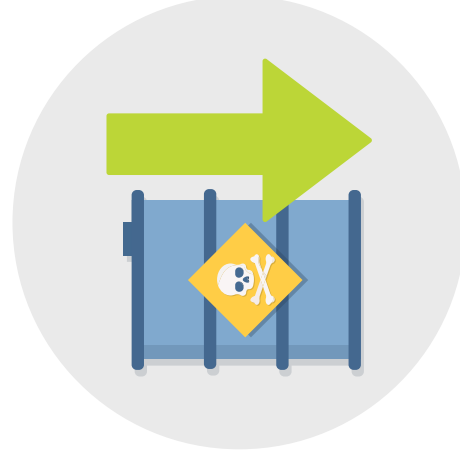
Goal 1

Support and engage our communities, customers, and employees



Goal 2

Reduce and prepare for climate impacts



Goal 3

Prevent and reduce toxic threats and pollution


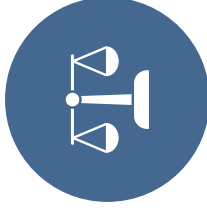






Goal 4

Protect and manage our state's waters



Values

	Environmental stewardship		Environmental justice		Public health, safety, and welfare		Diversity, equity, inclusion, and respect		Problem solving and innovation		Continuous improvement		Collaborative and respectful relations
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Principles of our work

- ▶ Work in partnership with communities, businesses, interest groups, and local, state, and federal agencies to protect the environment.
- ▶ Engage in meaningful tribal consultation.
- ▶ Communicate clearly, strengthen engagement, and eliminate public involvement barriers.
- ▶ Make transparent, defensible decisions using accurate and reliable data with quality science.
- ▶ Strive to eliminate environmental and health disparities by prioritizing communities with environmental justice considerations.
- ▶ Support our commitment to sustainability by understanding the results of our actions and acknowledging that people, economies, and all life depend on healthy, functioning ecosystems.
- ▶ Award and manage grants and loans equitably, as financial partners, to maximize environmental, public health, and economic benefits in local communities.
- ▶ Recognize and value how every employee's work and expertise contributes to our mission.
- ▶ Create and support opportunities for integrated cross-program work (One Ecology).



Goal 1 Support and engage our communities, customers, and employees

We strive to equitably deliver our services and resources, strategically embrace innovation and new technology, and work to continually improve our performance and accountability. We foster a diverse, responsive, and welcoming workforce that operates with excellence and professionalism. Our leadership is committed to creating a culture where our workforce and those affected by our work are respected and included.

Read more about our
Goal 1 objectives 





Goal 1 objectives

Support and engage our communities, customers, and employees



- 1.1 Implement environmental justice and equity policies and procedures to improve service delivery and access to services.

Initiatives

- Implement the Healthy Environment for All (HEAL) Act.
- Implement clear, standardized, and useful environmental justice protocols in enforcement and compliance activities.
- Collaboratively recalibrate environmental reporting and information on violations in overburdened communities for more accurate analyses and public data sharing.
- Conduct Environmental Justice Assessments for significant agency actions as specified in the HEAL Act in order to reduce environmental harms, environmental and health disparities, and negative impacts on overburdened communities.
- Implement environmental justice and equity criteria in budget and funding decisions to more equitably distribute expenditures, create environmental benefits, or reduce environmental harms for overburdened communities and vulnerable populations.
- Implement processes that bring Ecology into alignment with current requirements of Title VI of the Civil Rights Act and other nondiscrimination statutes.
- Implement tools to assess Title VI compliance for Ecology's sub-recipients.

Our Office of Equity and Environmental Justice

For over 25 years, Ecology has worked to integrate equity and environmental justice into our planning, activities, and programs.

The mission of our Office of Equity & Environmental Justice (EJ) is to eliminate environmental and health disparities for communities most at risk from pollution and other environmental impacts. We strive to do this through fair and just practices that support the well-being and resilience of Ecology's workforce and the people of Washington. We are focusing our environmental justice work for the 2023-25 biennium on implementing Washington's EJ law (HEAL Act) and advancing our Title VI of the Civil Rights Act work to further equitable practices and outcomes.



Goal 1 objectives

Support and engage our communities, customers, and employees



- ▶ **1.2** Increase and ensure meaningful engagement with our communities, customers, and employees; listen to their feedback, and use it to improve our work.

Initiatives

- Implement a community engagement plan, developed in collaboration with the Environmental Justice Council, to guide our work with communities across Washington.
- Establish and implement a Tribal consultation plan to ensure consistent protocols and best practices for engagement, communication, and collaboration.
- Establish standards in our compliance and enforcement processes that ensure meaningful and inclusive public engagement from diverse communities across the state.
- Increase the accessibility and transparency of Ecology's discrimination complaints process.
- Lead proactive, innovative communications, with our diverse audiences, to share our work and why it matters.
- Gather and use feedback from our customers and employees to inform our work so we can understand where we are successful, address needs, and more equitably and effectively provide our services.
- Increase the use of engaging visual and audio content to make our external communications more relevant and accessible.
- Improve audit timeliness for testing laboratories in response to feedback from regulatory partners and customers.



Goal 1 objectives

Support and engage our communities, customers, and employees



- ▶ **1.3** Increase investment in our workforce and position Ecology as an employer of choice.

Initiatives

- Implement the agency's pro-equity anti-racism (PEAR) strategic action plan.
- Implement recommendations from our diversity, equity, inclusion, and respect (DEIR) Agency Organizational Assessment.
- Operationalize new and revised anti-discrimination, anti-harassment, workplace accommodation, diversity, equity, inclusion, and respect policies and procedures using principles of change management to create a culture of belonging and respect for all and be an antiracist organization.
- Implement updated required qualifications to recognize that life experiences, work experience, and education are all ways to gain the knowledge, skills, and abilities to perform our work.
- Support successful recruitment and retention of a diverse and well-trained workforce that carries out their responsibilities with cultural humility, service excellence, and professionalism.
- Develop and implement a DEIR training program for our workforce.

Diversity, equity, inclusion, and respect

We are committed to becoming a more diverse, equitable, inclusive, and respectful (DEIR) workplace and are actively taking steps to make progress. Ecology has a full-time Organizational Equity Manager, who collaborates with our Human Resources DEIR leads, and employees across the agency, to create and work towards meaningful change. Our strategy will be informed by our upcoming DEIR Organizational Assessment which will help us understand the experiences of our employees, identify opportunities, and implement new approaches. This assessment involves examining our hiring processes, agency culture, and professional development and growth opportunities.



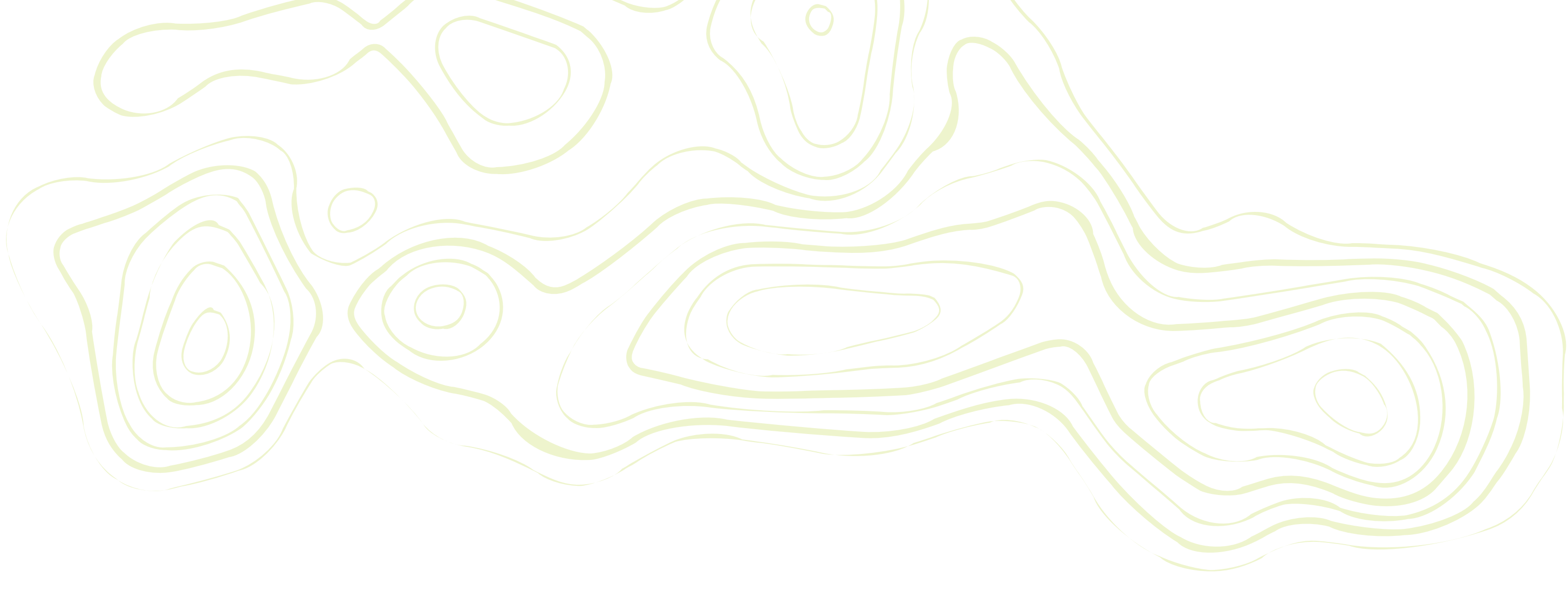
Goal 1 objectives

Support and engage our communities, customers, and employees

1.4 Increase our operational resiliency and adaptability in the face of uncertainty in a rapidly changing world.

Initiatives

- Make investments in processes and tools that support public disclosure, records retention, and electronic discovery.
- Modernize Ecology policies, practices, and technology to give employees the tools and flexibility to work effectively and efficiently.
- Identify legal requirements and establish, update, and implement access standards for documents, training, ADA language, language access, Ecology's website, IT software and applications, and social media.
- Support implementation of the One Washington financial system to remediate and integrate Ecology financial and human resources systems.
- Implement short-term and long-term actions to obligate and spend capital appropriations to ensure timely distribution to partner organizations, contractors, and governments and reduce reappropriations.
- Make investments in processes and tools that support information technology security to protect Ecology's data and assets from cybersecurity threats.
- Establish and document a customer service process to ensure Information Technology Services Office staff and customers have a clear and shared understanding of service delivery standards.
- Implement a Microsoft Office cloud-based software (M365) migration plan and support our employees with training, communication, and change management.
- Finalize internal emergency management structure, create a viable Emergency Operations Plan (EOP) and conduct Continuity of Operations Planning (COOP) exercises to ensure operational resiliency and adaptability.





Goal 2 Reduce and prepare for climate impacts

Ecology is preparing for the future by understanding and reducing the effects of climate change on our communities, environment, and economy. We will reduce greenhouse gas emissions, promote community resilience, and prevent and remediate negative impacts with an emphasis on overburdened communities and vulnerable populations. We will do this work while supporting economic growth and a strong economy.

Read more about our
Goal 2 objectives >



Goal 2 objectives

Reduce and prepare for climate impacts



Effectively addressing climate change

Climate change is already impacting our communities and ecosystems. Air and water temperatures are increasing. Changes are fueling extreme heat waves, wildfires, drought and flooding. Sea levels are rising and our water supplies and water quality are being altered.

Reducing greenhouse gases will minimize how climate change affects people who live, work, and play in Washington. Our actions must account for the impacts of climate change we are experiencing today and what is expected in the years to come.

We must also be resilient to the impacts of climate change today. We can lay the foundation for strategic, coordinated, and sustained climate resilience through partnerships. We also must ensure our tools for making decisions and scientific information adequately address the effects of climate change and improve our resilience.



- 2.1 Support science-based decision-making, including improving access to the latest climate change data and information, providing greater consistency in agency processes, and conducting education and outreach to increase understanding of impacts.

Initiatives

- Incorporate the latest and best available climate change science into our work and improve the availability and use of this data and information across our programs.
- Conduct outreach and education to share scientific information about climate change and learn from others across state government, community members, Tribes, businesses, local governments, and others about their experiences and needs.
- Monitor ocean acidification conditions to identify where changing marine chemistry may impact sensitive organisms.
- Use the [Columbia River Basin Long-term Water Supply and Demand Forecast](#) to inform our water resources and climate adaptation work and implement recommendations from the report.



Goal 2 objectives

Reduce and prepare for climate impacts

- 2.2 Decrease greenhouse gas emissions and support reductions across the state to meet 2030 and 2050 emissions limits.

Initiatives

- Implement Washington's [Cap and Invest](#), [Clean Fuel](#), [Hydrofluorocarbon Reduction](#), and [Zero Emission Vehicles](#) programs.
- Track statewide, state government operations, and Ecology greenhouse gas emissions and report our progress toward meeting the 2050 limits established in RCW 70A.45.020 and .050.
- Support diverse methods for managing organic wastes to reduce organic materials disposed of in landfills and reduce methane emissions from landfills.
- Report on greenhouse gas emissions avoided by waste recovery and recycling statewide.
- Operate the Washington Center for Sustainable Food Management and implement the [Use Food Well Washington Plan](#) to reduce wasted food, get useable food to those in need, then safely manage and recycle what remains.
- Incorporate more state-specific data to increase the accuracy and timeliness of the statewide greenhouse gas inventory.
- Establish sector-specific greenhouse gas emissions targets and reduction policies for achieving the statewide emissions limits.





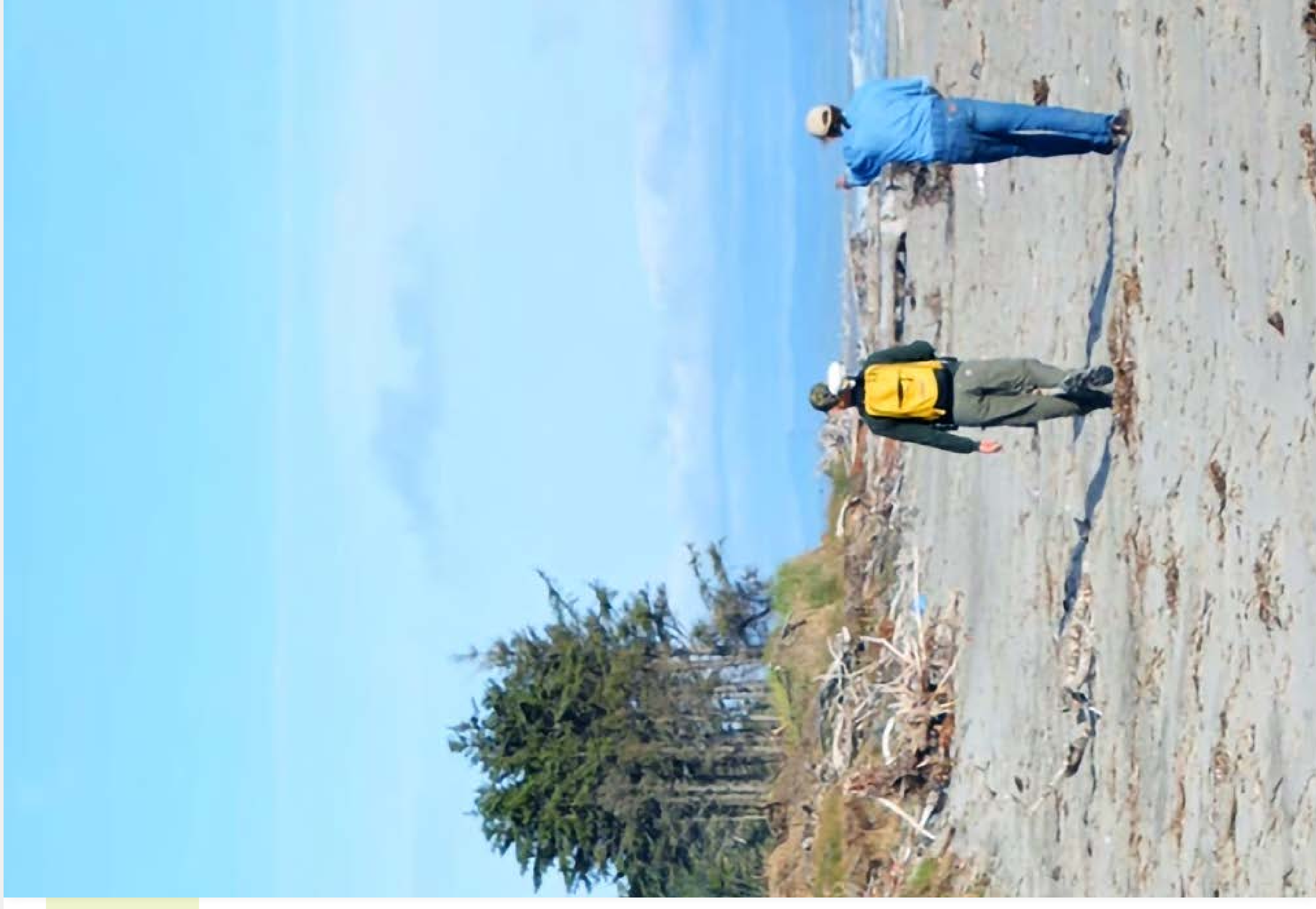
Goal 2 objectives

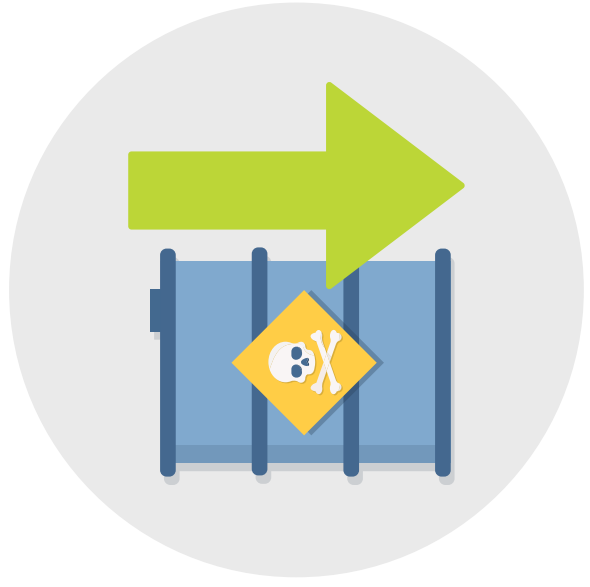
Reduce and prepare for climate impacts

- 2.3 Increase adaptability and resiliency of communities and ecosystems to reduce their vulnerability to harmful impacts of climate change.

Initiatives

- Evaluate and adapt agency guidance, policies, plans, and authorities to incorporate consideration of current and expected future impacts of climate change into our work.
- Partner with state agencies, academic institutions, Tribes, communities, and others to update, coordinate, and prioritize our statewide climate resilience efforts and needs.
- Continue internal, cross-program collaboration through our Climate Resiliency Team to facilitate information sharing and improve consistency and coordination in agency approaches to climate resilience.
- Address impacts from loss of snowpack by identifying and developing water storage and supply solutions in Central and Eastern Washington watersheds.
- Support local governments in floodplain management to address community flood risk.
- Increase, coordinate, and pursue strategic investments that support climate resiliency, especially in areas with environmental justice considerations and the highest climate impact risks.
- Support communities and Tribes in identifying and implementing practical responses to sea level rise and related coastal hazards.
- Seek legislative authority for ongoing drought funding and implement planning and preparedness programs to reduce impacts.



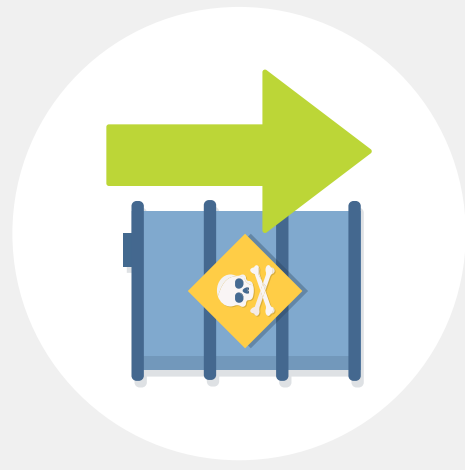


Goal 3 Prevent and reduce toxic threats and pollution

We work to prevent and reduce toxic threats and pollution and manage legacy contamination. We make strategic efforts to eliminate the disproportionate impacts on communities of color, indigenous communities, and low-income populations across Washington.

Read more about our
Goal 3 objectives [▶](#)





Goal 3 objectives

Prevent and reduce toxic threats and pollution



- ▶ 3.1 Increase our understanding of toxic substance uses and waste generated in Washington.

Initiatives

- Engage stakeholders on safer alternatives and develop compliance strategies supporting consumer product laws, such as the [Safer Products for Washington](#) program.
- Expand, develop, and implement toxics studies throughout the state to protect and enhance human and ecosystem health.
- Develop a method to detect 6PPD-Quinone in the environment, develop and implement a monitoring program; identify best practices for stormwater; and limit, reduce, or eliminate use of this chemical.

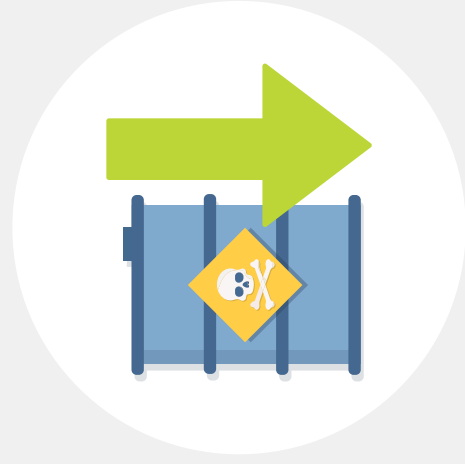
Tackling toxics and pollution

Toxic threats and pollution come from many sources, including consumer products and business processes, which end up as pollution in the air, water, and land, or accumulating in our bodies.

Inappropriate handling or disposal of toxic chemicals or waste can result in long-lasting contamination that causes negative economic, social, and environmental impacts. To protect against ongoing toxic threats and pollution, we:

- Identify and reduce use of toxic materials.
- Ensure recycling or reuse of appropriate materials.
- Regulate final disposal.
- Regulate contaminated site cleanups.





Goal 3 objectives

Prevent and reduce toxic threats and pollution

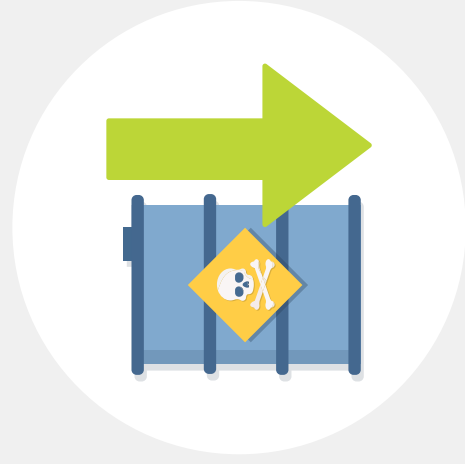
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Increase regulatory compliance and use of best management practices and best available technology to clean up, reduce and, ultimately, prevent the release of toxic chemicals, waste, and pollution to Washington's environment and communities.

Initiatives

- Pursue federal funding to secure a budget that supports [Hanford Site cleanup](#) activities in fiscal year 2024 and beyond.
- Reduce litter through effective pickup programs, diverse partnerships, and behavioral change campaigns.
- Improve the recycling system by promoting markets, supporting research, providing outreach, and implementing recycled content and single-use plastics requirements.
- Ensure regulated entities can pay costs for damages from oil spills through compliance with state laws on financial responsibility when transporting and handling oil.
- Reduce the risk of oil spills through risk analyses and rulemaking for spill prevention strategies, in partnership with the Washington Board of Pilotage.





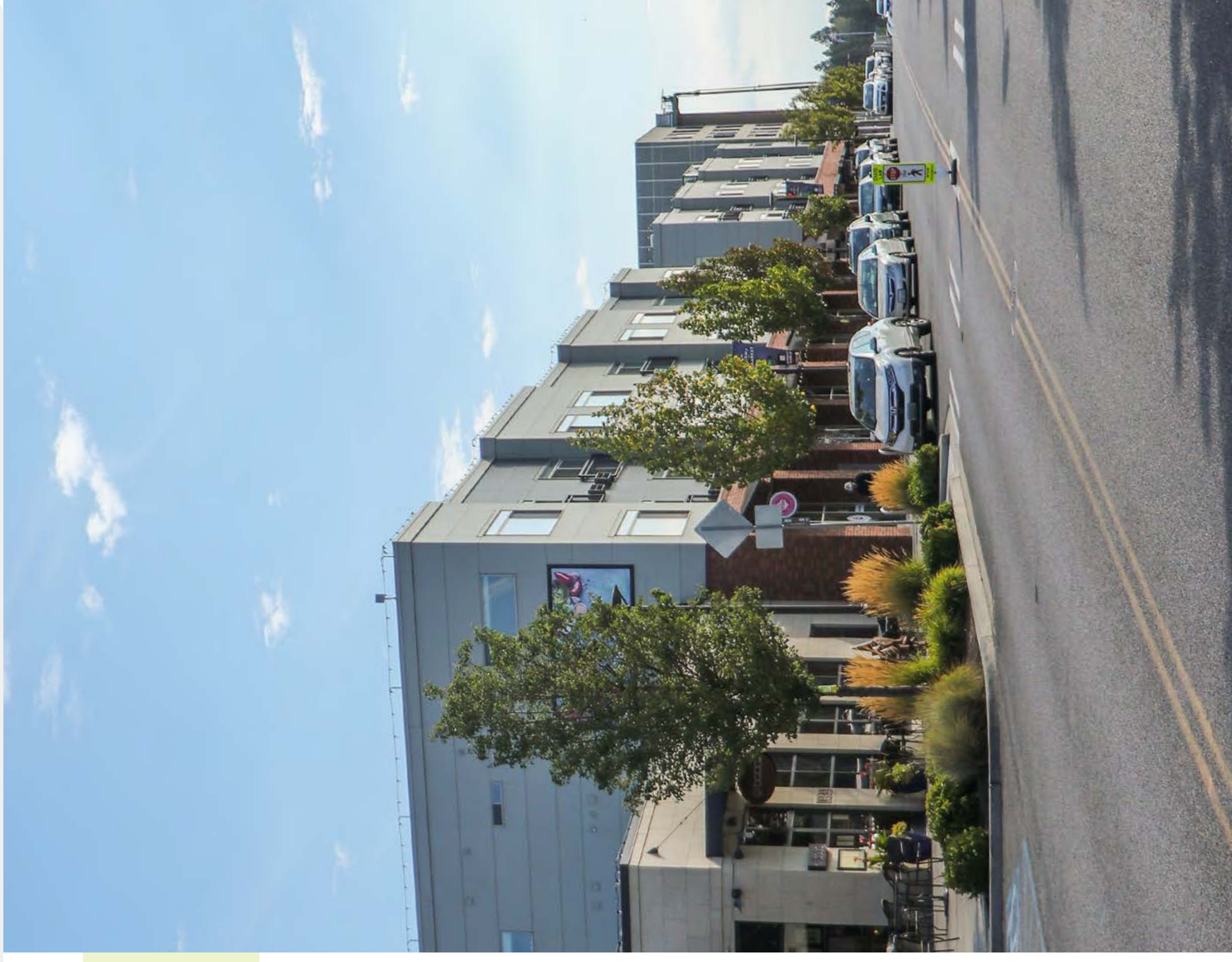
Goal 3 objectives

Prevent and reduce toxic threats and pollution

- 3.3 Advance environmental justice, environmental and human health, community needs, societal benefits, and economic vitality by reducing new and existing contamination.

Initiatives

- Prevent, reduce, and clean up toxic contaminants and air pollution in the environment, with an emphasis on overburdened communities.
- Prioritize dangerous waste compliance inspections to reduce environmental risks and negative impacts on overburdened communities.
- Provide incentives and technical assistance to dangerous waste generators to support waste reduction and compliance, while addressing impacts in overburdened communities.
- Increase opportunities for affordable housing by cleaning up contaminated sites, issuing grants, and working with communities.
- Prioritize cleanup and toxics reduction investments, including education and outreach, for communities with disproportionate impacts.
- Collaborate with Columbia River Basin partners (Tribes, non-governmental organizations, the federal Environmental Protection Agency, and state and local agencies) to develop a framework to implement strategies to protect and enhance human and ecosystem health from toxic threats impacting the Columbia River.





Goal 4 Protect and manage our state's waters

We provide a coordinated and collaborative approach to protecting and managing water. Ecology's work ensures Washington has high-quality water resources for people, aquatic species, and thriving ecological systems to meet current and future Tribal, agricultural, and community needs.

Our continued attention and protection of our state waters are essential. We commit to partnering and engaging with Tribes; businesses; the agriculture industry; communities, including a focus on vulnerable populations and overburdened communities; interest groups; and other state and local agencies. We are conducting research, gathering data, and making investments to restore, protect, and preserve our state's waters now and for future generations.

Read more about our
Goal 4 objectives >





Goal 4 objectives

Protect and manage our state's waters

- 4.1 Increase resiliency of Washington's watersheds to support salmon restoration, habitats, economies, and communities.

Initiatives

- Support development of a transboundary flood management initiative with British Columbia and secure durable funding and technical support for Nooksack River flood protection and restoration.
- Reduce [nitrogen loading](#) in Puget Sound to improve dissolved oxygen and meet water quality standards.
- Seek legislative authority for ongoing drought funding and implement planning and preparedness programs to reduce impacts.
- Develop and apply a strategic approach to direct our [Puget Sound Implementation Strategies](#) work that identifies programmatic and funding opportunities for Ecology to best leverage our work to support Puget Sound recovery.
- Provide technical assistance to help our customers identify and apply for federal funding opportunities directed toward Puget Sound priorities.



Columbia River Basin

Water in the Columbia River basin is in high demand for people, commerce, agriculture, and fish and wildlife. The region's population is growing and so is the need for water.

This watershed is vital to the thousands of businesses and industries that rely on the river and groundwater to irrigate crops, manufacture products, or provide a service or experience. Fish and wildlife also depend on it to live, reproduce, and thrive.

The watershed is also the ancestral home to tribal nations whose rights were memorialized in the Treaty of 1855. Furthermore, the Columbia River is one of the world's largest hydropower systems, providing low-cost energy to the Pacific Northwest.

Climate change is already impacting water supplies in the basin. As our climate continues warming, more droughts are predicated, longer growing seasons are anticipated, and demands on water expected to increase.

To protect this crucial watershed, the Legislature directed us to aggressively protect water supplies in the basin.



Goal 4 objectives

Protect and manage our state's waters



- 4.3 Increase the use of integrated and innovative water solutions to improve water quality, water supply, streamflow, floodplains, and riparian habitat functions.

Initiatives

- Pursue integrated water resource solutions developed in collaboration with Tribes, local governments, and communities.
- Increase water availability in the Columbia River Basin for municipal, domestic, and agricultural purposes and promote water exchanges, improved efficiencies, and alternative water supplies.
- Develop and implement strategies for riparian restoration and protection.
- Ensure [Streamflow Restoration Competitive Grants](#) improve habitats to support healthy and sustainable salmon populations.
- Incorporate Department of Health drinking water standards into our Hanford Site cleanup process and permit to protect drinking water.
- Increase fish passage, improve habitat, and increase surface water flow during critical periods to benefit aquatic species across the Columbia River and Washington's waters.

- 4.2 Evaluate and improve processes and timelines for water-related permitting decisions.

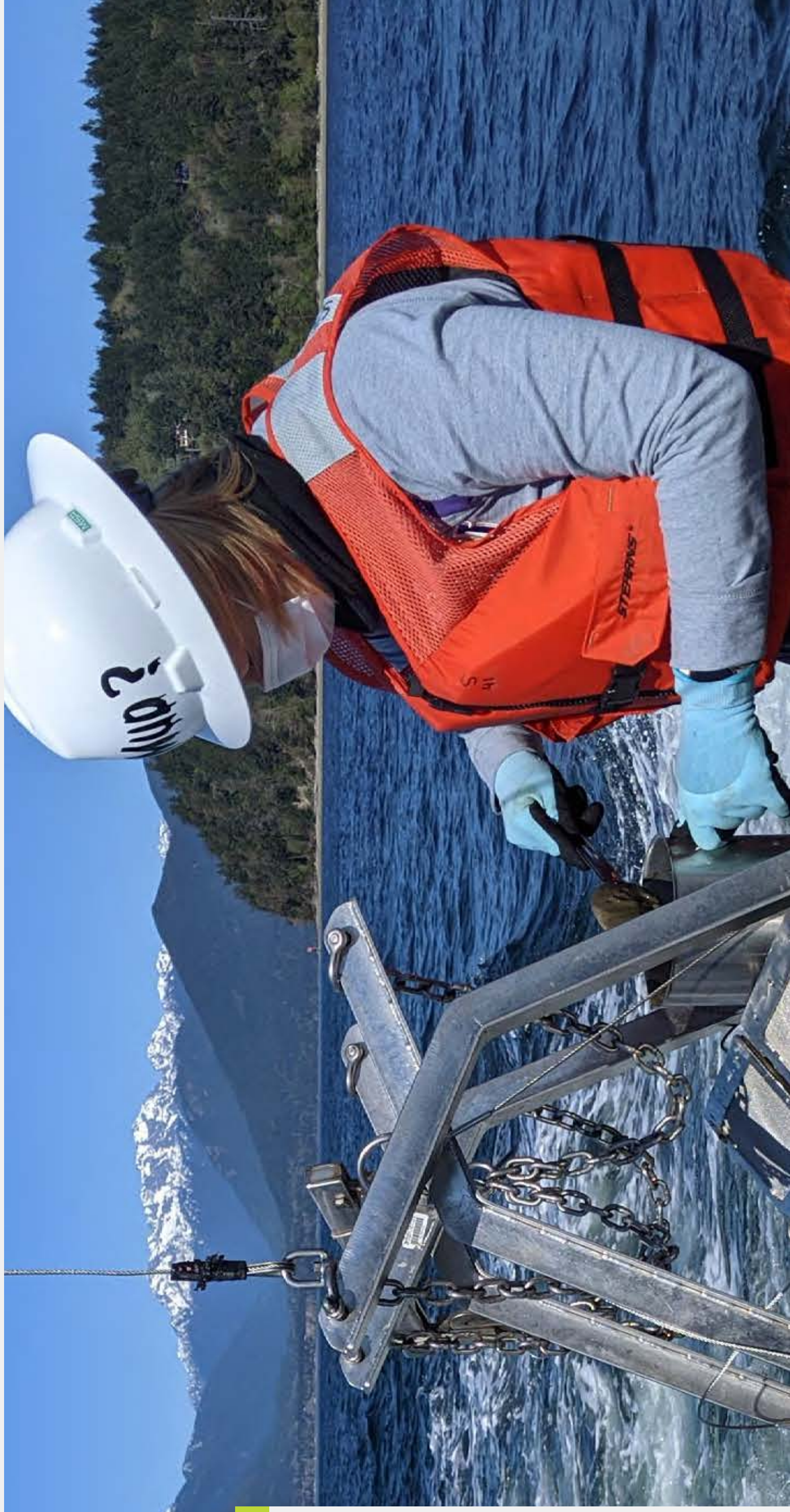
Initiatives

- Focus on improving permit processing timelines and local government support related to water quality permits.
- Reduce the backlog of water right applications through Targeted Application Processing.
- Conduct proactive outreach and education for communities to improve common understanding of water-related permitting processes.



Goal 4 objectives

Protect and manage our state's waters



Puget Sound

Puget Sound health affects our communities, the state economy, social and cultural systems, and fish and wildlife. How we manage and make decisions about this iconic body of water affects all that rely on it.

Much of Puget Sound appears to be vibrant, clean, and healthy, but our scientific studies show that, under the surface, this unique marine estuary has problems.

Human actions over the past century have damaged Puget Sound. Everyday activities continue to degrade the water quality, habitat in the region, and natural resources people depend on.

Survival of some species that depend on these waters are endangered or at risk, including Southern Resident Orca, salmon, and shorebirds. There is also concern for other harvested species, such as oysters, crab, and shrimp. Continued research and investments are needed to restore and preserve Puget Sound for people today and future generations.

4.4 Increase use of best available data, technology, and science to support best management practices that protect Washington's water.

Initiatives

- Develop a method to detect 6PPD-Quinone in the environment; develop and implement a monitoring program; identify best practices for stormwater; and limit, reduce, or eliminate use of this chemical.
- Monitor groundwater to assess conditions and trends and provide credible data to manage and assist communities with efforts to ensure clean and reliable water supplies.



ADA Accessibility

The Department of Ecology is committed to providing people with disabilities access to information and services by meeting or exceeding the requirements of the Americans with Disabilities Act (ADA), Section 504 and 508 of the Rehabilitation Act, and Washington State Policy #188.

To request an ADA accommodation, contact Ecology by phone at 360-407-6831 or email at ecyadacoordinator@ecy.wa.gov. For Washington Relay Service or TTY call 711 or 877-833-6341.

Visit [Ecology's website](#) for more information.



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Department of Ecology

2023-25 Agency Activity Inventory Descriptions

September 5, 2022

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"> • 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. • Streamflow Restoration - Work with watershed groups to establish or revise a streamflow restoration plan to mitigate the impacts of new domestic water use. • 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. • 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.
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"> • 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. • Reduces wasted food through a state food waste reduction and diversion plan. • Provides technical assistance to promote reuse of organic materials. • Ensures an environmentally compliant biosolids program in the state. • Advises state and local governments on how to promote environmentally preferred purchasing. • Oversees producer managed recycling programs.
A010	Prevent and Pick Up Litter	The Department of Ecology collaborates with residents, businesses, local governments and state agency partners, to maximize efforts to prevent and pick up litter to keep Washington clean for residents and visitors. Ecology also sponsors youth employment programs for litter pick up.

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 through three grant programs:</p> <ul style="list-style-type: none"> • Local Solid Waste Financial Assistance grants to local governments for solid waste planning, waste reduction (including food waste), recycling (including contamination reduction), household hazardous waste, and enforcement. • Public Participation Grants (PPG) to interest groups for informing residents about cleanups in their local area and educating the public about waste reduction efforts. • Waste Reduction and Recycling Education grants to local governments and non profit organizations to educate the public about litter control, waste reduction (including food waste), recycling (including contamination reduction), and composting.
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 Nuclear Reservation, including nuclear reactors and chemical processing facilities used for nuclear weapons material production. Transition of these facilities to safe and stable conditions requires coordination of multiple regulatory and technical requirements. The agency is also responsible for regulatory oversight of waste management activities at four facilities not under the management of the U.S. Department of Energy (Energy Northwest, AREVA, Perma-Fix Northwest, and the U.S. Navy's Puget Sound Naval Shipyard).

Activity	Activity Title	Description
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.
A017	Ensure Safe Tank Operations, Storage of Tank Wastes, & Closure of the Waste Storage Tanks at Hanford	The agency protects public health and natural resources by ensuring the safe storage and management of 53 million gallons of high-level radioactive tank waste at the Hanford Nuclear Reservation. The Hanford Tank Waste Project is focused on permitting the double-shelled tank waste storage system, removing liquid wastes from the single-shelled tanks, and beginning to close portions of the tank waste storage system. In coordination with the Hanford Tank Waste Disposal Project, the tank waste will be removed and treated, leading to eventual closure of all 177 Hanford tanks by 2028.
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"> • Provide guidance and training on developing quality assurance project plans. • Review project proposals. • Consult on sampling design requirements and interpretation of results. <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"> • Interpret technical data. • Review grantee monitoring plans. • Supply information for policy decisions to support agency mandates

Activity	Activity Title	Description
A021	Increase Safe Hazardous Waste Management, Pollution Prevention, and Compliance with Dangerous	<p>This activity supports the work the agency does to:</p> <ul style="list-style-type: none"> • Conduct dangerous waste compliance inspections, escalating to formal enforcement actions when necessary. • Amends the Dangerous Waste Regulations to keep our rules current with the federal program and maintain state authorization. • Provide dangerous waste management and pollution prevention education and technical assistance to businesses, including via local specialists through the Pollution Prevention Assistance partnership. • Issue permits to facilities that treat, store, or dispose of dangerous waste, and ensure that proper financial assurance requirements are in place.
A023	Manage Underground Storage Tanks to Minimize Releases	<p>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.</p>
A024	Manage Water Rights	<p>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.</p>
A025	Measure Air Pollution Levels and Emissions	<p>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.</p>
A026	Measure Contaminants in the Environment by Performing Laboratory Analyses	<p>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.</p>

Activity	Activity Title	Description
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"> • Assess the status of major waterbodies. • Identify threatened or impaired waters. • Evaluate changes and trends in water quality over time. <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	<p>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.</p>
A030	Prepare for Aggressive Response to Oil and Hazardous Material Incidents	<p>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.</p>
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"> • Oversee cleanup of high-priority corrective action sites. • Provide pollution prevention and toxics reduction technical assistance to hazardous waste generators.
A032	Prevent Point Source Water Pollution	<p>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.</p>

Activity	Activity Title	Description
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.
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.

Activity	Activity Title	Description
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.
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.

Activity	Activity Title	Description
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.
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"> • Administer the state's smoke management program that oversees outdoor burning and woodstoves. • Assist communities, local health organizations, and fire suppression agencies with health impact messaging and recommendations during large-scale wildfire events.

Activity	Activity Title	Description
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.
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.

Activity	Activity Title	Description
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.
A063	Climate Change Mitigation and Adaptation	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. 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.
A064	Manage Solid Waste Safely	To ensure that solid waste handling and disposal facilities are in compliance with environmental requirements, Ecology: <ul style="list-style-type: none"> • Sets standards for the proper handling and disposal of solid waste. • Negotiates and implements cleanup orders under the Model Toxics Control Act, and oversees cleanup actions at solid waste facilities. • Provides technical assistance, permit review, and regulatory, engineering and hydrogeology expertise to local health departments who permit solid waste handling and disposal facilities.

Activity	Activity Title	Description
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"> • 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. • Provide information safer alternatives and green chemistry to business, education, government, and public sectors. • Update and enforce statutory reporting requirements and limits in specific products.



Dollars in Thousands

ABS033 Performance Measure Incremental Estimates
461 Department of Ecology
2023-25 Regular Budget Session
BI - Biennial 2023-25 Initial

Activity:

CB	TOPL	No measures linked to activity
CB	TOPL	No measures linked to decision package
CL	5022	No measures linked to activity
CL	5022	No measures linked to decision package
CL	5126	No measures linked to activity
CL	5126	No measures linked to decision package
CL	5141	No measures linked to activity
CL	5141	No measures linked to decision package
CL	5381	No measures linked to activity
CL	5381	No measures linked to decision package
CL	5796	No measures linked to activity
CL	5796	No measures linked to decision package
CL	5818	No measures linked to activity
CL	5818	No measures linked to decision package
CL	5910	No measures linked to activity
CL	5910	No measures linked to decision package
CL	5974	No measures linked to activity
CL	5974	No measures linked to decision package
CL	C02	No measures linked to activity
CL	C02	No measures linked to decision package
CL	C031	No measures linked to activity
CL	C031	No measures linked to decision package
CL	CICP	No measures linked to activity
CL	CICP	No measures linked to decision package
CL	CPST	No measures linked to activity
CL	CPST	No measures linked to decision package
CL	CSMT	No measures linked to activity
CL	CSMT	No measures linked to decision package
CL	DC	No measures linked to activity
CL	DC	No measures linked to decision package
CL	DF01	No measures linked to activity
CL	DF01	No measures linked to decision package
CL	DJ	No measures linked to activity

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CL	DJ	No measures linked to decision package
CL	DK	No measures linked to activity
CL	DK	No measures linked to decision package
CL	DL	No measures linked to activity
CL	DL	No measures linked to decision package
CL	DQ01	No measures linked to activity
CL	DQ01	No measures linked to decision package
CL	DT01	No measures linked to activity
CL	DT01	No measures linked to decision package
CL	DW01	No measures linked to activity
CL	DW01	No measures linked to decision package
CL	DY01	No measures linked to activity
CL	DY01	No measures linked to decision package
CL	DZ	No measures linked to activity
CL	DZ	No measures linked to decision package
CL	EA01	No measures linked to activity
CL	EA01	No measures linked to decision package
CL	EB01	No measures linked to activity
CL	EB01	No measures linked to decision package
CL	FLGA	No measures linked to activity
CL	FLGA	No measures linked to decision package
CL	KB01	No measures linked to activity
CL	KB01	No measures linked to decision package
CL	KC01	No measures linked to activity
CL	KC01	No measures linked to decision package
CL	KE	No measures linked to activity
CL	KE	No measures linked to decision package
CL	KH	No measures linked to activity
CL	KH	No measures linked to decision package
CL	KJ	No measures linked to activity
CL	KJ	No measures linked to decision package
CL	KK	No measures linked to activity
CL	KK	No measures linked to decision package
CL	KL01	No measures linked to activity
CL	KL01	No measures linked to decision package
CL	KN	No measures linked to activity
CL	KN	No measures linked to decision package
CL	KP01	No measures linked to activity

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CL	KP01	No measures linked to decision package
CL	KQ	No measures linked to activity
CL	KQ	No measures linked to decision package
CL	KS	No measures linked to activity
CL	KS	No measures linked to decision package
CL	KU	No measures linked to activity
CL	KU	No measures linked to decision package
CL	KV	No measures linked to activity
CL	KV	No measures linked to decision package
CL	KW	No measures linked to activity
CL	KW	No measures linked to decision package
CL	KX01	No measures linked to activity
CL	KX01	No measures linked to decision package
CL	KY01	No measures linked to activity
CL	KY01	No measures linked to decision package
CL	KZ	No measures linked to activity
CL	KZ	No measures linked to decision package
CL	LA	No measures linked to activity
CL	LA	No measures linked to decision package
CL	LAME	No measures linked to activity
CL	LAME	No measures linked to decision package
CL	LCF	No measures linked to activity
CL	LCF	No measures linked to decision package
CL	LITR	No measures linked to activity
CL	LITR	No measures linked to decision package
CL	MM	No measures linked to activity
CL	MM	No measures linked to decision package
CL	MN	No measures linked to activity
CL	MN	No measures linked to decision package
CL	MP	No measures linked to activity
CL	MP	No measures linked to decision package
CL	MR07	No measures linked to activity
CL	MR07	No measures linked to decision package
CL	MR17	No measures linked to activity
CL	MR17	No measures linked to decision package
CL	NKFM	No measures linked to activity
CL	NKFM	No measures linked to decision package
CL	NUCT	No measures linked to activity

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CL	NUCT	No measures linked to decision package
CL	RGMM	No measures linked to activity
CL	RGMM	No measures linked to decision package
CL	S301	No measures linked to activity
CL	S301	No measures linked to decision package
CL	S35	No measures linked to activity
CL	S35	No measures linked to decision package
CL	S361	No measures linked to activity
CL	S361	No measures linked to decision package
CL	S38	No measures linked to activity
CL	S38	No measures linked to decision package
CL	S6PD	No measures linked to activity
CL	S6PD	No measures linked to decision package
CL	SASP	No measures linked to activity
CL	SASP	No measures linked to decision package
CL	SCRB	No measures linked to activity
CL	SCRB	No measures linked to decision package
CL	SDPL	No measures linked to activity
CL	SDPL	No measures linked to decision package
CL	SGUE	No measures linked to activity
CL	SGUE	No measures linked to decision package
CL	SISL	No measures linked to activity
CL	SISL	No measures linked to decision package
CL	SKLP	No measures linked to activity
CL	SKLP	No measures linked to decision package
CL	SPCB	No measures linked to activity
CL	SPCB	No measures linked to decision package
CL	SPLC	No measures linked to activity
CL	SPLC	No measures linked to decision package
CL	SRF	No measures linked to activity
CL	SRF	No measures linked to decision package
CL	SSPA	No measures linked to activity
CL	SSPA	No measures linked to decision package
CL	SVNC	No measures linked to activity
CL	SVNC	No measures linked to decision package
CL	SWTG	No measures linked to activity
CL	SWTG	No measures linked to decision package
CL	SWTR	No measures linked to activity

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CL	SWTR	No measures linked to decision package
CL	TIRE	No measures linked to activity
CL	TIRE	No measures linked to decision package
ML	AC	No measures linked to activity
ML	AC	No measures linked to decision package
ML	AF	No measures linked to activity
ML	AF	No measures linked to decision package
ML	AI	No measures linked to activity
ML	AI	No measures linked to decision package
ML	AK	No measures linked to activity
ML	AK	No measures linked to decision package
PL	PA	No measures linked to activity
PL	PA	No measures linked to decision package
PL	PB	No measures linked to activity
PL	PB	No measures linked to decision package
PL	PC	No measures linked to activity
PL	PC	No measures linked to decision package
PL	PE	No measures linked to activity
PL	PE	No measures linked to decision package
PL	PH	No measures linked to activity
PL	PH	No measures linked to decision package
PL	PI	No measures linked to activity
PL	PI	No measures linked to decision package
PL	PJ	No measures linked to activity
PL	PJ	No measures linked to decision package
PL	PK	No measures linked to activity
PL	PL	No measures linked to decision package
PL	PL	No measures linked to activity
PL	PM	No measures linked to decision package
PL	PN	No measures linked to activity
PL	PP	No measures linked to decision package
PL	PR	No measures linked to activity
PL	PR	No measures linked to decision package
PL	PS	No measures linked to activity
PL	PS	No measures linked to decision package
PL	PT	No measures linked to activity
PL	PT	No measures linked to decision package
PL	PU	No measures linked to activity

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PL	PU	No measures linked to decision package
PL	PW	No measures linked to activity
PL	PW	No measures linked to decision package
PL	PX	No measures linked to activity
PL	PX	No measures linked to decision package
PL	PY	No measures linked to activity
PL	PY	No measures linked to decision package
PL	PZ	No measures linked to activity
PL	PZ	No measures linked to decision package
PL	QA	No measures linked to activity
PL	QA	No measures linked to decision package
PL	QB	No measures linked to activity
PL	QB	No measures linked to decision package
PL	QC	No measures linked to activity
PL	QC	No measures linked to decision package
PL	QD	No measures linked to activity
PL	QD	No measures linked to decision package
PL	QE	No measures linked to activity
PL	QE	No measures linked to decision package
PL	QG	No measures linked to activity
PL	QG	No measures linked to decision package
PL	QH	No measures linked to activity
PL	QH	No measures linked to decision package

Output Measures	001468	Percentage of wetland banking certification documents reviewed within 30 days of receipt	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>
PL	PK	Wetland Mitigation Bank Oversight	50%	75%	0%	0%

Output Measures	001477	Percentage of unique potential high-risk vessels inspected	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>
PL	PP	Vessel and Oil Transfer Inspectors	8%	13%	0%	0%

Focusing inspections on potential high-risk vessels shows that we are focusing on risk and improving safety of operations in WA waters.

Output Measures	001480	Percentage of unique regulated over-water oil transfer operations inspected	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>
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Dollars in Thousands

PL	PP	Vessel and Oil Transfer Inspectors	1%	1%	0%	0%
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A high number of inspections can contribute to success in mitigating risk of spills. Inspections of oil transfer operations give an opportunity for education and to ensure compliance with applicable regulations.

Output Measures 001563 Percentage of active water quality discharge permits that are up to date.

			<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>
PL	PM	Municipal Wastewater Permitting	10%	10%	10%	10%
PL	PN	Industrial Discharge Permitting	5%	5%	5%	5%

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Dollars in Thousands

Activity: A002 Administration

ML	9Z	No measures linked to decision package
ML	AC	No measures linked to decision package
ML	AF	No measures linked to decision package
ML	AI	No measures linked to decision package
ML	AK	No measures linked to decision package
PL	PA	No measures linked to decision package
PL	PB	No measures linked to decision package
PL	PC	No measures linked to decision package
PL	PE	No measures linked to decision package
PL	PH	No measures linked to decision package
PL	PI	No measures linked to decision package
PL	PJ	No measures linked to decision package
PL	PL	No measures linked to decision package
PL	PR	No measures linked to decision package
PL	PS	No measures linked to decision package
PL	PT	No measures linked to decision package
PL	PU	No measures linked to decision package
PL	PW	No measures linked to decision package
PL	PX	No measures linked to decision package
PL	PY	No measures linked to decision package
PL	PZ	No measures linked to decision package
PL	QA	No measures linked to decision package
PL	QB	No measures linked to decision package
PL	QC	No measures linked to decision package
PL	QD	No measures linked to decision package
PL	QE	No measures linked to decision package
PL	QG	No measures linked to decision package
PL	QH	No measures linked to decision package

Output Measures	001468	Percentage of wetland banking certification documents reviewed within 30 days of receipt	FY 2024	FY 2025	FY 2026	FY 2027
PL	PK	Wetland Mitigation Bank Oversight	50%	75%	0%	0%

Output Measures	001477	Percentage of unique potential high-risk vessels inspected
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Dollars in Thousands

		<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>
PL	PP	8%	13%	0%	0%

Vessel and Oil Transfer Inspectors

Focusing inspections on potential high-risk vessels shows that we are focusing on risk and improving safety of operations in WA waters.

Output Measures 001480 Percentage of unique regulated over-water oil transfer operations inspected

		<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>
PL	PP	1%	1%	0%	0%

Vessel and Oil Transfer Inspectors

A high number of inspections can contribute to success in mitigating risk of spills. Inspections of oil transfer operations give an opportunity for education and to ensure compliance with applicable regulations.

Output Measures 001563 Percentage of active water quality discharge permits that are up to date.

		<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>
PL	PM	10%	10%	10%	10%
PL	PN	5%	5%	5%	5%

Municipal Wastewater Permitting

Industrial Discharge Permitting

Activity: A003 Implementing Integrated Solutions to Protect Instream Resources

ML 9Z
 PL QH

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

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

ML 9Z
 PL PL

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

Activity: A006 Clean Up Polluted Waters

ML 9Z

No measures linked to decision package

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Dollars in Thousands

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

ML 9Z
 PL PU

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

Activity: A008 Control Stormwater Pollution

ML 9Z
 PL PC
 PL PW

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

Activity: A009 Eliminate Waste and Promote Material Reuse

ML 9Z
 PL PA

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

Activity: A010 Prevent and Pick Up Litter

ML 9Z

No measures linked to decision package

Activity: A011 Ensure Dam Safety

ML 9Z

No measures linked to decision package

Activity: A012 Ensure Environmental Laboratories Provide Quality Data

ML 9Z
 PL PJ

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

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

ML 9Z

No measures linked to decision package

Activity: A014 Restore the Air, Soil, and Water Contaminated from Past Activities at Hanford

ML 9Z

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

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

ML 9Z

No measures linked to decision package

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

ML 9Z

No measures linked to decision package

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

ML 9Z
 ML AC

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
 ML AI

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

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Dollars in Thousands

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
 ML AF

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

Activity: A022 INACTIVE - Increase Safe Hazardous Waste Management

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

Activity: A024 Manage Water Rights

ML 9Z

No measures linked to decision package

Activity: A025 Measure Air Pollution Levels and Emissions

ML 9Z

No measures linked to decision package

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

ML 9Z
 PL PW

No measures linked to decision package
 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

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

ML 9Z

No measures linked to decision package

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

ML 9Z

No measures linked to decision package

Activity: A031 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 PZ

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

Output Measures 001563 Percentage of active water quality discharge permits that are up to date.

	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>
PL PM Municipal Wastewater Permitting	10%	10%	10%	10%
PL PN Industrial Discharge Permitting	5%	5%	5%	5%

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Dollars in Thousands

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

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

Output Measures 001477 Percentage of unique potential high-risk vessels inspected

PL	PP	Vessel and Oil Transfer Inspectors	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>
			8%	13%	0%	0%

Focusing inspections on potential high-risk vessels shows that we are focusing on risk and improving safety of operations in WA waters.

Output Measures 001480 Percentage of unique regulated over-water oil transfer operations inspected

PL	PP	Vessel and Oil Transfer Inspectors	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>
			1%	1%	0%	0%

A high number of inspections can contribute to success in mitigating risk of spills. Inspections of oil transfer operations give an opportunity for education and to ensure compliance with applicable regulations.

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 No measures linked to decision package

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

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

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

ML 9Z

No measures linked to decision package

Activity: A038 Protect, Restore, and Manage Wetlands

ML 9Z

No measures linked to decision package

Output Measures 001468 Percentage of wetland banking certification documents reviewed within 30 days of receipt

FY 2024

FY 2025

FY 2027

PL PK

Wetland Mitigation Bank Oversight

50%

75%

0%

0%

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

ML 9Z
 PL PT

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

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

ML 9Z

No measures linked to decision package

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

ML 9Z
 PL PB

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

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Activity: A043 Provide Water Quality Financial Assistance

ML 9Z
PL PH
PL PZ

No measures linked to decision package
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

No measures linked to decision package

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

ML 9Z

No measures linked to decision package

Activity: A048 Reduce Health and Environmental Threats from Smoke

ML 9Z

No measures linked to decision package

Activity: A049 Reduce Nonpoint-Source Water Pollution

ML 9Z
PL PA

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

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

ML 9Z
 PL PE

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
 ML AF

No measures linked to decision package
 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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Activity: A063 Climate Change Mitigation and Adaptation

ML 9Z
PL PI
PL PR
PL QB
PL QC
PL QE

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
No measures linked to decision package

Activity: A064 Manage Solid Waste Safely

ML 9Z

No measures linked to decision package

Activity: A065 A065 Prevent the Use of Toxic Chemicals in Products and Promote Safer Alternatives

ML 9Z
ML AK

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

2023-25 ACTIVITY INVENTORY INDIRECT COST ALLOCATION

DEPARTMENT OF ECOLOGY
9/7/2022

Act. #	Prog	Activity Title	Bien		FY24			FY25			Bien	
			Allocation Received %		Program Admin	Agency Overhead	Total Indirect	Program Admin	Agency Overhead	Total Indirect	Total Allocated	
A002	A00	Administration	10.03%		605,987	5,170,017	5,776,004	606,272	5,274,461	5,880,733	11,656,737	
A003	H00	Implementing Integrated Solutions to Protect Instream Resources	2.09%		181,933	1,020,294	1,202,227	187,216	1,040,906	1,228,122	2,430,349	
A005	J00	Clean up the Most Contaminated Sites First (Upland and Aquatic)	9.42%		581,133	4,843,101	5,424,234	581,133	4,940,941	5,522,074	10,946,308	
A006	F00	Clean Up Polluted Waters	1.39%		83,954	717,106	801,060	84,525	731,593	816,118	1,617,178	
A007	D00	Conduct Environmental Studies for Pollution Source Identification and Control	4.41%		263,339	2,273,911	2,537,250	271,262	2,319,849	2,591,111	5,128,361	
A008	F00	Control Stormwater Pollution	2.54%		153,402	1,310,300	1,463,702	154,444	1,336,771	1,491,215	2,954,917	
A009	N00	Eliminate Waste and Promote Material Reuse	2.77%		229,899	1,365,665	1,595,564	229,899	1,393,254	1,623,153	3,218,717	
A010	N00	Prevent and Pick Up Litter	1.32%		109,402	649,877	759,279	109,402	663,006	772,408	1,531,687	
A011	H00	Ensure Dam Safety	0.73%		63,465	355,916	419,381	65,308	363,107	428,415	847,796	
A012	D00	Ensure Environmental Laboratories Provide Quality Data	0.38%		22,899	197,731	220,630	23,588	201,726	225,314	445,944	
A013	N00	Fund Local Efforts to Clean Up Toxic Sites and Manage or Reduce Waste	0.58%		48,376	287,370	335,746	48,376	293,175	341,551	677,297	
A014	K00	Restore the Air, Soil, and Water Contaminated from Past Activities at Hanford	0.96%		109,089	442,918	552,007	109,089	451,866	560,955	1,112,962	
A015	K00	Clean Up and Remove Large, Complex, Contaminated Facilities throughout Hanford	0.79%		90,582	367,780	458,362	90,582	375,210	465,792	924,154	
A016	K00	Treat and Dispose of Hanford's High-level Radioactive Tank Waste	1.90%		216,554	879,246	1,095,800	216,554	897,008	1,113,562	2,209,362	
A017	K00	Ensure Safe Tank Operations, Storage of Tank Wastes, and Closure of the Waste Storage Tanks at Hanford	1.05%		119,478	485,101	604,579	119,478	494,901	614,379	1,218,958	
A018	K00	Ensure the Safe Management of Radioactive Mixed Waste at Hanford	1.17%		133,114	540,466	673,580	133,114	551,384	684,498	1,358,078	
A019	M00	Improve Community Access to Hazardous Substance and Waste Information	1.26%		74,500	649,877	724,377	74,500	663,006	737,506	1,461,883	
A020	D00	Improve Quality of Data Used for Environmental Decision Making	0.24%		14,045	121,275	135,320	14,467	123,725	138,192	273,512	
A021	M00	Increase Compliance and Act on Environmental Threats from Hazardous Waste	2.91%		172,424	1,504,077	1,676,501	172,424	1,534,462	1,706,886	3,383,387	
A023	J00	Manage Underground Storage Tanks to Minimize Releases	1.29%		77,822	648,559	726,381	77,822	661,661	739,483	1,465,864	
A024	H00	Manage Water Rights	3.22%		279,951	1,569,987	1,849,938	288,080	1,601,704	1,889,784	3,739,722	
A025	B00	Measure Air Pollution Levels and Emissions	1.31%		102,031	651,195	753,226	102,031	664,351	766,382	1,519,608	
A026	D00	Measure Contaminants in the Environment by Performing Laboratory Analyses	1.57%		93,428	806,744	900,172	96,239	823,042	919,281	1,819,453	
A027	D00	Monitor the Quality of State Waters and Measure Stream Flows Statewide	2.79%		166,705	1,439,484	1,606,189	171,721	1,468,565	1,640,286	3,246,475	
A028	N00	Improve Environmental Compliance at State's Largest Industrial Facilities	1.09%		90,761	539,148	629,909	90,761	550,039	640,800	1,270,709	
A030	P00	Prepare for Aggressive Response to Oil and Hazardous Material Incidents	1.44%		127,931	701,287	829,218	128,264	715,455	843,719	1,672,937	
A031	M00	Prevent Hazardous Waste Pollution Through Permitting, Closure, and Corrective Action	0.78%		45,939	400,736	446,675	45,939	408,831	454,770	901,445	
A032	F00	Prevent Point Source Water Pollution	5.28%		318,841	2,723,420	3,042,261	321,007	2,778,439	3,099,446	6,141,707	
A033	P00	Prevent Oil Spills from Vessels and Oil Handling Facilities	1.39%		123,843	678,878	802,721	124,165	692,592	816,757	1,619,478	
A034	B00	Prevent Unhealthy Air and Violations of Air Quality Standards	1.74%		135,697	866,063	1,001,760	135,697	883,560	1,019,257	2,021,017	
A035	H00	Promote Compliance with Water Laws	0.78%		67,931	380,962	448,893	69,904	388,659	458,563	907,456	
A036	E00	Protect and Manage Shorelines in Partnership with Local Governments	2.23%		102,982	1,182,434	1,285,416	106,071	1,206,321	1,312,392	2,597,808	
A037	E00	Protect Water Quality by Reviewing and Conditioning Construction Projects	0.95%		43,627	500,920	544,547	44,935	511,039	555,974	1,100,521	
A038	E00	Protect, Restore, and Manage Wetlands	1.52%		69,917	802,789	872,706	72,015	819,007	891,022	1,763,728	
A040	E00	Provide Technical and Financial Assistance to Local Governments to Reduce Flood Hazards	0.40%		18,369	210,913	229,282	18,920	215,174	234,094	463,376	
A041	E00	Provide Technical Assistance on State Environmental Policy Act (SEPA) Review	0.36%		16,647	191,140	207,787	17,146	195,002	212,148	419,935	
A042	E00	Provide Technical Training, Education, and Research through Padilla Bay	0.87%		40,068	460,055	500,123	41,270	469,349	510,619	1,010,742	
A043	F00	Provide Water Quality Financial Assistance	2.91%		175,625	1,500,122	1,675,747	176,818	1,530,428	1,707,246	3,382,993	

2023-25 ACTIVITY INVENTORY INDIRECT COST ALLOCATION

DEPARTMENT OF ECOLOGY
9/7/2022

Act. #	Prog	Activity Title	Bien		FY24			FY25			Bien	
			Allocation Received %	Program Admin	Agency Overhead	Total Indirect	Program Admin	Agency Overhead	Total Indirect	Program Admin	Agency Overhead	Total Indirect
A044	H00	Provide Water Resources Data and Information	1.77%	153,727	862,109	1,015,836	188,190	879,525	1,037,715	2,053,551		
A045	B00	Reduce Air Pollution from Industrial and Commercial Sources	1.05%	81,996	523,329	605,325	81,996	533,901	615,897	1,221,222		
A047	B00	Reduce Health and Environmental Threats from Motor Vehicle Emissions	0.44%	34,286	218,823	253,109	34,286	223,243	257,529	510,638		
A048	B00	Reduce Health and Environmental Threats from Smoke	0.84%	65,680	419,191	484,871	65,680	427,659	493,339	978,210		
A049	F00	Reduce Nonpoint Source Water Pollution	2.03%	122,227	1,044,022	1,166,249	123,058	1,065,113	1,188,171	2,354,420		
A052	M00	Reduce the Generation of Hazardous Waste and the Use of Toxic Substances	1.13%	67,096	585,285	652,381	67,096	597,109	664,205	1,316,586		
A053	H00	Regulate Well Construction	0.37%	31,968	179,276	211,244	32,896	182,898	215,794	427,038		
A054	P00	Rapidly Respond to and Clean Up Oil and Hazardous Material Spills	2.47%	219,310	1,202,207	1,421,517	219,881	1,226,494	1,446,375	2,867,892		
A055	P00	Restore Public Natural Resources Damaged by Oil Spills	0.15%	13,466	73,820	87,286	13,501	75,311	88,812	176,098		
A056	E00	Restore Watersheds by Supporting Community-Based Projects with the WCC	3.23%	148,904	1,709,717	1,858,621	153,372	1,744,257	1,897,629	3,756,250		
A057	J00	Services to Site Owners that Volunteer to Clean Up their Contaminated Sites	1.36%	84,149	701,287	785,436	84,149	715,455	799,604	1,585,040		
A063	B00	Climate Change Mitigation and Adaptation	4.34%	338,518	2,160,545	2,499,063	338,518	2,204,192	2,542,710	5,041,773		
A064	N00	Manage Solid Waste Safety	1.34%	110,955	659,105	770,060	110,955	672,420	783,375	1,553,435		
A065	M00	Reduce Persistent, Bioaccumulative, Toxic Chemicals and Promote Safer Consumer Products	1.67%	99,132	864,745	963,877	99,132	882,215	981,347	1,945,224		
		Total	100.00%	6,943,104	50,640,325	57,583,429	7,003,148	51,663,361	58,666,509	116,249,938		

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
2023-2025 Operating Budget**

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Dollars in Thousands

ABS024 Recommendation Summary
Department of Ecology
2023-25 Regular Budget Session
BI - Biennial 2023-25 Initial

	Average Annual FTEs	General Fund State	Other Funds	Total Funds
CB T0PL Current Biennium Base	1,892.7	100,135	601,036	701,171
2021-23 Current Biennium Total	1,892.7	100,135	601,036	701,171
Total Carry Forward Level	1,904.9	72,605	632,118	704,723
Percent Change from Current Biennium	.6%	(27.5)%	5.2%	.5%
Maintenance – Other Changes				
MLAB General Wage Adjustment	0.0	82	923	1,005
MLAC Meeting Air Operating Permit Needs	0.2	0	64	64
MLAD WCC Member Wages and Benefits	0.0	0	2,501	2,501
MLAE Public Participation Grants	0.0	0	1,179	1,179
MLAF Illegal Drug Ops Hazardous Waste	8.7	0	2,368	2,368
MLAG Operations Center Lease Increase	0.0	0	32	32
MLAH Teck Metals Litigation Support	0.0	0	700	700
MLAI Hazardous Waste & Toxics IT Systems	1.2	0	422	422
MLAJ Minimum Wage Increases - Facilities	0.0	14	106	120
MLAK Address Toxic Tire Wear Chemical	5.8	0	2,702	2,702
Maintenance – Other Total	15.9	96	10,997	11,093
Total Maintenance Level	1,920.8	72,701	643,115	715,816
Percent Change from Current Biennium	1.5%	(27.4)%	7.0%	2.1%
Policy – Other Changes				
PL PA Addressing Nonpoint Pollution	10.4	0	2,256	2,256
PL PB Padilla Bay Reserve Stewardship	2.3	0	446	446
PL PC Contaminated Sites Redevelopment	5.8	0	1,430	1,430
PL PD Floodplain Management Grants	0.0	0	800	800
PL PE Modernizing TurboPlan System	1.7	0	1,050	1,050
PL PF Litter Control and Waste Reduction	0.0	0	1,250	1,250
PL PG Washington Compost Emissions Study	0.0	0	2,500	2,500
PL PH WQ Grant & Loan Administration	8.6	0	2,136	2,136
PL PI Washington Fuel Reporting System	0.8	0	1,796	1,796
PL PJ Laboratory Accreditation Auditors	5.8	0	1,774	1,774
PL PK Wetland Mitigation Bank Oversight	2.3	0	548	548
PL PL Cultural Resources for Cleanup	2.3	0	660	660
PL PM Municipal Wastewater Permitting	17.3	0	5,002	5,002
PL PN Industrial Discharge Permitting	18.4	0	5,130	5,130
PL PP Vessel and Oil Transfer Inspectors	2.3	0	789	789
PL PR GHG Inventory Development	4.6	1,248	0	1,248
PL PS Tug Escort Environmental Assessment	1.2	0	1,106	1,106
PL PT River Migration Mapping for Salmon	1.2	354	0	354
PL PU Safe and Sustainable Groundwater	2.3	0	721	721
PL PW Toxic Tire Wear in Stormwater	8.4	0	5,195	5,195

ABS024 Recommendation Summary
Department of Ecology
BI - Biennial 2023-25 Initial
Dollars in Thousands

	Average Annual FTEs	General Fund State	Other Funds	Total Funds
PL PX Nooksack Adjudication	8.1	2,738	0	2,738
PL PY Lake Roosevelt Adjudication	4.0	1,536	0	1,536
PL PZ WQ Fee and Loan Tracking Systems	1.2	0	468	468
PL QA Coastal Climate Hazards	10.6	0	3,914	3,914
PL QB Implement Climate Commitment Act	6.3	0	3,633	3,633
PL QC AQ in Overburdened Communities	8.3	0	2,479	2,479
PL QD EAGL Modernization	7.2	485	3,364	3,849
PL QE HFC Compliance and Equity	1.2	0	296	296
PL QG Enterprise Content Management	6.9	300	2,086	2,386
PL QH Drought Preparedness and Response	2.3	0	11,000	11,000
Policy – Other Total	151.7	6,661	61,829	68,490
 Subtotal - Policy Level Changes	 151.7	 6,661	 61,829	 68,490
 2023-25 Total Policy Level	 2,072.5	 79,362	 704,944	 784,306
Percent Change from Current Biennium	9.5%	(20.7)%	17.3%	11.9%

ABS024 Recommendation Summary
Department of Ecology
BI - Biennial 2023-25 Initial
Dollars in Thousands

ML AB General Wage Adjustment

State agencies received funding in the 2022 supplemental operating budget for the collective bargaining agreement general wage increase of 3.25 percent effective July 1, 2022. Funding was based on the available Compensation Impact Model (CIM) projections from staffing data provided by agencies in May 2020. For Ecology, this did not reflect the significant changes to staffing and fund sources in the 2021-23 enacted and 2022 supplemental budgets. Ecology is requesting a Maintenance Level adjustment to fully fund the general wage increase in the 2023-25 biennium and ongoing using the most recent CIM data from May 2022. (Multiple Funds)

ML AC 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 costs 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 2022, Ecology published its final workload analysis, projecting an increased workload for the 2023-25 biennium, based on current costs and workload projections. Ecology is requesting additional spending authority to match the revenue levels already set by the 2023-25 workload analysis. (Air Operating Permit Account)

ML AD 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 allowance 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 socio-economic 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, where partners provide 75 percent and Ecology provides a 25 percent match through a mix of AmeriCorps grant funds and state appropriation. (Model Toxics Control Operating Account, General Fund--Federal, General Fund--Private/Local)

ML AE Public Participation Grants

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. Ecology is requesting a maintenance level adjustment of \$1,179,000 to keep grant funding aligned with the mandated level of one percent of moneys collected under RCW 82.21.030, Hazardous Substance Tax. Related to Puget Sound Action Agenda Implementation. (Model Toxics Control Operating Account)

ML AF Illegal Drug Ops Hazardous Waste

Ecology supports law enforcement agencies when they respond to illegal drug operations, as spill responders are called in to collect the dangerous waste from these sites, arranging for its proper storage and eventual disposal. The number of these responses has increased significantly in recent years, and, as a result, so has the amount of dangerous waste having to be temporarily stored at Ecology facilities. Funding was provided in the 2022 supplemental operating budget, based on a submitted decision package, to support this increased workload. However, that funding was only provided as one-time for fiscal year 2023, while the need for additional staff to support our law enforcement partners, and meet dangerous waste requirements under Chapter 173-303 WAC, is ongoing. Ecology is requesting a maintenance level adjustment to provide the funding needed to support this work on an ongoing basis, consistent with our 2022 decision package. (Model Toxics Control Operating Account)

ABS024 Recommendation Summary
Department of Ecology
BI - Biennial 2023-25 Initial
Dollars in Thousands

ML AG Operations Center Lease Increase

This request is for a maintenance level lease increase for the Department of Ecology's Operations Center lease in Thurston County. The scientific and monitoring work done at this facility benefits Ecology, other state agencies, tribes, and local partners, and helps protect, preserve, and enhance Washington's environment for current and future generations. (Model Toxics Control Operating Account)

ML AH 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. 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, which is expected to go to trial starting in June 2023, 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)

ML AI Hazardous Waste & Toxics IT Systems

State and federal regulations require many businesses to report information about toxic chemicals and wastes to Ecology through two existing IT systems. The TurboWaste system is used to collect annual information from more than 4,000 hazardous waste generators regarding quantity, concentrations, and characteristics of hazardous wastes. The High Priorities Chemical Data System collects information from manufacturers on toxic chemicals in consumer products. Funding was provided in the 2022 supplemental operating budget, based on a submitted decision package, to enhance and maintain these systems in order to meet complicated federal reporting requirements, ensure regulatory compliance, and provide technical assistance. However, that funding was only provided one-time for fiscal year 2023, while the work needed to support these systems is ongoing. Consistent our 2022 decision package submitted, Ecology is requesting a maintenance level adjustment to provide the funding needed on an ongoing basis. Related to Puget Sound Action Agenda Implementation. (Model Toxics Control Operating Account)

ML AJ 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 a number of 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 AK Address Toxic Tire Wear Chemical

For over two decades, Washington has worked to understand why salmon populations have declined and find ways to prevent possible extinction. Recently, researchers at the University of Washington and Washington State University learned that an ingredient in tires (known as 6PPD) creates a toxic by product that is released into the environment and is especially toxic to Coho salmon in very small amounts. Funding was provided in the 2022 supplemental operating budget to expand the research into safer alternatives to 6PPD and conduct alternative assessments for possible replacement chemicals. However, that funding was only provided one-time for fiscal year 2023, while the work needed to support these efforts is ongoing. Ecology is requesting ongoing funding to further the research and work on assessments started in fiscal year 2023 that will inform the development of a cohesive strategy and recommendations for how to eliminate the use of this toxic chemical in tires. Related to Puget Sound Action Agenda Implementation. (Model Toxics Control Operating Account)

ABS024 Recommendation Summary
Department of Ecology
BI - Biennial 2023-25 Initial
Dollars in Thousands

PL PA Addressing Nonpoint Pollution

Nonpoint sources of water pollution, such as runoff from streets, farms, forestlands and other sources, continue to pollute Washington's waters and now represent the largest remaining challenges to achieving clean water in our state. Key to addressing this challenge is having focused nonpoint specialists in the field to implement the state's Nonpoint Source Pollution Program by identifying pollution sources and working with partners to get fixes on the ground. Ecology is requesting funding to support additional nonpoint water quality positions needed to work with landowners and local governments to promote voluntary compliance, implement best management practices, and support the implementation of water quality cleanup plans. Related to Puget Sound Action Agenda Implementation. (Model Toxics Control Operating Account)

PL PB Padilla Bay Reserve Stewardship

The Padilla Bay National Estuarine Research Reserve is one of 30 federally designated coastal reserves and the only one in Washington. Ecology owns and operates the 12,000-acre reserve, which includes the Breazeale Environmental Education and Interpretive Center, touch pool and aquarium, and research laboratories, through a cooperative agreement with the National Oceanic and Atmospheric Administration. The Padilla Bay Reserve is a regional leader in coastal ecosystem research and monitoring (including a focus on eelgrass and shellfish). The Reserve works on the front line of invasive species management and control (including green crab) and provides technical assistance and training for hundreds of coastal zone management practitioners across the state. It also provides valuable educational and outdoor experiences for more than 10,000 public visitors and K-12 students who come to the Reserve each year. Ecology is requesting staff resources to provide essential support for maintaining a safe and accessible facility for the public and K-12 communities; assist in controlling invasive species; support environmental and climate education programs and research; and maintain the state facility, grounds, and aquariums in a safe and operable manner. Related to Puget Sound Action Agenda Implementation. (Model Toxics Control Operating Account)

PL PC Contaminated Sites Redevelopment

Managing toxic pollutants in discharges from contaminated sites is important to protect human health and Washington waters. Toxic chemicals, including those of emerging concern, may become mobilized during site remediation or other construction activities and threaten achieving state and national goals for fishable waters, salmon recovery, and healthy watersheds. This request will address toxics in stormwater runoff from industrial and contaminated sites, which will get contaminated properties back into use sooner for affordable housing, economic redevelopment, public access, and overall economic vitality in the community. Related to Puget Sound Action Agenda implementation. (Model Toxics Control Operating Account)

PL PD Floodplain Management Grants

State law (Chapter 86.26 RCW) created the Flood Control Assistance Account (FCAA) and established the FCAA Program. This program funds flood risk reduction activities, including grants and technical assistance to local governments that are used to develop comprehensive flood control management plans and/or invest in small-scale flood damage reduction projects. This request will provide \$800,000 for additional floodplain management grants for the 2023-25 and 2025-27 biennia so our local partners can fully utilize a fund balance of \$1.6 million to help reduce a 12-year backlog of floodplain management plan updates. Related to Puget Sound Action Agenda Implementation. (Flood Control Assistance Account)

PL PE Modernizing TurboPlan System

ABS024 Recommendation Summary
Department of Ecology
BI - Biennial 2023-25 Initial

Dollars in Thousands

TurboPlan is Ecology's IT reporting system for more than 500 Washington businesses and organizations that are required to submit pollution prevention plans under RCW 70A.214.110. This application provides an online portal for entities to submit their plans, and charts reported data over time, showing trends in production, chemical use, waste, and energy consumption, while also providing the data needed for Ecology to assess Hazardous Waste Planning Fees each year. TurboPlan is now over a decade old and needs to be updated in order to remain functional and provide the data reporting and analysis capabilities that are needed to continue reducing hazardous waste in Washington. Ecology is requesting funding for additional IT staff and contract resources to redevelop and modernize this critical system. This request is related to Puget Sound Action Agenda Implementation. (Hazardous Waste Assistance Account)

PL PF Litter Control and Waste Reduction

Waste generation rates are rising, while recycling rates have stagnated. Litter pollution has grown considerably, in part due to the impacts of the pandemic. To increase public engagement, inspire behavior change, and address the state's growing litter problem Ecology is requesting funding to develop a waste reduction campaign and continue to invest in litter control efforts on state highways. Related to Puget Sound Action Agenda Implementation. (Waste Reduction, Recycling, and Litter Control Account)

PL PG Washington Compost Emissions Study

One-time funding is requested to conduct a statewide compost emissions study. The results from this study will provide important information that will be used to improve the quality of permitting decisions, improve compost facility operations and odor control, and support state goals to reduce organic waste in landfills to help reduce climate change impacts, as established in the organic materials management law passed in the 2022 legislative session (E2SHB 1799). Related to Puget Sound Action Agenda Implementation. (Model Toxics Control Operating Account)

PL PH WQ Grant & Loan Administration

Ecology currently manages over \$1.3 billion in grants and loans for water quality infrastructure and nonpoint pollution projects across the state through its Water Quality Combined Funding Program. While funding for these investments has grown steadily over the years to meet demand in local communities, staffing levels needed to administer these funds have not kept pace. Since 2014, the number of projects funded through this program has increased by 197 percent, while staffing has only increased by 62 percent over that same time. Ecology requests funding for additional staff needed to ensure that these critical funding opportunities reach the communities that need them, and are effectively managed to completion. Related to Puget Sound Action Agenda Implementation. (Water Pollution Control Revolving Administration Account, Model Toxics Control Operating Account)

PL PI Washington Fuel Reporting System

The Clean Fuel Standard, passed in 2021 (E3SHB 1091), requires fuel suppliers to gradually reduce the carbon intensity of their products 20 percent below 2017 levels by 2038. The law requires Ecology to adopt rules to establish the Clean Fuels Standard Program by January 1, 2023. To meet these requirements, Ecology is developing the Washington Fuel Reporting System, an online market platform that will allow 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 new market platform that will go live in January is based on aging technology that needs to be replaced. Ecology is requesting funding over the next three years to collaborate with the state of California in co-developing market platforms for each state. This approach will allow both states to leverage the same or similar services for their own programs, at lower costs, while helping to achieve emission reduction goals. (Clean Fuels Program Account)

PL PJ Laboratory Accreditation Auditors

ABS024 Recommendation Summary
Department of Ecology
BI - Biennial 2023-25 Initial

Dollars in Thousands

Ecology's Laboratory Accreditation Unit is responsible for auditing environmental and drinking water laboratories that do business in, or with, Washington State. These audits are a key component of the accreditation process and help ensure that analyses completed are properly conducted 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 laboratories looking to analyze complex, novel compounds such as 6PPD-quinone. Ecology does not currently have sufficient staff to keep up with this increased workload, and a 2021 audit by the Environmental Protection Agency found that 34 drinking water laboratories had not been audited within three years, which is required under the federal Safe Drinking Water Act. This request will provide one-time bridge funding for the 2023-25 biennium to address this drinking water backlog, and reestablish a standard audit cycle for other environmental labs that need to be accredited. (Model Toxics Control Operating Account)

PL PK Wetland Mitigation Bank Oversight

The Wetlands Mitigation Banking Act (Chapter 90.84 RCW), passed in 1988, identified wetland mitigation banking as an important regulatory tool for providing compensatory mitigation for unavoidable impacts to wetlands, and directed Ecology to establish a statewide certification process. These banks provide the option of purchasing credits to offset the unavoidable impacts of a project, and have the potential to increase ecological benefits, save money for project applicants, and make application and permitting processes more efficient. Over the last decade, the number of banks in operation across Washington have doubled, from just seven in 2009-11, to 15 this biennium, while the number of transactions and complexity associated with these banks has also increased. Ecology is unable to keep up with this growing workload, and requests additional staff to improve the monitoring and oversight needed to ensure these banks are successful. Related to Puget Sound Action Agenda Implementation. (Model Toxics Control Operating Account)

PL PL Cultural Resources for Cleanup

There are currently over 6,100 toxic cleanup sites across Washington that are either in the process of being cleaned up, or still awaiting clean up. As these sites are addressed, ground disturbing activities or building/structure demolition associated with cleanup could negatively impact cultural resources at these sites. Ecology's Toxics Cleanup Program needs staff with a background and expertise in cultural resources management to complete required reviews and consultations with the Department of Archaeology and Historic Preservation and affected Tribes on projects receiving state funding. This request will support the specialized staff needed to help Ecology meet Government-to-Government obligations related to cultural resources protection, and allow cleanup project managers to move cleanups forward in a timely and effective manner. (Model Toxics Control Operating Account)

PL PM Municipal Wastewater Permitting

Ecology issues water quality discharge permits for municipal wastewater treatment plants. A majority (66 percent) of those permits are currently expired because we do not have sufficient resources to process renewals. Substitute Senate Bill 5585, passed in 2022, removed the cap on municipal wastewater permit fees and included a requirement to reduce the backlog of expired permits. Ecology convened an advisory group to develop recommendations for increasing permit fees, which will inform rulemaking to revise the Water Quality Permit Fee rule, Chapter 173-224 WAC for the 2023-25 biennium. This request will provide the appropriation authority needed, consistent with the revised fees, to hire the additional staff needed to reduce the current backlog over time. Related to Puget Sound Action Agenda Implementation. (Water Quality Permit Account)

PL PN Industrial Discharge Permitting

ABS024 Recommendation Summary
Department of Ecology
BI - Biennial 2023-25 Initial

Dollars in Thousands

Over the years, the number and complexity of water quality permits for commercial and industrial facilities has grown much more than staffing levels. This request includes four parts to increase staffing resources to meet increased demand for these services. Increased staffing is needed to 1) reduce the current backlog of individual industrial wastewater permits that are expired, 2) process permit applications for sector-specific general wastewater permits and conduct compliance inspections for sand & gravel permittees, 3) process application documents for industrial stormwater and construction stormwater general permits, and 4) provide support for permit-related legislative requests, state performance reporting, and accessible and user-friendly guidance and publications. Related to Puget Sound Action Agenda Implementation. (Water Quality Permit Account)

PL PP Vessel and Oil Transfer Inspectors

Each year, Washington waters see over 5,000 cargo and passenger vessel transits and more than 10 billion gallons of oil moved through over 12,000 oil transfers. These activities create a risk for oil spills that are toxic and pose a significant risk to Washington's environment, economy, public health, and historical and cultural resources. Ecology regulates and inspects vessels and transfers to prevent spills, but we are currently only able to inspect approximately 13 percent of high-risk vessels and 4.2 percent of oil transfers per year. This request will allow Ecology to conduct approximately 150 additional vessel inspections and 300 more oil transfer inspections per year, which will reduce the risk of spills and related negative impacts. This request is related to Puget Sound Action Agenda Implementation. (Model Toxics Control Operating Account and Oil Spill Prevention Account)

PL PR GHG Inventory Development

The greenhouse gas (GHG) inventory is the official measure for assessing progress toward meeting Washington's statutory GHG emission limits. These limits are both aggressive and in line with current climate science, yet our ability to track progress toward meeting them, and predict the outcomes of policy decisions, has not kept pace. This request will provide additional resources to improve the timeliness and accuracy of data reported in Inventory, and provide policy support staff that predict and then track the GHG impact of current and proposed climate policies. These needs are critical to our ability to meeting the state's GHG limit and minimize our contribution to global climate change. (General Fund-State)

PL PS Tug Escort Environmental Assessment

In 2019, the Legislature passed ESHB 1578, which included a portfolio of projects aimed at preventing a catastrophic oil spill in Puget Sound by closing safety gaps related to vessels carrying oil in bulk. The law directs the Board of Pilot Commissioners (BPC), in consultation with Ecology, to adopt rules for tug escorts by December 31, 2025. These rules will govern the use of tug escorts for specific vessel types and sizes in the Rosario Strait and Puget Sound. Under an interagency agreement with BPC, Ecology will lead the rulemaking process to update BPC's tug escort rules. To support this rulemaking, Ecology is requesting funding to conduct an environmental assessment of the impacts of tug escort requirements as required under the State Environmental Policy Act. Related to Puget Sound Action Agenda Implementation. (Model Toxics Control Operating Account)

PL PT River Migration Mapping for Salmon

In support of the Governor's 2021 salmon strategy update, the 2022 supplemental operating budget included a number of budget provisions that directed state agencies to begin working on several discrete but interrelated initiatives to support riparian protection and restoration. As part of that work, Ecology was tasked with identifying a preferred channel migration zone mapping methodology before the end of the 2021-23 biennium. Ecology is now requesting ongoing funding, beginning next biennium, 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. This request directly implements priority recommendations and actions in the 2021 Governor's salmon strategy update, and is related to Puget Sound Action Agenda Implementation. (General Fund – State)

ABS024 Recommendation Summary
Department of Ecology
BI - Biennial 2023-25 Initial
Dollars in Thousands

PL PU Safe and Sustainable Groundwater

The Sumas-Blaine Aquifer is an international transboundary aquifer jointly managed by British Columbia and Washington State. It is the principal drinking water source for 40,000-45,000 area residents, and over 20 percent of the private drinking water wells exceed the safe drinking water standards for nitrate. For 25 years, Ecology has monitored the aquifer's health using domestic water supply wells that residents have allowed us to access. Ecology is now requesting funding to install and monitor 30 additional dedicated wells over the next six years to reduce our dependency on access to private domestic wells, and improve our ability to monitor the aquifer. A dedicated groundwater well network is necessary to provide continued water quality and quantity information on this valuable resource, which will result in cool, clean groundwater critical to the health of our communities, agricultural economy, and salmon. (Model Toxics Control Operating Account)

PL PW Toxic Tire Wear in Stormwater

6PPD-quinone is a chemical of emerging concern that is lethal to salmon in small doses. More research is needed to better understand its persistence in the environment and which stormwater treatment approaches are effective in managing 6PPD-Q's toxic effects to Coho and other aquatic organisms impacted by stormwater runoff. Ecology received one-time funding in 2021-23 and 2022 to monitor 6PPD-Q in the environment, identify effective best management practices to treat tire wear chemicals in stormwater runoff, and develop laboratory methods to analyze 6PPD-Q in water and sediment. However, much of this work cannot be completed in a single biennium. This request will continue the work needed to provide an ongoing management strategy and monitoring effort for 6PPD-Q. Related to Puget Sound Action Agenda Implementation. (Model Toxics Control Operating Account)

PL PX Nooksack Adjudication

Ecology is proposing an adjudication of water rights in the Nooksack watershed (throughout Water Resource Inventory Area [WRIA] 1). Water is critical for fish, wildlife, recreation and all economies in the Nooksack watershed, but uncertainties about Tribal senior water rights, unquantified claims, and the validity of water uses pose ongoing impediments to effective water management to support the state's environment and economy. Adjudication of WRIA 1 will provide urgently needed resolution of water rights disputes (Adjudication of Lake Roosevelt and Middle Tributaries is addressed in a separate decision package). Ecology is requesting \$2.74 million to conduct a general adjudication of surface and groundwater rights that will determine who has a legal right to use water, including the federal government and Indian Tribes (Lummi Nation and Nooksack Tribe), and the priority and quantity of each right. (General Fund-State)

PL PY Lake Roosevelt Adjudication

Ecology is proposing an adjudication of water rights in the area of Lake Roosevelt and its Middle Tributaries (Water Resource Inventory Area [WRIA] 58). Water is critical for fish, wildlife, recreation and all economies in the Lake Roosevelt area, but uncertainties about Tribal senior water rights, the U.S. Bureau of Reclamation water right, and the validity of water uses pose ongoing impediments to effective water management to support the state's environment and economy. Adjudication of Lake Roosevelt will provide urgently needed resolution of water rights disputes (Adjudication of the Nooksack WRIA 1 is addressed in a separate decision package). Ecology is requesting \$1.54 million to conduct a general adjudication of surface and groundwater rights that will determine who has a legal right to use water, including the federal government and Indian Tribes (Spokane Tribe and Colville Confederated Tribes), and the priority and quantity of each right. (General Fund-State)

PL PZ WQ Fee and Loan Tracking Systems

ABS024 Recommendation Summary
Department of Ecology
BI - Biennial 2023-25 Initial

Dollars in Thousands

Ecology's Water Quality (WQ) Program manages two fee databases and a loan tracking system that all require ongoing maintenance and integration with our agency-wide invoicing system, eHub. The Operator Certification Database tracks fees for Wastewater Treatment Plant Operator Certifications, the Aquarius Database tracks fees for water quality permits, and the eHub loan module calculates invoices for loans. Current WQ Information Technology (IT) staffing and resources are insufficient to maintain the three systems properly causing a risk that invoicing is inaccurate or delayed. This request will provide additional WQ IT staff and contract support to maintain these necessary systems. (Water Quality Permit Account, Wastewater Treatment Plant Operator Certification Account, Water Pollution Control Revolving Administration Account)

PL QA Coastal Climate Hazards

Washington faces severe and costly damage to life and property from climate change. For coastal populations, there is an increased risk from worsening coastal hazards, such as flooding, erosion, and sea level rise. At Governor Inslee's request, the Washington Coastal Marine Advisory Council developed a set of coastal resilience recommendations in 2021, focused on building the organizational infrastructure for a sustained partnership between state agencies and coastal communities to help them address the challenging issues of the present, and shape a prosperous future. Ecology requests funding and staff capacity needed to implement three of these priority recommendations (1) expand data analysis to assess site scale vulnerabilities within coastal communities, (2) deliver coordinated state-level technical assistance, and (3) increase local capacity to design and implement effective on-the-ground projects. Related to Puget Sound Action Agenda Implementation. (Model Toxics Control Operating Account)

PL QB Implement Climate Commitment Act

Under the Climate Commitment Act, Washington is implementing a cap-and-invest program to limit greenhouse gas emissions. The revenue from purchases of emissions allowances will be invested into projects and grants that help achieve the state's climate change mitigation and resilience goals. These projects will aim to support affordable transitions for regulated entities and their customers and support environmental justice. The 2022 supplemental operating budget fully funded program implementation costs for Ecology during the 2021-23 biennium, consistent with our final fiscal note for the bill that passed in 2021. However, as Ecology has progressed in creating the cap-and invest-program, we have identified additional needs in several key areas of the program, based on our experience with actual implementation to this point. This budget request provides funding for additional staff and contract resources needed to continue successful implementation of the cap-and-invest program into the future. (Climate Investment Account)

PL QC AQ in Overburdened Communities

Under section 3 of the Climate Commitment Act, RCW 70A.65.020, requires Ecology to take actions to reduce criteria air pollutant emissions in identified overburdened communities highly impacted by air pollution. When the law was passed in 2021, the costs to implement stricter standards was indeterminate in Ecology's final fiscal note. Now more than a year into our implementation, Ecology has identified the necessary steps to develop and implement the emission control strategies and methods needed to reduce criteria air pollutants in the identified overburdened communities. Ecology is requesting funding to conduct a series of reoccurring rulemakings that will set stricter standards for control technology used to limit or mitigate the air pollution released from stationary emission sources. (Climate Investment Account)

PL QD EAGL Modernization

About seventy percent of Ecology's overall current biennial budget (operating and capital) is passed through to local governments, tribes and communities as grants, loans or contracts for priority environmental and public health projects. The majority of these funds, and all Ecology grants and loans, are managed in Ecology's Administration of Grants and Loans (EAGL) system. EAGL resides in the Ecology Data Center, which does not comply with RCW 43.105.375 or the Office of Chief Information Officer (OCIO) Policy 184. This request will move EAGL to the private cloud environment hosted by the vendor that supports EAGL. This will bring Ecology into compliance with state law and policy, and give us an opportunity to upgrade EAGL to the vendor's new version of the electronic grants management system. The new version comes with out-of-the-box enhancements that will improve both internal and external end-user experience. (Multiple Funds)

ABS024 Recommendation Summary
Department of Ecology
BI - Biennial 2023-25 Initial
Dollars in Thousands

PL QE HFC Compliance and Equity

Legislation passed in 2019 and 2021 established and expanded Washington-specific restrictions on the sale of products containing certain hydrofluorocarbons (HFCs), a category of potent greenhouse gases (GHG). HFCs are chemicals made up of hydrogen, fluorine, and carbon, and are commonly used in air conditioning and refrigeration, in producing insulating foams, and as propellants. Ecology received funding in the 2019-21 operating budget to adopt rules and expand monitoring and compliance requirements to include the prohibitions on HFCs. However, since 2019, the compliance workload associated with these restrictions has outpaced our current staffing capacity. Ecology requests funding to add a new HFC compliance inspector to meet the current workload demand, and contract for a one-time study to identify and quantify the extent of any equity challenges created by bans on HFC-related products. (Model Toxics Control Operating Account)

PL QG Enterprise Content Management

In 2021, Ecology completed a legislatively funded Enterprise Content Management (ECM) feasibility study, which determined that Ecology could implement a comprehensive ECM solution using Microsoft 365 (M365). The study recommended a broad and intensive three-year, \$8 million, and 20 FTE effort implementation strategy. This budget request supports a more incremental approach to implementing ECM at Ecology. The primary focus of this request will be to build the foundation for Ecology's Data Governance Model through first working through our large archive of digital information. Ecology can then begin working on the digitization of its large paper library, which is not included in this decision package. Step one will make progress in a way that is immediately tangible with broad benefits: integrate M365 tools and M365 machine learning to develop efficient storage and retrieval of administrative or environmental information; reduce time to complete records requests; avoid compliance penalties; and, build core expertise in Data Management and Governance at Ecology. Ecology will begin with the Human Resources Department to develop core expertise, and as the team learns and refines its processes, progress through each program within Ecology, prioritizing those that have the largest records requests. We will use information and experience to address other administrative and environmental content management areas in the future. (Multiple Funds)

PL QH Drought Preparedness and Response

Washington faces 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. Ecology monitors statewide water supply levels and has authority to declare a drought emergency when water supply projections fall below 75 percent of average and there is a risk of undue hardship to water users and uses. However, there is currently no ongoing fund source available to support drought preparation or emergency response. This budget request supports agency request legislation for the 2023 session that establishes permanent funding for drought planning and preparation to improve resiliency to the effects of climate change, and authorizes funding for Ecology to take immediate actions when a drought emergency is declared. (State Drought Preparedness Account; NEW – Emergency Drought Response Account)

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**Department of Ecology
2023-2025 Operating Budget**

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Department of Ecology 2023-25 Biennium Budget Request - Operating

Operating 9/20/2022 \$ in thousands - Biennialized FTEs 2023-25 Carryforward Base Budget		2023-25 Biennium Budget Request 9/20/2022				
		FTE	GF-State	MTCA ¹	Other	Total
		1,904.9	72,605	301,193	330,925	704,723
Maintenance Level Changes						
1	Address Toxic Tire Wear Chemical	5.8		2,702		2,702
2	Illegal Drug Ops Hazardous Waste	8.7		2,368		2,368
3	WCC Member Wages and Benefits			831	1,670	2,501
4	General Wage Adjustment		82	674	249	1,005
5	Public Participation Grants			1,179		1,179
6	Teck Metals Litigation Support			700		700
7	Hazardous Waste & Toxics IT Systems	1.2		422		422
8	Minimum Wage Increases - Facilities		14	74	32	120
9	Meeting Air Operating Permit Needs	0.2			64	64
10	Operations Center Lease Increase			32		32
Policy Level Changes						
Reduce and Prepare for Climate Impacts						
11	AQ in Overburdened Communities	8.3			2,479	2,479
12	GHG Inventory Development	4.6	1,248			1,248
13	Washington Fuel Reporting System	0.8			1,796	1,796
14	Implement Climate Commitment Act	6.3			3,633	3,633
15	HFC Compliance and Equity	1.2		296		296
Prevent and Reduce Toxic Threats and Pollution						
16	Laboratory Accreditation Auditors	5.8		1,774		1,774
17	Litter Control and Waste Reduction				1,250	1,250
18	Modernizing TurboPlan System	1.7			1,050	1,050
19	Cultural Resources for Cleanup	2.3		660		660
20	Washington Compost Emissions Study			2,500		2,500
Protect and Manage Our State's Waters						
21	Toxic Tire Wear in Stormwater	8.4		5,195		5,195
22	Coastal Climate Hazards	10.6		3,914		3,914
23	Drought Preparedness and Response	2.3			11,000	11,000
24	Municipal Wastewater Permitting	17.3			5,002	5,002
25	Industrial Discharge Permitting	18.4			5,130	5,130
26	Nooksack Adjudication	8.1	2,738			2,738
27	Lake Roosevelt Adjudication	4.0	1,536			1,536
28	WQ Grant and Loan Administration	8.6		560	1,576	2,136
29	Contaminated Sites Redevelopment	5.8		1,430		1,430
30	Addressing Nonpoint Pollution	10.4		2,256		2,256
31	Safe and Sustainable Groundwater	2.3		721		721
32	Vessel and Oil Transfer Inspectors	2.3		552	237	789
33	Tug Escort Environmental Assessment	1.2		1,106		1,106
34	Floodplain Management Grants				800	800
35	Wetland Mitigation Bank Oversight	2.3		548		548
36	River Migration Mapping for Salmon	1.2	354			354
37	WQ Fee and Loan Tracking Systems	1.2			468	468
38	Padilla Bay Reserve Stewardship	2.3		446		446
Other						
39	EAGL Modernization	7.2	485	2,106	1,258	3,849
40	Enterprise Content Management	6.9	300	1,306	780	2,386
Total Changes		167.6	6,757	34,352	38,474	79,583
Total Operating Budget		2,072.5	79,362	335,545	369,399	784,306

¹ Model Toxics Control Operating Account (23P-1, 23P-7) and Model Toxics Control Stormwater Account (23R-1).

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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
2023-25 Regular Budget Session
BI - Biennial 2023-25 Initial

PL-PW	Toxic Tire Wear in Stormwater
PL-QA	Coastal Climate Hazards
PL-QH	Drought Preparedness and Response
PL-PM	Municipal Wastewater Permitting
PL-PN	Industrial Discharge Permitting
PL-QC	AQ in Overburdened Communities
PL-QD	EAGL Modernization
PL-PJ	Laboratory Accreditation Auditors
PL-PR	GHG Inventory Development
PL-PI	Washington Fuel Reporting System
PL-QB	Implement Climate Commitment Act
PL-PX	Nooksack Adjudication
PL-PY	Lake Roosevelt Adjudication
PL-PH	WQ Grant & Loan Administration
PL-PC	Contaminated Sites Redevelopment
PL-PA	Addressing Nonpoint Pollution
PL-PU	Safe and Sustainable Groundwater
PL-QG	Enterprise Content Management
PL-PF	Litter Control and Waste Reduction
PL-PE	Modernizing TurboPlan System
PL-PP	Vessel and Oil Transfer Inspectors
PL-PS	Tug Escort Environmental Assessment
PL-PL	Cultural Resources for Cleanup
PL-PD	Floodplain Management Grants
PL-PG	Washington Compost Emissions Study
PL-PK	Wetland Mitigation Bank Oversight
PL-PT	River Migration Mapping for Salmon
PL-PZ	WQ Fee and Loan Tracking Systems
PL-QE	HFC Compliance and Equity
PL-PB	Padilla Bay Reserve Stewardship
PL-RA	New or Increased Fee Requests

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Policy Level Decision Package Prioritization

All Policy Item Prioritized

Code	Title
461	Department of Ecology

AGENCY

Priority	DP Code	DP Title	2023-25 Biennium			2025-27 Biennium					
			FY-24		FY-25		FY-26		FY-27		
			NGFS	Other	Total	NGFS	Other	Total	NGFS	Other	Total
1	PW	Toxic Tire Wear in Stormwater	2,642,000	2,642,000	2,553,000	2,553,000	2,553,000	2,553,000	2,553,000	2,553,000	
2	OA	Coastal Climate Hazards	1,957,000	1,957,000	1,957,000	1,957,000	2,957,000	2,957,000	2,957,000	2,957,000	
3	OH	Drought Preparedness and Response	5,500,000	5,500,000	5,500,000	5,500,000	5,500,000	5,500,000	5,500,000	5,500,000	
4	PM	Municipal Wastewater Permitting	2,501,000	2,501,000	2,501,000	2,501,000	2,501,000	2,501,000	2,501,000	2,501,000	
5	PN	Industrial Discharge Permitting	2,565,000	2,565,000	2,565,000	2,565,000	2,565,000	2,565,000	2,565,000	2,565,000	
6	OC	AQ in Overburdened Communities	1,245,000	1,245,000	1,234,000	1,234,000	1,357,000	1,357,000	1,435,000	1,435,000	
7	OD	EAGL Modernization	2,224,000	2,545,000	1,640,000	1,304,000	65,000	75,000	10,000	65,000	75,000
8	PJ	Laboratory Accreditation Auditors	887,000	887,000	887,000	887,000	0	0	0	0	
9	PR	GHG Inventory Development	624,000	624,000	624,000	624,000	624,000	624,000	624,000	624,000	
10	PI	Washington Fuel Reporting System	648,000	648,000	1,148,000	1,148,000	1,148,000	1,148,000	1,148,000	1,148,000	
11	OB	Implement Climate Commitment Act	1,794,000	1,794,000	1,839,000	1,839,000	1,860,000	1,860,000	1,896,000	1,896,000	
12	PX	Nooksack Adjudication	1,363,000	1,363,000	1,375,000	1,375,000	1,375,000	1,375,000	1,375,000	1,375,000	
13	PY	Lake Roosevelt Adjudication	573,000	573,000	963,000	963,000	1,375,000	1,375,000	1,375,000	1,375,000	
14	PH	WO Grant & Loan Administration	1,068,000	1,068,000	1,068,000	1,068,000	1,068,000	1,068,000	1,068,000	1,068,000	
15	PC	Contaminated Sites Redevelopment	715,000	715,000	715,000	715,000	715,000	715,000	715,000	715,000	
16	PA	Addressing Nonpoint Pollution	1,128,000	1,128,000	1,128,000	1,128,000	1,128,000	1,128,000	1,128,000	1,128,000	
17	PU	Safe and Sustainable Groundwater	324,000	324,000	397,000	397,000	325,000	325,000	397,000	397,000	
18	OG	Enterprise Content Management	150,000	1,193,000	150,000	1,193,000	150,000	150,000	1,043,000	1,193,000	
19	PF	Litter Control and Waste Reduction	625,000	625,000	625,000	625,000	625,000	625,000	625,000	625,000	
20	PE	Modernizing TurboPlan System	525,000	525,000	525,000	525,000	525,000	525,000	525,000	525,000	
21	PP	Vessel and Oil Transfer Inspectors	397,000	397,000	392,000	392,000	392,000	392,000	392,000	392,000	
22	PS	Tug Escort Environmental Assessment	928,000	928,000	178,000	178,000	89,000	89,000	0	0	
23	PL	Cultural Resources for Cleanup	330,000	330,000	330,000	330,000	330,000	330,000	330,000	330,000	
24	PD	Floodplain Management Grants	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	
25	PG	Washington Compost Emissions Study	1,250,000	1,250,000	1,250,000	1,250,000	0	0	0	0	
26	PK	Wetland Mitigation Bank Oversight	274,000	274,000	274,000	274,000	274,000	274,000	274,000	274,000	
27	PT	River Migration Mapping for Salmon	177,000	177,000	177,000	177,000	177,000	177,000	177,000	177,000	
28	PZ	WO Fee and Loan Tracking Systems	234,000	234,000	234,000	234,000	234,000	234,000	234,000	234,000	
29	OE	HFC Compliance and Equity	177,000	177,000	119,000	119,000	119,000	119,000	119,000	119,000	
30	PB	Padilla Bay Reserve Stewardship	223,000	223,000	223,000	223,000	223,000	223,000	223,000	223,000	
			3,208,000	31,604,000	34,812,000	3,453,000	30,225,000	3,711,000	27,996,000	31,707,000	
										26,945,000	
										30,656,000	

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**Department of Ecology
2023-2025 Operating Budget**

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Agency Recommendation Summary

For over two decades, Washington has worked to understand why salmon populations have declined and find ways to prevent possible extinction. Recently, researchers at the University of Washington and Washington State University learned that an ingredient in tires (known as 6PPD) creates a toxic by product that is released into the environment and is especially toxic to Coho salmon in very small amounts. Funding was provided in the 2022 supplemental operating budget to expand the research into safer alternatives to 6PPD and conduct alternative assessments for possible replacement chemicals. However, that funding was only provided one-time for fiscal year 2023, while the work needed to support these efforts is ongoing. Ecology is requesting ongoing funding to further the research and work on assessments started in fiscal year 2023 that will inform the development of a cohesive strategy and recommendations for how to eliminate the use of this toxic chemical in tires. 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
	2024	2025	2023-25	2026	2027	2025-27
Staffing						
FTEs	5.8	5.8	5.8	5.8	5.8	5.8
Operating Expenditures						
Fund 23P - 1	\$1,351	\$1,351	\$2,702	\$1,351	\$1,351	\$2,702
Total Expenditures	\$1,351	\$1,351	\$2,702	\$1,351	\$1,351	\$2,702

Decision Package Description

Urban salmon populations have long suffered from declining abundance due to many factors, including pre-spawn mortality. When salmon die before they spawn, they do not reproduce. Research by the University of Washington (UW) and Washington State University (WSU) has shown that in some urban streams, pre-spawn mortality can affect 40–90 percent of Coho salmon, which can have dramatic impacts on future population health. Researchers have been investigating causes of pre-spawn mortality for decades, but only recently determined that a chemical used in tires is responsible for causing pre-spawn mortality, even when present at extremely low environmental concentrations.

The chemical researchers identified is called 6PPD, which is added to rubber as an antioxidant and antiozonant. This chemical keeps the rubber from cracking and prolongs the life of the tire. However, when 6PPD interacts with oxygen, it forms another chemical known as 6PPD-Quinone (6PPD-Q). 6PPD-Q is highly toxic to Coho salmon, Rainbow trout, and Brook trout. Although manufacturers do not intentionally add 6PPD-Q to tires, creation of the substance is unavoidable when 6PPD is used.

Ecology is currently addressing the impacts of 6PPD-Q on salmon populations through:

- Source reduction: finding ways to reduce or eliminate the use of 6PPD and prevent the release of 6PPD-Q into the environment.
- Stormwater mitigation: finding ways to prevent 6PPD-Q from reaching critical spawning grounds and other waterways once it is in the environment.

Ecology’s strategy to understand and limit 6PPD’s impact on salmon recovery includes:

- Monitoring 6PPD levels.
- Developing stormwater infrastructure and best management practices.
- Exploring alternative chemicals in tires.
- Developing a 6PPD action plan.

This budget request is focused on Ecology’s source reduction efforts and researching ways to avoid the use of 6PPD in tires by identifying and using safer alternatives. It also includes critical planning and coordination efforts to develop a cohesive and transparent response to 6PPD. A separate budget request submitted by Ecology, “Tire Dust in Stormwater” addresses efforts to:

- Research fate and transport of 6PPD.
- Identify effect best management practices.
- Develop guidance for stormwater manuals and water quality discharge permits.
- Develop laboratory methods to detect 6PPD and 6PPD-Q.
- Analyze 6PPD compounds in water and sediment.

Funding was provided in the 2022 supplemental operating budget, based on the Governor’s Salmon Strategy Update, to support this work.

However, that funding was only provided one-time for fiscal year 2023, while the research and work needed to find safer alternatives to 6PPD use is ongoing. The funding provided in the 2022 supplemental budget was supported as ongoing in both the Governor's and House budget proposals, but was ultimately made one-time in the enacted budget. Consistent with the intent for this funding as part of the Governor's Salmon Strategy Updated, Ecology is requesting a maintenance level adjustment to provide the funding needed on an ongoing basis.

There are many data gaps regarding performance and hazards of potential alternatives. Replacing 6PPD with a chemical that isn't effective or is acutely toxic to Coho salmon or other species could create even more environmental problems. Ecology is using the one-time funding provided for fiscal year 2023 to contract with the UW/WSU Stormwater Center to conduct toxicity tests on potential 6PPD alternatives in Coho salmon. We are also convening a stakeholder workshop to identify product performance needs. However, the scientific uncertainties surrounding 6PPD and potential alternatives are significant, and we expect to still have data gaps at the end of fiscal year 2023. We need ongoing support to continue to fill 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, transition to those alternatives will take time. In the meantime, it is essential that we also consider other ways to mitigate the impacts of 6PPD to help prevent aquatic toxicity to salmon and other species. It will be very important to coordinate these efforts across all of Ecology's environmental programs and with other entities trying to solve the same problem.

The California Department of Toxic Substance Control (DTSC) expects to receive an alternatives assessment from the tire industry in late 2023 that will inform our work. Federal agencies such as Environmental Protection Agency (EPA) and National Oceanic and Atmospheric Administration (NOAA) are just starting to get involved. The 2022–2026 Puget Sound Federal Task Force Action Plan (<https://www.epa.gov/system/files/documents/2022-06/puget-sound-federal-task-force-action-plan-2022-2026.pdf>) outlines several areas of work on 6PPD, including, "Help to remove 6PPD from the supply chain by evaluating alternatives to 6PPD (once known) for toxicological effects. Leverage Washington State's GreenScreen work on 6PPD alternatives." Funding this request will help Ecology contribute to other efforts to reduce sources of 6PPD. Successful coordination with other agencies working on solving the 6PPD problem will help avoid duplication of work and reduce the time needed to find safer alternatives.

With the ongoing funding included in this request, Ecology will work toward solutions to eliminating the use of 6PPD by developing two products: A 6PPD Action Plan and a 6PPD Alternatives Assessment.

- The Action Plan will include a multimedia assessment of 6PPD and 6PPD-Q and recommend actions for addressing these chemicals. It will summarize existing information on the hazards of 6PPD, address the current state of safer alternatives, identify mitigation efforts and best management practices to reduce the impacts of 6PPD and 6PPD-Q, and identify geographic hot spots that should be high priority for mitigation efforts.
- The alternatives assessment will conduct research needed to determine whether safer alternatives are feasible and available. This work will include expanded hazard assessments, performance data collection, and report development.

Specific actions and deliverables related to the 6PPD Alternatives Assessment (AA) and the Action Plan (AP) include:

- Test 6PPD alternatives for toxicity to Coho salmon and other species, potentially including aquatic invertebrates and amphibians (AA).
- Continue our relationship with stakeholders to identify performance needs and requirements of alternatives (AA).
- Work with industry to collect data to inform the identification of potential alternatives for toxicity testing (AA).
- Lead development of a 6PPD/6PPD-Q AP that will identify recommended actions for managing these substances in Washington State (AP).
- Coordinate interagency research on 6PPD, safer alternatives, and mitigation actions across all programs to ensure a unified effort (AP).
- Coordinate Ecology involvement in research efforts by other government entities, track external regulatory efforts by other government entities, and facilitate Ecology's interactions with potential federal funding efforts (AP).
- Develop communications and outreach materials to involve stakeholders in our work; answer questions from other agencies, local governments, Tribal governments, and the public around our research; and eventually promote the use of safer alternatives. Harmonized communications efforts will make it easier for the public to find the information they need from Ecology and promote a unified Ecology approach to communicating about this complex issue (AA and AP).
- The Tribes and Washington State co-manage salmon recovery. Engaging with Tribes will prove essential to integrating our efforts into broader salmon recovery strategies.

Impacts on Population Served:

This request will work toward safer alternatives to 6PPD in tires and provide recommendations for addressing 6PPD and its breakdown products, in both products and the environment.

The potential long-term benefits of safer alternatives to 6PPD and development of an Action Plan include more abundant salmon populations and safer recycled tire products. Protection of 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. Tribes will also benefit culturally and economically from restored salmon populations due to their treaty-protected fishing rights.

People will also benefit from safer products made from recycled materials. Tires can be recycled into crumb rubber and other products. Crumb rubber is found in playfields and other areas where children learn and play. 6PPD is primarily a concern for salmon toxicity, however it is also a reproductive toxicant. Reducing children's exposure to 6PPD will have human health benefits as well, provided it is replaced with a safer alternative.

Alternatives Explored:

Ecology considered attempting to complete the alternatives assessment without completing the research needed to fill relevant data gaps. However, this would result in Ecology not being able to identify safer alternatives, leaving Coho salmon and other aquatic species vulnerable to unknown toxic effects from unvetted 6PPD alternatives. Similarly, we would be unable to develop an Action Plan for 6PPD/6PPD-Q, which would leave state agencies, local governments, and Tribal governments without recommended actions to take to mitigate the impacts of 6PPD/6PPD-Q on fish, humans, and the environment. Stakeholders and Tribes are looking for answers from Ecology and Washington State government, and funding further research is required to answer those questions.

Ecology also considered reassigning staff from other projects. This has been the strategy for our limited work on 6PPD to date. However, reassigning staff from other projects and product reviews would compromise our ability to meet the statutory rulemaking timeline or the legislative report deadlines for the Safer Products for Washington project research. This strategy 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. Neither of these options are viable because we are required to meet our legislative deadlines.

Consequences of Not Funding This Request:

If this request is not funded, we would not have the information needed to identify safer alternatives. This would result in the continued use of 6PPD in tires and its continued release into the environment. Some salmon populations would continue to decline, causing nutritional, economic, and cultural impacts on sensitive populations.

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 by adding staff and contract resources to continue research on safer alternatives to 6PPD and conduct alternatives assessments for possible replacement chemicals. Below is a summary of the 2019-21 and 2021-23 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.

Activity A065 – Prevent the Use of Toxic Chemicals in Products and Promote Safer Alternatives		
	2019-21	2021-23
FTEs Total	25.6	27.5
001-2 General Fund - Federal	\$484,000	\$495,000
207-1 Hazardous Waste Assistance	\$1,489,000	\$1,834,000
23P-1 Model Toxics Control Operating - State	\$7,414,000	\$9,227,000
TOTAL	\$9,387,000	\$11,556,000

Detailed Assumptions and Calculations:

Beginning July 1, 2023, and ongoing, Ecology requires salaries, benefits, and associated staff costs for the following positions to conduct needed research, coordinate collected data, and develop/implement the Action Plan as follows:

- 1.0 FTE Environmental Planner 4 to serve as the 6PPD lead coordinator.
- 1.0 FTE Toxicologist 1 to assist in the action plan development and data research and analysis.
- 1.0 FTE Communications Consultant 3 work on communications with industry on innovation and engaging stakeholders in action plan.
- 1.0 FTE Chemist 4 to serve as the materials science expert.
- 1.0 FTE Chemist 3 to develop and manage interagency agreements and any outside contracts necessary to do this work. Specific agreements to be prioritized include:
 - Interagency agreement to establish a post-doctoral fellowship at UW/WSU to provide materials science expertise and research (estimated \$79,133 annually).
 - Interagency agreement with UW/WSU to perform alternatives assessments of possible substitute chemicals as described above (estimated \$350,000).
 - Toxicity testing to help fill existing data gaps as described above (estimated \$100,000 annually).
 - Performance testing to help evaluate feasibility of alternatives (estimated \$50,000 annually).

This estimated agreement costs are shown in Object C, and are based on previous similar alternatives assessments and action plan development.

Workforce Assumptions:

Expenditures by Object	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
A Salaries and Wages	415,734	415,734	415,734	415,734	415,734	415,734
B Employee Benefits	151,743	151,743	151,743	151,743	151,743	151,743
Personal Service						
C Contract	579,133	579,133	579,133	579,133	579,133	579,133
E Goods and Services	24,170	24,170	24,170	24,170	24,170	24,170
G Travel	11,170	11,170	11,170	11,170	11,170	11,170
J Capital Outlays	6,150	6,150	6,150	6,150	6,150	6,150
T Intra-Agency Reimbursements	163,148	163,148	163,148	163,148	163,148	163,148
Total Objects	1,351,248	1,351,248	1,351,248	1,351,248	1,351,248	1,351,248

Staffing

Job Class	Salary	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
CHEMIST 3	82,901	1.00	1.00	1.00	1.00	1.00	1.00
COMMUNICATIONS CONSULTANT 3	66,423	1.00	1.00	1.00	1.00	1.00	1.00
ENVIRONMENTAL PLANNER 4	89,295	1.00	1.00	1.00	1.00	1.00	1.00
TOXICOLOGIST 1	80,956	1.00	1.00	1.00	1.00	1.00	1.00
CHEMIST 4	96,159	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
Total FTEs		5.75	5.75	5.75	5.75	5.75	5.75

Explanation of costs by object:

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 36.5% of salaries.

Contracts totaling \$1,158,266 (\$579,133 per year) for alternative assessments, toxicity testing, performance testing, and materials science expertise.

Goods and Services are the agency average of \$4,834 per direct program FTE.

Travel is the agency average of \$2,234 per direct program FTE.

Equipment is the agency average of \$1,230 per direct program FTE.

Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 28.75% 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.

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; Ecology's Goal 3: Prevent and Reduce Toxic Threats and Pollution; and Ecology Goal 4: Protect and Manage our State's Waters because it will fund the resources Ecology needs to:

- Conduct alternatives assessments.
- Develop a 6PPD action plan.

Ultimately, this work will contribute to reducing the use of 6PPD in tires, which will reduce the release of 6PPD-Q into the environment and contribute to healthier salmon populations, along with other species.

This request is essential to achieving the Governor's Results Washington Goal 4: Healthy and Safe Communities and Ecology's Goal 1: Support and Engage our Communities, Customers, and Employees because it will address relevant community and Tribal concerns related to salmon protection and consumption, including environmental justice considerations for overburdened communities. 6PPD is known to be a persistent, bioaccumulative, and toxic chemical. Replacing 6PPD with a safer alternative would reduce human and environmental exposure to this chemical.

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. Improves stormwater management

Performance Outcomes:

The outcome of this request will be identification of safer alternatives to 6PPD in motor vehicle tires and development of recommended actions to address 6PPD-Q statewide.

Equity Impacts

Community outreach and engagement:

See "Target Populations or Communities" section for combined answer to Equity questions.

Disproportional Impact Considerations:

See "Target Populations or Communities" section for combined answer to Equity questions.

Target Populations or Communities:

This request will support work that restores salmon and environmental and cultural resource critical to the vitality of Tribes and indigenous people in Washington. Maintaining a healthy growing salmon population is critical to upholding Tribal treaty rights, cultural practices, and economic welfare. To honor Tribal treaty rights and integrate 6PPD reduction as a strategy to co-manage salmon recovery, we need to actively consult Tribes. To ensure proper Tribal consultation and equitable engagement and involvement of the communities most impacted by 6PPD pollution, we will invite and welcome Tribal government representatives and members from other impacted communities to be an integral part of our alternatives assessment and Action Plan processes. We plan to offer stipends to minimize the participation burden for members from overburdened communities who are otherwise not being compensated for their time and expense.

For our alternatives assessments, we anticipate continued collaborative workshops as we work toward safer tires. One of the goals of these workshops will be to determine what it means for an alternative to be safer than 6PPD. This is an opportunity for us to gather input from communities most impacted by harmful chemicals. We plan to have two parallel workshops: one that targets Tribal nations and fulfills our government-to-government obligations; and one for subsistence fishing communities and other vulnerable populations.

For our Action Plan processes, we plan to establish an advisory committee to inform the scope of the plan. Invitations to participate on the advisory committee will reflect the 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. Translation services will be provided as needed to facilitate effective participation on the committee. Advisory committee meetings are also open to the public and allow them to provide input on development of the action plan scope. Materials developed through the advisory committee and scoping process will be translated as needed to effectively communicate with communities in their preferred languages.

Other Collateral Connections

Puget Sound Recovery:

6PPD increases Coho salmon mortality and thus this request is directly related to Puget Sound and salmon recovery efforts, specifically Puget Sound Action Agenda Strategy 8, "prevent pollution by promoting the development and use of safer alternatives to toxic chemicals and improving regulatory frameworks and incentives." This occurs under the Puget Sound Partnership Ongoing Programs OGP_ECY04, "Hazardous Waste and Toxics Reduction – Reducing Toxic Threats, Safer Products WA, Chemicals in Products Compliance."

This request supports Puget Sound Action Agenda implementation through the following Vital Signs, Desired Outcomes, and Orca Task Force Recommendation:

Vital Signs

- Toxics in Aquatic Life
- Freshwater

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.

Orca Task Force Recommendation

- 30. Identify, prioritize and take action on chemicals that impact orcas and their prey.

State Workforce Impacts:

N/A

Intergovernmental:

We anticipate Tribes will be supportive of this work, though they would likely prefer it done on a much shorter timeline. 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. There are many hurdles to implementing a ban, the primary of which is the lack of availability of safer alternatives. It is crucial that we “look before we leap” to ensure we are switching to safer alternatives and not facilitating a regrettable substitution, where the replacement chemical has unintended impacts that are worse than 6PPD-Q.

One key part of this request is the increased communication support that will help involve all stakeholders in our process. This will help us obtain input on what it means for an alternative to be safer, particularly from Tribal partners.

Stakeholder Response:

The environmental community is likely to support this work. However, similar to Tribes, there is an interest in moving straight to a ban with abbreviated safer alternative research (or none at all). Ecology does not support this approach because any substances used to replace 6PPD will be present in the tires of millions of vehicles and will be released directly into the environment. It will require a major effort and manufacturing shift from industry, so it is crucial to get it right on the first try and not require a second shift after we learn more. We also want to ensure vehicle safety.

The U.S. Tire Manufacturer Association has been actively tracking our work. They had concerns about the proviso passed in 2022, mostly because they did not want to be required to complete a second alternatives assessment for Washington in addition to the assessment they are currently preparing for California. However, we do not require manufacturers to complete an alternatives assessment, and we plan to leverage the information manufacturers submit to California. Thus 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:

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
	2024	2025	2023-25	2026	2027	2025-27
Obj. A	\$416	\$416	\$832	\$416	\$416	\$832
Obj. B	\$152	\$152	\$304	\$152	\$152	\$304
Obj. C	\$579	\$579	\$1,158	\$579	\$579	\$1,158
Obj. E	\$24	\$24	\$48	\$24	\$24	\$48
Obj. G	\$11	\$11	\$22	\$11	\$11	\$22
Obj. J	\$6	\$6	\$12	\$6	\$6	\$12
Obj. T	\$163	\$163	\$326	\$163	\$163	\$326

Agency Contact Information

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Agency Recommendation Summary

Ecology supports law enforcement agencies when they respond to illegal drug operations, as spill responders are called in to collect the dangerous waste from these sites, arranging for its proper storage and eventual disposal. The number of these responses has increased significantly in recent years, and, as a result, so has the amount of dangerous waste having to be temporarily stored at Ecology facilities. Funding was provided in the 2022 supplemental operating budget, based on a submitted decision package, to support this increased workload. However, that funding was only provided as one-time for fiscal year 2023, while the need for additional staff to support our law enforcement partners, and meet dangerous waste requirements under Chapter 173-303 WAC, is ongoing. Ecology is requesting a maintenance level adjustment to provide the funding needed to support this work on an ongoing basis, consistent with our 2022 decision package. (Model Toxics Control Operating Account)

Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
Staffing						
FTEs	8.7	8.7	8.7	8.7	8.7	8.7
Operating Expenditures						
Fund 23P - 1	\$1,184	\$1,184	\$2,368	\$1,184	\$1,184	\$2,368
Total Expenditures	\$1,184	\$1,184	\$2,368	\$1,184	\$1,184	\$2,368

Decision Package Description

Funding was provided in the 2022 supplemental operating budget, based on a submitted decision package, to support the increased workload for Ecology detailed below. However, that funding was only provided as one-time for fiscal year 2023, while need for additional staff to support our law enforcement partners during illegal drug operation responses, and also meet dangerous waste requirements under Chapter 173-303 WAC is ongoing. The funding Ecology requested last year was supported as ongoing in both the House and Governor’s budget proposals, but was ultimately made one-time in the enacted budget. This request will make the 2022 supplemental investment ongoing, consistent with Ecology’s previous decision package.

Law Enforcement Drug Operations Response Support

RCW 69.50.511 requires law enforcement agencies to notify Ecology when they come in contact with or are made aware of any suspected hazardous substances during an official investigation or enforcement of any illegal drug manufacturing facility. When law enforcement agencies are called to the site of an illegal drug operation, they regularly include Ecology spill responders to protect the safety of the operation’s team. Ecology spill responders have the primary authority under Chapter 90.56 RCW to respond to and contain spills of oil, petroleum products, and other hazardous substances.

The law directs Ecology to secure a contractor to identify, clean up, store, and dispose of suspected hazardous substances at these illegal drug operation sites. But the practical application of this work is normally completed in two phases. Ecology spill responders collect and store the waste from these sites at one of Ecology’s regional hazardous waste accumulation areas for a maximum of 90 days, and then it is transferred to the contractor for treatment and disposal. This is done for multiple reasons:

1. The federal Resource Conservation and Recovery Act (RCRA) requires a hazardous waste profile be provided to the transportation, storage, or disposal (TSD) facility where hazardous materials are taken for disposition. This profile itemizes the hazardous materials collected and provides safety information for each item to the TSD facility.

Illegal drug operation responses are conducted at active crime scenes, and access to any suspected hazardous waste at the site is provided through a search warrant, which specifies a limited time for access to the property. It can take several weeks to a couple months for a hazmat disposal contractor to create a hazardous waste profile and schedule pick-up of the waste onsite. For the spill responders’ safety and security, they cannot return to an illegal drug operation location without law enforcement support. This limits our ability to store the collected wastes at the crime scene for contractor collection and disposal at a later time. Instead, responders collect and store the waste at an Ecology facility, and creates the required profile needed for disposal.

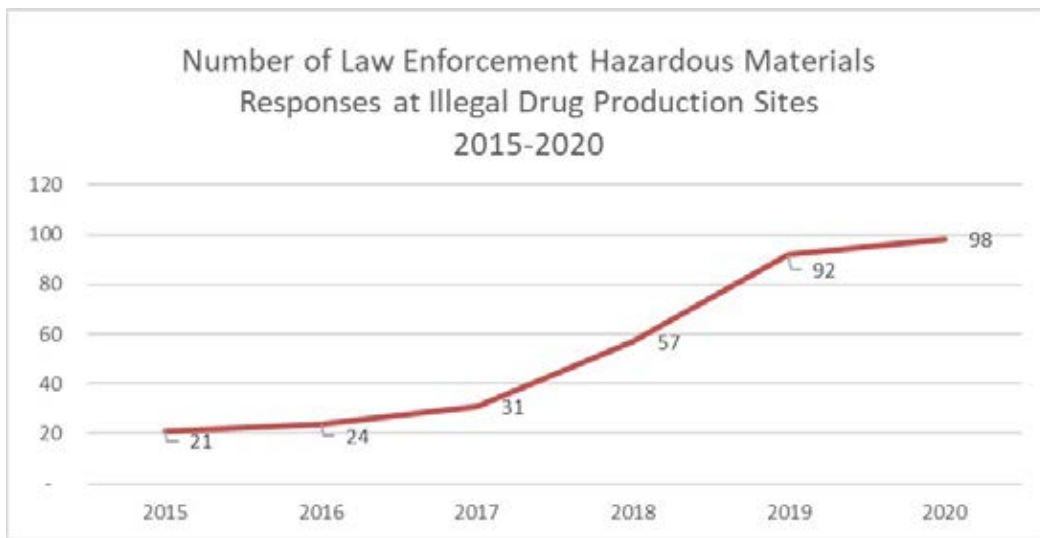
2. Hazardous materials are generally not well managed at illegal drug labs; containers are typically not marked, and different wastes may be mixed together. These wastes must be collected, identified, and consolidated prior to disposal. Ecology spill responders, who are already on site, are trained to perform these functions. If we contract with a hazmat disposal contractor to perform all of these functions at the site, and then subcontract for disposal, Ecology would incur significant additional costs for each response.

When Ecology spill responders assist law enforcement agencies at these sites, they monitor the air at the site and scan the area for immediate

hazards and chemical safety concerns to ensure the response team can enter safely. Spill responders collect the chemical precursors, contaminated equipment, and hazardous wastes onsite, and safely transport these materials back to an Ecology storage facility. Ecology staff characterize the collected wastes through chemical testing, and consolidate similar and compatible materials together to reduce disposal costs.

Ecology staff then generate the waste profiles required under RCRA and submit those to the waste disposal contractor, who schedules a date to pick up the waste. The disposal contractor removes the waste for final disposal, and an Ecology spill responder is available on site to sign the waste manifest and answer any questions.

Ecology’s support for law enforcement agencies’ response to these situations has increased five-fold in recent years, from 20 responses in calendar year 2015 to 98 responses in calendar year 2020. The majority of recent responses have all been related to illegal marijuana growing operations, which produce large volumes of waste, such as fertilizers and herbicides.



Calendar Year	Total Number of Marijuana Plants at Illegal Grow Responses
2015	3,040,317
2016	3,474,648
2017	4,488,087
2018	8,252,289
2019	13,319,484
2020	14,188,146

Please note, illegal drug operation responses decreased significantly during the second half of calendar year 2021, and the first half of calendar 2022, after the passage of ESSB 1310 in 2021, as law enforcement agencies needed time to institute new policy and training updates related to the new law. However, with those now in place, responses have picked back up, and based on discussions with our law enforcement partners, we expect we will return to 2020 levels, or higher, in 2023. There have been 24 responses conducted through the first seven months 2022, with seven of those happening just in July. This is consistent with historical trends, where nearly half of all responses occur between July and October each year.

Ecology needs additional ongoing funding and staff to keep up with the exponential growth we have experienced in recent years, and continue to effectively respond to these situations in support of our law enforcement partners. As the number of responses to these situations has increased, Ecology has had to defer and delay the required follow-up actions for responses, such as investigations, enforcement, and cost recovery, and waste disposal coordination, because we don’t have enough responders to meet all demands for our services.

Because of the workload and training requirements necessary to be qualified to support hazmat operations, Ecology is moving ahead with the hiring process for the five additional spill responders, using the one-time funding received in the 2022 supplemental for fiscal year 2023. However, this request is needed to provide the ongoing funding necessarily to retain these positions on an ongoing basis beginning next biennium, ensure we meet the increasing needs around illegal drug operations and more fully address all other response needs as they arise.

Large Quantity Waste Generator Designation

To ensure safe handling and management of dangerous waste, Ecology’s Hazardous Waste and Toxics Reduction Program conducts inspections and provides compliance and technical assistance for Washington’s small, medium, and large quantity waste generators (LQGs). As the number of illegal drug operation responses have increased over the last five years, so has the amount of hazardous materials being stored at Ecology facilities. An internal audit indicated the waste collected from these illegal drug operations could cause agency facilities that store these materials

to exceed the thresholds for a LQG under rule. Chapter 173-303 WAC defines an LQG as a generator of hazardous waste meeting one of the following minimum thresholds in a calendar month:

- At least 2,200 lb. (or five 55-gallon drums) of dangerous waste.
- At least 2.2 lb. (1 kg) of acutely hazardous waste as defined in the chapter.
- At least 220 lb. (100 kg) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste.

The nature of our spill responses and associated volumes of hazardous materials collected can vary month to month in a given year. Based on the outcome of our internal audit, and recognition that the number of drug operation responses is only likely to increase in the future, Ecology determined the most appropriate course of action would be to designate our regional offices and headquarters building as LQGs, beginning July 1, 2021, and establish an operations plan to meet those requirements year-round.

In 2020, Ecology began working to reduce the legacy waste at our different facilities and develop a transition plan to meet the more stringent waste management requirements for an LQG under rule. We invested one-time funding and staff time in 2019-21 to evaluate and establish appropriate hazardous waste storage facilities at our headquarters and regional facilities, and we finalized the transition plan in July 2021. However, to ensure Ecology can meet all of the LQG requirements moving forward, on an ongoing basis, additional resources are needed.

LQGs are required to properly organize and inventory waste so materials on site are known in the event of a facility emergency. Facilities operating as LQGs must prepare and implement a contingency plan and provide an emergency coordinator to be available at all times to coordinate with first responders in the event of a facility emergency. This request will provide ongoing funding to support a statewide coordinator within Ecology to ensure all agency facilities storing hazardous waste are meeting LQG requirements. This request will also provide ongoing staffing resources in each regional office to maintain the facilities' waste inventories and disposal schedules according to rule requirements.

Impacts on Population Served:

This request will support:

- The law enforcement community by ensuring Ecology can continue to safely manage waste from illegal drug manufacturing operations and minimize potential exposure and other hazards for law enforcement officers.
- Communities where illegal drug operations occur by ensuring any hazardous materials at the scene of the crime are safely contained, removed, and properly disposed.
- The safety of first responders in the event of an emergency at one of Ecology's facilities through dedicated staff available to notify responders of the location and nature of any hazardous wastes on site.

Additional population impacts and considerations are provided in the focus on equity section below.

Alternatives Explored:

One alternative to this request would be for Ecology to hire a contractor to cover the entire response to an illegal drug operation investigation. This alternative would not always be feasible for the following reasons:

- These responses are conducted at active crime scenes, and law enforcement agencies restrict access to these sites. Using a contractor at the site to collect and transport waste would require additional coordination with law enforcement ahead of time to authorize contractor staff to be present at the scene.
- Because access is limited at the scene, a contractor would likely remove the waste from the site and subcontract with a service provider for actual disposal. This would increase disposal costs, typically adding 20 percent to the total cost for each disposal.
- In addition to investing staff time coordinating with law enforcement and a contractor, Ecology would also need to cover contract costs for collection, storage, and disposal. Based on current rates under the Department of Enterprise Services (DES) master contract for hazardous waste collection and disposal services, and the amount of contracted services required each year to respond to these situations (based on the current number of responses), this option would be cost prohibitive compared to this request.
- Waste volumes at illegal drug manufacturing facilities are not well known in advance of law enforcement serving the search warrant and obtaining access to the facility. Because of this unknown, contractor resources may be unnecessarily mobilized, resulting in needlessly incurring contractor mobilization expenses.

A second alternative to this request was for Ecology to remain as a medium quantity generator and only ramp up waste management practices in months when the LQG thresholds are exceeded. Because a response to a single marijuana grow can generate enough waste to meet the LQG thresholds, Ecology staff would be required to be readily trained and available for after-hours emergency coordination with minimal notice. The LQG requirements are critical for both facility and first responder safety and, with the number of illegal drug operation responses expected to continue to increase, Ecology anticipates exceeding the LQG thresholds more frequently in the future. Therefore, it is better to establish the resources needed to ensure we can meet LQG requirements year-round, versus jumping back and forth. This will minimize risk and maximize readiness.

Consequences of Not Funding This Request:

If this request is not funded, Ecology would not have the resources needed to respond to illegal drug operations to support our law enforcement partners. As the number of these response situations continues to grow, Ecology would be required to either not respond when requested, or do so instead of completing other required follow-up actions for these and other responses, such as investigations, enforcement, cost recovery, and waste disposal coordination. Ecology does not currently have enough responders to meet all demands for our services.

If this request is not funded, Ecology would not have the staff or expertise needed to ensure we can comply with LQG requirements under Chapter WAC 173-303. Facilities operating as LQGs must prepare and implement a contingency plan and provide an emergency coordinator to be available at all times to coordinate with first responders in the event of a facility emergency. If Ecology is unable to meet these requirements, it could risk the safety of those working in and around our facilities, as well the first responders who would need to respond in case of an emergency.

Assumptions and Calculations

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

This request will expand activity A054 – Rapidly Respond to and Clean Up Oil and Hazardous Material Spills by providing ongoing funding and staff to ensure Ecology’s spill responders can support law enforcement agency response to illegal drug operations. This request also expands activity A021 – Increase Compliance and Act on Environmental Threats from Hazardous Waste by adding ongoing staffing resources needed to ensure that Ecology can comply with hazardous materials storage and disposal requirements under Chapter 173-303 WAC.

Below is a summary of the 2019-21 and 2021-23 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.

Activity A054 – Rapidly Respond to and Clean Up Oil and Hazardous Material Spills		
	2019-21	2021-23
FTEs Total	39.70	42.60
001-7 General Fund – Private/Local	\$114,000	\$114,000
217-1 Oil Spill Prevention – State	\$2,200,000	\$0
223-1 Oil Spill Response - State	\$8,576,000	\$7,076,000
23P-1 Model Toxics Control Operating - State	\$15,443,000	\$15,957,000
	\$24,333,000	\$23,147,000

Activity A021 – Increase Compliance and Act on Environmental Threats from Hazardous Waste		
	2019-21	2021-23
FTEs Total	38.55	55.55
001-2 General Fund - Federal	\$1,633,000	\$2,887,000
207-1 Hazardous Waste Assistance – State	\$0	\$593,000
23P-1 Model Toxics Control Operating - State	\$7,477,000	\$16,766,000
TOTAL	\$9,110,000	\$20,246,000

Detailed Assumptions and Calculations:

Beginning July 1, 2023, and ongoing, Ecology requires salaries, benefits, and associated staff costs for the following positions:

- 5.0 FTEs Environmental Specialist 4 spill responders to address the increase in hazardous materials at illegal drug operations. These positions will support the increased demand by law enforcement agencies for hazardous materials response and management at illegal marijuana grow operations and drug laboratories and support compliance requirement under WAC 173-303 for 24/7 emergency contact coverage.
- 1.0 FTE Environmental Specialist 5 to serve as the statewide waste management coordinator to provide expertise in waste management regulations and compliance requirements. This position will coordinate with designated staff in each region to ensure Ecology meets compliance requirements.
- 1.6 FTEs Environmental Specialist 4 (0.4 FTE per region) to maintain facility waste inventories and disposal schedules according to rule requirements. We estimate this to be 0.2 FTE Environmental Specialist 4 in each region for the Hazardous Waste Program and the Spills Program. This will ensure Spills Program staff collecting and managing waste can work as a two-person team with Hazardous Waste Program staff who will provide waste management subject-matter expertise and guidance.

The number of spill responders required is based on the following calculations.

On average, a medium-size drug lab response requires 119 hours of staff time, which includes coordinating with the law enforcement agency, time on site assessing conditions and identifying materials for removal, removing hazards, packaging and labeling hazardous materials for storage and disposal, coordinating with the disposal vendor to generate a waste disposal profile, and coordinating with the vendor during the disposal. Since 2016, the average number of illegal drug labs per year has increased from 24 to 98 (an increase of 74 labs). This increase (74 labs x 119 hours = 8,806 hours). Divided by 2,088 hours per year (the OFM standard number of hours per FTE), this incremental workload increase equates to approximately 4.2 FTEs. However, based on the trajectory of illegal drug operation responses to date, and acknowledging that these incidents are only expected to increase in the future, Ecology estimates we will need 5.0 new responder FTEs moving forward to address this workload. These positions will cover the waste management requirement under rule to provide standby coverage to coordinate with first responders on hazardous materials guidance in the event of a facility emergency. The total estimated staff time required is 5.0 spill responder FTEs.

This request includes contractor costs for removal and disposal of hazardous wastes collected from these illegal drug operation sites, estimated to be \$18,500 per year, based on current drug lab response volume trajectories and disposal costs. Average disposal costs are \$185 per response x 100 responses per year.

Object E includes estimated supplemental training and supplies for responders and staff managing the associated waste in compliance with LQG requirements. Training costs are estimated at \$125 per FTE per year. Also included in Object E are Initial supplies, personal protective equipment (PPE), and training costs for the new responders, estimated to be \$2,567 above the standard cost per FTE.

Object J includes ongoing equipment costs estimated to be \$9,513 higher than the agency standard per FTE, including depreciation of the response vehicles. This is estimated at \$10,715 per vehicle per year, beginning in fiscal year 2024, based on the proposed replacement schedule of seven years for each vehicle.

Workforce Assumptions:

Expenditures by Object		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
A	Salaries and Wages	599,964	599,964	599,964	599,964	599,964	599,964
B	Employee Benefits	219,058	219,058	219,058	219,058	219,058	219,058
E	Goods and Services	68,298	68,298	68,298	68,298	68,298	68,298
G	Travel	18,568	18,568	18,568	18,568	18,568	18,568
J	Capital Outlays	56,913	56,913	56,913	56,913	56,913	56,913
	Intra-Agency						
T	Reimbursements	221,525	221,525	221,525	221,525	221,525	221,525
	Total Objects	1,184,326	1,184,326	1,184,326	1,184,326	1,184,326	1,184,326

Staffing

Job Class	Salary	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
ENVIRONMENTAL SPECIALIST 5	80,956	1.00	1.00	1.00	1.00	1.00	1.00
ENVIRONMENTAL SPECIALIST 4	73,262	6.60	6.60	6.60	6.60	6.60	6.60
FISCAL ANALYST 2		0.76	0.76	0.76	0.76	0.76	0.76
IT APP DEVELOPMENT-JOURNEY		0.38	0.38	0.38	0.38	0.38	0.38
	Total FTEs	8.74	8.74	8.74	8.74	8.74	8.74

Explanation of costs by object:

Salary estimates are current biennium actual rates at Step L. Responder FTEs also have assignment pay added to these costs, based on the amount required (10% of salaries) under the current collective bargaining agreements.

Benefits are the agency average of 36.5% of total estimated salaries.

Goods and Services are the agency average of \$4,834 per direct program FTE, and include initial and refresher HAZWOPER training costs for all regional FTE and the statewide coordinator in the Hazardous Waste Program, estimated to be \$125 annually per FTE. Object E also includes initial personal protective gear and supplies for each new spill responder, estimated to be \$2,567 each year per FTE, for a total of \$12,835 in fiscal year 2024 and each fiscal year thereafter.

Travel is the agency average of \$2,234 per direct program FTE, plus \$318 per FTE (a total of \$1,590) ongoing each year for response travel.

Equipment is the agency average of \$1,230 per direct program FTE, plus \$9,513 per FTE ongoing each year for equipment replacement and vehicle depreciation.

Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 28.75% 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.

Strategic and Performance Outcomes

Strategic Framework:

This request is essential to implementing Goal 3: Prevent and Reduce Toxic Threats and Pollution in Ecology's strategic plan because it supports Ecology's effective management of toxic waste collected for law enforcement at illegal drug manufacturing sites.

This request provides essential support to the following Governor's Results Washington Goals:

- Goal 3: Sustainable Energy and a Clean Environment, by supporting proper removal and disposal of hazardous materials.
- Goal 4: Healthy and Safe Communities, by supporting law enforcement safety and proper storage and management of hazardous wastes.
- Goal 5: Efficient, Effective, and Accountable Government, by providing the additional staff resources to ensure that collected materials are disposed of as promptly as possible to minimize quantities of waste stored at Ecology facilities.

Performance Outcomes:

The outcomes of this request will be:

- Safe management of waste stored at Ecology facilities at all volumes.
- 24-hour availability to coordinate with first responders in the event of a facilities emergency.
- Dedicated support for law enforcement drug operation responses without compromising our ability to rapidly and aggressively respond to other hazardous spills that occur.

Equity Impacts

Community outreach and engagement:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Disproportional Impact Considerations:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Target Populations or Communities:

Ecology's Spills Program has reviewed the locations of our illegal drug operations responses in 2019 and 2020 on the Department of Health's (DOH) Environmental Health Disparities Map. This map ranks census tracts on a scale of 1 to 10, with 1 representing the lowest environmental health disparities in the state, and 10 representing the highest. These rankings are based on each census tract's environmental exposures and disparities, sensitive populations with indicators for poor health outcomes and socioeconomic disparities. The four primary criteria and elements included are:

- Environmental Exposures (NOx-diesel emissions; ozone concentration; PM2.5 Concentration; populations near heavy traffic roadways; toxic release from facilities (RSEI model)).
- Environmental Effects (lead risk from housing; proximity to hazardous waste treatment, storage, and disposal facilities (TSDFs); proximity to National Priorities List sites (Superfund Sites); proximity to Risk Management Plan (RMP) facilities; wastewater discharge).
- Sensitive Populations (death from cardiovascular disease; low birth weight).
- Socioeconomic Factors (limited English; no high school diploma; poverty; race - people of color; transportation expense; unaffordable housing; unemployed).

Ecology's hazmat responses that support law enforcement agencies occur at the site where drugs are being manufactured – or grown, in the case of illegal marijuana grow responses. Many of these locations are inside houses, which increase exposure and risk for nearby neighbors. 36 percent of illegal drug operations needing hazmat response support over the past two years have been located in census tracts ranking seven or higher on the DOH Environmental Health Disparities Map, and more than 10 percent of responses are located in neighborhoods that rank 9 or 10 on the map, indicating the highest levels of environmental health disparities.

Year	Location DOH Environmental Health Disparities Rank	Number of Illegal Drug Hazmat Responses		
2019	1	3		
2019	2	4		
2019	3	7		
2019	4	15		
2019	5	4	% 6 or above	
2019	6	26	64%	
2019	7	13		% 7 or above
2019	8	10		% 8 or above
2019	9	5		% 9 or above
2019	10	5	11%	
Total		92		
2020	1	3		
2020	2	8		
2020	3	10		
2020	4	17		
2020	5	16	% 6 or above	
2020	6	9	45%	
2020	7	17		% 7 or above
2020	8	5		% 8 or above
2020	9	5		% 9 or above
2020	10	8	13%	
Total		98		

Ecology is frequently called in to illegal marijuana farms to help remove pesticides, fungicides, corrosive materials, flammable liquids, and contact poisons — chemicals that are considered dangerous waste under state law. Anyone coming into contact with these could get burned or poisoned, and they are also toxic by inhalation. Besides common household chemicals, responders have also seen compounds in quantities so large that they fall under Environmental Protection Agency regulation and should only be applied by a licensed applicator, as well as substances that are banned in the United States. By safely removing these items from these sites, Ecology is removing toxic burdens in areas already heavily burdened by other environmental disparities.

Other Collateral Connections

Puget Sound Recovery:

Seventy-four percent of response activities in ongoing program OGP_ECY28 – Spill Response, are related to Puget Sound, but this request is focused on illegal drug operation responses, which are primarily inland and contained within buildings. For this reason, this request is not directly related to Puget Sound recovery efforts.

State Workforce Impacts:

N/A

Intergovernmental:

This request supports Ecology’s coordination with state and local law enforcement agencies to remove hazardous materials from sites of illegal drug production and ensure the site is safe and free of toxic hazards for law enforcement investigations. Ecology has developed good working relationships with drug manufacturing enforcement partners and is a trusted resource to operate at these sites and ensure maximum safety for everyone present. By following the large quantity generator requirements, Ecology staff will also provide consultation for first responders in the event of an Ecology facilities emergency where hazardous waste materials are stored. This request supports first responder safety, and safety of employees who work at Ecology facilities where hazardous wastes are stored prior to disposal.

Stakeholder Response:

By providing ongoing dedicated support for illegal drug operations hazardous materials response, this request benefits all communities where covert drug production occurs, safely removing hazards and ensuring that the site is safe for neighboring homes and businesses. As noted above, these responses commonly occur in houses in the middle of neighborhoods. This request will support this important effort to reduce toxic threats in residential communities and urban areas statewide due to illegal drug production and ensure the waste is promptly and properly managed and disposed.

State Facilities Impacts:

N/A

Changes from Current Law:

N/A

Legal or Administrative Mandates:

This request will support Ecology’s ability to comply with LQG requirements under Chapter 173-303 WAC, and our statutory obligations under Chapters 69.50 and 90.56 RCW to assist law enforcement agencies with illegal drug operations responses.

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
	2024	2025	2023-25	2026	2027	2025-27
Obj. A	\$600	\$600	\$1,200	\$600	\$600	\$1,200
Obj. B	\$219	\$219	\$438	\$219	\$219	\$438
Obj. E	\$68	\$68	\$136	\$68	\$68	\$136
Obj. G	\$19	\$19	\$38	\$19	\$19	\$38
Obj. J	\$57	\$57	\$114	\$57	\$57	\$114
Obj. T	\$221	\$221	\$442	\$221	\$221	\$442

Agency Contact Information

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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 allowance 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, where partners provide 75 percent and Ecology provides a 25 percent match through a mix of AmeriCorps grant funds and state appropriation. (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
	2024	2025	2023-25	2026	2027	2025-27
Operating Expenditures						
Fund 001 - 2	\$118	\$181	\$299	\$181	\$181	\$362
Fund 001 - 7	\$542	\$829	\$1,371	\$829	\$829	\$1,658
Fund 23P - 1	\$328	\$503	\$831	\$503	\$503	\$1,006
Total Expenditures	\$988	\$1,513	\$2,501	\$1,513	\$1,513	\$3,026
Revenue						
001 - 0315	\$118	\$181	\$299	\$181	\$181	\$362
001 - 0597	\$542	\$829	\$1,371	\$829	\$829	\$1,658
Total Revenue	\$660	\$1,010	\$1,670	\$1,010	\$1,010	\$2,020

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 nearly 90 local and tribal governments, non-profit entities, and state and federal agencies (see Attachment 1 for a list of 2021-22 partner organizations). These partners pay 75 percent of WCC’s crew and intern costs. The remaining 25 percent cost-share is funded by a combination of state appropriation and the federal AmeriCorps grant. In addition to WCC crews, there are 20 interns placed as AmeriCorps Individual Placements funded on a 75/25 basis.

Please note that the 25 percent cost-share is different from the percentage of state funding supporting total WCC costs. State appropriation funds 100 percent of nine FTEs staff at headquarters who are not part of the 75/25 cost-share model. Instead, these FTEs provide management and program administration to support all 315 WCC members (315 members + 65 field staff + 9 headquarters staff = 389 total). In addition, federal funds support 100 percent 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 percent 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 percent of a crew member’s available time. Youth Corps 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 costs in WCC, including minimum wage increases and corresponding benefit cost changes. This additional funding has allowed Ecology to maintain the current 75/25 percent 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 2023-25 biennium to maintain the WCC’s 389 members, staff, and the 75/25 percent cost-share model.

Living Allowance

Under RCW 49.46.020, the state minimum wage is set at \$14.49 per hour for calendar year 2022, and will increase each year based on the U.S. consumer price index for urban wage earners and clerical workers (CPIW). The 12-month CPIW has increased by an average of 3.5 percent annually for the past 48 months (see Attachment 2 for CPIW Rates). However, more current data shows a much higher average increase over the last 24 and 12-month periods, with the month-to-month percentage increases continuing to rise.

Per the Washington Department of Labor & Industries, the adjusted minimum wage rate each calendar year is 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 12 months prior to each September 1st. Consistent with that methodology, an analysis of CPI-W data, as compared to the state’s minimum wage increases over the last decade, shows that the state’s minimum wage increase in January in each applicable year has equaled the CPI-W percentage increase from August of the preceding year.

Based on that analysis, and current data available, the state’s minimum wage is expected to increase by 9.8 percent on January 1, 2023. For the purposes of this budget request, Ecology used the June 2022 CPI-W value of 9.8 percent to calculate the estimated increase for January 1, 2023, as August CPI-W data was not available yet. Over the last decade, the average change between the June and August CPI-W percentages has only been 0.5 percent.

For calendar year’s 2024 and 2025, Ecology estimates that the minimum wage will increase by 3.5 percent annually, based on the average CPI-W percentage increases over the most recent 48 months.

- Increase by \$1.42 in Calendar Year 2023 to \$15.91 per hour.
- Increase by \$0.56 in Calendar Year 2024 to \$16.47 per hour.
- Increase by \$0.57 in Calendar Year 2025 to \$17.04 per hour.

Ecology requests state appropriation in order 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 2023-25 biennium. WCC currently pays its members a semimonthly 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, and distributed accordingly during a WCC member’s service term.

WCC crew years run from October 1 to September 15 and align with the federal fiscal year. This maintenance level budget request covers crew years 2023-2024 (October 1, 2023 through September 15, 2024) and 2024-25 (October 1, 2024, through September 2025). Based on the projected increases in the state’s minimum wage in January 2023, 2024, and 2025, the WCC semimonthly living allowance for these crew years will increase as follows:

Crew Year	Semi-Monthly Living Allowance	Avg. Monthly Min. Wage During That Crew Year
Living allowance level funded in 2021-23 operating budget	\$1,158	\$14.49
2023-2024	\$1,359	\$16.33
2024-2025	\$1,407	\$16.90

These living allowance increases total \$3,243,977 in the 2023-25 biennium, including associated increases in benefits and administration. Per RCW 43.220.231, a five percent administrative rate is applied to all costs in WCC as part of partner agreements. Twenty-five percent, or \$810,994, is requested in state appropriation from the Model Toxics Control Operating Account (MTCA Operating). 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, as 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.

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 nine percent per year, mirroring national trends. For the 2023-25 biennium, these increases total \$78,911, including associated administration. Twenty-five percent, or \$19,728, is requested in state appropriation from MTCA - Operating. 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, as appropriation for those IAAs is not needed. For more detail on these health insurance cost increases, see Attachment 5: WCC Health Insurance Impacts.

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 partner 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 that Ecology can fully enroll and retain its members to make full use of our federal funding opportunities.

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 \$6,495. 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. It is anticipated that the post-COVID-19 economy could have similar impacts for these two demographics. The WCC has demonstrated successful outcomes, 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 86 partner organizations that currently include small non-profit 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 it would have to shift those costs to our external partners. This shift would change the current 75/25 cost-share model, where partners pay 75 percent of crew costs and 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 percent match. If WCC were to pass all these increased costs onto partners, the program would no longer be eligible for state and federal grants that require a minimum 25 percent match.

Reduced state support will reduce the pool of organizations that can serve as WCC partners. As WCC's costs rise, small non-profits and governmental organizations from less-resourced areas of the state will 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 2024, a crew will cost \$284,914. The partner share of these costs ($\$284,914 \times 0.75$) will be \$213,686 and WCC's share is \$71,228. 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 (\$37,813).

WCC could close the \$830,722 shortfall in MTCA Operating funding by reducing 11 WCC crews ($\$37,813 \text{ MTCA Operating funding} \times 11 \text{ crews} \times 2 \text{ years} = \$831,886$). However, cutting crews has 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 11 crews, then commensurate AmeriCorps funding would be removed from the grant. There are five members on each crew. Therefore, a reduction of 11 crews would result in a reduction of 55 crew members ($11 \text{ crews} \times 5 \text{ crew members} = 55 \text{ crew members}$). A reduction of 55 crew members would mean a \$735,130 reduction in AmeriCorps grant funding for the 2023-25 biennium ($\$6,683 \text{ per member} \times 55 \text{ members} \times 2 \text{ years} = \$735,130$). Since past enrollment and retention drives future AmeriCorps funding, funds will not increase after a reduction. This would be a permanent loss of funding to the program.

AmeriCorps also provides educational loan forbearance and a \$6,495 education award to each member completing WCC, so a loss of 55 crew members would also result in \$714,450 in lost educational benefits ($55 \text{ crew members} \times \$6,495 \times 2 \text{ years}$). 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 percent share of total crew costs. Without the 25 percent cost-share, Ecology would have nothing to offer partners who are ready to provide their 75 percent share. A reduction of 11 crews during the 2023-25 biennium would result in \$4,701,092 in WCC partner funding having to be turned away ($\$213,686 \text{ partner share per crew} \times 11 \text{ crews} \times 2 \text{ years} = \$4,701,092$).

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 and 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, with the exception of the 2017-19 and 2019-21 biennia when seasonal crews were cut to make up for a funding shortfall and in response to a 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 2023-25 biennium are \$3,322,888. Ecology requests the 25 percent state share of \$830,722 from MTCA-Operating to maintain the WCC program at 389 members and staff. In addition, Ecology requests \$299,060 in federal appropriation and \$1,370,691 in private/local appropriation for the partner share of federal and private/local costs. The remaining costs of \$822,415 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 five-percent administrative rate is applied to all costs in WCC as part of partner agreements.

Workforce Assumptions:

Expenditures by Object		<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
B	Employee Benefits	82,200	139,564	139,564	139,564	139,564	139,564
N	Grants, Benefits, and Client Services	858,558	1,301,081	1,301,081	1,301,081	1,301,081	1,301,081
	Intra-Agency						
T	Reimbursements	47,038	72,032	72,032	72,032	72,032	72,032
	Total Objects	987,796	1,512,677	1,512,677	1,512,677	1,512,677	1,512,677
Staffing							
Job Class	Salary	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
	Total FTEs	0.00	0.00	0.00	0.00	0.00	0.00

Explanation of costs by object:

Living allowance increases are shown in object N at \$858,557 for fiscal year 2024, \$1,301,081 in fiscal year 2025, and ongoing.

Benefits associated with living allowance increases are calculated at 6.2 percent of salaries for Social Security and 1.45 percent of salaries for Medicare. These are \$65,680 in fiscal year 2024, and \$99,533 in fiscal year 2025, and ongoing. Member health insurance increases are also shown in object B at \$16,521 in fiscal year 2024, and \$40,032 in fiscal year 2025, and ongoing.

The five percent agency administrative costs are shown in object T and are \$47,038 in fiscal year 2024, and \$72,032 in fiscal year 2025, and ongoing.

Strategic and Performance Outcomes

Strategic Framework:

This request is essential to implementing the following goals in Ecology's strategic plan:

- Goal 1: Support and engage our communities, customers, and employees.
- Goal 2: Reduce and prepare for climate impacts.
- Goal 3: Prevent and reduce toxic threats and pollution.
- Goal 4: Protect and manage our state's waters.

WCC crews engage in environmental restoration projects including, but not limited to:

- Installing native plantings.
- Removing invasive species.
- Adding woody debris to streams to improve salmon habitat.
- Spreading salmon analogs to improve the health of streams and rivers.

WCC crews engage in the actual, boots-on-the-ground labor of reducing and preparing for climate change. Last year, WCC crews improved or cleared 6,782 acres of land across Washington. Crews spent 15,793 hours monitoring, surveying, and collecting data to improve our understanding of the environmental problems and outcomes of restoration projects.

WCC crews removed creosote-treated debris from beaches, marine and estuarine waters, immediately eliminating a source of pollution to our ocean and Puget Sound. Last year, WCC installed more than 800,000 trees or shrubs, which filter toxins from watersheds and sequester carbon. In addition, the plants cool and clean rivers and streams waters, essential for salmon and other wildlife.

WCC also contributes to long-term environmental protection goals by making nature more accessible for the public. 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. Last year, WCC crews installed or improved 459 miles of public trails and built or cleaned thousands of campsites.

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

- Goal 2: Prosperous Economy
- Goal 3: Sustainable Energy and Clean Environment.

WCC provides real world job training to 315 members each year. This training provided during their time in WCC readies our members for employment in:

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

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

WCC members are the on-the-ground resources who:

- Restore salmon and wildlife habitat.
- Plant trees and shrubs.
- Remove invasive species.
- Remove marine debris.

In fiscal year 2021, WCC crews planted more than 800,000 trees or shrubs to shade wetlands and streams to reduce water temperatures, restoring wetlands, and stabilizing 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:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Disproportional Impact Considerations:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Target Populations or Communities:

The WCC offers paid full term AmeriCorps service opportunities and an education award for young adults and military veterans. These groups face significant unemployment, with young adults unemployed at 11%, the highest rate of any age group nationally (US Bureau of Labor and Statistics 2021). Military veterans ages 18-25 experienced unemployment rates of nearly double the national average in 2020 (US Bureau of Labor and Statistics 2021).

Our members are distributed amongst 17 Washington counties, including ten 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 percent higher than the statewide average: <https://esd.wa.gov/labormarketinfo/distressed-areas>). To advance career-readiness and reduce future unemployment for members, WCC provides three weeks of formal training and ongoing career development coaching during the service term. Through their year of service in WCC, our AmeriCorps members gain the experience necessary to transition to careers in the environmental and disaster services fields.

In addition, beginning 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.

This request addresses inequity by ensuring a livable living allowance equal to Washington’s minimum wage for those serving in the WCC. If WCC is unable to sustain the member living allowance equal to the minimum wage, only those individuals with external resources would be able to accept a year or two of participation in the WCC. A year of service in WCC would become an elite experience for those with preexisting privileges, while those with fewer resources will be priced out of participation.

Given that WCC membership frequently leads to careers in environmental restoration, this has long-term implications for the pipeline of diverse individuals who will be prepared for environmental leadership roles in Washington. It will be more challenging for all state agencies to have a diverse pool of candidates experienced in environmental and disaster services to hire for their positions. WCC membership opens doors to new generations of environmental leaders in our state. Failing to increase the living allowance would mean the door of opportunity would only be open to some.

Other Collateral Connections

Puget Sound Recovery:

N/A

State Workforce Impacts:

N/A

Intergovernmental:

In fiscal year 2022, WCC entered into partnerships with 24 cities and counties, 14 conservation districts, 27 non-profit organizations and six 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, Transportation, and State Parks. These agencies request funding from their budgets and external sources to support the sponsor's 75 percent 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 that 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 Response:

In fiscal year 2022, WCC entered into partnership with 24 cities and counties, 14 conservation districts, six regional fishery enhancement groups, 27 non profit organizations, and six 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 will 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.

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

WCC is bound by agreements with:

- AmeriCorps sub-grant provided through Office of Financial Management/Serve Washington (current award expires September 30, 2022). Scoring criteria include demonstrated need, intervention, logic model, evidence base, funding priority, member training and supervision, member experience, commitment to AmeriCorps, organizational capability, and 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, 2022). Member agreements specifies term of service, living allowance equal to minimum wage, health insurance and childcare benefits, sick leave, member development, and responsibilities of the WCC.
- Project Partners (expiration dates vary, 79 agreements slated to end September 2022). Agreements specify number of WCC crews (1 crew supervisor and 5 AmeriCorps members), number of weeks purchased, weekly rate, and Ecology share.

Reference Documents

[WCC Member Wages and Benefits Attachment.xlsx](#)

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
	2024	2025	2023-25	2026	2027	2025-27
Obj. B	\$82	\$140	\$222	\$140	\$140	\$280
Obj. N	\$859	\$1,301	\$2,160	\$1,301	\$1,301	\$2,602
Obj. T	\$47	\$72	\$119	\$72	\$72	\$144

Agency Contact Information

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Attachment 1: WCC partner Organizations

August 2022

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 - Nisqually Wildlife Refuge
US Forest Service

Tribal Governments

Confederated Tribes of the Umatilla Reservation
Nooksack Tribe
Sauk-Suiattle Indian Tribe
Snoqualmie Indian Tribe
Tulalip Tribes
Yakama Nation

Private Organizations and Local Governments

10000 Years Institute
Asotin CD
Back Country Horsemen of Washington
Bainbridge Island Land Trust
Cascade Columbia Fisheries Enhancement Group
Cascadia Conservation District
Chelan County Natural Resources
City of Bellingham
City of DuPont
City of Issaquah
City of Kent
City of Kirkland
City of Lakewood
City of Mount Vernon
Pierce County Planning and Public Works
Port of Seattle
Puget Sound Restoration Fund
San Juan County Land Bank
San Juan County Land Bank (San Juan)
San Juan Islands Conservation District
San Juan Preservation Trust
Seattle City Light
Skagit Fisheries Enhancement Group
Skagit Land Trust
Snohomish Conservation District
Snohomish County
South Puget Sound Salmon Enhancement Group
Spokane County Environmental Services
Thurston Conservation District
Walla Walla Community College
Walla Walla County Conservation District
Whatcom County Flood Control Zone District
Whidbey Camano Land Trust
Wild Fish Conservancy

Private Organizations and Local Governments (cont.)

City of Redmond
City of Seattle
City of Tacoma
Clark County
Conservation Northwest
Douglas County Public Utilities District
Ducks Unlimited, Inc.
Forterra NW
Foster Creek Conservation District
Friends of the Columbia Gorge Land Trust
Grays Harbor Conservation District
Hood Canal Salmon Enhancement Group
Inland NW Land Conservancy
Jefferson County Noxious Weed Control Board
King Conservation District
King County DNRP
Kitsap Conservation District
Lummi Island Heritage Trust
Mason Conservation District
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
Olympia Coalition for Ecosystems Preservation
Pacific Crest Trails Association
Palouse Conservation District
Pierce Conservation District
Pierce County Parks

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

August 2022

Series Id: CWUR0000SA0

Not Seasonally Adjusted

Series All items in U.S. city average, urban wage earners and

Title: clerical workers, not seasonally adjusted

Area: U.S. city average

Item: All items

Base 1982-84=100

Period:

Years: 2012 to 2022

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2012	3.1	3.1	2.9	2.4	1.6	1.6	1.3	1.7	2.0	2.2	1.7	1.7	2.1	2.4	1.8
2013	1.5	1.9	1.3	0.9	1.2	1.8	2.0	1.5	1.0	0.8	1.1	1.5	1.4	1.4	1.3
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							9.0	9.0	

Average over most recent 48 months:

Current inflation (June 2022):

3.5

9.8

Source: July 2022 data extract: https://data.bls.gov/timeseries/CWUR0000SA0&output_view=pct_12mths

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.
August 2022

Month	2022-23 Crew Year				2023-24 Crew Year				2024-25 Crew Year			
	Hours	Min. Wage	Monthly	Living Allowance	Hours	Min. Wage	Monthly	Living Allowance	Hours	Min. Wage	Monthly	Living Allowance
October	170	14.49	2,463	2,589	170	15.91	2,705	2,718	170	16.47	2,799	2,814
November	150	14.49	2,174	2,589	150	15.91	2,387	2,718	150	16.47	2,470	2,814
December	160	14.49	2,318	2,589	160	15.91	2,546	2,718	160	16.47	2,635	2,814
January	170	15.91	2,705	2,589	170	16.47	2,799	2,718	170	17.04	2,897	2,814
February	150	15.91	2,387	2,589	150	16.47	2,470	2,718	150	17.04	2,556	2,814
March	180	15.91	2,864	2,589	180	16.47	2,964	2,718	180	17.04	3,068	2,814
April	160	15.91	2,546	2,589	160	16.47	2,635	2,718	160	17.04	2,727	2,814
May	180	15.91	2,864	2,589	180	16.47	2,964	2,718	180	17.04	3,068	2,814
June	160	15.91	2,546	2,589	160	16.47	2,635	2,718	160	17.04	2,727	2,814
July	160	15.91	2,546	2,589	160	16.47	2,635	2,718	160	17.04	2,727	2,814
August	190	15.91	3,023	2,589	190	16.47	3,129	2,718	190	17.04	3,238	2,814
September	30	15.91	477	432	30	16.47	494	453	30	17.04	511	469
Total	1,860		28,911	28,911	1,860		30,361	30,356	1,860		31,424	31,424
Semi-monthly living allowance:			1,295	1,295			1,359	1,359			1,407	1,407

Attachment 4: WCC Member Living Allowance and Benefits Impacts

Purpose: This attachment provides the calculation details for the funding requested to adjust WCC members' living allowance (with associated benefits/administration) for the 2023-25 biennium. August 2022

	Semi-Monthly Living Allowance Per Member	Change/Semi-Monthly over baseline	# of Corps Members	FY 2024		FY 2025		Total
				7/1/2022 - 9/15/2023	10/1/2023 - 6/30/2024	7/1/2024 - 9/15/2024	10/1/2024 - 6/30/2025	
Living allowance funded in the 21-23 operating budget	1,158							
Crew year 2023-2024 (10/1/23 - 9/15/24)	1,359	201.22	315		1,140,939	316,928		
Crew year 2024-2025 (10/1/24 - 9/15/25)	1,407	249.04	315		1,140,939	316,928	1,412,084	
Biennial Living Allowance Total							1,412,084	2,869,951
Benefits Summary								
		BA/OASI 6.2%		70,738	19,650	87,549		177,937
		BH/Medicare 1.45%		16,544	4,595	20,475		41,614
Biennial Benefits Total				87,282	24,245	108,024		219,551
Biennial Admin Fee 5% Total		Administration Fee 5%		61,411	17,059	76,005		154,475
Total Request				1,289,632	358,231	1,596,114		3,243,977
Fund Source Breakdown								
25% State Share (23P-1)								
75% Partner Share								
001-020				322,408	89,558	399,028		810,994
001-500				967,224	268,673	1,197,085		2,432,983
Inter-Agency Agreements (not shown in DP)				116,067	32,241	143,650		291,958
Total Request (Shown in DP)				531,973	147,770	658,397		1,338,140
				319,184	88,662	395,038		802,884
				970,448	269,569	1,201,075		2,441,092

Statewide: Minimum Wage to Living Allowance Calculation	Living Allowance	Avg. Min. Wage
Living allowance funded in the 21-23 operating budget	1,158	14.49
2023-2024 Crew Year	1,359	16.33
2024-2025 Crew Year	1,407	16.90

Notes:

1. WCC Crew Year reflects the Federal Fiscal Year (October - September).
2. See Attachment 3 for minimum wage and living allowance calculations and crosswalk details.
3. Minimum wage reflects the current or projected statewide minimum wage for each month of the identified crew year. Projected minimum wage months assume increases each January, tied to the CPI for Urban Wage Earners and Clerical Workers (CPI-W) per RCW 49.46.020. Assumes 9.8% to reflect record high inflation in June 2022 then 3.5% using previous 48-month average.

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 2023-25 biennium.
August 2022

	FY24		FY25		Total
	7/1/2023 - 9/15/2024	10/1/2023 - 6/30/2024	7/1/2024 - 9/15/2024	10/1/2024 - 6/30/2025	
Benefits Summary					
Member Health Insurance		21,954	7,318	45,881	75,153
Biennial Benefits Total		21,954	7,318	45,881	75,153
Biennial Admin Fee 5% Total		1,098	366	2,294	3,758
Total Increases		23,052	7,684	48,175	78,911
Fund Source Breakdown					
25% State Share (23P-1)		5,763	1,921	12,044	19,728
75% Partner Share		17,289	5,763	36,131	59,183
001-020		2,075	692	4,336	7,103
001-500		9,509	3,170	19,872	32,551
Inter-Agency Agreements (not shown in DP)		5,705	1,902	11,923	19,530
Total Request (Shown in DP)		17,347	5,783	36,252	59,382

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 2023-September 2025: $\$165.47 \times 0.09 = \14.89 increase/month.
 $\$14.89 \times \# \text{months} \times 315 \text{ members} \times 52 \text{ percent member enrollment rate}$.
4. Calculation for remaining quarters of fiscal year 2025: $\$180.36 \times 1.09 = \196.59 . $\$196.59 - \165.47 (baseline) = $\$31.12$ increase/month.
 $\$31.12 \times 9 \text{ months} \times 315 \text{ members} \times 52 \text{ percent member enrollment rate}$.

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Department of Ecology
2023-25 Regular Budget Session
Maintenance Level - AB - General Wage Adjustment

Agency Recommendation Summary

State agencies received funding in the 2022 supplemental operating budget for the collective bargaining agreement general wage increase of 3.25 percent effective July 1, 2022. Funding was based on the available Compensation Impact Model (CIM) projections from staffing data provided by agencies in May 2020. For Ecology, this did not reflect the significant changes to staffing and fund sources in the 2021-23 enacted and 2022 supplemental budgets. Ecology is requesting a Maintenance Level adjustment to fully fund the general wage increase in the 2023-25 biennium and ongoing using the most recent CIM data from May 2022. (Multiple Funds)

Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
Operating Expenditures						
Fund 001 - 1	\$40	\$42	\$82	\$42	\$42	\$84
Fund 001 - 2	(\$25)	(\$24)	(\$49)	(\$24)	(\$24)	(\$48)
Fund 001 - 7	(\$76)	(\$76)	(\$152)	(\$76)	(\$76)	(\$152)
Fund 02P - 1	(\$9)	(\$8)	(\$17)	(\$8)	(\$8)	(\$16)
Fund 044 - 1	\$21	\$22	\$43	\$22	\$22	\$44
Fund 176 - 1	(\$9)	(\$10)	(\$19)	(\$10)	(\$10)	(\$20)
Fund 182 - 1	\$2	\$1	\$3	\$1	\$1	\$2
Fund 207 - 1	\$7	\$7	\$14	\$7	\$7	\$14
Fund 20R - 1	(\$7)	(\$7)	(\$14)	(\$7)	(\$7)	(\$14)
Fund 216 - 1	(\$12)	(\$13)	(\$25)	(\$13)	(\$13)	(\$26)
Fund 217 - 1	(\$26)	(\$19)	(\$45)	(\$19)	(\$19)	(\$38)
Fund 219 - 1	(\$3)	(\$3)	(\$6)	(\$3)	(\$3)	(\$6)
Fund 21H - 1	\$6	\$6	\$12	\$6	\$6	\$12
Fund 23P - 1	\$333	\$335	\$668	\$335	\$335	\$670
Fund 23R - 1	\$3	\$3	\$6	\$3	\$3	\$6
Fund 25Q - 1	\$18	\$18	\$36	\$18	\$18	\$36
Fund 25R - 6	\$11	\$11	\$22	\$11	\$11	\$22
Fund 25T - 1	\$25	\$25	\$50	\$25	\$25	\$50
Fund 26B - 1	\$175	\$175	\$350	\$175	\$175	\$350
Fund 315 - 1	\$8	\$8	\$16	\$8	\$8	\$16
Fund 564 - 1	\$15	\$15	\$30	\$15	\$15	\$30
Total Expenditures	\$497	\$508	\$1,005	\$508	\$508	\$1,016
Revenue						
001 - 0366	(\$25)	(\$24)	(\$49)	(\$24)	(\$24)	(\$48)
001 - 0597	(\$76)	(\$76)	(\$152)	(\$76)	(\$76)	(\$152)
20R - 0294	(\$7)	(\$7)	(\$14)	(\$7)	(\$7)	(\$14)
Total Revenue	(\$108)	(\$107)	(\$215)	(\$107)	(\$107)	(\$214)

Decision Package Description

The collective bargaining agreement with the Washington Federation of State Employees (WFSE) for the 2021-23 biennium includes a general wage increase of 3.25 percent effective July 1, 2022. Ecology, and other state agencies, received funding in the 2022 supplemental operating budget based on the available Compensation Impact Model (CIM) projections from staffing data provided by agencies in May 2020. This was intended as an estimate of staffing levels at 2021-23 Maintenance Level.

Since the staffing data used for the funding provided in the 2022 supplemental was nearly two years old, it did not reflect the significant changes to Ecology's staffing and fund source levels in the 2021-23 enacted and 2022 supplemental budgets. In those budgets, Ecology received appropriations for over 150 new ongoing FTEs, including significant new additions for the Climate Commitment Act, clean fuel standards, environmental justice (HEAL Act), product testing, and many other new and/or expanded initiatives.

Ecology alerted the Office of Financial Management (OFM) to this issue after the Governor's 2022 supplemental operating budget program was released in December 2022. However, with the Governor's budget already released, Ecology, with support from OFM, determined it would be best to submit a Maintenance Level request for the 2023-25 biennium.

In May 2022, Ecology, and other state agencies, provided updated CIM staffing data to reflect current staffing levels estimated for the 2023-25 biennium at Maintenance Level. The May 2022 CIM data includes the ongoing changes in staffing impacted by the 2021-23 enacted budget and 2022 supplemental budgets.

This request is to fully fund the general wage increase of 3.25 percent based on the difference between 2023-25 biennium projections of the current May 2022 CIM staffing data, compared to the funding level received in the 2022 supplemental budget based on the outdated May 2020 CIM data.

Impacts on Population Served:

This request will help to maintain the current level of environmental services provided by Ecology by fully funding the general wage increase and not diverting funding from other environmental and public health work.

Alternatives Explored:

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 be reduced to absorb these costs, which would negatively impact other priority work at Ecology.

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. This request will help maintain the current level of environmental services provided by Ecology.

Detailed Assumptions and Calculations:

Ecology requests the difference between the projected impacts of the 3.25 percent general wage increase based on the CIM staffing file submitted to the Office of Financial Management (OFM) in May 2022, compared to the funding received in the 2022 supplemental operating budget.

- General wage increase funding at 2023-25 Carryforward Level = \$10,759,000
- General wage increase projected 2023-25 impact based on May 2022 CIM = \$11,764,000
- Additional funding requested = \$1,005,000 in the 2023-25 biennium (carries forward to \$1,016,000 in the 2025-27 biennium and ongoing)

The projection of the 2023-25 biennium impacts from Ecology’s CIM file in May 2022 was conducted using the statewide Salary Projection System (SPS), and was calculated using similar methodology to what is used by OFM for budgeting fiscal impacts of compensation changes. The salary projection reflects a 3.25 percent general wage increase for all employees funded in the operating budget. The benefits projection reflects a 3.25 percent increase to the benefits that change with salaries, which does not include medical or health benefits.

Attachment A: See attached spreadsheet for additional calculation details.

Revenue for federal, private/local, and mixed waste fees is adjusted to align with the change in expenditures.

Workforce Assumptions:

Expenditures by Object		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
A	Salaries and Wages	422,000	432,000	432,000	432,000	432,000	432,000
B	Employee Benefits	75,000	76,000	76,000	76,000	76,000	76,000
Total Objects		497,000	508,000	508,000	508,000	508,000	508,000
Staffing							
Job Class	Salary	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Total FTEs		0.00	0.00	0.00	0.00	0.00	0.00

Explanation of costs by object:

Salaries and benefits are based on the difference between the projected fiscal impacts of the 3.25 percent general wage increase from the May 2022 CIM staffing file, compared to funding at 2023-25 Carryforward Level.

Strategic and Performance Outcomes

Strategic Framework:

This request is essential to achieving all of Ecology goals by adjusting the funding and fund sources necessary to fully fund employee wages across the agency.

This request is also essential to achieving the Governor’s Results Washington Goal 3 Sustainable Energy and a Clean Environment by fully funding employee salaries to maintain the current level of the agency’s environmental and public health services.

Performance Outcomes:

The outcome of this request will be sufficient funding for staff to continue the current level of the Ecology’s environmental and public health work.

Equity Impacts

Community outreach and engagement:

N/A

Disproportional Impact Considerations:

N/A

Target Populations or Communities:

N/A

Other Collateral Connections

Puget Sound Recovery:

N/A

State Workforce Impacts:

This request is to fully fund the WFSE collective bargaining agreement general wage increase of 3.25 percent that was effective July 1, 2022. Ecology is requesting the difference between the salary and benefit funding received in the 2022 supplemental operating budget that was based on the available CIM staffing projections. Those projections estimated staffing at 2021-23 Maintenance Level provided by agencies in May 2020 compared to May 2022 projections that estimate staffing at 2023-25 Maintenance Level.

Intergovernmental:

N/A

Stakeholder Response:

N/A

State Facilities Impacts:

N/A

Changes from Current Law:

N/A

Legal or Administrative Mandates:

N/A

Reference Documents

[General Wage Adjustment Attachment.xlsx](#)

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
	2024	2025	2023-25	2026	2027	2025-27
Obj. A	\$422	\$432	\$854	\$432	\$432	\$864
Obj. B	\$75	\$76	\$151	\$76	\$76	\$152

Agency Contact Information

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Department of Ecology
 2023-25 Regular Budget Session
 Maintenance Level - AE - Public Participation Grants

Agency Recommendation Summary

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. Ecology is requesting a maintenance level adjustment of \$1,179,000 to keep grant funding aligned with the mandated level of one percent of moneys 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
	2024	2025	2023-25	2026	2027	2025-27
Operating Expenditures						
Fund 23P - 1	\$589	\$590	\$1,179	\$589	\$590	\$1,179
Total Expenditures	\$589	\$590	\$1,179	\$589	\$590	\$1,179

Decision Package Description

The Public Participation Grant (PPG) Program funds individuals and not-for-profit public interest organizations to conduct education and outreach work pertaining to the 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 one percent 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 Program was enacted in 1988 when Washington voters passed Initiative 97, the Model Toxics Control Act. The funding enables residents to make informed comments and be involved in the decision-making process for toxic and hazardous waste cleanup sites. It also reduces waste and improves waste management in line with the state’s solid waste management priorities, including organic waste and aquatic waste reduction and reuse. Outreach and education grants encourage public participation and environmental stewardship.

Impacts on Population Served:

The adjusted 2023-25 PPG budget level of \$5.14 million will fund approximately 41 grants to support public engagement in cleanup site planning and investigation and support waste reduction and recycling programs. Examples of PPG grants’ 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 2023-25 carryforward level (CFL) for the PPG Program is \$3.97 million. The base budget supports 1.0 direct FTE to write and administer grant agreements each year and provide grant funding to individuals and not-for-profit organizations statewide. The PPG appropriation is from the Model Toxics Control Operating Account and is part of Activity A013 - Fund Local Efforts to Clean Up Toxic Sites and Manage or 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, the PPG Program was funded with one percent of the money deposited into the State and Local Toxics Control Accounts. Starting in the 2013-15 biennium, PPG funding comes from one percent of the moneys 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 2023-25 CFL PPG funding level of \$3,965,583 is below the estimated one percent of HST revenue collections from the previous two years of \$5,144,698, based on fiscal year 2021 and fiscal year 2022 Phase 1 Generally Accepted Accounting Principles (GAAP) actuals.

Ecology is requesting a maintenance level increase of \$1,179,000 (\$589,500 for fiscal year 2024 and \$589,500 for fiscal year 2025) to keep PPG funding aligned with the mandated level of one percent of moneys collected under RCW 82.21.030.

ML Calculation: [2023-25 Biennium PPG ML Change] = [1 percent x fiscal year 2021 actuals + fiscal year 2022 actuals through phase 1] - [2023-25 Biennium PPG CFL] \$1,179,000 = \$5,144,698 - \$3,965,583 (rounded to the nearest thousand). See *Attachment A – Public Participation Grants 1% Calculation* for additional details.

Workforce Assumptions:

Expenditures by Object		<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
N	Grants, Benefits, and Client Services	589,500	589,500	589,500	589,500	589,500	589,500
	Total Objects	589,500	589,500	589,500	589,500	589,500	589,500
Staffing							
Job Class	Salary	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
	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).

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 not-for-profit 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: Healthy and Safe Communities because PPG funds empower individuals and not-for-profit 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 Program 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 the 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 Toxic Threats and Pollution because about half the grants in the PPG Program 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 not-for-profit 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 benefit 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 conducted during the last completed biennial grant cycle (2019-21):

- The Community Health Worker Coalition for Migrants and Refugees delivered workshops and created a mobile application to share information on how to reduce personal and environmental exposure to pesticides, reduce pesticide waste when applying pesticides, and respond to pesticide exposure. 1,568 people downloaded the application.
 - Twenty-two Latina Community Health workers became trainers on pesticide use and safety.
 - One-hundred and fifty three people attended pesticide use and safety workshops in Spanish in 27 cities across Washington State.

- Columbia Riverkeeper coordinated with Yakama Nation to produce a short film on the 2019 Hanford Journey. This was the first instance of an annual event to honor the legacy of Yakama Nation Elder Dr. Russell Jim, intended to inspire community engagement in cleanup decisions. The film promotion resulted in a variety of community responses, including:
 - 24,543 social media views across platforms.
 - 534 signatures on a Hanford related petition to the U.S. Department of Energy.
 - At least 2,000 page views on Riverkeeper’s web pages and blog posts about Hanford.
 - One earned media news article.

- Columbia Springs provided over 22 free community events where skilled volunteer “fixers” repaired broken household items, such as clothing, bikes, walkers, appliances, electronics, and jewelry for the public to reduce solid waste in landfills and conserve resources.
 - 2,127 people participated in the events.
 - 2,027 items were repaired.
 - Textile waste was diverted to create 1,683 reusable fabric gift-wrapping bags, 1,841 facemasks, and 4,301 3D-printed mask straps.

- The Lands Council deployed ecosystem-based education to raise community awareness of health risks from toxic contaminants in the Spokane River and provide interactive environmental education in schools to increase awareness and promote stewardship.
 - In follow-up interviews with members of the public, 46 percent of respondents said that information they received would change their use of the river.
 - Two Spokane River cleanup events with students from local schools resulted in removal of six tons of garbage along the river.

- Mother Africa engaged members in the African and Middle Eastern immigrant and refugee community in South King County to learn about and participate in composting food and yard waste at the Living Well Kent Greenhouse.
 - Fifty people attended three project launch events.
 - Twenty families enrolled in project activities, including compost workshops and community gardening.
 - A compost station was built at the project partner’s farm site.
 - Participants diverted approximately 50 pounds of food waste to compost each month, resulting in a total 600 pounds of waste transformed into 100 pounds of compost by the end of the program.

Equity Impacts

Community outreach and engagement:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Disproportional Impact Considerations:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Target Populations or Communities:

Per RCW 70A.305.180(4), Public Participation Grants are allocated to "...persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations..." There are two primary purposes of these grants. One is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances. These grants are given to individuals who may be adversely affected by a release or threatened release of hazardous substance. The other primary purpose is to implement the state's solid and hazardous waste management priorities.

The PPG Program prioritizes applicants who are working with and in communities that are disproportionately impacted by environmental hazards and have barriers to accessing environmental benefits. In the 2017-19 biennium, the program initiated higher point values during the application evaluation process for projects that aim to serve highly impacted communities and vulnerable populations. Highly impacted communities are geographic areas where environmental hazards disproportionately impact human health and wellbeing. Vulnerable populations are groups of people who are disproportionately at risk from these hazards, such as people with limited English proficiency, low-incomes, races other than white, and low literacy levels.

The majority of the 32 active grants in the 2021-23 PPG cycle seek to support environmental justice, providing access and resources for highly impacted communities and vulnerable populations.

Other Collateral Connections

Puget Sound Recovery:

This request supports the Puget Sound Action Agenda implementation through Ongoing Program OGP_ECY45: Solid Waste Management - Public Participation Grants and a number of Vital Signs, Strategies, Desired Outcomes, and Actions from the 2022-26 Action Agenda. See *Attachment B* for a complete list of linkages between this request and the agenda.

Please note, for the 2021-23 biennium, 54 percent of the grant-funded projects are located in Water Resource Inventory Areas (WRIAs) 1 through 19, the Puget Sound watershed.

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; for example, the Spokane River, the Hanford Nuclear Site, and the Lower Duwamish Superfund site cleanup.

Stakeholder Response:

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 one percent of revenues collected from the Hazardous Substance Tax (HST) be allocated only for PPG (RCW 70A.305.180(4)).

Reference Documents

[2023-25 Public Participation Grants-Calculation Attachment A.xlsx](#)

[Public Participation Grants-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
	2024	2025	2023-25	2026	2027	2025-27
Obj. N	\$589	\$590	\$1,179	\$589	\$590	\$1,179

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.

FY2015-2022 HST Revenue from AFRS ¹
Updated 8/4/2022

Biennium	Year	Actual Revenue ¹	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					
	2017	\$ 123,516,117	\$ 259,833,208				
2017-19	2018	\$ 144,223,204		\$ 2,598,332	\$ 3,956,583	\$ (1,358,251)	\$ (1,359,000)
	2019	\$ 150,665,320	\$ 267,739,321				
2019-21	2020	\$ 245,896,255		\$ 2,677,393	\$ 2,597,583	\$ 79,810	\$ 79,000
	2021	\$ 252,520,193	\$ 396,561,575				
	2022	\$ 261,949,580		\$ 3,965,616	\$ 2,676,583	\$ 1,289,033	\$ 1,289,000
2021-23 ³	2023		\$ 514,469,773				
	2024			\$ 5,144,698	\$ 3,965,583	\$ 1,179,115	\$ 1,179,000
	2025						

¹ The values for the odd-numbered fiscal years represent actual revenue. The values for the even-numbered fiscal years represent revenue data available as of phase 1 fiscal year close.

² 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.

³ The enacted 2021-23 biennium transportation budget directs the \$50 million HST revenue designated for the Motor Vehicle Account to be prorated equally across each month. The FY 2022 revenue includes the \$25 million HST revenue deposited in the Motor Vehicle Account.

Attachment B

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: 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

- N/A

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.



Department of Ecology
 2023-25 Regular Budget Session
 Maintenance Level - AH - Teck Metals Litigation Support

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. 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, which is expected to go to trial starting in June 2023, 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
	2024	2025	2023-25	2026	2027	2025-27
Operating Expenditures						
Fund 23P - 1	\$700	\$0	\$700	\$0	\$0	\$0
Total Expenditures	\$700	\$0	\$700	\$0	\$0	\$0

Decision Package Description

The upper Columbia River / Lake Roosevelt Site is a large mega site, extending approximately 151 river miles of the Columbia River – from the U.S. / Canadian border, 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 of the upper Columbia River Valley of Stevens County near the U.S. / 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://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=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 EPA requiring Teck to investigate contamination at the site. The 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 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.

The State and Colville Tribes have already retained more than a dozen scientific and economist experts to support the natural resource damages claims. A three-week trial is currently scheduled for June 2023. There is uncertainty concerning the case schedule, however, with the potential for costs to transfer into next biennium if the case schedule is extended. This budget request will fund the continued prosecution of the case in the next biennium. The AGO is 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 costs.

The AGO will provide updates on the status of this case to the Office of Financial Management (OFM) and legislative staff throughout the budget process. If funding is provided in the 2023-25 enacted operating budget to support this litigation, but the case ends prior to July 1, 2023, Ecology will place that funding in unallotted status next biennium.

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 are 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.

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 cleanups to remove smelter metals and reduce risks. Fish consumption advisories remain necessary.

Alternatives Explored:

Requesting additional funding is the only option Ecology considered. The litigation cannot be supported by reductions in other areas. Cleanup work is funded by the Model Toxics Control Act (MTCA) accounts. The state and the Colville Tribes have participated in a multi-party upper Columbia River Natural Resources Trustee Council that has dedicated over a decade to define and quantify natural resource injuries and NRD. Various 'cooperative agreements' with Teck Metals occurred over this period. High-level formal negotiations for out-of-court settlement with the company have been unsuccessful. Settlement continues to remain an alternative, but not at the severe cost of undermining adequate and justified public trust compensation; for this polluter, litigation is mandatory to assure admission of guilt and adequate state compensation for losses.

This is a request for litigation support. The legal requirements and schedules are dictated by the courts. There are not 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 party responsible for the widespread metals pollution in the upper Columbia River and Valley. The State would not have the authority to require monetary compensation for restoration of lost natural resources. The final phase of this federal litigation for recovery of natural resource damages compensation is ripe. Not funding this request would place over 18 years of litigation and the final multi-million dollar claim 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 ongoing base budget for litigation support and expert witnesses.

Detailed Assumptions and Calculations:

The AGO and Ecology estimate one-time costs to be \$700,000 for aquatic, economic, and upland injury experts and studies, plus AGO costs, for continuing to litigate Phase 3 of this federal court case during the 2023-25 biennium. The AGO has provided input on this this estimate, based on experience with the previous phases of this case, and their best professional judgement.

Workforce Assumptions:

Expenditures by Object		<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
E	Goods and Services	700,000					
	Total Objects	700,000	0	0	0	0	0
Staffing		<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
Job Class	Salary						
	Total FTEs	0.00	0.00	0.00	0.00	0.00	0.00

Explanation of costs by object:

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

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.

Equity Impacts

Community outreach and engagement:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Disproportional Impact Considerations:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Target Populations or Communities:

The smelter impacts affect two indigenous populations who live and share management of aquatic resources along the river—the Confederated Tribes of the Colville Reservation and the Spokane Tribe of Indians. For both tribal nations, the river is a central focus of their culture, identity, and well-being. 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 Colville Tribes are a co-plaintiff in the litigation and are closely collaborating with the State in pursuing natural resource damages from Teck.

The primary areas of impact include two Washington counties, Stevens and Ferry Counties, which face marked economic hardship. The percent of people who are low-income is much greater in both counties (38 percent and 43 percent, respectively), compared to the state (28 percent). Stevens and Ferry Counties are both 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.” In addition, both counties are on the Employment Security Department’s distressed areas list based on unemployment rates (RCW 43.168.020). Timely and resourced rehabilitation of the river and the economy it supports directly address economic and health disparities for these counties and their residents.

Successful prosecution of this case will result in an award of natural resource damages that by law must be used to restore or replace injured natural resources in the Upper Columbia River region. This is of particular importance to the Colville Tribes, as well as the Spokane Tribe of Indians, which is another statutory trustee for natural resources in the region.

Other Collateral Connections

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 are co-plaintiffs. The joint litigation, in no small way, has compelled the liable party to be held accountable. The other statutory trustees for natural resources in the affected area are the United States Department of the Interior and the Spokane Tribe of Indians who have chosen to not intervene in the litigation, but remain supportive.

Stakeholder Response:

Ecology and the AGO have the support of The Confederated Tribes of the Colville Reservation as co-plaintiffs. The other statutory trustees for natural resources in the affected area are the United States 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., federal court case.

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
	2024	2025	2023-25	2026	2027	2025-27
Obj. E	\$700	\$0	\$700	\$0	\$0	\$0

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Agency Recommendation Summary

State and federal regulations require many businesses to report information about toxic chemicals and wastes to Ecology through two existing IT systems. The TurboWaste system is used to collect annual information from more than 4,000 hazardous waste generators regarding quantity, concentrations, and characteristics of hazardous wastes. The High Priorities Chemical Data System collects information from manufacturers on toxic chemicals in consumer products. Funding was provided in the 2022 supplemental operating budget, based on a submitted decision package, to enhance and maintain these systems in order to meet complicated federal reporting requirements, ensure regulatory compliance, and provide technical assistance. However, that funding was only provided one-time for fiscal year 2023, while the work needed to support these systems is ongoing. Consistent our 2022 decision package submitted, Ecology is requesting a maintenance level adjustment to provide the funding needed on an ongoing basis. 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
	2024	2025	2023-25	2026	2027	2025-27
Staffing						
FTEs	1.2	1.2	1.2	1.2	1.2	1.2
Operating Expenditures						
Fund 23P - 1	\$211	\$211	\$422	\$211	\$211	\$422
Total Expenditures	\$211	\$211	\$422	\$211	\$211	\$422

Decision Package Description

This request supports the ongoing needs of two high priority information technology (IT) systems used to meet federal and state hazardous waste reporting requirements and track manufacturer compliance with state laws regulating toxic chemicals in products. Funding was provided in the 2022 supplemental operating budget, based on a submitted decision package, to enhance and maintain these two systems. However, that funding was only provided one-time for fiscal year 2023, while the work needed for required system improvements, interface capabilities, and maintenance are ongoing. The funding Ecology requested for the 2022 supplemental was supported as ongoing in both the Governor’s and House budget proposals, but was ultimately made one-time in the enacted budget. Consistent our 2022 decision package, and the work required to support these two systems, Ecology is requesting a maintenance level adjustment to provide the funding needed on an ongoing basis.

TurboWaste

TurboWaste is the largest, most complex, and oldest IT system supported by Ecology’s Hazardous Waste and Toxics Reduction Program. Ecology uses TurboWaste to collect information from more than 4,000 hazardous waste generators every year, according to state and federal reporting requirements. Ecology uses this information to ensure hazardous wastes are being safely managed, which helps protect human health and the environment. Ecology staff use information reported by generators to inform compliance inspections, help design waste management education and outreach methods and materials, increase our understanding of community risks, and inform agency decision making.

Businesses and other organizations that generate larger quantities of hazardous waste are required to regularly send reports to Ecology and to the Environmental Protection Agency (EPA) regarding the quantity, concentrations, waste characteristics, and treatment or disposal methods they use. Washington’s hazardous waste reporting requirements are different and more protective than federal requirements, due to our Dangerous Waste Regulations being more protective than federal regulations. For example, in many cases, Washington’s regulations cover more types of waste or invoke requirements at lower concentrations compared to their federal counterparts.

TurboWaste provides a single, online reporting mechanism for Washington’s waste generators, which streamlines the reporting process, reduces confusion about different reporting requirements, and reduces regulatory burdens. EPA authorizes Ecology to collect and pass along data reported by waste generators to fulfill generators’ federal reporting requirements. This allows generators to only report their data once, simultaneously fulfilling both state and federal requirements. It also allows Ecology to catch and resolve any reporting errors up front, prior to federal data submission.

Every two years, Ecology extracts, validates, and translates the required hazardous waste information from TurboWaste into mandatory formats (that change frequently) and transmits the data to EPA’s National Biennial RCRA Hazardous Waste Report System, (<https://www.epa.gov/hwgenerators/biennial-hazardous-waste-report>). Over time, EPA’s reporting requirements have become more complex, and TurboWaste has increased in complexity accordingly. Examples of changes requiring altering TurboWaste include new file/data formats and field codes that EPA requires states to use for biennial reporting data transmission, new requirements for some generators to periodically notify EPA of their activities, and new requirements for some generators to report waste generation more frequently. These changes have made it extremely challenging to prepare and submit information to EPA as required.

Right now, Ecology has two staff members supporting TurboWaste on an ongoing basis: an IT application developer/journey (who supports TurboWaste along with other applications) and an Environmental Specialist 4 (ES4) that works as a project manager with IT staff to incorporate

EPA requirements into the process and validate data. EPA Region 10 has expressed concerns about Ecology's ability to submit this information on time and has strongly encouraged Ecology to invest additional, ongoing IT resources to make the process more efficient (see attached letter of support from EPA for this ongoing budget request). Comparatively, other states with similar hazardous waste generation levels dedicate significantly more IT resources to supporting the biennial reporting process. For example, EPA informed us that Oregon, which is similar to Washington in terms of waste generation and use of a separate state reporting system, relies on a senior IT project manager, a team of IT specialists, and an external IT contractor to manage their system and ensure the data can be accurately translated to meet EPA requirements.

Ecology needs additional IT staff to enhance TurboWaste and provide ongoing support and maintenance of the system as EPA requirements change over time. These improvements will help streamline Ecology's process of submitting hazardous waste data to EPA. This request will allow us to develop automated scripts to convert the data into EPA's required formats, rather than relying on manual data manipulation—our current practice. We also plan to make improvements to the system's usability and quality assurance framework. For example, waste generators currently enter their information into TurboWaste from scratch every year, even if their business information or waste streams haven't changed. System improvements will allow previously captured waste stream data from the EPA manifest system or RCRA Hazardous Waste Report System to be prepopulated into TurboWaste, saving businesses time and increasing accuracy.

High Priority Chemicals Data System (HPCDS)

Manufacturers of children's products have used this system since 2019 for reporting toxic chemicals used in their products, as required by Washington's Children's Safe Products Act (CSPA), Chapter 70A.430 RCW. Under this law, manufacturers must annually report the presence of chemicals of high concern to children in children's products offered for sale in Washington. Examples of this manufacturer-reported data include the reported amount of formaldehyde in kids clothing, organohalogen flame retardants in strollers, toxic plasticizers in toys, and cadmium in jewelry.

Manufacturers must submit this information through the HPCDS so Ecology can determine compliance with our reporting requirements and provide technical assistance to reporting manufacturers. Ecology uses the data to analyze trends to help identify non-reporters and coordinate with federal agencies to conduct product recalls, including an enforcement case (<https://apps.ecology.wa.gov/publications/SummaryPages/1603007.html>) related to children's jewelry containing high levels of cadmium. Using this approach, Ecology has been able to maintain high industry compliance with the reporting requirements.

The HPCDS provides manufacturers with a "one stop" multistate reporting system to collect data about the chemicals of high concern in children's products as required by the states. Several years ago, Ecology helped support initial development of the HPCDS in coordination with the Interstate Chemicals Clearinghouse (IC2), Oregon Health Authority, and Northeast Waste Management Officials' Association (NEWMOA). The IC2 is a multistate nonprofit organization established as an operating entity under the bylaws of NEWMOA. The IC2 has a board of directors from state and local governments that directs the activities of the organization, including planning and developing the HPCDS, which is owned and operated by the IC2. A key benefit of IC2 membership is the ability for states to collaborate and avoid duplication of efforts. Membership allows participating states to share the costs of operating, maintaining, and enhancing the HPCDS for the benefit of the participating states and the public. Washington's current membership cost is \$11,500 annually and is based on state population. This membership cost is part of Ecology's carry-forward budget. Washington's current proportionate share of supporting the HPCDS is \$20,405.87, which is also currently part of Ecology's ongoing budget.

The states participating in the cost sharing of the HPCDS include Washington, Oregon, Vermont, and New York. Vermont is currently testing the system so they can begin accepting manufacturer reporting in 2022, and New York is currently conducting its reporting rulemaking and is expected to begin accepting reporting data in 2023.

Since its initial deployment in 2019, states have identified the need for significant improvements to the HPCDS's compliance and reporting tools. For example, if Ecology staff need to confirm manufacturer submissions to Washington are consistent with those reported to other states, they must conduct a complex, six-step process to run multiple reports, manually review the those reports, and cross-reference reporting data by industry. This process requires significant staff time and multistate coordination. This request will support enhancements that will automate much of the current manual process and allow staff to spend more time on other tasks, including more in-depth investigations and outreach to manufacturers.

The current annual operation and maintenance costshare per state for HPCDS is \$20,405.87. This includes the cost of the hosted service, contract support, and IC2 staff to oversee operation and management of the system. Ecology is requesting ongoing funding to work with IC2 so they can continue to hire IT contractors to improve, operate, and maintain the HPCDS and its associated data sets on an ongoing basis. Ecology is requesting \$18,094.13 per year in funding, which will bring our annual costshare level for HPCDS support to \$50,000 total per year. This increased funding total will be allocated to support our current basic membership (\$11,500), current HPCDS costshare (\$20,405.87), and \$18,094.13 in new funding to cover the cost of needed system improvements.

The main improvements planned for 2022-2024, pending the availability of new funding, are to build out the administrative report and query building tools to enhance states' ability to conduct compliance assurance activities. This work involves modifications to the database, building an improved user interface, testing, and deployment. The enhanced features will allow Ecology to more easily compare lists of reporting companies across states, and more easily download discrete data sets for analysis. This will allow us to identify non-reporters more effectively and efficiently.

Ecology will work with IC2 to prioritize and develop necessary features for the HPCDS beginning in 2022 so the enhancements are functional by January 2024, and before Washington's CSPA 2024 reporting deadlines for manufacturers. Moving forward, Ecology will establish the annual HPCDS work plan with IC2 to make the necessary improvements to the system. Future improvements will include providing the public with increased access to the manufacturing data to help improve transparency about product ingredients.

Please note, Ecology has a separate policy level (PL) decision package, Modernizing TurboPlan System, which will provide additional IT staff and contracting resources needed to rebuild and modernize another, separate, IT system within Ecology's Hazardous Waste & Toxics Reduction Program: TurboPlan. This system provides an online reporting platform for more than 500 Washington business and organizations that are required to submit pollution prevention plans to Ecology under RCW 70A.214.110. Both decision packages are needed, as the IT systems supported in each are separate, as is the additional work needed to support them.

Impacts on Population Served:

The IT systems supported by this request store data on toxic substances that allows us to better understand and address health risks to human populations statewide. For example, Ecology staff can use the data collected through TurboWaste to see the locations where hazardous waste is being generated and stored, and overlay that information with other data about sensitive populations and those with environmental justice concerns, through such sources as the Washington Tracking Network's Environmental Health Disparities Map (<https://doh.wa.gov/data-and-statistical-reports/washington-tracking-network-wtn/washington-environmental-health-disparities-map>)

These analyses can better inform where we invest efforts in compliance or other assessments of community risks related to climate change adaptation and emergency response.

The HPCDS helps ensure compliance with the Children's Safe Products Act, which protects children, who are considered a vulnerable population. Making data available and usable helps keep the public informed about what products are safe to purchase and use. This information will be a helpful resource as Ecology begins to conduct environmental justice assessments pursuant to Chapter 70A.02 RCW (commonly referred to as the HEAL Act).

Alternatives Explored:

The alternative to this request would be to continue trying to manage these IT systems within existing ongoing resources, once the one-time funding provided for fiscal year 2023 has ended. This is not a viable alternative, because current ongoing IT staff and funding to support these systems is already fully utilized and, in many cases, overextended in managing the program's current IT portfolio. Supporting TurboWaste with a single IT application developer/journey and one ES 4 position is no longer an option due to EPA's increasing and complex reporting requirements. We have a limited time between when waste generators report their information to Ecology and EPA's reporting deadline. Within that short window, we must extract, validate, and translate the required information into the required format. Because TurboWaste was designed to collect data in a way that does not fully match EPA's frequently changing requirements, this process requires time intensive manual efforts to translate the data into the appropriate formats, which then introduces data quality risks from human error. Redirecting existing funding to work with IC2 to enhance HPCDS would require the program to shift resources that are already committed to other IT projects, slowing development of planned improvements for those systems.

Consequences of Not Funding This Request:

If this request for additional ongoing IT resources is not funded, Ecology may not be able to effectively complete future biennial reporting to EPA on time. This could threaten our ability to continue providing a streamlined reporting process for waste generators to fulfill their state and federal reporting requirements through the TurboWaste application. EPA may require waste generators in Washington to complete the federal reporting process separately, which would increase the regulatory burden on these reporters and lead to confusion about different reporting systems and requirements. This could result in stakeholder frustration and pressure directed at our state reporting requirements that are vital for supporting critical work.

Improving our biennial reporting process EPA is a major, multiyear effort that will require ongoing development and modification to TurboWaste to align with changing EPA reporting requirements and periodic updates needed to the state's Dangerous Waste Regulations. If we were to redirect one of two existing application developers to this work, other mission-critical projects would come to a halt for prolonged periods—including applications connected to fee collection and a mobile application for emergency responders that provides information about the location and type of dangerous chemicals.

Without ongoing funding to enhance and maintain both TurboWaste and HPCDS, Ecology would be less able to understand hazardous waste quantities, types, and risks across the state, and their potential impacts to communities and the environment. The process of using data reported into HPCDS to determine compliance with state reporting requirements would continue to be labor intensive and detract from our ability to provide more proactive technical assistance to reporting manufacturers. We would also be less able to use such information to direct program operations, stakeholder engagement, and address environmental justice and equity considerations.

Assumptions and Calculations

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

This request expands activity A019 Support and Engage our Communities and Provide Hazardous Substance and Waste Information by adding additional ongoing IT staff and contracting resources to enhance and maintain two existing IT systems used to collect and operationalize data reported by hazardous waste generators and manufacturers of consumer products that may contain toxic chemicals. Below is a summary of the 201921 and 202123 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.

Activity A019 – Support and engage our communities and provide hazardous substance and waste information		
	2019-21	2021-23
FTEs Total	23.55	24.10
001-2 General Fund - Federal	\$404,000	\$413,000
163-1 Worker Community Right to Know - State	\$1,865,000	\$1,609,000
207-1 Hazardous Waste Assistance - State	\$1,646,000	\$1,662,000
23P-1 Model Toxics Control Operating - State	\$1,397,000	\$1,974,000
TOTAL	\$5,313,000	\$5,658,000

Detailed Assumptions and Calculations:

IT DATA DEVELOPER FOR TURBOWASTE (\$192,926 and 1.15 FTEs per fiscal year)

Beginning July 1, 2023, and ongoing, Ecology requires salary, benefits, and associated staff costs for 1.0 FTE IT Data Management-Journey to provide development and programing expertise for TurboWaste improvements. This position will provide ongoing support as EPA requirements change.

HPCDS DATA SYSTEM MAINTENANCE MEMBERSHIP (\$18,094 (object E) per fiscal year)

Beginning July 1, 2023, and ongoing, Ecology will establish a membership with IC2 to provide resources needed for ongoing maintenance and database development costs for HPCDS.

Ecology is requesting the funding for this decision package from Fund 23P – Model Toxics Control (MTCA) Operating Account, consistent with how this request was funded in the 2022 supplemental operating budget. The primary purpose of TurboWaste is to collect and transmit dangerous waste activities data required by the Resource Conservation and Recovery Act (RCRA). The majority of Ecology’s RCRA-related commitments are supported through funding from MTCA Operating, as is the support for HPCDS.

Workforce Assumptions:

Expenditures by Object		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
A	Salaries and Wages	105,055	105,055	105,055	105,055	105,055	105,055
B	Employee Benefits	38,345	38,345	38,345	38,345	38,345	38,345
E	Goods and Services	22,928	22,928	22,928	22,928	22,928	22,928
G	Travel	2,234	2,234	2,234	2,234	2,234	2,234
J	Capital Outlays	1,230	1,230	1,230	1,230	1,230	1,230
T	Intra-Agency Reimbursements	41,228	41,228	41,228	41,228	41,228	41,228
	Total Objects	211,020	211,020	211,020	211,020	211,020	211,020

Staffing

Job Class	Salary	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
IT DATA MANAGEMENT-JOURNEY	105,055	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
Total FTEs		1.15	1.15	1.15	1.15	1.15	1.15

Explanation of costs by object:

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 36.5% of salaries.

Goods and Services are the agency average of \$4,834 per direct program FTE. Goods and Services also includes \$36,188 (\$18,094 per year) for HPCDS data system maintenance membership.

Travel is the agency average of \$2,234 per direct program FTE.

Equipment is the agency average of \$1,230 per direct program FTE.

Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 28.75% 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.

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 3: Prevent and Reduce Toxic Threats and Pollution, and Goal 4: Protect and Manage our State's Waters because it will ensure Ecology can continue to collect data through TurboWaste and use it to make decisions on how to:

- Engage with waste generators and manufacturers so workers and communities are protected from improperly managed hazardous waste.
- Identify which hazardous waste and toxic chemicals are in our state and where they exist geographically or in what products so we know which communities are most at risk from what types of hazardous waste and toxic substances.
- Prepare Ecology employees to safely conduct hazardous waste compliance inspections.
- Adjust operations (compliance, technical assistance, and outreach) in ways to better address environmental or human health impacts.
- Protect stormwater systems and connected waterbodies or groundwater from contamination from improperly managed hazardous waste or unauthorized toxic chemical use. This reduces risks of releases of these substances into waterbodies, including Puget Sound, and reduces toxic impacts to sensitive ecosystems or endangered species.

This request is essential to achieving the Governor's Results Washington Goal 3: Sustainable Energy and a Clean Environment, Goal 4: Healthy and Safe Communities, and Goal 5: Efficient, Effective, and Accountable Government because it will ensure Ecology can continue to collect data through TurboWaste and HPDCS and use it to:

- Inform Ecology's compliance and technical assistance efforts helps support a clean environment by reducing contamination from hazardous waste sources or toxic chemicals in products.
- Better understand environmental justice considerations related to hazardous waste and toxic chemical risks. This helps inform decision making on where to invest more resources geographically or in terms of area of focus as we address these risks to communities.
- Improve usability, quality assurance, and compliance with reporting requirements, and efficiency through automated processes.

Performance Outcomes:

The outcome of this request will be ongoing funding and resources to support:

- More robust, sustainable, and usable applications and systems.
- Improved data reporting and analysis of hazardous waste and toxic chemical trends.
- Increased ability to meet Ecology's statutory responsibilities and ensure manufacturer and hazardous waste generator compliance with state laws and rules.
- Reduced risk of environmental and public health impacts to Washington communities.
- Increased agility and ability to adapt to changing EPA requirements.
- Increased efficiency, timeliness, and quality assurance for Ecology's EPA biennial reporting process.
- Reduced regulatory burden for Washington state businesses.
- Better informed community outreach and environmental justice efforts.

Equity Impacts

Community outreach and engagement:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Disproportional Impact Considerations:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Target Populations or Communities:

Hazardous waste management activities pose a risk to hazardous waste workers as well as surrounding communities. Risks include exposure to toxic chemicals, spills, fires, reactions, explosions, contamination, air pollution, and lowered property values. Evidence suggests living near these hazardous waste facilities may contribute to reduced life expectancy and higher mortality and disease rates from diabetes, asthma, heart disease, stroke, hypertension, poor birth outcomes, and some cancers (Fazzo L, Minichilli F, Santoro M, Ceccarini A, Della Seta M, Bianchi F, Comba P, Martuzzi M. (2017) Hazardous waste and health impact: a systematic review of the scientific literature. *Environ Health* 16, 107. (<https://ehjournal.biomedcentral.com/articles/10.1186/s12940-017-0311-8>).

Analysis using the Washington Tracking Network's Environmental Health Disparities Map shows that hazardous waste exposure risks are disproportionately higher in areas already facing other pressures:

- Areas with the highest environmental health disparities (ranked in the top 10 percent) have 10 times more large quantity hazardous waste generators compared to areas with the lowest disparities.
- The most diverse areas (ranked in the top 10 percent) contain 2.1 times more large-quantity hazardous waste generators compared to the least diverse areas.
- The lowest earning areas (ranked in the top 10 percent) contain 2.5 times more large-quantity hazardous waste generators compared to the highest earning areas.

These measures of inequity are more pronounced in the urban areas west of the Cascades, but it is a notable trend throughout the Washington. TurboWaste helps Ecology identify and evaluate these risks to human health and the environment and helps us prioritize our mitigation efforts for the most overburdened communities and vulnerable populations. Reporting is critical to understanding how our hazardous waste generator universe is distributed across vulnerable populations throughout the state.

Other Collateral Connections

Puget Sound Recovery:

This request supports Puget Sound Action Agenda implementation through Ongoing Program: OGP_ECY05, “Hazardous waste and Toxics Reduction – Reducing Toxic Threats, Toxics Reduction Technical Visits and Special Projects”, OGP_ECY06, “Hazardous Waste and Toxics Reduction – Dangerous Waste Compliance Inspections”, and a number of Vital Signs, Strategies, Desired Outcomes, Actions, and Orca Task Force Recommendations included in the 2022-26 Action Agenda. See attachment B for a complete list of linkages between this request and the agenda.

State Workforce Impacts:

N/A

Intergovernmental:

EPA Region 10 has communicated to Ecology that we need to dedicate more IT resources to meet national deadlines in a timely and effective manner (see attached letter of support from EPA for this budget request).

Washington Department of Health and the Hazardous Waste Management Program in King County support additional funding to enhance the HPCDS system, since they are members of IC2, and the system provides easy public access to a single source of the information reported by companies to the member states.

Stakeholder Response:

We anticipate hazardous waste generators that use TurboWaste to meet state and federal reporting requirements will support this request, because it will provide enhancements to the system and continue allowing them to meet both state and federal requirements through a single reporting system. We plan to share information about upcoming updates via our Shoptalk newsletter to provide an opportunity for those who use the system to provide feedback. This publication is distributed quarterly and reaches about 6,500 subscribers across the state.

We anticipate manufacturers that use HPCDS to fulfill CSPA reporting requirements will support this request. As shared by IC2, this system “reduces manufacturers’ reporting burden and should result in fewer reporting errors and inconsistencies. It also provides easy public access to a single source of the information reported by companies to the states.” There is also support from local governments and nongovernmental organizations interested in accessing the data to increase awareness of toxics in children’s products.

State Facilities Impacts:

N/A

Changes from Current Law:

N/A

Legal or Administrative Mandates:

N/A

Reference Documents

- [Hazardous Waste & Toxics IT Systems-Attachment A.pdf](#)
- [Hazardous Waste & Toxics IT Systems-IT Addendum.docx](#)
- [Hazardous Waste & Toxics IT Systems-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?

Yes

Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
Obj. A	\$105	\$105	\$210	\$105	\$105	\$210
Obj. B	\$39	\$39	\$78	\$39	\$39	\$78
Obj. E	\$23	\$23	\$46	\$23	\$23	\$46
Obj. G	\$2	\$2	\$4	\$2	\$2	\$4
Obj. J	\$1	\$1	\$2	\$1	\$1	\$2
Obj. T	\$41	\$41	\$82	\$41	\$41	\$82

Agency Contact Information

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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 155
Seattle, WA 98101

LAND, CHEMICALS &
REDEVELOPMENT
DIVISION

June 23, 2021

Darin Rice, Program Manager
Hazardous Waste and Toxic Reduction
Washington State Department of Ecology
300 Desmond Drive SE
Lacey, Washington 98504

Dear Mr. Rice,

As you know, the Department of Ecology is authorized to implement the Resource Conservation and Recovery Act (RCRA) in the State of Washington. The federal requirements for your authorization include publishing a biennial report on Washington's Treatment, Storage and Disposal (TSD) facilities and Large Quantity Generators (LQG) in a timely manner and with appropriate quality assurance. This requirement is further documented in the Memorandum of Agreement between the EPA and Ecology as well as in the State and Tribal Assistance Grant terms and conditions. This work is not only important as part of your authorized program, but also for equity and environmental justice, as making this information available to the public is an essential step to giving underserved communities a voice to influence change.

Last year you had data programming code inconsistencies which led to delayed data transmission and incomplete data. This issue was further compounded by your lack of IT support to update or correct your software to meet the appropriate BR submission requirements. Ecology's preliminary data transmission was received after the twice-extended deadline. The final data transmission was completed two days before the third deadline, following numerous hand-edited data corrections. Additional corrections and quality assurance review was required after the completion of the BR to accurately reflect Washington's data.

I understand that your supplemental budget proposal would address deficiencies in your ageing software, help you to meet the requirements of your authorized program, and make treatment, storage, disposal and generation of hazardous waste information more readily available to members of the public. I wholeheartedly endorse those goals and your thoughtful proposal to achieve them.

Sincerely,

**TIMOTHY
HAMLIN** Digitally signed by
TIMOTHY HAMLIN
Date: 2021.06.23
12:45:53 -07'00'

Timothy B. Hamlin,
Director

Attachment B

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: Hazardous Waste & Toxics IT Systems

Vital Signs

- Toxics in Aquatic Life
- Orcas
- Salmon
- Economic Vitality
- Good Governance
- Sound Stewardship

Strategies

- 8. Prevent Pollution
- 23. Transparent and Inclusive Governance
- 26. Human Health

Desired Outcomes

- 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.
- 2.1.2. Presence of chemicals of emerging concern in consumer goods reduced.
- 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.
- 2.1.5. In-water and near-water sites that exceed state standards for contamination prioritized and cleaned up.
- 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.
- 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.
- 5.2.4. Trust is increased by including and communicating directly and effectively with new and diverse audiences.
- 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).
- 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.
- 44. Increase product testing for compliance with consumer and environmental safety rules.
- 45. Develop and implement programs that incentivize, remove, or replace toxic laden products with safer alternatives, ensure their proper disposal.
- 96. Conduct and coordinate research to improve the understanding of ecosystem-industry interactions.
- 98. Promote multi-benefit solutions in restoration and protection project development to include considerations for job creation.
- 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.
- 179. Engage partners in developing the list of Puget Sound-wide resource needs.
- 184. Improve incorporation of Indigenous knowledge into science and monitoring efforts.
- 187. Communicate science findings clearly and to the appropriate audiences.

Orca Task Force Recommendation

- 29. Accelerate the implementation of the ban on polychlorinated biphenyls in state-purchased products and make information available online for other purchasers.
- 30. Identify, prioritize and take action on chemicals that impact orcas and their prey.
- 31. Reduce stormwater threats and accelerate clean-up of toxics harmful to orcas.

2023-25 IT ADDENDUM

Only use this addendum if your decision package includes IT costs

Part 1: Itemized IT costs

Complete the [2023-25 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).



ITaddendum2023-25.
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 122 - administrative and financial system investment approval](#) ? Yes No
- C. If **Yes** to question B, has this decision package obtained OCIO and OFM Administrative and Financial System review approval? Yes No
- o If **Yes**, attach the approval letter.
 - o If **No**, the decision package should not be submitted. Recommendation will be “Do Not Fund.”
- 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:

(Project name published on the [IT Dashboard](#))

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](#).

Because this is a maintenance level (ML) decision package, per the instructions above, responses to the following question were not required.

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.

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.

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.

Technical alignment

Strategic and technical alignment. Using specific examples, describe how this investment aligns with strategic and technical elements of the [Enterprise Technology Strategic Plan](#). Examples of strategic principles that tie back to tenets of the strategic plan include, but are not limited to, advance digital government, support use of common and shared technologies across agencies, improve the Washington customer experience across digital channels, strengthen privacy capacity in state and local government. Examples of technical principles that tie back to tenets of the strategic plan include but are not limited to; adoption of modern cloud-hosted technologies, provide proactive cybersecurity capabilities, reduce technical debt, expand integration between systems.

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? If the solution is a new proposal, will it allow for such principles in the future? Provide specific examples.

Business alignment

Business driven technology. What are the business problems to be addressed by the proposed investment? These business problems should provide the basis for the outcome discussion below. Describe how end users (internal and external) will be involved in governance and implementation activities.

Measurable business outcome. Describe and quantify the specific performance outcomes you expect from this funding request. Provide specific examples of business outcomes in use within your agency, and how those outcomes will be improved because of this technology investment. Does the response align with the measurable business outcomes identified in the Strategic and Performance Outcomes in [Chapter 2](#) of the 2023-25 budget instructions? What outcomes and results, either positive or negative will occur? Identify all Lean initiatives and their expected outcomes. Include incremental performance metrics.

Decision package urgency

During the evaluation and ranking process, the OCIO will take into consideration, the urgency of the decision package request. Describe the urgency of implementing the technology investment in this cycle and the impacts to business if it does not proceed as planned.

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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 a number of 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
	2024	2025	2023-25	2026	2027	2025-27
Operating Expenditures						
Fund 001 - 1	\$7	\$7	\$14	\$7	\$7	\$14
Fund 044 - 1	\$2	\$2	\$4	\$2	\$2	\$4
Fund 176 - 1	\$6	\$6	\$12	\$6	\$6	\$12
Fund 182 - 1	\$1	\$1	\$2	\$1	\$1	\$2
Fund 207 - 1	\$1	\$1	\$2	\$1	\$1	\$2
Fund 20R - 1	\$2	\$2	\$4	\$2	\$2	\$4
Fund 217 - 1	\$1	\$1	\$2	\$1	\$1	\$2
Fund 23P - 1	\$37	\$37	\$74	\$37	\$37	\$74
Fund 26B - 1	\$2	\$2	\$4	\$2	\$2	\$4
Fund 564 - 1	\$1	\$1	\$2	\$1	\$1	\$2
Total Expenditures	\$60	\$60	\$120	\$60	\$60	\$120
Revenue						
20R - 0294	\$2	\$2	\$4	\$2	\$2	\$4
Total Revenue	\$2	\$2	\$4	\$2	\$2	\$4

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 2019-21. This request seeks the additional appropriation authority needed to (1) cover actual cost increases in these contracts since the 2019-21 biennium, and (2) cover the impacts to these agreements of the minimum wage changes that will occur in January 2023 through January 2025. Moving forward, 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 2019-21 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, 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 \$14.49 per hour for calendar year 2022, and will increase each year based on the U.S. consumer price index for urban wage earners and clerical workers (CPIW). The 12-month CPIW has increased by an average of 3.5 percent annually for the past 48 months. However, data that is more current shows a much higher average increase over the last 24 and 12-month periods, with the month-to-month percentage increases continuing to rise.

Per L&I, the adjusted minimum wage rate each calendar year is 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 12 months prior to each September 1st. Consistent with that methodology, an analysis of CPI-W data, as compared to the state’s minimum wage increases over the last decade, shows that the state’s minimum wage increase in January in each applicable year has equaled the CPI-W percentage increase from August of the preceding year.

Based on that analysis, and current data available, the state's minimum wage is expected to increase by 9.8 percent on January 1, 2023. For the purposes of this budget request, Ecology used the June 2022 CPI-W value of 9.8 percent to calculate the estimated increase for January 1, 2023, as August CPI-W data was not available yet. Over the last decade, the average change between the June and August CPI-W percentages has only been 0.5 percent.

For calendar year's 2024 and 2025, Ecology estimates that the minimum wage will increase by 3.5 percent annually, based on the average CPI-W percentage increases over the most recent 48 months.

- Increase by \$1.42 in Calendar Year 2023 to \$15.91 per hour.
- Increase by \$0.56 in Calendar Year 2024 to \$16.47 per hour.
- Increase by \$0.57 in Calendar Year 2025 to \$17.04 per hour.

Ecology requests additional funding to cover these unavoidable cost increases in the 2023-25 biennium, so we can maintain the service levels currently provided. Ecology estimates a total cost increase of \$120,348 for the 2023-25 biennium. Following are specific cost increases in 2023-25 for security and janitorial service contracts:

- Minimum Wage Regional Security costs will increase \$2,169.
- Minimum Wage Regional Janitorial costs will increase \$31,308.
- Prevailing Wage HQ Security costs will increase \$55,363.
- Prevailing Wage HQ Janitorial costs will increase \$9,120.
- Prevailing Wage Regional janitorial costs will increase \$22,388.

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. Ecology received maintenance level funding for the minimum and prevailing wage increases that occurred in the 2017-19 through 2019-21 biennia. This request is to fund contracted vendor costs associated with the minimum wage and prevailing wage increases since the 2021-23 biennium and estimated minimum wage cost increases for the 2023-25 biennium.

Detailed Assumptions and Calculations:

Under RCW 49.46.020, the state minimum wage is set at \$14.49 per hour for calendar year 2022, and will increase each year based on the U.S. consumer price index for urban wage earners and clerical workers (CPIW). The state's minimum wage is expected to increase by 9.8 percent on January 1, 2023. For the purposes of this budget request, Ecology used the June 2022 CPI-W value of 9.8 percent to calculate the estimated increase for January 1, 2023. For calendar year's 2024 and 2025, Ecology estimates that the minimum wage will increase by 3.5 percent annually, based on the average CPI-W percentage increases over the most recent 48 months.

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		FY24		FY25		TOTAL	23-25 Biennium	
BY LOCATION	BY TYPE	7/1/23 - 12/31/23	1/1/24 - 6/30/24	7/1/24 - 12/31/24	1/1/25 - 6/30/25	23-25 BIENNIUM	FY24	FY25
ERO Security	Minimum Wage	524	542	542	561	2,169	1,066	1,103
Regional Janitorial	Minimum Wage	7,560	7,826	7,826	8,097	31,308	15,386	15,922
SUBTOTAL Minimum Wage		8,083	8,368	8,368	8,657	33,477	16,451	17,025
HQ Security	Prevailing Wage	13,841	13,841	13,841	13,841	55,363	27,682	27,682
HQ Janitorial	Prevailing Wage	2,280	2,280	2,280	2,280	9,120	4,560	4,560
Regional Janitorial	Prevailing Wage	5,597	5,597	5,597	5,597	22,388	11,194	11,194
SUBTOTAL Prevailing Wage		21,718	21,718	21,718	21,718	86,871	43,436	43,436
GRAND TOTAL		29,801	30,086	30,086	30,375	120,348	59,887	60,461
Fiscal Year/Bien Total		59,887		60,461		120,348	120,348	

Revenue from the Radioactive Mixed Waste account is adjusted to reflect the change in expenditures.

Workforce Assumptions:

Expenditures by Object		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
E	Goods and Services	59,887	60,461	60,750	60,750	60,750	60,750
Total Objects		59,887	60,461	60,750	60,750	60,750	60,750

Staffing

Job Class	Salary	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Total FTEs		0.00	0.00	0.00	0.00	0.00	0.00

Explanation of costs by object:

The total increase for Goods and Services is \$59,887 for fiscal year 2024 and \$60,461 for fiscal year 2025, for a total 2023-25 biennial increase of \$120,348. The total annual increase for fiscal year 2026 and ongoing will be \$60,750 per year.

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 provides essential support to the Governor's Results Washington Goal 2: 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 Populations or Communities:

N/A

Other Collateral Connections

Puget Sound Recovery:

N/A

State Workforce Impacts:

N/A

Intergovernmental:

N/A

Stakeholder Response:

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

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
	2024	2025	2023-25	2026	2027	2025-27
Obj. E	\$60	\$60	\$120	\$60	\$60	\$120

Agency Contact Information

Fran Huntington

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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 costs 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 2022, Ecology published its final workload analysis, projecting an increased workload for the 2023-25 biennium, based on current costs and workload projections. Ecology is requesting additional spending authority to match the revenue levels already set by the 2023-25 workload analysis. (Air Operating Permit Account)

Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
Staffing						
FTEs	0.2	0.2	0.2	0.2	0.2	0.2
Operating Expenditures						
Fund 219 - 1	\$32	\$32	\$64	\$32	\$32	\$64
Total Expenditures	\$32	\$32	\$64	\$32	\$32	\$64
Revenue						
219 - 0299	\$32	\$32	\$64	\$32	\$32	\$64
Total Revenue	\$32	\$32	\$64	\$32	\$32	\$64

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 that sources pay the full costs 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 173-401-900. 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 published WLA for the 2023-25 biennium can be found here: <https://ecology.wa.gov/DOE/files/79/79e1e530-76c8-4a4a-8304-a5d0c1986963.pdf>

Primary Workload Changes for the 2023-25 Biennium

Ecology’s Nuclear Waste Program (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 air operating permit. This permit combines air permitting requirements from approval orders issued by Ecology under Chapter 173-400 WAC, radioactive air emission licenses issued by the Washington Department of Health under Chapter 246-247 WAC, open burning regulations issued by the Benton Clean Air Agency, and any other applicable air pollution requirements.

Currently, most operating emission units at the Hanford Site are traditional boilers and engines, or emissions units related to basic waste treatment and storage. In 2023, the Waste Treatment and Immobilization Plant (WTP) is expected to begin operating. This is a one-of-a-kind facility that USDOE will use to vitrify millions of gallons of mixed and nuclear waste into glass for long-term storage. This process will generate a significant amount of radioactive, criteria, and toxic air pollutants. To ensure the WTP, and its control equipment, are operating properly to protect human health and the environment, USDOE is required to conduct extensive stack testing throughout the initial startup and vitrification stages. Ecology expects testing oversight and increased inspection of the WTP will significantly increase the amount of staff time needed to ensure USDOE is complying with their air-operating permit.

The WLA for the 2023-25 biennium has already set fees sufficient to cover this new work. Ecology now requires expenditure authority in the AOP Account above the 2023-25 carry-forward 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 is protected.

Impacts on Population Served:

Air pollution is a serious threat to public health. It has adverse health effects – especially 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 facilitates 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. Oversight of stack tests can identify issues associated with the test, which reduces inaccurate compliance determinations and potential for undetected excess emissions. By ensuring permits are current, Ecology is also able to ensure the documents are ADA compliant.

Permitted facilities' annual fees will increase on July 1, 2023. Benefits associated with the increased fees include timely AOP permit 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 would 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 2023-25 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.

Delays in permitting could create regulatory uncertainty and limit a facility's ability to expand their operations. Delays in regulatory response or inadequate oversight may result in excess emissions that could impact the human health and environment of the surrounding communities.

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 2021-23 total biennial revenue of \$4.1 million.

3. Proposed Rate:

FY 2024: \$2,462,676 total annual revenue, based on a workload model published June 2022

FY 2025: \$2,497,083 total annual revenue, based on a workload model published June 2022.

4. Incremental Change for Each Year:

FY 2024: \$31,850

FY 2025: \$31,850

5. Expected Implementation Date: 7/1/2023

6. Estimated Additional Revenue Generated by Increase:

FY 2024: \$31,850

FY 2025: \$31,850

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 2022 shows an additional \$63,700 will be needed in the 2023-25 biennium for the program to be fully supported.

8. Changes in Who Pays: No change

9. Changes in Methodology: No change

10. RecSum Code: AC

11. Alternatives: No alternatives were considered.

12. Statutory Change Required? No

Assumptions and Calculations

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

Below is a summary of the 2019-21 and 2021-23 funding and FTEs for AOP by activity:

Activity Code	Activity Title	Avg. 19-21 FTEs	Bien 19-21 Total	Avg. 21-23 FTEs	Bien 21-23 Total
A014	Restore the Air, Soil, and Water Contaminated from Past Activities at Hanford	0.33	\$138,000	0.30	\$135,000
A015	Clean Up and Remove Large, Complex, Contaminated Facilities throughout Hanford	0.59	\$142,000	0.54	\$137,000
A016	Treat and Dispose of Hanford's Highlevel Radioactive Tank Waste	0.71	\$173,000	0.65	\$168,000
A017	Ensure Safe Tank Operations, Storage of Tank Wastes, and Closure of the Waste Storage Tanks at Hanford	0.61	\$180,000	0.57	\$176,000
A018	Ensure the Safe Management of Radioactive Mixed Waste at Hanford	0.48	\$147,000	0.46	\$142,000
A028	Improve Environmental Compliance at State's Largest Industrial Facilities	5.51	\$1,424,000	6.51	\$1,770,000
A045	Reduce Air Pollution from Industrial and Commercial Sources	7.78	\$2,158,000	7.42	\$2,063,000
A002	Administration	1.41	\$330,000	1.63	\$403,000
TOTAL		17.42	\$4,692,000	18.08	\$4,994,000

Detailed Assumptions and Calculations:

Revenue estimates and total AOP Program costs are based on the 2023-25 biennium 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.

Beginning in fiscal year 2024, Ecology will require salaries, benefits, and associated staff costs of \$63,700 per biennium, equivalent to 0.18 FTE of an Environmental Engineer 3, to address the increased workload beginning in 2023-25. 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:

Expenditures by Object		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
A	Salaries and Wages	17,295	17,295	17,295	17,295	17,295	17,295
B	Employee Benefits	6,312	6,312	6,312	6,312	6,312	6,312
E	Goods and Services	848	848	848	848	848	848
G	Travel	392	392	392	392	392	392
J	Capital Outlays	216	216	216	216	216	216
T	Intra-Agency Reimbursements	6,787	6,787	6,786	6,786	6,786	6,786
Total Objects		31,850	31,850	31,850	31,850	31,850	31,850

Staffing

Job Class	Salary	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
ENVIRONMENTAL ENGINEER 3	98,587	0.18	0.18	0.18	0.18	0.18	0.18
FISCAL ANALYST 2		0.02	0.02	0.02	0.02	0.02	0.02
IT APP DEVELOPMENT-JOURNEY		0.01	0.01	0.01	0.01	0.01	0.01
Total FTEs		0.21	0.21	0.21	0.21	0.21	0.21

Explanation of costs by object:

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 36.5% of salaries.

Goods and Services are the agency average of \$4,834 per direct program FTE.

Travel is the agency average of \$2,234 per direct program FTE.

Equipment is the agency average of \$1,230 per direct program FTE.

Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 28.75% 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.

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: Healthy and Safe Communities; and Ecology’s Goal 2: Reduce and Prepare for Climate Impacts and Goal 3: Prevent and Reduce Toxic Threats and Pollution. It 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 to 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 their 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.
- Timely and accurate permit issuance and appropriate compliance assurance to help protect public health and support economic growth in Washington.
- Continuation of a self-funded program as required by state and federal laws.

Equity Impacts

Community outreach and engagement:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Disproportional Impact Considerations:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Target Populations or Communities:

Timely and comprehensive inspections to identify and address potential environmental and health threats will have direct and critical benefits for Tribes, indigenous populations, and communities of color in the area. 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. Air permitting 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.

This request's objective is to address health disparities by reducing environmental and health impacts for overburdened communities and underserved populations. Dust and chemicals emitted to the atmosphere spread quickly and somewhat unpredictably, due to wind and weather. Inspections ensure control devices and work practices limit these emissions, especially in cases where air pollution might not be visible to people accessing the site or living in the surrounding community. Ecology meets regularly with Tribes and discusses permitting of Hanford facilities. Ecology provides information related to the site – which includes environmental and health awareness – in formats that are culturally effective and linguistically appropriate.

Other Collateral Connections

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 or expansion of large industrial facilities around the state. County or regional government planning, economic development, tax base, employment, and environmental objectives could be compromised.

Stakeholder Response:

Ecology published the draft WLA in February 2022 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 2022.

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.

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.

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
	2024	2025	2023-25	2026	2027	2025-27
Obj. A	\$17	\$17	\$34	\$17	\$17	\$34
Obj. B	\$6	\$6	\$12	\$6	\$6	\$12
Obj. E	\$1	\$1	\$2	\$1	\$1	\$2
Obj. G	\$1	\$1	\$2	\$1	\$1	\$2
Obj. T	\$7	\$7	\$14	\$7	\$7	\$14

Agency Contact Information

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Agency Recommendation Summary

This request is for a maintenance level lease increase for the Department of Ecology’s Operations Center lease in Thurston County. The scientific and monitoring work done at this facility benefits Ecology, other state agencies, tribes, and local partners, and helps protect, preserve, and enhance Washington’s environment for current and future generations. (Model Toxics Control Operating Account)

Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
Operating Expenditures						
Fund 23P - 1	\$16	\$16	\$32	\$16	\$16	\$32
Total Expenditures	\$16	\$16	\$32	\$16	\$16	\$32

Decision Package Description

Ecology leases approximately 8,808 square feet plus 35 paved parking spaces for the Environmental Assessment Program’s Operations Center in Lacey Washington. The Center supports field work conducted by Ecology staff statewide, but is primarily used for projects in western Washington. These can include long-term, ongoing projects such as, monitoring water quality for pollutants in freshwater rivers, streams, and the Puget Sound, collecting freshwater fish statewide to monitor for toxic chemicals, etc. These studies provide valuable information used to protect, preserve, and enhance Washington’s environment

The existing lease for this facility, which was entered into on February 1, 2018, expires January 31, 2023. The Department of Enterprise Services (DES) is currently negotiating the terms and rate of a new five-year lease, which will begin February 1, 2023. Because the new lease is still under negotiation, Ecology does yet know how much the associated cost increase will be. However, Ecology’s Administrative Services Division, who is working with DES on the new lease, anticipates an increase of 10 to 15 percent over the current lease. Therefore, for the purposes of this budget request, Ecology is estimating the funding needed based on a 15 percent increase at this time. However, Ecology will update both the Office of Financial Management (OFM) and the Legislature as we get closer to February 2023, and the new lease is finalized.

Impacts on Population Served:

This request will help maintain the current level of environmental services provided out of the Operations Center.

Alternatives Explored:

DES has looked into alternative locations in Thurston County in preparation for negotiating the new lead. However, alternative locations explored were either further away from Ecology’s headquarters building, more expensive, and/or do not have sufficient space to meet Ecology’s current needs.

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, including current monitoring and assessment work conducted through the state.

Assumptions and Calculations

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

This request will help maintain the current level of environmental services provided through the Operations Center.

Detailed Assumptions and Calculations:

Beginning July 1, 2023, Ecology requires an estimated \$15,822 per year to cover the increased lease costs for the Operations Center. Expenditure calculations are based on difference between the current lease agreement, and the anticipated increase of the new lease currently being negotiated by DES.

Ecology does yet know how much the associated cost increase will be for the new lease will be. However, the cost is estimated to increase 10 to 15 percent over the current lease. Based on this estimate, the anticipated funding needed beginning in 2023-25 is calculated as follows:

\$121,302 per year (estimated new lease cost, based on a 15 percent increase over current lease) - \$105,480 per year (current lease) = \$15,822 per year.

Please note, Ecology is not submitting a 2023 supplemental operating decision package to request funding for the cost increase between February 1, 2023 and June 30, 2023.

Ecology will update both OFM and the Legislature with the final cost increase as we get closer to February 2023, and the new lease is finalized.

Workforce Assumptions:

Expenditures by Object		<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
E	Goods and Services	15,822	15,822	15,822	15,822	15,822	15,822
	Total Objects	15,822	15,822	15,822	15,822	15,822	15,822
Staffing							
Job Class	Salary	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
	Total FTEs	0.00	0.00	0.00	0.00	0.00	0.00

Explanation of costs by object:

All costs are Good and Services (Object E).

Strategic and Performance Outcomes

Strategic Framework:

This request is essential to meeting the following Ecology goals:

- Goal 1: Support and engage our communities, customers, and employees.
- Goal 3: Prevent and reduce toxic threats and pollution.
- Goal 4: Protect and manage our state's waters.

This request will allow Ecology to continue to use the Operations Center as the primary staging and support center for a number of field activities, which collect environmental information used to protect, preserve, and enhance Washington's environment

This request also provides essential support to the Governor's Results Washington Goal 3: Sustainable Energy and Clean Environment, by providing the funding necessary to support the Operation Center's new lease.

Performance Outcomes:

The outcome of this request will be maintaining the level of field operations based out of Thurston County that are conducted by Ecology's Environmental Assessment Program.

Equity Impacts

Community outreach and engagement:

N/A

Disproportional Impact Considerations:

N/A

Target Populations or Communities:

N/A

Other Collateral Connections

Puget Sound Recovery:

N/A

State Workforce Impacts:

N/A

Intergovernmental:

Ecology’s Environmental Assessment Program conducts field activities in support of multiple Ecology programs, as well as other state agencies, tribes, and governmental entities. As these other entities use the environmental information collected by field studies relying on the resources provided by the Operations Center, they are anticipated to be supportive of this request.

Stakeholder Response:

Residents throughout Washington, as well as other entities, use the environmental information collected by field studies relying on the resources provided by the Operations Center. They also are anticipated to be supportive of this request.

State Facilities Impacts:

N/A

Changes from Current Law:

N/A

Legal or Administrative Mandates:

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
	2024	2025	2023-25	2026	2027	2025-27
Obj. E	\$16	\$16	\$32	\$16	\$16	\$32

Agency Contact Information

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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 2023-25 Operating Budget. These planned adjustments have been discussed with both OFM and legislative fiscal staff.

Rec Sum	Program	Budget	Duration	Rec Sum Title	Fund Source	Amount	FTE	Description
From 2019-21 Operating Budget								
ML-MG	WRP	Op-ML	Ongoing	Streamflow Restoration	001-1-General Fund-State	\$ (508,000)	(2.2)	Per 2019-21 decision package (DP), this funding did not go beyond 2021-23. Funding should be reduced in the 2023-25 enacted operating budget, consistent with Ecology's 2019-21 DP. OFM ML adjustment. No DP needed for 2023-25.
PL-G891	WQP	Op-ML	Ongoing	Dissolved Gas Rulemaking	001-1-General Fund-State	\$ (290,000)	(1.0)	Funding was provided for a three-year rulemaking as part of the 2019 Orca task force recommendations. Rulemaking is complete, and this funding should be reduced in the 2023-25 enacted operating budget, consistent with the Orca funding proposal submitted to OFM for inclusion in the Governor's 2019-21 operating budget proposal. OFM ML adjustment. No DP needed for 2023-25.
From 2020 Supplemental Operating Budget								
PL-CC	AOP	Op-ML	Ongoing	Clean Energy	001-1-General Fund-State	\$ (71,000)	(0.2)	Per 2020 decision package (DP), overall funding need for this work in 2023-25 is \$71,000 less than in 2021-23. Funding should be reduced in the 2023-25 enacted operating budget, consistent with Ecology's 2020 DP. OFM ML adjustment. No DP needed for 2023-25.
PL-CJ	WQP	Op-ML	Ongoing	Nutrient Controls for Puget Sound	001-1-General Fund-State	\$ (74,000)	(0.3)	Per 2020 decision package (DP), funding to develop the nutrient general permit ended after fiscal year 2022. Funding should be reduced in the 2023-25 enacted operating budget, consistent with Ecology's DP. Ecology received ongoing funding needed to implement the permit in the 2022 supplemental budget item (KB01). OFM ML adjustment. No DP needed for 2023-25.
PL-CS01	EAP	Op-ML	Ongoing	Groundwater Monitoring	23P-1-MTCA Operating	\$ (209,000)	(0.8)	Per 2020 decision package (DP), the funding needed for this work in 2023-25 is \$209,000 less than in 2021-23, due to lower lab and vehicle rental costs. Amount should be reduced in the 2023-25 enacted operating budget, consistent with Ecology's DP. OFM ML adjustment. No DP needed for 2023-25.

Rec Sum	Program	Budget	Duration	Rec Sum Title	Fund Source	Amount	FTE	Description
PL-GC4	SEA	Op-ML	Ongoing	GHG Emissions Evaluation	23P-1-MTCA Operating	\$ (254,000)	(0.8)	Rulemaking was completed in fiscal year 2022. Funding should be reduced in the 2023-25 enacted operating budget, consistent with the outlook for the 2020 supplemental budget. Ecology received ongoing funding needed to implement the rule in the 2022 supplemental budget add (KB01). OFM ML adjustment. No DP needed for 2023-25.
From 2021-23 and 2022 Supplemental Operating Budgets								
PL-5022	SWM	Op-ML	Ongoing	Recycling, Waste and Litter	25R-6-Recycled Content	\$ 68,000		Increase reflects adjustment for 2023-25 in the final fiscal note for SB 5022 - Recycling, Waste and Litter. OFM ML adjustment. No DP needed for 2023-25.
PL-KL01	EAP	Op-ML	Ongoing	Yakima Groundwater Contamination	001-1-General Fund-State	\$ (166,000)		Decrease reflects adjustment for 2023-25 in Ecology's 2021-23 decision package (DP). OFM ML adjustment. No DP needed for 2023-25.
PL-CICP	HWTR	Op-ML	Ongoing	Chemicals in Consumer Products	23P-1-MTCA Operating	\$ 53,000	0.2	Increase reflects adjustment for 2023-25 in the outlook and final fiscal note for HB 1694 - Chemicals in Consumer Products. OFM ML adjustment. No DP needed for 2023-25.
PL-DF01	SWM	Op-ML	Ongoing	Recycling Markets	044-1-WRRRLCA	\$ 16,000		Increase reflects adjustment for 2023-25 in the outlook and final fiscal note for HB 1543 - Sustainable Recycling Act, passed in 2019. OFM ML adjustment. No DP needed for 2023-25.
PL-DW01	HWTR	Op-ML	Ongoing	Consumer Product Safety	23P-1-MTCA Operating	\$ 54,000		Increase reflects adjustment for 2023-25 in Ecology's 2021-23 decision package (DP) and outlook for 2023-25, related to implementing the Safer Products Act, passed in 2019. OFM ML adjustment. No DP needed for 2023-25.
PL-FLGA	AQP	Op-ML	Ongoing	Fluorinated Gases	25T-1-Refrigerant Emissions	\$ 2,714,000	13.3	Costs shift from General Fund-State to fund 25T-1 - Refrigerant Emissions beginning mid fiscal year 2024. Increase reflects the outlook and final fiscal note for HB 1050 - Fluorinated Gases. OFM ML adjustment. No DP needed for 2023-25.
PL-LAME	AQP	Op-ML	Ongoing	Landfill Methane Emissions	001-1-General Fund-State	\$ 44,000		Increase reflects adjustment for 2023-25 in the final fiscal note for HB 1663 - Landfill Methane Emissions. OFM ML adjustment. No DP needed for 2023-25.

Rec Sum	Program	Budget	Duration	Rec Sum Title	Fund Source	Amount	FTE	Description
PL-LCF	AOP	Op-ML	Ongoing	Clean Transportation Fuel Standards	250-Clean Fuels Program	\$ (202,000)	(3.3)	Decrease reflects adjustment for 2023-25 in the final fiscal note for HB 1091. OFM ML adjustment. No DP needed for 2023-25.
PL-RGMM	SWM	Op-ML	Ongoing	Organics Materials Management	001-1-General Fund-State	\$ (149,000)		Decrease reflects adjustment for 2023-25 in the final fiscal note for HB 1799. OFM ML adjustment. No DP needed for 2023-25.
Other								
NEW	TCP	Op-ML	Ongoing	Federal Authority Increase for State and Tribal Response Program (STRP) Grant	001-2-General Fund-Federal	\$ 2,000,000	3.5	Ecology has been invited by EPA to submit a request for additional funding through its State and Tribal Response Program (STRP) grant to support brownfields funding that will be available for local communities to apply for through the Bipartisan Infrastructure Law (BIL). Communities throughout the state are expected to take advantage of this opportunity to address contaminated properties to spur redevelopment, and that will result in a greater demand for technical assistance from Ecology to ensure that site investigations and cleanups meet the applicable standards. Ecology anticipates receiving an additional \$1 million per year over its current STRP grant for the next five years. Additional FTE authority of 3.45 FTEs per year will also be needed. OFM ML adjustment. No DP needed for 2023-25.

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**Department of Ecology
2023-2025 Operating Budget**

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Agency Recommendation Summary

Under section 3 of the Climate Commitment Act, RCW 70A.65.020, requires Ecology to take actions to reduce criteria air pollutant emissions in identified overburdened communities highly impacted by air pollution. When the law was passed in 2021, the costs to implement stricter standards was indeterminate in Ecology’s final fiscal note. Now more than a year into our implementation, Ecology has identified the necessary steps to develop and implement the emission control strategies and methods needed to reduce criteria air pollutants in the identified overburdened communities. Ecology is requesting funding to conduct a series of reoccurring rulemakings that will set stricter standards for control technology used to limit or mitigate the air pollution released from stationary emission sources. (Climate Investment Account)

Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
Staffing						
FTEs	8.3	8.3	8.3	9.3	9.7	9.5
Operating Expenditures						
Fund 26B - 1	\$1,245	\$1,234	\$2,479	\$1,357	\$1,435	\$2,792
Total Expenditures	\$1,245	\$1,234	\$2,479	\$1,357	\$1,435	\$2,792

Decision Package Description

Background

Changes in climate pose serious threats to Washington’s economy, public health, natural resources, and environment. In response to these threats, in 2021, the Legislature passed Engrossed Second Substitute Senate Bill (E2SSB PL) 5126 – Climate Commitment Act (CCA), which establishes a comprehensive program to reduce carbon pollution and achieve the greenhouse gas (GHG) limits set in state law. This law caps and reduces GHG emissions from the state’s largest emitting sources and industries, allowing businesses to find the most efficient path to lower carbon emissions.

Under the law, Ecology’s new cap and invest program will begin starting January 1, 2023 and set emissions allowance budgets that meet the GHG limits in RCW 70A.45.020. Initially, the cap and invest program will cover industrial facilities, certain fuel suppliers, in-state electricity generators, electricity importers, and natural gas distributors with annual greenhouse gas emissions above 25,000 metric tons of carbon dioxide equivalent. The program will expand to add waste-to-energy facilities on January 1, 2027, and certain landfills and railroad companies on January 1, 2031.

Covered entities must either reduce their emissions, or obtain allowances to cover any remaining emissions. Some utilities and industries will be issued free allowances, while other allowances will be auctioned. Proceeds from the auction of allowances must be used for clean energy transition and assistance, clean transportation, and climate resiliency projects that promote climate justice, including dedicating a minimum of 35 percent of funds toward overburdened communities, and a minimum of 10 percent toward tribal projects.

The CCA puts environmental justice and equity at the center of climate policy, ensuring that communities that bear the greatest burdens from air pollution today see cleaner, healthier air as the state cuts emissions of greenhouse gases and criteria pollutants. Funds from the auction of emission allowances will support new investments in climate resiliency programs, clean transportation, and addressing health disparities across the state.

To ensure the CCA achieves reductions in criteria pollutants as well as GHG emissions, section 3 of the Act (RCW 70A.65.020) requires Ecology to identify overburdened communities highly impacted by air pollution, expand air monitors in these areas to collect air quality data, and take actions, including regulatory, to reduce criteria air pollutant emissions in these communities. Designated by the Environmental Protection Agency (EPA), criteria air pollutants include particle pollution, sulfur dioxide, ground-level ozone, nitrogen dioxide, carbon monoxide, and lead.

Problem

Ecology received funding in the 2021-23 and 2022 supplemental operating budgets to establish and expand air monitoring in the identified communities. Ecology is currently undergoing a robust public and technical process to identify the overburdened communities highly impacted by air pollution. Ecology anticipates this work should be completed by the end of 2022, with new air monitors being deployed throughout 2023.

However, funding has not yet been provided to support the regulatory (e.g. emission standards) and non-regulatory mechanisms to reduce criteria air pollution in the communities being monitored. When the CCA was passed in 2021, the costs to implement and enforce stricter standards was indeterminate in Ecology’s final fiscal note. Now more than a year into our implementation of CCA, Ecology has identified the necessary steps to develop and implement the emission control strategies and methods needed to reduce criteria air pollutants in the identified overburdened communities.

Solution

To establish the new regulatory requirements for improving air quality in identified communities under section 3, Ecology intends to conduct a series of reoccurring rulemakings that will set stricter standards for control technology used by stationary emission sources such as aluminum smelters or pulp mills. Control technology refers to the technology that these facilities use to limit or mitigate the air pollution released from the facility.

The initial rulemaking, which will begin in early fiscal year 2024, will set a framework for ongoing implementation and enforcement of these standards using Ecology's existing authority under the state Clean Air Act Chapter 70A.15 RCW. Ecology will use the tools of Reasonable Available Control Technology (RACT) in RCW 70A.15.2230 for existing stationary sources and Best Available Control Technology (BACT) for new or modified stationary sources. The initial rulemaking will also provide a detailed structure to implement the direction provided in the statute. This includes refining terminology, identifying source categories and the priority order for subsequent rulemaking to address each category, as well as the frequency for re-identifying overburdened communities highly impacted by air pollution and their boundaries.

RACT is an analysis process that determines standards for control technology or operational parameters that facilities are required to install or implement. The outcome of RACT is statewide compliance requirements for the installation of control technology or implementation of operational parameters resulting in reduced emissions of air pollutants. BACT is a process similar to RACT but used specifically for new or modified stationary sources and is "based on the maximum degree of reduction for each air pollutant subject to regulation" (RCW 70A.15.1030(6)).

The benefit of using a RACT/BACT to implement section 3 is that control technology standards create the best opportunity for measurable, verifiable change for identified communities and clear expectations for industry. This approach will create emissions standards of stricter control technology standards for stationary sources. Once the initial rulemaking is complete, Ecology will complete subsequent rulemakings every two years to address specific source categories established in the initial rulemaking informed by the air monitoring data in the communities identified as overburdened by air pollution, as well as conduct periodic updates as needed. The rules will apply to all sources within the source category statewide.

This budget request will provide the staff to:

- Conduct initial and subsequent rulemaking.
- Provide scientific analysis and modelling of the data from the expanded monitoring in identified communities. This work will be used for rulemaking, implementation decision making, and as the basis of the reporting on air quality in the identified overburdened communities as required in statute.
- Implement section 3 of the CCA, including coordinating with the Environmental Justice (EJ) Council, managing the work functions, providing programmatic support, subject matter expertise, and technical assistance.

In addition to this decision package, Ecology is also submitting a capital project request titled, "2023-25 Improving Air Quality in Overburdened Communities initiative", to implement a grant program designed to address mobile and other impacting emissions (e.g., residential) not covered by the stricter control technology standards in the identified overburdened communities. These two approaches are necessary as current data indicates many communities are impacted by air pollution that comes from both stationary and mobile/other impacting emission sources. Both of these proposed approaches are necessary to reduce the overall criteria air pollution in identified overburdened communities.

Impacts on Population Served

This request will enable Ecology to continue implementing RCW 70A.65.020, which directs us to reduce criteria air pollutants in communities identified as overburdened by air pollution. Populations served will include those that reside and work in the identified communities, and neighboring areas that will benefit from overall reductions in criteria air pollutants. The outcome of the rulemaking will be reduced air pollution and corresponding positive health benefits statewide.

Alternatives Explored

Alternatives to rulemaking were discussed and researched extensively by Ecology scientists and engineers, in coordination with staff at the Attorney General's Office. Ecology considered stricter numeric standards for each criteria pollutant for facilities that impact the identified communities.

Such stricter numeric standards that may apply within a specific geographic area are not feasible from a technical standpoint and would be prohibitively resource intensive and scientifically complex to model. It is also not clear that such extensive technical work would significantly enhance Ecology's ability to reduce air pollutant emissions in overburdened communities. As a result of this approach being both cost prohibitive, and the policy and legal complications, Ecology does not recommend pursuing it.

As a result, we chose an approach using analysis by source categories that is both more scientifically feasible and implementable. The focus on emission control technology will provide clarity and stability for both communities and industry.

Consequences of Not Funding This Request

If this request is not funded, Ecology would not be able to fully implement Section 3 of the CCA. This includes not being able to do rulemaking that will set stricter regulatory air quality standards, as directed by the Legislature (RCW 70A.65.020(2)(b)(iv)).

Without funding Ecology would be unable to set stricter standards which would impact our ability to improve air quality in overburdened communities.

Assumptions and Calculations

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

This request expands activity A063 – Climate Change Mitigation and Adaptation by providing funding to conduct a series of ongoing rulemakings to set stricter standards for control technology used by stationary emission sources in these identified communities to reduce criteria air pollutant emissions in identified overburdened communities highly impacted by air pollution. Below is a summary of the 2019-21 and 2021-23 base funding and FTEs for this activity. Administrative Overhead related to this activity is in the agency’s Administration Activity A002, and is not included in the totals below.

A063 – Climate Change Mitigation and Adaptation		
	2019-21	2021-23
FTEs Total	35.05	85.25
001-1 General Fund - State	\$3,666,000	\$28,524,000
216-1 Air Pollution Account	\$1,185,000	\$928,000
23P-1 Model Toxics Control Operating	\$4,439,000	\$3,315,000
25Q-1 Clean Fuels Program	\$0	\$348,000
26B-1 Climate Investment	\$0	\$6,709,000
489-1 Pension Funding Stabilization Account	\$195,000	\$0
TOTAL	\$9,485,000	\$39,824,000

Detailed Assumptions and Calculations:

Rulemaking

Ecology will adopt rules to implement section 3 of the CCA. These rulemakings will be highly complex and generate a high degree of public interest and input. Ecology is also planning to focus on developing and applying an EJ lens in using the existing RACT RCW. RACT rule processes are also highly technical, requiring significant and complex analyses and integration as a part of the rulemaking. Therefore, Ecology has designated the initial RACT rulemaking as highly complex with high public interest and input. Ecology assumes it will require 2.5 years to complete, from July 1, 2023, to January 1, 2026. We plan to seek legal advice throughout the process, including applicability and scope.

Beginning July 1, 2023 and ongoing, Ecology will require salaries, benefits, and associated staff costs for the following positions to complete both the initial rulemaking, as well as the subsequent rulemaking for each identified and prioritized source category:

- 1.0 FTE Environmental Planner 3 (EP3) – this position will be the rulemaking lead and coordinate the rulemaking effort.
- 1.0 FTE Environmental Engineer 5 (EE5) – this position will be the technical lead and advice on rule language and drive the overall policy change of the program.
- 0.5 FTE Environmental Planner 5 (EP5) – this position will be the subject matter expert for the rulemaking process and will provide technical assistance.
- 1.0 FTE Environmental Engineer 3 (EE3) – this position will support the technical leads and help to advise on rule language and drive the overall policy change of the program.

Following the initial rulemaking to set the framework, additional rulemakings will follow for each identified source category. Ecology assumes it will require 19 months per rulemaking, beginning January 1, 2026, and ongoing thereafter. To support these subsequent rulemakings, Ecology will require salaries, benefits, and associated staff costs for the following position, in addition to those identified above:

- 1.0 FTE EE3 – this position will support the technical leads, helping to advise on rule language and driving the overall policy change of the program, proceedings, and provide technical expertise on the RACT processes.

In addition to these ongoing staff costs, Ecology also requires funding for the following intermittent staff and support costs associated with both the initial and subsequent rulemakings.

- 0.25 FTE Economic Analyst 3 (EA3) and 0.1 FTE Regulatory Analyst 2 (RA2) in fiscal year 2026 to complete an economic and regulatory analysis of the initial rule.

- 0.2 FTE EA3 and 0.05 FTE RA2 in fiscal year 2027 and each odd numbered year, ongoing.

For the initial rulemaking, Ecology plans to hold three preproposal meetings and three public hearings (costs shown in Object E: Goods and Services):

- Two proposal meetings in fiscal year 2024, for a cost of \$2,000.
- One preproposal meeting and two public hearings in fiscal year 2025, for a cost of \$3,000
- One public hearing in fiscal year 2026, for a cost of \$1,000.

For each subsequent rulemaking that addresses a specific source category, Ecology will plan hold one preproposal meeting in fiscal year 2027 and one public hearing in fiscal year 2028, at a cost of \$1,000 in each year. These costs are assumed ongoing in alternating years (costs shown in Object E: Goods and Services).

For each preproposal meeting, Ecology intends to contract with a third-party facilitator. At an estimated rate of \$2,100 per meeting, Ecology assumes a total of \$4,200 in fiscal year 2024 and \$2,100 in fiscal year 2025. This cost in fiscal year 2025 is assumed ongoing in alternating years (costs shown in Object E: Goods and Services).

The Office of the Attorney General estimates 0.1 FTE Assistant Attorney General at a cost of \$24,000 in each of fiscal year 2024 and 2025 to advise Ecology on the initial rulemaking, and 0.05 FTE at a cost of \$12,000 per fiscal year in 2026 and ongoing, to advise on the subsequent rulemakings (costs shown in Object E: Goods and Services).

Scientific Analysis

Beginning July 1, 2023 and ongoing, Ecology will also require salaries, benefits, and associated staff costs for the following positions to complete scientific analysis to support statutory requirements:

- 2.0 FTEs Natural Resource Scientist 3 (NRS3) – these positions will analyze monitoring data, emissions inventory data, prepare data for and review the Department of Health’s (DOH) health impact assessment to incorporate into reports, and conduct air quality modeling. These positions will focus on quantifying criteria pollutants and greenhouse gasses within overburdened communities.

Ecology will also require additional server capacity to handle the increased modeling and analytical load associated with the scientific analysis. This one-time hardware cost is estimated at \$16,665 in fiscal year 2024 and \$6,000 in fiscal year 2025.

Program Coordination

Beginning July 1, 2023 and ongoing, Ecology will also require salaries, benefits, and associated staff costs for the following positions to provide support for the rulemaking processes and ensure that requirements of section 3 are implemented according to statute:

- 0.5 FTE Environmental Planner 5 (EP5) in fiscal year 2024 and ongoing – this position will act as the liaison with the EJ Council, as well as the lead for programmatic regulation issues (including coordination with Local Clean Air Agencies). Additionally, this position will coordinate the biennial reviews alongside the positions overseeing the grant distribution. This FTE will support a fulltime position when combined with the 0.5 FTE EP5 under the rulemaking section above.
- 0.7 FTE WMS 2 in FY 2024 and ongoing – this position will supervise the teams focused on the analysis, regulatory framework, and development and implementation of non-regulatory emission reduction mechanisms.
- 0.5 FTE Administrative Assistant 3 (AA3) in fiscal year 2024 and ongoing– this position will provide administrative support for the WMS 2 and the new unit.

Rule Implementation

For implementation purposes, Ecology will require salaries, benefits, and associated staff costs for the following positions stationed in central and eastern Washington following the conclusion of the first RACT rulemaking period.

- 1.0 FTE EE 3 in fiscal year 2028 and ongoing – this position will provide regulatory and technical assistance to facilities who may be required to meet new control technology standards.

Ecology will also require pass-through funding to support Local Clean Air Agencies with rule implementation. This funding will follow the conclusion of the first RACT rulemaking period and mirror staff requested for implementation by Ecology. The funding level needed is estimated at a cost of 1.0 FTE EE3 for each of the seven Local Clean Air Agencies beginning in fiscal year 2028 and ongoing. This annual amount of \$1,361,689 in fiscal year 2028 and ongoing each year (shown in Object N: Grants).

Workforce Assumptions:

Expenditures by Object		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
A	Salaries and Wages	648,036	648,036	726,875	767,772	845,210	866,359
B	Employee Benefits	236,532	236,532	265,308	280,235	308,500	316,219
E	Goods and Services	65,005	63,905	51,914	55,948	57,473	60,782
G	Travel	16,085	16,085	17,984	18,878	20,553	21,112
J	Capital Outlays	25,521	14,856	9,902	10,394	11,316	11,624
N	Grants, Benefits, and Client Services					1,361,689	1,361,689
T	Intra-Agency Reimbursements	254,312	254,312	285,251	301,301	331,690	339,990
	Total Objects	1,245,491	1,233,726	1,357,234	1,434,528	2,936,431	2,977,775

Staffing

Job Class	Salary	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
ENVIRONMENTAL PLANNER 5	98,587	1.00	1.00	1.00	1.00	1.00	1.00
WMS BAND 2	100,000	0.70	0.70	0.70	0.70	0.70	0.70
ADMINISTRATIVE ASSISTANT 3	50,588	0.50	0.50	0.50	0.50	0.50	0.50
ENVIRONMENTAL PLANNER 3	80,956	1.00	1.00	1.00	1.00	1.00	1.00
ENVIRONMENTAL ENGINEER 5	108,809	1.00	1.00	1.00	1.00	1.00	1.00
ENVIRONMENTAL ENGINEER 3	98,587	1.00	1.00	1.50	2.00	3.00	3.00
ECONOMIC ANALYST 3	85,020			0.25	0.20		0.20
REGULATORY ANALYST 2	82,901			0.10	0.05		0.05
NATURAL RESOURCE SCIENTIST 3	82,901	2.00	2.00	2.00	2.00	2.00	2.00
FISCAL ANALYST 2		0.72	0.72	0.81	0.85	0.92	0.95
IT APP DEVELOPMENT-JOURNEY		0.36	0.36	0.40	0.42	0.46	0.47
	Total FTEs	8.28	8.28	9.26	9.72	10.58	10.87

Explanation of costs by object:

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 36.5% of salaries.

Goods and Services are the agency average of \$4,834 per direct program FTE. Included is preproposal meeting and public hearing costs (including third party facilitator costs) of: \$6,200 in fiscal year 2024, \$5,100 in fiscal year 2025, \$1,000 in fiscal year 2026, \$3,100 in fiscal year 2027, \$1,000 in fiscal year 2028 and ongoing in the even years, and \$3,100 in fiscal year 2029 and ongoing in the odd years. Additionally included are AGO costs of \$24,000 in fiscal years 2024 and 2025, and \$12,000 in fiscal year 2026 and ongoing.

Travel is the agency average of \$2,234 per direct program FTE.

Equipment is the agency average of \$1,230 per direct program FTE.

Capital outlays for IT hardware estimates of \$16,665 in fiscal year 2024 and \$6,000 in fiscal year 2025 are included.

Grants includes \$1,361,689 in fiscal year 2028 and ongoing each year thereafter for pass-through funding to support Local Clean Air Agencies with rule implementation.

Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 28.75% 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.

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 Toxic Threats and Pollution because it will reduce criteria air pollutants in communities most impacted by air pollution.

This request is essential to achieving the Governor's Results Washington Goal 5: Effective, Efficient and Accountable Government and Ecology's Goal 1: Support and Engage our Communities, Customers, and Employees because it will support work to regularly seek feedback from the public, stakeholders, local government, and Tribal Nations.

This request is also essential to achieving:

- The Governor's Results Washington Goal 4 - Healthy and Safe Communities because it will prevent and reduce health problems linked to air pollution by reducing criteria air pollutants.
- Ecology's Goal 2 - Reduce and Prepare for Climate Impacts because it will support the work to meet the requirement of the CCA to evaluate impacts of the cap-and-invest program on criteria air pollution in communities most impacted by air pollution.

Performance Outcomes:

The outcome of this request will be a reduction in emissions of criteria pollutants in overburdened communities from stationary sources. This will help maintain Washington's compliance with federal air quality standards; and prevent and reduce health problems linked to air pollution.

Equity Impacts

Community outreach and engagement:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Disproportional Impact Considerations:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Target Populations or Communities:

This request will provide several benefits for communities disproportionately impacted by air pollution across the state. The following areas prioritize equity in design and implementation to meet the intent of the statute to address criteria air pollution in communities most impacted by air pollution:

1. New targeted standards – The emission control technology standards framework to be created through the rulemaking funded by this request will be driven by air quality data in the identified overburdened communities.

2. Grant and incentives program – The grant and incentives program is requested through the 2023-25 *Improving Air Quality in Overburdened Communities initiative* capital project request. The full pro-equity elements of this initiative are supported by the structure of the grant program. Ecology will work with communities to develop grant projects that reflect on-the-ground air quality needs. Staff requested in the capital project request will support communities that do not currently have the capacity to engage with Ecology as we implement the statutory requirements. The purpose of these pro-equity strategies is to expand access to grants in identified overburdened communities and design solutions based on the needs of vulnerable and underserved populations. Ecology plans to consult with the EJ Council and other EJ community organization leaders (based on existing legislative direction for the EJ Council to provide recommendations on distribution of CCA funds) to set up this program.

3. Equity-based engagement – This initiative has and will continue to center around the needs of the most impacted communities through design and implementation of multiple engagement processes. This request includes resources to support ongoing community engagement that is meaningful, effective, and tailored to reach diverse audiences, including:

- Language access – translation and interpretation in multiple language.
- An extensive preproposal process in rulemaking designed to support the public and stakeholders become familiar with the information and with Ecology.
- Engaging with the EJ Council.
- A combination of in-person and virtual options for public engagement.
- Meeting communities where they are– working with them in their community centers and public spaces, in both urban and rural areas across the state.
- Transparency on the use of feedback and follow-up on how information was used at different stages of the process.

4. Intergovernmental – Ecology has invited government-to-government consultation with Tribal nations and will continue to uphold responsibilities to Tribal consultation, collaboration, and Tribal justice. We invited government-to-government consultation in December 2021 and conducted two Tribal meetings in January 2022, which was the week prior to public listening sessions for the process to identify the overburdened communities highly impacted by air pollution.

Other Collateral Connections

Puget Sound Recovery:

N/A

State Workforce Impacts:

N/A

Intergovernmental:

There will be impacts to Local Clean Air Agencies through rulemaking, because they will be required to implement new emission for the stationary sources in their jurisdictions in later biennia. This request identifies future pass through funds for Local Clean Air Agencies to implement these future regulatory requirements.

DOH will need to provide support to Ecology on the EJ reviews to focus on air quality and climate related epidemiology, and community engagement. DOH is submitting a budget request for 2023-25 to support this work, which Ecology supports.

Ecology anticipates support for both the regulatory framework and the grant program from some local governments, because they will allow Ecology to address the different types of emission sources. The regulatory framework around emission control technology also provides certainty that meaningful change will occur in and for communities.

Ecology anticipates opposition from some local governments. Potential opposition centers on regulatory requirements for emission control technologies. However, Ecology anticipates some industry support due to the certainty that this regulatory framework would provide over other possible approaches.

Stakeholder Response:

Ecology has discussed this approach at a high level with potential stakeholders that represent EJ or environmental interests. Stakeholders shared an initial positive response to the idea of rulemaking, control technology standards and a grant program.

Ecology anticipates support from EJ organizations, the EJ Council, environmental advocacy organizations, community-based nonprofits, and some local governments. Based on existing legislative direction for the EJ Council to provide recommendations on distribution of CCA funds, we plan to discuss the grant and technical assistance program from our corresponding Capital request with the EJ Council.

Ecology anticipates support for both the regulatory framework and the grant program, because they will allow Ecology to address the different types of emission sources. The regulatory framework around emission control technology also provides certainty that meaningful change will occur in and for communities.

Ecology anticipates opposition from industry organizations. Potential opposition centers on new regulatory requirements for emission control technologies. However, Ecology anticipates some industry support due to the certainty that this regulatory framework would provide over other possible approaches.

State Facilities Impacts:

N/A

Changes from Current Law:

N/A

Legal or Administrative Mandates:

This request is based on legislative direction for Ecology to develop air quality or emission standards or limits, and “adopt emission control strategies or other methods” to reduce criteria air pollution in the identified overburdened communities highly impacted by air pollution (RCW 70A.65.020(b)(iii)).

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
	2024	2025	2023-25	2026	2027	2025-27
Obj. A	\$648	\$648	\$1,296	\$727	\$768	\$1,495
Obj. B	\$236	\$237	\$473	\$265	\$280	\$545
Obj. E	\$65	\$64	\$129	\$52	\$56	\$108
Obj. G	\$16	\$16	\$32	\$18	\$19	\$37
Obj. J	\$26	\$15	\$41	\$10	\$11	\$21
Obj. T	\$254	\$254	\$508	\$285	\$301	\$586

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Agency Recommendation Summary

The greenhouse gas (GHG) inventory is the official measure for assessing progress toward meeting Washington’s statutory GHG emission limits. These limits are both aggressive and in line with current climate science, yet our ability to track progress toward meeting them, and predict the outcomes of policy decisions, has not kept pace. This request will provide additional resources to improve the timeliness and accuracy of data reported in Inventory, and provide policy support staff that predict and then track the GHG impact of current and proposed climate policies. These needs are critical to our ability to meeting the state’s GHG limits and minimize our contribution to global climate change. (General Fund-State)

Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
Staffing						
FTEs	4.6	4.6	4.6	4.6	4.6	4.6
Operating Expenditures						
Fund 001 - 1	\$624	\$624	\$1,248	\$624	\$624	\$1,248
Total Expenditures	\$624	\$624	\$1,248	\$624	\$624	\$1,248

Decision Package Description

Background

Washington is a national leader in cutting greenhouse gas (GHG) emissions to prevent climate change. GHGs are substances that contribute to climate change by trapping heat in the atmosphere. The primary internationally recognized GHGs that contribute to human-caused climate change are:

- Carbon dioxide
- Hydrofluorocarbons
- Methane
- Nitrogen trifluoride
- Nitrous oxide
- Perfluorocarbons
- Sulfur hexafluoride

In recent years, Washington State has adopted a variety of regulations, programs, and initiatives designed to reduce GHG emissions, and in 2020, the Legislature set new emission limits that align with the latest climate science. Under the updated law (RCW 70A.45.020), the state is required to reduce emissions levels as follows:

- 2020 - Reduce to 1990 levels
- 2030 - 45% below 1990 levels
- 2040 - 70% below 1990 levels
- 2050 - 95% below 1990 levels and achieve net zero emissions

To help measure the state’s progress in reducing these emissions, as compared to the 1990 baseline, Ecology publishes an inventory of Washington’s GHG emissions every two years. This inventory includes total emissions in the state, emissions by sector of the economy, and how those emissions are changing over time. The inventory is a top-down estimate of all emissions in the state, meaning that it quantifies total emissions based on high-level data, such as total energy consumption within the state, without trying to quantify individual emissions sources. This differs from Ecology’s bottom-up data collection programs, such as the GHG Reporting Program, which capture much more detailed data at the facility level, but does not attempt to capture all emissions in the state. This top-down inventory helps us design policies to reduce GHG emissions and track progress toward meeting the state’s emission reduction limits. The most recent inventory, through 2018, can be found here: <https://apps.ecology.wa.gov/publications/SummaryPages/2002020.html>.

The majority of the data to develop this inventory are provided by the Environmental Protection Agency’s (EPA) State Inventory and Projection Tool (SIT). This tool provides GHG data to all 50 states in a way that is consistent both geographically and across industry sectors. Because the SIT tool is only published once complete data for all sectors and states is available, the most recent SIT data reflected in Ecology’s GHG Inventory is from 2018 (2019 data will be available in the Ecology GHG Inventory published this year).

In addition to EPA’s SIT tool, the Washington State Department of Commerce (Commerce) annually provides GHG emissions for the electricity sector calculated from fuel mix disclosure data. Each utility is required to report to Commerce the fuel mix that generates its electricity. Commerce then uses this information to determine an aggregated fuel mix for the entire state, from which electricity sector GHG emissions are

calculated.

The inventory is based on aggregated data for each source sector, not facility-specific emissions. For comparison to national and international GHG inventory data, state GHG data are categorized by the following sectors:

- Transportation
- Electricity consumption
- Residential, commercial, and industrial
- Fossil fuel industry
- Waste management
- Industrial processes
- Agriculture

Problem

The current biennial GHG inventory is a critical tool in helping us track progress toward meeting the state's emission reduction limits, but there are several significant limitations around the timing and specificity of the data used to produce the report. The current inventory relies on standardized federal data, provided through the SIT Tool, which are aggregated nationally and then apportioned to the states. Because most of the data are allocated based on population, economic activity, manufacturing capacity, or other factors, the numbers are often unresponsive to actual changes in emissions levels in Washington. Therefore, the data available does not always accurately represent emissions at the state level, and we have limited ability to adjust the federal data tools to better reflect actual emissions in Washington.

The other major issue is that the federal data are released two to four years after emissions occur. This time lag between when emissions occur and when they are reflected in Washington's inventory is problematic for policy makers who want more up-to-date information so they can assess the effects of current policies and make adjustments as needed.

Washington's regulatory programs designed to reduce GHG emissions generate measured, verified data that may be more accurate than the federal data currently being used. However, Ecology lacks the capacity to collect, standardize, and analyze these data for inclusion in the inventory. We also lack the capacity to produce robust estimates of the emission reductions expected from policy changes, which can take years or decades to achieve their full emissions reduction potential. Our ability to both accurately model and predict GHG reductions and to provide timely data to check our predictions is critical to ensuring that Washington will achieve its GHG emissions limits.

Solution

This request supports four GHG Inventory staff for Ecology's Air Quality Program, two of whom will focus on state-level data collection and analysis, while the other two will be focused on prediction and modeling of the collected data.

Although the GHG Inventory is based on a top-down approach, there is significant potential to improve its usefulness by using some bottom-up data, such as individual facility reports submitted to various Ecology regulatory programs. Using such state-level data has the potential to shorten the delay between when emissions occur and when data become available to the public by one to two years.

It will also result in an inventory that more accurately represents emissions in Washington, and one that can provide more granular detail on at least some sectors of the economy. The two data collection and analysis staff requested will each focus in different economic sectors and will build Ecology's capacity to collect, standardize, and analyze state-level data in the inventory. Their efforts will primarily be reflected in the use of more timely and representative data in the GHG Inventory, but will also support the modeling effort described below.

This request will also add GHG emissions prediction and modeling capabilities, which can assess potential emission reduction pathways toward meeting statutory limits. While Ecology currently produces estimates of the GHG reductions attributable to specific policies on request, we do not have the capacity to update these as conditions change, or to proactively model and analyze a wide range of proposed policies. We are also unable to provide confident predictions of whether we are on track to meet specific future GHG limits.

With improved GHG modeling and prediction capabilities, we will be able to plan more strategically, and to be better able to inform policy makers and the public about the expected impacts of our programs. The two prediction and modeling staff requested will build a predictive model that uses Washington GHG emissions data and produces emission reduction estimates for specific policies or suites of policies. These staff will support Ecology efforts such as rulemaking and grant programs, while also providing policy analysis to the Governor's Office and Legislature.

Impacts on Population Served:

If funded, this request will improve our ability to track Washington's current GHG emissions and to predict future emission reductions. As a result, we will be better able to target policies to our largest emission sources and more efficiently and effectively meet our statutory GHG limits. Reducing our GHG emissions reduces Washington's contribution to climate change and its associated impacts, such as increased wildfire, flooding, extreme heat, and the spread of disease. Reducing our contributions to climate change benefits all Washingtonians. There is wide-

ranging interest in the GHG inventory, including from the Legislature, state agencies, business and industry, environmental organizations, academics, and the public. Many of these entities have their own GHG reduction goals and rely on state data to assess their progress. We expect that expanding our data collection and modeling capacity will have a positive impact on all user groups, who will benefit from the increased and more timely availability of data and information.

Alternatives Explored:

One alternative to this request would be to continue using the time-lagged federal data to complete the GHG inventory and inform policy decisions on how to achieve our emission reduction targets. This is not a good alternative because it would not provide the timely data and prediction capabilities that we have identified as essential to our ability to achieve our statutory GHG limits.

Another alternative considered was to scale this request and only ask for the two sector data expert positions, but not the modeling positions. This alternative would allow us to work toward replacing the heavily time-lagged federal data with state data, but not allow us to provide predictions and policy support that the Governor’s Office, Legislators and state agencies will likely need to meet the state’s aggressive statutory GHG emission limits.

Consequences of Not Funding This Request:

Washington’s ability to address climate change is partially constrained by a lack of information about the sources of these emissions. Our ability to accurately measure progress toward meeting GHG emission limits does not reflect the state’s leadership to reduce global warming emissions. If this request is not funded, we would continue to have limited ability to compare GHG reduction potential of various policy options and analyze potential pathways to achieving legislatively mandated emission reductions.

Assumptions and Calculations

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

This request expands activity A063 – Climate Change Mitigation and Adaptation by providing additional staff to expand data collection and analysis to inform the state’s biennial GHG inventory. Staff will also provide prediction and modeling capabilities to support policy decisions related to how Washington will meet its emission reduction limits. Below is a summary of the 2019-21 and 2021-23 base funding and FTEs for this activity. Administrative Overhead related to this activity is in the agency’s Administration Activity A002, and is not included in the totals below.

A063 – Climate Change Mitigation and Adaptation		
	2019-21	2021-23
FTEs Total	35.05	85.25
001-1 General Fund - State	\$3,666,000	\$28,524,000
216-1 Air Pollution Account	\$1,185,000	\$928,000
23P-1 Model Toxics Control Operating	\$4,439,000	\$3,315,000
25Q-1 Clean Fuels Program	\$0	\$348,000
26B-1 Climate Investment	\$0	\$6,709,000
489-1 Pension Funding Stabilization Account	\$195,000	\$0
TOTAL	\$9,485,000	\$39,824,000

Detailed Assumptions and Calculations:

Beginning July 1, 2023, and ongoing, Ecology requires salaries, benefits, and associated staff costs for the following positions needed to develop and implement a state specific GHG dataset:

- 1.0 FTE Natural Resource Scientist 4 to serve as the Inventory Unit supervisor, with additional responsibilities for data aggregation and modeling work. This position will oversee creation of the state GHG dataset and will have primary responsibility for all of the team’s data products.
- 2.0 FTEs Environmental Specialist 5 positions to serve as sector data experts. These two positions will collect, aggregate, and verify emissions data from a range of sectors.
- 1.0 FTE Natural Resource Scientist 3 to serve as a modeler and forecaster. This position will build and run models and generate emissions estimates in response to policy questions and proposals.

Workforce Assumptions:

Expenditures by Object		<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
A	Salaries and Wages	336,338	336,338	336,338	336,338	336,338	336,338
B	Employee Benefits	122,764	122,764	122,764	122,764	122,764	122,764
E	Goods and Services	19,336	19,336	19,336	19,336	19,336	19,336
G	Travel	8,936	8,936	8,936	8,936	8,936	8,936
J	Capital Outlays	4,920	4,920	4,920	4,920	4,920	4,920
T	Intra-Agency Reimbursements	131,991	131,991	131,991	131,991	131,991	131,991
Total Objects		624,285	624,285	624,285	624,285	624,285	624,285

Staffing

Job Class	Salary	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
NATURAL RESOURCE SCIENTIST 4	91,525	1.00	1.00	1.00	1.00	1.00	1.00
NATURAL RESOURCE SCIENTIST 3	82,901	1.00	1.00	1.00	1.00	1.00	1.00
ENVIRONMENTAL SPECIALIST 5	80,956	2.00	2.00	2.00	2.00	2.00	2.00
FISCAL ANALYST 2		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
Total FTEs		4.60	4.60	4.60	4.60	4.60	4.60

Explanation of costs by object:

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 36.5% of salaries.

Goods and Services are the agency average of \$4,834 per direct program FTE.

Travel is the agency average of \$2,234 per direct program FTE.

Equipment is the agency average of \$1,230 per direct program FTE.

Agency Administrative Overhead is calculated at the federally-approved agency indirect rate of 28.75% 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.

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 2: Reduce and Prepare for Climate Impacts because it will fund the necessary resources Ecology needs to improve our ability to accurately assess GHG emissions sources and identify ways to reduce them.

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 enable Ecology to provide more accurate, timely, and accessible data in response to strong public demand.

This request is essential to achieving Ecology’s Goal 3: Prevent and Reduce Toxic Threats and Pollution because it will fund the resources needed to compare the potential policy options to decrease GHGs (which often leads to reductions in co-pollutants).

This request also broadly 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: 4b. Reduce greenhouse gas emissions by 2050, expand carbon sequestration programs, and improve habitat conditions

Performance Outcomes:

The outcome of this request will be an improvement in the quality and timeliness of the data in the biennial GHG Inventory report and the added capability to model and predict the emissions reduction potential of existing and proposed policies. These capabilities are critical to our ability to meet statewide GHG emission limits. The data and analysis prepared by the GHG Inventory team can provide Ecology, the Governor’s Office, and the Legislature with accurate, timely information for decision making and will be critical to accurately measure the statewide impacts of multiple climate-focused programs, such as Climate Commitment, Clean Fuel Standard, and Refrigerant Management Programs.

Equity Impacts

Community outreach and engagement:

See “Target Populations or Communities” section for combined answer to Equity Impacts questions.

Disproportional Impact Considerations:

See “Target Populations or Communities” section for combined answer to Equity Impacts questions.

Target Populations or Communities:

This request is key to Washington’s efforts to reduce GHG emissions. It is critical to address environmental and health disparities associated with climate change. Climate change impacts include smoke from wildfires, the spread of disease, flooding, impacts on water supplies, and associated criteria air pollutants. Many of these climate-driven events disproportionately harm overburdened communities, which are already vulnerable to environmental health crises and natural disasters.

Other Collateral Connections

Puget Sound Recovery:

N/A

State Workforce Impacts:

N/A

Intergovernmental:

Many Tribal, regional, county, and city governments, along with other state agencies, rely on the GHG inventory as a basis for decision making and a means of tracking policy effectiveness. By improving our data collection ability, the timeliness of data releases, and our ability to model and predict future emissions, we will be able to provide better data products and a higher level of service.

Stakeholder Response:

We have discussed at a high level the impacts of expanding Ecology’s GHG inventory capabilities with legislators, the public, entities reporting GHG emissions, and GHG inventory staff in other states. There is significant demand for the work described in this request. We have heard positive feedback about expanding our capabilities.

State Facilities Impacts:

N/A

Changes from Current Law:

N/A

Legal or Administrative Mandates:

The GHG inventory is required under RCW 70A.45.020. Although current efforts meet the statutory requirements, the statute also intended a more robust effort than just the biennial, retrospective inventory report that is currently being published:

- RCW 70A.45.020(1)(d)(ii) requires Ecology to track progress toward meeting our statutory emission limits. This supports the addition of prediction and modeling capabilities to allow us to forecast whether we expect to meet our limits.
- RCW 70A.45.020(2) requires that Ecology’s rules about GHG reporting by major emitters (under RCW 70A.15.2200) support the development of a robust GHG inventory. This section supports use of state data in place of federal data.

This request will enable a more robust GHG inventory program, as supported by state law.

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
	2024	2025	2023-25	2026	2027	2025-27
Obj. A	\$336	\$336	\$672	\$336	\$336	\$672
Obj. B	\$123	\$123	\$246	\$123	\$123	\$246
Obj. E	\$19	\$19	\$38	\$19	\$19	\$38
Obj. G	\$9	\$9	\$18	\$9	\$9	\$18
Obj. J	\$5	\$5	\$10	\$5	\$5	\$10
Obj. T	\$132	\$132	\$264	\$132	\$132	\$264

Agency Contact Information

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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 percent below 2017 levels by 2038. The law requires Ecology to adopt rules to establish the Clean Fuels Standard Program by January 1, 2023. To meet these requirements, Ecology is developing the Washington Fuel Reporting System, an online market platform that will allow 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 new market platform that will go live in January is based on aging technology that needs to be replaced. Ecology is requesting funding over the next three years to collaborate with the state of California in co-developing market platforms for each state. This approach will allow both states to leverage the same or similar services for their own programs, at lower costs, while helping to achieve emission reduction goals. (Clean Fuels Program Account)

Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
Staffing						
FTEs	0.8	0.8	0.8	0.8	0.0	0.4
Operating Expenditures						
Fund 25Q - 1	\$648	\$1,148	\$1,796	\$1,148	\$0	\$1,148
Total Expenditures	\$648	\$1,148	\$1,796	\$1,148	\$0	\$1,148

Decision Package Description

Background

Transportation is by far the largest source of greenhouse gas (GHG) emissions in Washington, accounting for almost 45 percent of total emissions in 2018, with almost half of those emissions coming from personal cars and trucks. Reducing the carbon intensity of the fuels that power those cars and trucks is an important tool to 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 20 percent 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 will be 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.

Ecology is required under Chapter 70A.535 RCW to adopt rules to establish the Clean Fuels Standard (CFS) Program by no later than January 1, 2023. This rulemaking is currently underway and adoption of the proposed rules is planned for this winter. California, Oregon, and British Columbia have already adopted their own clean fuel standards. In Washington, the CFS Program will work 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/Air-Climate/Climate-change/Reducing-greenhouse-gases/Clean-Fuel-Standard>.

Washington Fuel Reporting System

As part of implementing CFS Program, Ecology is required to assign and track tradable and bankable compliance obligations and credits to participants. In each year of the program, Ecology will set a carbon intensity standard, and anyone selling a fuel with a carbon intensity above that threshold will generate deficits (called “compliance obligations”), while anyone selling a fuel with a carbon intensity below the standard will generate credits. At the end of the year, deficit holders will 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, will be required to register with Ecology. Therefore, the ability to provide a secure registration, reporting, and credit exchange services platform is a key requirement of the CFS Program.

To meet this need, Ecology is currently developing the Washington Fuel Reporting System (WFRS), which will go live by January 1, 2023, and allow regulated entities to:

- Register for the program.
- Report fuel transactions.
- Calculate the credits and deficits generated by these transactions.
- Trade credits to achieve compliance.

In order to meet the January 1, 2023 legislative deadline to implement the CFS Program, Ecology decided to use source code provided by the California Air Resources Board (CARB) for their current LCFS Data Management System (LDMS) to implement the initial version of WFRS, as there was insufficient time to develop our own platform. While this was an effective approach for standing up Washington's new system in the timeframe provided, the source code for CARB's current system is outdated and needs to be replaced.

CARB's current LDMS, which was 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 in a way to efficiently integrate complex reporting features, nor accommodate its current amount of data and users. Certain functions are slowing and certain operations - that could otherwise be handled by a new automated system - are being handled manually by staff at CARB. Over the next five years, it will become increasingly difficult to update, maintain, and secure the system, increasing the risk and cost of its continued use.

CARB's LDMS, like Washington's WFRS, must be capable of growing expanding over the coming decade. This means that these systems need to be able to add additional program participants, accommodate more complex credit generation mechanisms, and be able to track and monitor a growing number of market trades that are designed to address 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 (https://esd.dof.ca.gov/Documents/bcp/2223/FY2223_ORG3900_BCP5692.pdf). CARB plans to contract for developing and hosting its new market platform starting in mid-2023, and has proposed a "membership" model to allow multiple states to share the ongoing maintenance costs. This approach will allow multiple jurisdictions to leverage the same or similar services for their own programs, while helping to achieve 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 been invited to participate.
- Share costs for ongoing maintenance, resulting in lower costs for members.

Furthermore, having a multi-jurisdictional platform lowers the barriers to establishing more CFS-like programs in the United States. This, in turn, has the potential to lead to increased alternative fuel production and increased availability of alternative fuels to Washington, which would help us meet statewide GHG targets at lower costs.

CARB has invited Washington to participate in this "membership" model, and they are currently soliciting for a contractor with the flexibility to allow Ecology and other states to join this cost-sharing model. Participating in the shared development of our systems would save Washington money compared to developing our own standalone platform, and allow for implementation of the new system to happen faster. The Oregon Department of Environmental Quality (ODEQ), which also developed its market platform based on California's current source code, may also collaborate and share costs of the new platform.

To take advantage of this opportunity, Ecology is requesting \$2.5 million over the next three years (fiscal year 2024 through fiscal year 2026) to contract with the service provider selected by California to develop and host the next generation of the WFRS market platform. This investment will result in an updated, more secure market platform for Washington, designed to meet both the current needs of the CFS Program, as well as future expansion as the program matures. Making this investment now will allow Washington's market platform to be developed concurrently with California's, which will ensure timely phase-out of the current outdated platform core features shared by both states are designed with maximum flexibility to meet both states' needs.

Impacts on Population Served:

The CFS is one of Washington's key policies that is 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 considered the alternative of 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. Developing our own market platform would also 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 co-develop 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 the same, if not more, than the cost of co-developing the new one with

other jurisdictions. By choosing to forgo the opportunity to leverage the LDMS system with CARB, Washington would be creating duplicate processes and requirements, and would incur costs that could have been avoided if shared with other programs.

Assumptions and Calculations

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

This request expands activity A063 – Climate Change Mitigation and Adaptation by providing funding to co-develop a new online market platform to support implementation of the CFS Program. The CFS Program is a portion of this overall activity. Below is a summary of the 2019-21 and 2021-23 base funding and FTEs for this activity. Administrative Overhead related to this activity is in the agency’s Administration Activity A002, and is not included in the totals below.

A063 – Climate Change Mitigation and Adaptation		
	2019-21	2021-23
FTEs Total	35.05	85.25
001-1 General Fund - State	\$3,666,000	\$28,524,000
216-1 Air Pollution Account	\$1,185,000	\$928,000
23P-1 Model Toxics Control Operating	\$4,439,000	\$3,315,000
25Q-1 Clean Fuels Program	\$0	\$348,000
26B-1 Climate Investment	\$0	\$6,709,000
489-1 Pension Funding Stabilization Account	\$195,000	\$0
TOTAL	\$9,485,000	\$39,824,000

Detailed Assumptions and Calculations:

Ecology requires a total of \$2.5 million over three years (fiscal year 2024 through fiscal year 2026) to contract with the service provider selected by California 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 based cost estimates for development of the platform on discussions with CARB, ODEQ, and a contractor capable of building a system with the required capabilities. Below is the estimate cost breakdown by fiscal year:

- \$500,000 in fiscal year 2024
- \$1,000,000 in fiscal year 2025
- \$1,000,000 in fiscal year 2026

Ecology also requires salaries, benefits, and associated staff costs for 0.7 FTE IT App Developer Senior Specialist in fiscal years 2024 through 2026 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, ongoing maintenance costs for the new system are indeterminate at this time, as they will be based on the contractor selected by California, 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 establish for this work by the 2025-27 carry forward level, Ecology may need to submit future maintenance level (ML) budget requests to ensure we can effectively maintain the new market platform into the future.

Workforce Assumptions:

Expenditures by Object		<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
A	Salaries and Wages	81,075	81,075	81,075			
B	Employee Benefits Personal Service	29,592	29,592	29,592			
C	Contract	500,000	1,000,000	1,000,000			
E	Goods and Services	3,384	3,384	3,384			
G	Travel	1,564	1,564	1,564			
J	Capital Outlays Intra-Agency	861	861	861			
T	Reimbursements	31,817	31,817	31,817			
	Total Objects	648,293	1,148,293	1,148,293	0	0	0

Staffing

Job Class	Salary	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
IT APP DEVELOPMENT-SR/SPECIALIST	115,822	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			
	Total FTEs	0.81	0.81	0.81	0.00	0.00	0.00

Explanation of costs by object:

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 36.5% of salaries.

Contracts are included of \$500,000 in fiscal year 2024, \$1,000,000 in fiscal year 2025, and \$1,000,000 in fiscal year 2026.

Goods and Services are the agency average of \$4,834 per direct program FTE.

Travel is the agency average of \$2,234 per direct program FTE.

Equipment is the agency average of \$1,230 per direct program FTE.

Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 28.75% 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.

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 proposal 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:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Disproportional Impact Considerations:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Target Populations or Communities:

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. An updated, improved, and more secure market platform will better serve the regulated entities and voluntary participants in the CFS Program by reducing their paperwork burden and lowering 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.

A key benefit of the CFS to many Washingtonians will be reduced fuel costs when they switch to transportation technologies that do not rely on fossil fuels (such as electric vehicles). 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 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.

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 more than the market platform, their impacts are important to avoid or mitigate. The Low Carbon Energy Project Siting Improvement Study (required by the same bill that created the CFS) is an effort to minimize the negative impacts of clean energy facilities in Washington (including alternative fuel producers). This study will recommend improvements to the siting process for facilities that minimize negative impacts and unintended consequences.

Other Collateral Connections

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 Response:

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

Reference Documents

[Washington Fuel Reporting System-IT Addendum.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
	2024	2025	2023-25	2026	2027	2025-27
Obj. A	\$81	\$81	\$162	\$81	\$0	\$81
Obj. B	\$29	\$29	\$58	\$29	\$0	\$29
Obj. C	\$500	\$1,000	\$1,500	\$1,000	\$0	\$1,000
Obj. E	\$3	\$3	\$6	\$3	\$0	\$3
Obj. G	\$2	\$2	\$4	\$2	\$0	\$2
Obj. J	\$1	\$1	\$2	\$1	\$0	\$1
Obj. T	\$32	\$32	\$64	\$32	\$0	\$32

Agency Contact Information

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2023-25 IT ADDENDUM

Only use this addendum if your decision package includes IT costs

Part 1: Itemized IT costs

Complete the [2023-25 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).



ITaddendum2023-25.
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 122 - administrative and financial system investment approval](#) ? Yes No
- C. If **Yes** to question B, has this decision package obtained OCIO and OFM Administrative and Financial System review approval? Yes No
- o If **Yes**, attach the approval letter.
 - o If **No**, the decision package should not be submitted. Recommendation will be “Do Not Fund.”
- 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 most relevant decision package investment classification from the following list (select one)::
- 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:

(Project name published on the [IT Dashboard](#))

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 in development to support 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 attached. In this decision package, Ecology proposes collaborating 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.



CARB 2020-07-30
Final LDMS Highlevel

Ecology staff have had multiple conversations with CARB and ODEQ staff to ensure that our needs and goals are aligned. CARB has already received funding from the California Legislature for this project and is moving forward. Ecology and ODEQ have yet to receive funding. 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 cheapest 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 an IT Application Development – Senior/Specialist, who will serve as project manager for the project. The Climate Policy Section Manager in the Air Quality Program, who oversees the Washington Clean Fuels team, will be the Executive Sponsor. A steering committee consisting of Clean Fuels and Air Quality 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 many opportunities for feedback and inclusion into decision-making. The project will implement change control procedures. Contracts will be managed by Air Quality Program 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. The IT Application Development – Senior/Specialist will manage the project and will participate in requirements development, testing, and project oversight. Additionally, this position 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 and technical alignment. Using specific examples, describe how this investment aligns with strategic and technical elements of the [Enterprise Technology Strategic Plan](#). Examples of strategic principles that tie back to tenets of the strategic plan include, but are not limited to, advance digital government, support use of common and shared technologies across agencies, improve the Washington customer experience across digital channels, strengthen privacy capacity in state and local government. Examples of technical principles that tie back to tenets of the strategic plan include but are not limited to; adoption of modern cloud-hosted technologies, provide proactive cybersecurity capabilities, reduce technical debt, and expand integration between systems.

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 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? 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 three 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.

Business alignment

Business driven technology. What are the business problems to be addressed by the proposed investment? These business problems should provide the basis for the outcome discussion below. Describe how end users (internal and external) will be involved in governance and implementation activities.

This is primarily a business driven project. The project’s objective is to replace an aging tool with a modern, cloud-based solution that is better harmonized with the systems in other states with clean fuels programs. This will allow us to both address technical debt and add new features to the tool. This tool supports high-level priorities of the agency and the governor, including improving air quality and fighting climate change. The Clean Fuel Standard regulatory programs that this tool supports was one of the Governor’s top legislative priorities.

The project staff (Clean Fuels and Air Quality Staff) will work directly with the contractor during requirements development and testing. In later project stages, external users will be invited to beta test the system.

Measurable business outcome. Describe and quantify the specific performance outcomes you expect from this funding request. Provide specific examples of business outcomes in use within your agency, and how those outcomes will be improved because of this technology investment. Does the response align with the measurable business outcomes identified in the Strategic and Performance Outcomes in [Chapter 2](#) of the 2023-25 budget instructions? What outcomes and results, either positive or negative will occur? Identify all Lean initiatives and their expected outcomes. Include incremental performance metrics.

The outcome of this request will be a modern, more secure market platform designed to efficiently meet the needs of the Washington CFS program both when it is put into service and through future expansions and feature additions. If this package was funded, the platform that is being developed under current efforts (based on aging source code from California and planning to be put into service on January 1, 2023) will be retired. The new platform will provide the same basic services as this platform, but with greater security, ease of use, and efficiency. Technical debt and security risks in the current platform will be eliminated, and it will become possible to design and add new features to the platform, which cannot be done currently.

Decision package urgency

During the evaluation and ranking process, the OCIO will take into consideration, the urgency of the decision package request. Describe the urgency of implementing the technology investment in this cycle and the impacts to business if it does not proceed as planned.

If this request is not funded, Ecology would not be able to co-develop the system alongside California and Oregon, and would instead be faced with aging platform and the full-cost of replacement in a future biennium. It is important to build and maintain robust technology to support the Clean Fuel Standard, which is a high priority of the Governor.



Agency Recommendation Summary

Under the Climate Commitment Act, Washington is implementing a cap-and-invest program to limit greenhouse gas emissions. The revenue from purchases of emissions allowances will be invested into projects and grants that help achieve the state’s climate change mitigation and resilience goals. These projects will aim to support affordable transitions for regulated entities and their customers and support environmental justice. The 2022 supplemental operating budget fully funded program implementation costs for Ecology during the 2021-23 biennium, consistent with our final fiscal note for the bill that passed in 2021. However, as Ecology has progressed in creating the cap-and invest-program, we have identified additional needs in several key areas of the program, based on our experience with actual implementation to this point. This budget request provides funding for additional staff and contract resources needed to continue successful implementation of the cap-and-invest program into the future. (Climate Investment Account)

Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
Staffing						
FTEs	6.3	6.3	6.3	6.3	6.3	6.3
Operating Expenditures						
Fund 26B - 1	\$1,794	\$1,839	\$3,633	\$1,860	\$1,896	\$3,756
Total Expenditures	\$1,794	\$1,839	\$3,633	\$1,860	\$1,896	\$3,756

Decision Package Description

Background

Changes in climate pose serious threats to Washington’s economy, public health, natural resources, and environment. In response to these threats, in 2021, the Legislature passed Engrossed Second Substitute Senate Bill (E2SSB PL) 5126 – Climate Commitment Act (CCA), which established a comprehensive program to reduce carbon pollution and achieve the greenhouse gas (GHG) limits set in state law. This law caps and reduces GHG emissions from the state’s largest emitting sources and industries, allowing businesses to find the most efficient path to lower carbon emissions.

The CCA directs Ecology to develop rules to implement a cap on carbon emissions, including mechanisms for the sale and tracking of tradable emissions allowances, along with compliance and accountability measures. Ecology is also required to design and adopt rules to allow for linkage of the program with similar programs in other jurisdictions.

Under the law, Ecology will implement a cap-and-invest program, starting January 1, 2023, by setting emissions allowance budgets that meet the GHG limits in RCW 70A.45.020. Initially, the cap-and-invest program will cover industrial facilities, certain fuel suppliers, in-state electricity generators, electricity importers, and natural gas distributors with annual greenhouse gas emissions above 25,000 metric tons of carbon dioxide equivalent. The program will expand to add waste-to-energy facilities on January 1, 2027, and certain landfills and railroad companies on January 1, 2031.

Covered entities must either reduce their emissions, or obtain allowances to cover any remaining emissions. Some utilities and industries will be issued free allowances, while other allowances will be auctioned. Proceeds from the auction of allowances must be used for clean energy transition and assistance, clean transportation, and climate resiliency projects that promote climate justice, including dedicating a minimum of 35 percent of funds toward overburdened communities, and a minimum of 10 percent toward tribal projects.

The 2022 supplemental operating budget fully funded the implementation costs for Ecology during the 2021-23 biennium, consistent with our final fiscal note for the bill passed in 2021. However, as Ecology has progressed in creating the cap-and invest-program, we have identified additional needs in several key areas of the program, based on our experience with actual implementation to this point. This budget request provides funding for additional staff and contract resources needed to continue successful implementation of the cap-and-invest program into the future.

Additional Cap-and-Invest Program Staffing Resources:

When the CCA passed, Ecology drafted a staffing plan to outline the resources needed to design and implement the program. However, CCA is new and fundamentally different from any program Ecology has ever implemented, and throughout fiscal year 2022, we have found that the actual workload in three key areas of cap-and-invest implementation exceeded the cost estimates that were included in our final fiscal note for the bill.

GHG Reporting and Verification

Workload associated with receiving, processing, and verifying the emissions reports from covered entities is greater than initially estimated. These emissions reports serve as the basis for determining each covered entity's compliance obligation, and the associated work provides the foundation for the cap-and-invest program. We do not currently have the capacity needed to fully support the higher than anticipated amount of reporting and verification work associated with this process.

We currently estimate there will be 100-150 covered entities participating in the cap-and-invest program. As these covered entities begin reporting under CCA, our environmental engineers are already reviewing emissions reports, providing sector-specific technical assistance, working with the entities throughout the process to clarify data and resolve discrepancies, and will be updating calculation sets. Many reports have required additional follow-up communication and staff time before they can be finalized. As a result, the process of examining reports and resolving issues has been lengthy. We estimate it takes 20-40 hours per report based on our current experience. When all covered entities begin reporting, this will result in up to 6,000 Ecology staff hours per year for reporting alone.

Part of the reporting process includes data verification for accuracy. Ecology performs an internal verification of the reported data concurrent with a contractor providing an independent, third-party verification of the data. Each year, the contractor will provide a verification statement, which will be the basis of emissions and product data for the carbon allowance auctions. The verification step will result in an additional estimated 5,650 Ecology staff hours per year.

Ecology currently has five direct FTEs supporting this reporting and verification work. For comparison, California's team has 15 staff and Quebec has 11 staff dedicated to this function, with six of those being engineers. Quebec's team provides a fair comparison for Washington, because Quebec's population is larger (8.6 million versus 7.8 million), but their economy is smaller (\$335 billion Gross Domestic Product (GDP) versus \$619 billion GDP). Quebec also has lower GHG emissions than Washington does (80.6 MMTCO₂e versus 99.6 MMTCO₂e). Quebec's market has approximately 170 registered entities, and Washington will have 100-150 covered entities. This request includes funding for four additional FTEs to manage, support, and conduct GHG reporting, verification, and compliance work under the CCA.

Auctions and Market

The cap-and-invest auctions market is a financial market that generates hundreds of millions of dollars per year. This market involves multinational corporations and sophisticated financial firms. We anticipate there will be 100-150 covered entities participating in the auctions and between 20-100 General Market Participants and offset project providers. We estimate this will result in 120-250 entities requiring review and examination.

The information these entities provide to Ecology will have to be examined and cross-referenced against other entities and individuals. There will also be an ongoing need to conduct periodic reviews of established entities and individuals and do initial examinations of any new entities or individuals. This request will add a 0.5 FTE Financial Examiner to the current team of 3.5 FTEs who will monitor the auctions and secondary market for indications of collusion and other prohibited conduct. For comparison, Quebec has five staff focused on this market monitoring work.

Industrial Decarbonization

Industrial decarbonization will be key in determining a realistic compliance pathway for emissions-intensive and trade-exposed industries (EITEs) in the future, and in determining the ultimate success or failure of the cap-and-invest program by way of Washington's ability to achieve its goal of reducing GHG emissions 95 percent by 2050. This request includes a position that will be an expert in global and industry-specific best practices and cutting-edge technology. This position will be essential in developing recommendations for how best to decarbonize specific industries moving forward.

Market Implementation and Analysis Contract Costs:

WCI, Inc.

Western Climate Initiative (WCI) Inc. is a not-for-profit company that provides the trading platform and associated services (e.g., information technology market monitoring, and financial services) for the existing carbon allowance markets in North America. In December 2021, Washington State joined California, Quebec, and Nova Scotia as a participating jurisdiction with WCI, Inc., and we entered into a contract with their platform and services.

When WCI, Inc. first contracted with the California Air Resources Board in 2013, full online systems development took 19 months and cost \$1.6 million. Based on that, Ecology's final fiscal note in 2021 included estimates of \$2,040,000 for the 2021-23 biennium to cover these costs. However, the actual cost of that contract for this biennium is \$2,974,752. The higher than anticipated cost in 2021-23 was covered with one-time staff cost savings in fiscal year 2022, attributed to the start-up of the CCA program. However, Ecology will need additional funds in the 2023-25 biennium and ongoing to fully support the actual costs of this crucial contract.

Economics Modeling and Analysis

In our final fiscal note, Ecology included cost estimates for a professional services contract in fiscal year 2022 to evaluate whether linkage between the Washington program and other jurisdictions would provide a more cost-effective means for covered entities to meet compliance obligations. Based on the importance of designing Washington's market in a way that will maximize the chance of success, Ecology entered into contract with Vivid Economics, an international economic consultancy company, to provide economic modeling and analysis related to the design

and functioning of the market. This contract totaled \$400,000 between April and September 2022. To ensure we can continue to provide timely, defensible market analysis and modeling, this request includes funding so that we can contract with a vendor to provide this service throughout the life of the cap-and-invest program.

CLEAR

The cap-and-invest program is also currently being supported by a subscription-based investigative data service with Thomas Reuters CLEAR (CLEAR). CLEAR allows the CCA team access to review user and entity applications within the cap-and-invest market. Starting in January 2023, CLEAR will also supplement our market monitoring efforts as users and entities come into the system. The need for this contract was not a known cost in our final fiscal note, and was support in 2021-23 by one-time vacancy savings. This request includes funding (\$32,500 per fiscal year) to continue this contract on an ongoing basis to help us identify associations between cap-and-invest market participants who may be in violation of rules or statutes.

Impacts on Population Served:

Climate change is one of the most significant issues facing Washington today. Tackling climate change is a strategic priority for Ecology to protect public health, ecosystems, the environment, and the economy from the damage that rising temperatures and shifting precipitation patterns have and will cause in Washington.

Under the CCA, Ecology is implementing a cap-and-invest program to limit greenhouse gas (GHG) emissions and reinvest the revenue from purchases of emissions allowances into projects and grants that help achieve the state's climate change mitigation and resilience goals. These projects will aim to support affordable transitions for regulated entities and their customers and support environmental justice (EJ). Reducing GHG pollution is vital to protecting air, water, food sources, and the economy for all Washingtonians.

Alternatives Explored:

Additional staff resources

Ecology is currently implementing a staff plan based on the FTE authority and funding levels provided in the 2021 legislative session, 2022 supplemental budget (consistent with the final fiscal note on E2SHB 5126.PL), and carry-forward level for the 2023-2025 biennium. Resources through the 2021-2023 biennium have been sufficient to develop and launch the program, but it is now evident through implementation to date that the resources available are not adequate to meet all of the complex needs and requirements of the cap-and-invest program in 2023-25 and ongoing. Ecology explored cost saving measures, such as increasing timelines and decreasing technical assistance to covered entities. This alternative would significantly hinder Ecology's ability to complete work to implement the cap-and-invest program on the schedule directed in statute.

Market implementation and analysis contract costs

WCI, Inc. is the primary company that provides this service in North America. The work we are requesting through additional contract funding is not something we are currently able to support in-house at Ecology. We do not have the ability to access the data necessary to complete the analysis, and we do not own the models that are required to conduct the forecasting. Because of this, there are no other alternatives to explore at this time.

Consequences of Not Funding This Request:

Funding this request will allow us to continue timely implementation of Washington's cap-and-invest program. Without this funding, compliance and market oversight could be impacted. Not securing the funding needed to fully support our auction administration (WCI) contract could impact auction proceeds. Verifying emissions reporting could be delayed, and staff time available to assist covered entities with technical questions and reporting challenges would be limited.

Assumptions and Calculations

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

This request will adjust authority in agency activity A063 Climate Change Mitigation and Adaptation, as shown below. The cap-and-invest program is a portion of this overall activity. Below is a summary of the 2019-21 and 2021-23 base funding and FTEs for this activity. Administrative Overhead related to this activity is in the agency's Administration Activity A002, and is not included in the totals below.

A063 – Climate Change Mitigation and Adaptation		
	2019-21	2021-23
FTEs Total	35.05	85.25
001-1 General Fund - State	\$3,666,000	\$28,524,000
216-1 Air Pollution Account	\$1,185,000	\$928,000
23P-1 Model Toxics Control Operating	\$4,439,000	\$3,315,000
25Q-1 Clean Fuels Program	\$0	\$348,000
26B-1 Climate Investment	\$0	\$6,709,000
489-1 Pension Funding Stabilization Account	\$195,000	\$0
TOTAL	\$9,485,000	\$39,824,000

Detailed Assumptions and Calculations:

The CCA created a highly technical program with broad public interest that has required streamlined, coordinated efforts to implement. Ecology is currently implementing a staffing plan based on the FTE authority and funding levels provided in the 2021 legislative session, 2022 supplemental budget (consistent with the final fiscal note on E2SHB 5126.PL), and carry-forward level for the 2023-25 biennium. Through implementation, Ecology has determined the need to adjust multiple job classifications for staff who will perform CCA-directed work. These changes between classifications, both higher and lower than originally assumed, resulted in available capacity we used to carry out other work directed by the CCA.

Beginning July 1, 2023, and ongoing, Ecology requires salaries, benefits, and associated staff costs for the following positions needed to continue successful implementation of the cap-and-invest program.

GHG Reporting and Verification

- 1.0 FTE WMS 2 in fiscal year 2024 and ongoing – This position will manage the GHG emissions reporting and verification team and oversee the work function.
- 1.0 FTE Environmental Engineer 3 in fiscal year 2024 and ongoing – This position will provide technical assistance, process and verify the GHG emissions reports and data from EITE entities, electric power entities, and fuel suppliers. This data provides the foundation for the cap-and-invest program.
- 1.0 FTE Environmental Specialist 4 in fiscal year 2024 and ongoing – This position will serve as the Enforcement Specialist and be an expert in GHG reporting compliance and enforcement. This position will be responsible for coordinating and documenting the compliance actions taken and coordinating consistent enforcement actions to ensure all entities meet GHG emissions reporting requirements.
- 1.0 FTE Administrative Assistant 3 – This FTE will provide dedicated administrative support for the GHG Reporting and Verification unit and the Auctions and Market unit. The original fiscal note did not include administrative support for the CCA, and that has since been identified as a clear business need to carry out the work directed by the Act.

Auctions and Market

- 0.5 FTE Financial Examiner 3 – This position will support developing and implementing strategies to surveil the cap-and-invest program and help safeguard auctions and the market program. The allowance market is a financial market that generates hundreds of millions of dollars a year and involves multi-national corporations and financial firms. As a result, Washington needs financial examiners with in-depth financial expertise and a background in economics.

Industrial Decarbonization

- 1.0 FTE Environmental Planner 5 – This position will serve as the Industrial Decarbonization expert, researching latest industrial decarbonization technologies and providing specialized knowledge to inform policies that will help industries in decarbonization. This position will also participate in interagency workgroups related to industrial decarbonization.

In addition to the staff costs above, beginning July 1, 2023 and ongoing, Ecology requires funding to support the following market implementation and analysis contract costs:

WCI, Inc. Contract

As we continue to implement the cap-and-invest program, we estimate that costs going forward for the WCI, Inc. contract will be similar to those in the 2021-23 biennium, adjusted for inflation. Considering that our current contract totals \$1,487,376 for fiscal year 2023, we estimate an adjusted amount of \$1,514,672 in fiscal year 2024 and \$1,544,965 in fiscal year 2025. Current funding to support this contract based on 2023-25 carry-forward level, and the funding needed based on actual and estimated contract costs, is detailed in the table below:

	FY 2024	FY 2025	FY 2206	FY 2027	FY 2028	FY 2029
WCI Funding Available Based on FN	\$838,120	\$838,120	\$838,120	\$838,120	\$838,120	\$838,120
Estimated WCI Contract Cost (based on current contract)	\$1,514,672	\$1,554,965	\$1,575,864	\$1,607,382	\$1,639,529	\$1,672,230
Funding Requested	\$676,552	\$716,845	\$737,744	\$769,262	\$801,409	\$834,110

Economics Modeling and Analysis Contract Costs

The cap-and-invest program will require economic modeling and analysis related to the design and functioning of the carbon market on an ongoing biennially basis. We will request funding in each Fiscal year ongoing to continue analysis with a third-party consultant throughout the life of the cap-and-invest program. The estimates per fiscal year are based on a 2021-23 contract that provides similar deliverables, adjusted for inflation.

- Fiscal year 2024: \$215,000
- Fiscal year 2025 and 2026: \$219,300
- Fiscal year 2027 and 2028: \$223,686
- Fiscal year 2029 and ongoing: \$228,160

CLEAR Contract

CLEAR allows Ecology access to review user and entity applications within the cap-and-invest market. Starting in January 2023, CLEAR will also supplement our market monitoring efforts as users and entities come into the system. This additional cost of \$32,500 per fiscal year is needed on an ongoing basis, because CLEAR helps to identify associations between cap-and-invest market participants that may be in violation of rule or statute.

Workforce Assumptions:

Expenditures by Object		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
A	Salaries and Wages	469,102	469,102	469,102	469,102	469,102	469,102
B	Employee Benefits	171,222	171,222	171,222	171,222	171,222	171,222
	Personal Service						
C	Contract	924,052	968,645	989,544	1,025,448	1,057,595	1,094,770
E	Goods and Services	26,587	26,587	26,587	26,587	26,587	26,587
G	Travel	12,287	12,287	12,287	12,287	12,287	12,287
J	Capital Outlays	6,765	6,765	6,765	6,765	6,765	6,765
	Intra-Agency						
T	Reimbursements	184,093	184,093	184,093	184,093	184,093	184,093
	Total Objects	1,794,108	1,838,701	1,859,600	1,895,504	1,927,651	1,964,826

Staffing

Job Class	Salary	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
WMS BAND 2	100,000	1.00	1.00	1.00	1.00	1.00	1.00
ENVIRONMENTAL ENGINEER 3	98,587	1.00	1.00	1.00	1.00	1.00	1.00
ENVIRONMENTAL SPECIALIST 4	73,262	1.00	1.00	1.00	1.00	1.00	1.00
ADMINISTRATIVE ASSISTANT 3	50,588	1.00	1.00	1.00	1.00	1.00	1.00
WMS BAND 1	96,156	0.50	0.50	0.50	0.50	0.50	0.50
ENVIRONMENTAL PLANNER 5	98,587	1.00	1.00	1.00	1.00	1.00	1.00
FISCAL ANALYST 2		0.55	0.55	0.55	0.55	0.55	0.55
IT APP DEVELOPMENT-JOURNEY		0.28	0.28	0.28	0.28	0.28	0.28
Total FTEs		6.33	6.33	6.33	6.33	6.33	6.33

Explanation of costs by object:

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 36.5% of salaries.

Personal Service Contract costs are included for \$924,052 in fiscal year 2024, \$968,645 in fiscal year 2025, \$989,544 in fiscal year 2026, \$1,025,448 in fiscal year 2027, \$1,057,595 in fiscal year 2028, and \$1,094,770 in fiscal year 2029.

Goods and Services are the agency average of \$4,834 per direct program FTE.

Travel is the agency average of \$2,234 per direct program FTE.

Equipment is the agency average of \$1,230 per direct program FTE.

Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 28.75% 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.

Strategic and Performance Outcomes

Strategic Framework:

This request is essential to achieving Ecology's Goal 2: Reduce and Prepare for Climate Impacts and the Governor's Results Washington Goal 3: Sustainable Energy and a Clean Environment because it will fund the resources Ecology needs to fully implement the state's cap-and-invest program under the CCA. This program is critical to:

- Reducing GHG emissions to 95 percent by 2050.
- Achieving net zero GHG emissions.
- Advancing climate change mitigation and resilience priorities to protect public health and the environment from the impacts of climate change.

This request also broadly 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: 4b. Reduce greenhouse gas emissions by 2050, expand carbon sequestration programs, and improve habitat conditions

Performance Outcomes:

The outcome of this request will be progress toward reducing GHG emissions to 95 percent below the 2005 levels by 2050 (234 MT CO₂) and achieving net zero GHG emissions. Based on Ecology's Preliminary Regulatory Analysis (<https://apps.ecology.wa.gov/publications/SummaryPages/2202019.html>, Table 88: Primary analysis volumes by year) incremental reductions by fiscal year are calculated as total estimated emissions minus business as usual emissions = incremental change.

Equity Impacts

Community outreach and engagement:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Disproportional Impact Considerations:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Target Populations or Communities:

The CCA includes several provisions to improve equity and address environmental justice in the state. This request will allow Ecology to better meet two of those provisions, related to potentially identified EITE entities and to requirements for using offsets.

This request will fund full implementation of the CCA's cap-and-invest program and provide Ecology with the ability to make equitable determinations regarding allocation of allowances to emissions-intensive and trade-exposed industries entities. Per RCW 70A.65.110(2), Ecology is required to consider the locations of facilities potentially identified as EITE entities relative to overburdened communities. The additional staff capacity identified in this request is important to ensure Ecology can perform these analyses and determinations.

RCW 71A.65.170 also includes restrictions for how much of a covered or opt-in entity's compliance obligation may be met by transferring offset credits in the cap-and-invest program. This statute directs that Ecology, in consultation with the EJ Council, may determine changes in limits for specific entities based on contributions to cumulative air pollution burden in an overburdened community, violations of any permits, or projects on federally recognized Tribal land. To make the determination, the cap-and-invest program will need to be fully staffed to oversee these requirements in their entirety.

Other Collateral Connections

Puget Sound Recovery:

N/A

State Workforce Impacts:

N/A

Intergovernmental:

The CCA received strong intergovernmental and tribal engagement through its development and ultimate passage by the Legislature in 2021. This request will fully fund implementation of the cap-and-invest program, based on our experience with implementation to this point, and we do not anticipate new concerns from intergovernmental entities beyond those expressed during the legislative session or after the bill was signed by the Governor.

Stakeholder Response:

The CCA impacts a broad array of non-governmental stakeholders, and while there was a wide variety of stakeholder positions and perspectives on the policy approach and specific elements of the CCA during the 2021 session, Ecology anticipates general support for this request to fully fund implementation of the cap-and-invest program, based on our experience with implementation to this point. We do not anticipate additional stakeholder concerns beyond those expressed during the 2021 legislative session.

State Facilities Impacts:

N/A

Changes from Current Law:

N/A

Legal or Administrative Mandates:

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
	2024	2025	2023-25	2026	2027	2025-27
Obj. A	\$469	\$469	\$938	\$469	\$469	\$938
Obj. B	\$171	\$171	\$342	\$171	\$171	\$342
Obj. C	\$924	\$969	\$1,893	\$990	\$1,026	\$2,016
Obj. E	\$27	\$27	\$54	\$27	\$27	\$54
Obj. G	\$12	\$12	\$24	\$12	\$12	\$24
Obj. J	\$7	\$7	\$14	\$7	\$7	\$14
Obj. T	\$184	\$184	\$368	\$184	\$184	\$368

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Agency Recommendation Summary

Legislation passed in 2019 and 2021 established and expanded Washington-specific restrictions on the sale of products containing certain hydrofluorocarbons (HFCs), a category of potent greenhouse gases (GHG). HFCs are chemicals made up of hydrogen, fluorine, and carbon, and are commonly used in air conditioning and refrigeration, in producing insulating foams, and as propellants. Ecology received funding in the 2019-21 operating budget to adopt rules and expand monitoring and compliance requirements to include the prohibitions on HFCs. However, since 2019, the compliance workload associated with these restrictions has outpaced our current staffing capacity. Ecology requests funding to add a new HFC compliance inspector to meet the current workload demand, and contract for a one-time study to identify and quantify the extent of any equity challenges created by bans on HFC-related products. (Model Toxics Control Operating Account)

Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
Staffing						
FTEs	1.2	1.2	1.2	1.2	1.2	1.2
Operating Expenditures						
Fund 23P - 1	\$177	\$119	\$296	\$119	\$119	\$238
Total Expenditures	\$177	\$119	\$296	\$119	\$119	\$238

Decision Package Description

Background

In 2019, the Legislature passed Engrossed Second Substitute House Bill 1112 (E2SHB 1112), which established Washington-specific restrictions on the sale of products containing certain hydrofluorocarbons (HFCs), a category of potent greenhouse gases (GHG). HFCs are chemicals made up of hydrogen, fluorine, and carbon, and are commonly used in air conditioning and refrigeration, in producing insulating foams, and as propellants.

Originally, HFCs were designed specifically because they were thought to be less harmful to the earth's protective ozone layer. But now, HFCs are quickly building up in the atmosphere, and if their use is not stopped, HFC emissions will account for seven to 19 percent of GHG emissions by 2050. In Washington, HFCs, which are thousands of times more powerful than carbon dioxide, currently account for about four percent of our overall GHG emissions, but will likely grow by at least a third over the next fifteen years if action is not taken to reduce their use.

The restrictions established under E2SHB 1112 phase in over five years, with compliance for the first set of products having started on January 1, 2020.

- January 1, 2020 — propellants, rigid polyurethane, spray insulating foam, and new supermarket refrigeration systems
- January 1, 2021 — new refrigerated food processing and dispensing equipment, XPS foam products (polystyrene extruded boardstock and billet), and compact residential refrigerators
- January 1, 2022 — new residential refrigerators, and new and existing vending machines
- January 1, 2023 — new uses in cold-storage warehouses and built-in residential refrigerators
- January 1, 2024 — new uses in centrifugal and positive displacement industrial chillers

Problem and Proposed Solutions

Technical Assistance and Compliance

Ecology received funding in the 2019-21 operating budget to adopt rules to transition Washington away from using HFCs, and expand monitoring and compliance requirements under Chapter 70.94 RCW to include the prohibitions on HFCs. Ecology received funding to create a two-FTE HFC Compliance Unit to track compliance notifications, provide technical assistance for the regulated community, monitor products in the market for new manufacturers or equipment, track changes to available and approved substitutes across multiple jurisdictions, and monitor for compliance,

However, since the 2019, the workload for this unit has been greater than expected. Ecology is routinely contacted by outside parties for technical assistance about shortages of compliant products, or prohibited HFC products available for sale, that we are unable to follow up on. For example, supply chain problems have limited the availability of compliant spray foams used in manufacturing and construction. In addition, many retailers continue to sell prohibited recharge canisters for vehicle air conditioning systems.

Then, in 2021, the Legislature passed E2SHB 1050, which expanded on the 2019 HFC restrictions and created an even greater need for technical assistance and compliance oversight from Ecology. Starting July 25, 2021, the new law banned the sale and purchase of certain HFC

refrigerants with high global warming potential as well as non-essential consumer products (like air horns and noisemakers), which contain high global warming potential refrigerants. However, with our current staffing levels, we are unable to provide timely technical assistance and ensure compliance with these HFC restrictions.

To address this increasing workload demand, Ecology is requesting funding to hire an additional HFC compliance inspector. This position will add capacity to the existing unit so that we can more proactively investigate compliance issues, increase technical assistance, and ensure that Washington is moving aggressively to phase out these potent GHGs.

Possible Equity Impacts

As part of expanding the 2019 restrictions, HB 1050 banned the sale of certain HFC containers “designed for consumer recharge of a motor vehicle air conditioning system” (MVAC or small recharge cans). Prior to 2021, these small recharge cans were an affordable option (about \$20 to \$50 per can) for a “do-it-yourself” consumer to recharge their MVAC system – mostly in older vehicles. MVAC system leaks are usually the reason for using a recharge can. However, if a system is recharged without repairing the leaks, the system will work only temporarily, and the potent greenhouse gas will escape into the atmosphere. Now, after the passage of HB 1050, people must now take their vehicle to a certified mechanic to repair and recharge their MVAC system. The cost of such a repair typically starts at \$300, depending on the extent of repairs needed. This significant cost may be paid by people driving older vehicles.

This request includes funding in fiscal year 2024 to contract for a study to quantify the extent of any equity challenges created by the ban of small HFC containers designed for consumer recharge of an MVAC. Ecology will hire a contractor with experience engaging with diverse communities, and they will reach out to those impacted by the ban to ensure we understand the equity issues and develop recommendations to address them. They will gather information on the impact of the ban on consumers and information about typical MVAC repairs, the vehicles requiring these repairs, and statewide capacity to provide this service. The contractor will provide a report to Ecology with recommendations on how to address any equity issues identified.

Impacts on Population Served:

Communities across Washington will benefit from Ecology being able to effectively limit the sale and use of HFCs. People across Washington have asked Ecology for increased compliance assurance and technical assistance regarding these potent GHGs. The first step of compliance is educating the regulated community. This may be especially important in communities with language barriers. The additional inspector for the HFC compliance unit will help reduce the impacts of climate change that disproportionately impact vulnerable communities. Furthermore the proposed study will help identify and quantify the extent of any equity challenges created by the ban on the sale of small recharge cans.

Alternatives Explored:

Ecology explored the possibility of shifting existing staff resources to provide more support for this HFC compliance work. However, that this not a viable alternative, as other staff within Ecology’s Air Quality Program are already at full workload capacity.

In addition to expanding the 2019 HFC requirements, HB 1050 also required Ecology to establish a refrigerant management program (RMP) to address refrigerant emissions from large air conditioning and refrigeration equipment. The RMP is scheduled to begin January 1, 2024 and will add 12 new compliance inspectors who will ensure large refrigeration equipment complies with state HFC regulations. However, RCW 70A.60.030, which authorizes Ecology to assess fees to fund the RMP, states that monies collected from these new fees can only be used to implement the RMP. Therefore, they could not be used to support the broader compliance work on HFC restrictions, nor be used to study possible equity impacts created as a result of these bans.

Consequences of Not Funding This Request:

HFCs are very potent GHGs, and reducing their emissions is a key part of the plan to meet our state GHG emission limits, including achieving carbon neutrality by 2050. If this request is not funded, Ecology would continue to be unable to provide timely technical assistance to businesses. We would be unable to make sure retailers are complying with HFC laws, which would negatively impact our ability to reduce HFC emissions in Washington.

Ecology is committed to equity in Washington. Failing to move forward with the MVAC equity study would potentially undermine one of Ecology’s key strategic goals: Support and engage our communities, customers, and employees. In addition, low-income people who are highly impacted by climate change would continue to pay an inequitable distribution of the impacts from Washington’s measures to address climate change.

Assumptions and Calculations

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

This request expands activity A063 – Climate Change Mitigation and Adaptation by providing additional staff to monitor compliance and provide technical assistance with Washington’s HFC laws. Below is a summary of the 2019-21 and 2021-23 base funding and FTEs for this activity. Administrative Overhead related to this activity is in the agency’s Administration Activity A002, and is not included in the totals below.

A063 – Climate Change Mitigation and Adaptation		
	2019-21	2021-23
FTEs Total	35.05	85.25
001-1 General Fund - State	\$3,666,000	\$28,524,000
216-1 Air Pollution Account	\$1,185,000	\$928,000
23P-1 Model Toxics Control Operating	\$4,439,000	\$3,315,000
25Q-1 Clean Fuels Program	\$0	\$348,000
26B-1 Climate Investment	\$0	\$6,709,000
489-1 Pension Funding Stabilization Account	\$195,000	\$0
TOTAL	\$9,485,000	\$39,824,000

Detailed Assumptions and Calculations:

Beginning July 1, 2023, and ongoing, Ecology requires salaries, benefits, and associated staff costs for the following position needed to monitor compliance and provide technical assistance with Washington’s HFC laws:

- 1.0 FTE Environmental Specialist 3 – This position will proactively investigate compliance issues, provide technical assistance to businesses in achieving compliance, and ensure Washington is moving aggressively to phase out these potent GHGs.

In addition, Ecology requires \$58,000 in fiscal year 2024 to contract for a study to quantify the extent of the equity challenges created by the statutory ban of small HFC containers designed for consumer recharge of an MVAC. These costs are shown in Object C: Personal Service Contracts.

Workforce Assumptions:

Expenditures by Object		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
A	Salaries and Wages	63,214	63,214	63,214	63,214	63,214	63,214
B	Employee Benefits	23,073	23,073	23,073	23,073	23,073	23,073
	Personal Service						
C	Contract	58,000					
E	Goods and Services	4,834	4,834	4,834	4,834	4,834	4,834
G	Travel	2,234	2,234	2,234	2,234	2,234	2,234
J	Capital Outlays	1,230	1,230	1,230	1,230	1,230	1,230
	Intra-Agency						
T	Reimbursements	24,808	24,808	24,808	24,808	24,808	24,808
	Total Objects	177,393	119,393	119,393	119,393	119,393	119,393

Staffing		Salary	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Job Class								
ENVIRONMENTAL SPECIALIST 3		63,214	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
	Total FTEs		1.15	1.15	1.15	1.15	1.15	1.15

Explanation of costs by object:

Salary estimates are current biennium actual rates at Step L.
 Benefits are the agency average of 36.5% of salaries.
 Goods and Services are the agency average of \$4,834 per direct program FTE.
 Personal Service Contracts include \$58,000 in FY 2024 to contract with a consultant to study the equity impact of the MVAC ban and write a report with recommendations.
 Travel is the agency average of \$2,234 per direct program FTE.
 Equipment is the agency average of \$1,230 per direct program FTE.
 Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 28.75% 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.

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, Ecology's Goal 2: Reduce and Prepare for Climate Impacts and Goal 3: Prevent and reduce toxic threats and pollution because it will fund the resources Ecology needs to:

- Implement key parts of Washington's plan to meet our state greenhouse gas emission limits, including achieving carbon neutrality, by 2050.
- Reduce the fugitive emissions of HFCs, a climate global super-pollutant, by ensuring low-global warming potential (GWP) refrigerants are used in Washington.

This request is essential to achieving the Governor's Results Washington Goal 4: Healthy and Safe Communities and Ecology's Goal 1: Support and Engage our Communities, Customers, and Employees because it will fund the resources Ecology needs to:

- Provide technical assistance to private businesses who need to buy low-global warming potential products that comply with the law.
- Conduct a study to quantify the equity challenges created by the ban on selling certain containers "designed for consumer recharge of a motor vehicle air conditioning system".
- Ensure more equitable access to MVAC maintenance while addressing the high-global warming potential HFCs leaking into the atmosphere.
- Respond to stakeholder's request for increased compliance assurance and technical assistance.

This request also broadly 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: 4b. Reduce greenhouse gas emissions by 2050, expand carbon sequestration programs, and improve habitat conditions

Performance Outcomes:

The outcome of this request will be improved compliance with the state's HFC laws so the state can reach our GHG reduction goals. The requested inspector will allow Ecology's HFC Compliance Unit to more proactively investigate compliance issues, provide technical assistance, and ensure that Washington is moving aggressively to phase out these potent GHGs.

The requested study will help quantify the extent of any equity challenges created by the ban of small HFC containers designed for consumer recharge of an MVAC, and provide recommendations on how the state might address any identified issues.

Equity Impacts

Community outreach and engagement:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Disproportional Impact Considerations:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Target Populations or Communities:

Improving compliance with HFC laws that reduce climate changing emissions that disproportionately affect overburdened communities will benefit impacted communities both directly and indirectly. Providing technical assistance on compliant products will expand access to information and to compliant products. With adequate staffing to be more proactive, the HFC Compliance Unit will be able to examine and implement culturally specific strategies to increase outreach and education in impacted communities that may have limited access to information on low-global warming potential (GWP) refrigerants.

This request includes funding to conduct a study in fiscal year 2024 to quantify the extent of the equity challenges created by the statutory ban on the sale of certain containers “designed for consumer recharge of a motor vehicle air conditioning system” (MVAC or small recharge cans). These containers are primarily used to service older vehicles and purchased by the “do-it-yourself” consumer. These cans were an affordable option (about \$20 to \$50 per can) for motorists to recharge their MVAC system, but now these systems must be repaired by professional mechanics (with typical repairs starting at approximately \$300 or more).

Washingtonians who could find it cost prohibitive to repair a leaking motor vehicle air conditioning may include low-income populations, those living in the warmest regions of the state, and people who are more susceptible to heat and air quality related health issues. Functional MVAC is important as a filter during increasingly occurring climate-related events, e.g., smoke from wildfires. This makes it critical to ensure vehicles are safe for these vulnerable groups. The study will allow Ecology to develop options with direct participation and engagement from the impacted community to address inequities.

Other Collateral Connections

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 and benefits are more attributable to the businesses that need to comply with the HFC restrictions and the public that may be inequitably impacted by bans on specific products, such as small recharge cans for MVAC repairs.

Stakeholder Response:

Stakeholders have requested increased compliance assurance and compliance technical assistance capacity. They have directly requested technical assistance and/or identified compliance inconsistencies they would like addressed. In general, stakeholders support creating a level playing field around consistent compliance across the industry. Stakeholders also appreciate when requests for technical assistance are responded to in a timely manner.

State Facilities Impacts:

N/A

Changes from Current Law:

N/A

Legal or Administrative Mandates:

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
	2024	2025	2023-25	2026	2027	2025-27
Obj. A	\$63	\$63	\$126	\$63	\$63	\$126
Obj. B	\$23	\$23	\$46	\$23	\$23	\$46
Obj. C	\$58	\$0	\$58	\$0	\$0	\$0
Obj. E	\$5	\$5	\$10	\$5	\$5	\$10
Obj. G	\$2	\$2	\$4	\$2	\$2	\$4
Obj. J	\$1	\$1	\$2	\$1	\$1	\$2
Obj. T	\$25	\$25	\$50	\$25	\$25	\$50

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**Department of Ecology
2023-2025 Operating Budget**

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Agency Recommendation Summary

Ecology’s Laboratory Accreditation Unit is responsible for auditing environmental and drinking water laboratories that do business in, or with, Washington State. These audits are a key component of the accreditation process and help ensure that analyses completed are properly conducted according to prescribed methods, and that Washington makes informed decisions based 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 laboratories looking to analyze complex, novel compounds such as 6PPD-quinone. Ecology does not currently have sufficient staff to keep up with this increased workload, and a 2021 audit by the Environmental Protection Agency found that 34 drinking water laboratories had not been audited within three years, which is required under the federal Safe Drinking Water Act. This request will provide one-time bridge funding for the 2023-25 biennium to address this drinking water backlog, and reestablish a standard audit cycle for other environmental labs that need to be accredited. (Model Toxics Control Operating Account)

Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
Staffing						
FTEs	5.8	5.8	5.8	0.0	0.0	0.0
Operating Expenditures						
Fund 23P - 1	\$887	\$887	\$1,774	\$0	\$0	\$0
Total Expenditures	\$887	\$887	\$1,774	\$0	\$0	\$0

Decision Package Description

Background

Laboratories that analyze environmental and drinking water samples must be capable of providing accurate and defensible analytical data. Over 400 environmental laboratories maintain accreditation through Ecology’s Laboratory Accreditation Unit (LAU). While this number frequently changes, there are currently 81 drinking water labs and 288 non-drinking water environmental labs accredited by the LAU, with the remainder accredited through reciprocity agreements. These labs must adhere to numerous proficiency standards to seek and maintain accreditation. Accreditation demonstrates that a lab is able to perform the analytical methods for which they are accredited. Ecology, and most other governmental agencies, as well as many grant providers, require that all scientific samples be assessed by an accredited laboratory.

Laboratories seeking accreditation must apply with Ecology. As part of that process, labs must have a Quality Assurance manual and include collected Proficiency Testing study reports with their submitted application. Then, an initial on-site audit is required for labs directly accredited by Ecology, or by the primary accrediting body, if the lab is accredited by third party recognition.

Throughout the accreditation process, Ecology staff assist labs in achieving quality results. From the smallest accredited laboratories in wastewater or drinking water facilities, to large international firms that analyze samples for research projects in Washington, the LAU makes certain that these labs can perform the tests they claim to, that they follow appropriate protocols, and that they have a quality management system in place. Washington relies on the competence of these laboratories to ensure safe drinking water is available, and that these labs deliver credible testing results on which important policy decisions are made.

Problem

Over the past decade, the workload facing the LAU has increased significantly, as the need for technical assistance, especially at smaller labs, and the demand to accredit new laboratories looking to analyze complex, novel compounds, such as 6PPD-quinone and PFAS, has grown. Ecology does not currently have sufficient staff to keep up with this increased workload, and this has resulted in a backlog of both drinking water and non-drinking water labs that need to be audited.

Drinking Water Audit Finding

Ecology audits drinking water laboratories through a memorandum of agreement (MOA) with the Department of Health (DOH). There are currently 81 drinking water labs accredited through Ecology and we are required to conduct audits for these facilities every three years in order for DOH to maintain primacy (federal delegated authority) over these labs and protect public health under the federal Safe Drinking Water Act. In 2021, the Environmental Protection Agency (EPA) audited Ecology’s accreditation program and found a significant number of these labs have not been audited according to the required three-year cycle. As of August 1, 2022, 27 drinking water labs that have not been audited in over three years.

Ecology submitted a decision package in 2022 to hire project staff for a two-year period in order to address this audit finding. That request was supported in both the Governor and House’s operating budget proposals, but was ultimately not funded in the enacted supplemental operating budget. Fortunately, our partners at DOH have been able to assist in the short-term, and have provided \$135,000 in one-time funding for fiscal year 2023, so that Ecology can hire a contract accreditation provider to conduct these audits and help reduce the backlog.

Per the terms of the contract, the selected accreditation provider is expected to perform approximately 26 audits during fiscal year 2023, which, combined with the planned audit schedule of the LAU, should eliminate the current backlog. However, over the next 12 months, 16 more

drinking water labs will hit their three-year threshold and need to be audited going into next biennium order to meet federal requirements

Furthermore, while the one-time assistance from DOH will help with the immediate backlog for drinking water labs, the contractor will only perform audits for the drinking water parameters analyzed at these facilities. Many of these same labs also do work on other environmental parameters, such as non-potable water, which also need be audited, but will not be under the contract. Ecology needs additional resources next biennium to help ensure that we don't fall behind again in meeting the federal requirements for drinking water labs, while also 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 needs around drinking water labs, Ecology also accredits 288 environmental labs across the state and country. These include commercial, municipal, industrial, and academic labs of varying shapes, sizes, and needs. Some large commercial laboratories 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 also analyzes data that is important to protecting waters of the state.

While the number of labs accredited by Ecology has remained relatively steady over the years, 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 it accredited for organic compounds, beginning to accredit labs for each individual organic compound that it analyzed. Prior to this change, accreditation document for organic compounds was 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.

The move to accrediting individual compound provides assurances that the data generated by accredited labs is as accurate and defensible as we can reasonable achieve with the available technology. 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 since 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 be measured. The two most recent examples that the LAU has dealt with are PFAS (per- and polyfluoroalkyl substances) and 6PPD-Quinone. With newer compounds like these, the methods used to analyze for them are not as well refined as other methods in the industry. When a published method does not exist, the laboratories must have their individual procedures reviewed for accreditation. This requires a thorough review of the laboratory's documents such as their Standard Operating Procedure and data without the support of an existing and verified method.

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 laboratories. Small WWTPs often have only one operator running the facility and we have found that these operators can be challenged by the accreditation work. We developed a process improvements and tools to assist these plant operators, but this requires more time from our auditors to provide this assistance.

This increasing workload, coupled with the fact that Ecology has had to prioritize drinking water labs in order to try and meet the three-year audit requirement, albeit unsuccessfully to this point, has meant that many of our non-drinking water environmental labs have not been audited on a regular basis. While there is no current federal or state requirement for how often these labs should be audited, like there is for drinking water labs, 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 that held all laboratories to the same three-year requirement.

As of August 1, 2022, 277 of our 288 environmental labs have not been audited in over four years. These labs need to be audited on a regular basis so that we can ensure they are producing accurate and defensible data.

Solution

This request will provide one-time funding to hire five additional laboratory accreditation auditors for two years to help the LAU stay up-to-date on drinking water lab audits next biennium, and begin addressing the backlog of environmental lab that need to be audited. They will also help 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-quinone, PFAS, PBDE, and others.

Longer-term, Ecology is working on a plan to increase the laboratory accreditation fees authorized under RCW 43.21A.230 and WAC 173-50-190 to more fully cover the costs of accreditation, and then align where that fee revenue is deposited (currently General Fund-State) with where lab accreditation work is supported (currently Model Toxics Control Operating Account). Funding for the accreditation program was shifted to MTCA as part of an effort to save GF-S during the great recession, but the fee revenue continues to be deposited into GF-S.

The rulemaking process to examine the program's current fee structure began in August 2022, and is expected to take at least 16 months to complete. During this process, Ecology's Environmental Assessment Program plans to examine:

- How the current fee structure could be sustainably increased to cover more of the costs for accreditation. This will include an economic analysis to determine the feasibility of increasing enough for the program to be fully fee supported, and looking at options for phasing in fee increases over time.
- What work is not currently supported by fees, such as technical assistance and mid-year scope revisions, and how should those be

covered.

- Adding additional fees in rule, such application fees, of fees to cover the accreditation of compounds without approved methods.

The outcome of this rulemaking process is indeterminate at this time, but may result in a determination that the accreditation program cannot be fully fee supported. Laboratory accreditation fees have not been adjusted since 2009, and increasing fees to not only cover the existing costs of the LAU, but also the additional staff that will be needed ongoing to ensure Ecology can effectively audit and accredit labs, may not be possible. The economic analysis and stakeholder work completed during the rulemaking process will inform this determination.

In conjunction with this rulemaking process, Ecology will pursue request legislation in a future legislative session to align the deposit of accreditation fees with where the work is funded from, by shifting the deposit of this revenue from GF-S to MTCA Operating. Completion of these steps over the next few years will position Ecology to submit a decision package in 2025-27 for the ongoing funding needed to meet the workload demands facing the accreditation program moving forward. In the meantime, this request will provide a stopgap solution to help ensure that Ecology can stay up-to-date on drinking water lab audits next biennium, while beginning to address the backlog of environmental labs that also need to be audited.

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 laboratories be audited, 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 also affects residents across the state because these are the data that 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 are inaccurate, DOH may not post a fish consumption advisory when it is needed.

This request affects private, municipal, industrial, and academic laboratories, 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 laboratory audits and provide the technical assistance needed for municipal and academic laboratories seeking lab accreditation.

Alternatives Explored:

One alternative to this request would be to continue operating as we currently are until the rulemaking process to update accreditation fees is complete and we can make an ongoing request in a future biennium. However, that is not a viable alternative because the timeline and outcome for that rulemaking process is still indeterminate. Rulemaking will not be completed by the time that the DOH-supported contract ends, and without bridge funding for the 2023-25 biennium, Ecology would likely fall out of compliance with the federal requirements for drinking water labs again, while also not being able to address the backlog for environmental labs.

Another alternative explored was to request funding to hire a contract accreditation provider to complete the audits for both drinking water and environmental labs starting next biennium. This alternative, while possible, is not preferable. There are several benefits to having an in-house accreditation body. First and foremost, our accreditation program is focused on the mission of protecting our land, air, and water for future generations, unlike a private company that is primarily focused on running a business. In addition, our auditors are also experts in their field (toxicology, organic chemistry, etc.), as well as 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 our inspectors and the auditors. This is important because the inspectors are typically the first to be informed when a facility believes the lab data is not accurate.

This request could be scaled back from five to three direct FTEs, but that would only allow us to maintain the audit schedule for drinking water labs next biennium. The LAU would still not have the resources needed to begin reducing the backlog of environmental labs that need to be audited.

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 DOH-supported contract ends. DOH would again risk losing primacy over these labs under the federal Safe Drinking Water Act, and Ecology would risk cuts to its accreditation program if DOH primacy were rescinded. Ecology would also be unable to make progress on reducing the audit backlog for environmental labs, which are relied upon 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, or 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 in order to meet the federal requirements, which would continue to grow the backlog of environmental labs needing to be audited. This would have impacts to human health (drinking water and fish), environmental health (discharges from facilities) and the economy (upgrades to facilities based on inaccurate data). Additionally, we would be unable to provide technical assistance to small wastewater treatment plants and academic laboratories analyzing emerging chemicals as discussed above.

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 on a one-time basis by adding five staff for a

two-year period to help the LAU stay up-to-date on drinking water lab audits next biennium, and begin addressing the backlog of environmental lab that need to be audited. Below is a summary of the 2019-21 and 2021-23 base funding and FTEs for this activity. Administrative Overhead related to this activity is in the agency's Administration Activity A002, and is not included in the totals below.

A012 Ensure Environmental Laboratories Provide Quality Data		
	2019-21	2021-23
FTEs Total	8.9	7.5
23P-1 MTCA-Operating	\$1,702,000	\$1,727,000
315-1 Dedicated Cannabis Account	\$851,000	\$530,000
TOTAL	\$2,553,000	\$2,257,000

Detailed Assumptions and Calculations:

From July 1, 2023 through June 30, 2025, 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 on-site and virtual audits of laboratories, which have applied for accreditation, review quality assurance manuals, and standard operating procedures of applicant laboratories, provide technical assistance to laboratories, and perform other activities required to determine whether laboratories are capable of producing accurate and defensible analytical data.
- 2.0 FTEs Microbiologist 4. These positions will be microbiology specialists and will conduct on-site and virtual audits of laboratories, review quality assurance manuals and standard operating procedures of applicant laboratories, provide technical assistance to laboratories, and perform other activities required to determine whether laboratories 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 over 400 laboratories, of which 369 require on-site audits. Ecology currently has four auditors to cover these 369 laboratories, which includes 81 drinking water laboratories and 288 environmental laboratories.

Each of the 81 drinking water labs must be audited every three years under the federal Safe Drinking Water Act (an average of 27 audits per year), while Ecology's goal is to audit the 288 environmental labs every three to four years, based on industry standards (average of 72 audits per year). Currently, Ecology's existing four auditors are able to complete an average of 12 audits per auditor per year. Based on that ratio, Ecology needs 4.25 additional direct FTEs (8.25 in total) to complete 99 audits per year. The additional 0.75 direct FTE requested will help address the growing demand for technical assistance at both smaller labs, which lack technical expertise, and those labs requesting accreditation for new and novel chemicals.

Workforce Assumptions:

Expenditures by Object		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
A	Salaries and Wages	480,795	480,795				
B	Employee Benefits	175,490	175,490				
E	Goods and Services	24,170	24,170				
G	Travel	11,170	11,170				
J	Capital Outlays	6,150	6,150				
	Intra-Agency						
T	Reimbursements	188,682	188,682				
	Total Objects	886,457	886,457	0	0	0	0

Staffing

Job Class	Salary	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
CHEMIST 4	96,159	3.00	3.00				
MICROBIOLOGIST 4	96,159	2.00	2.00				
FISCAL ANALYST 2		0.50	0.50				
IT APP DEVELOPMENT-JOURNEY		0.25	0.25				
Total FTEs		5.75	5.75	0.00	0.00	0.00	0.00

Explanation of costs by object:

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 36.5% of salaries.
Goods and Services are the agency average of \$4,834 per direct program FTE.
Travel is the agency average of \$2,234 per direct program FTE.
Equipment is the agency average of \$1,230 per direct program FTE.
Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 28.75% 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.

Strategic and Performance Outcomes

Strategic Framework:

This request is essential to achieving the Governor's Results Washington Goals on Healthy and Safe Communities and Sustainable Energy and a Clean Environment. Accreditation of environmental laboratories helps Ecology carry out actions to protect and preserve the state's environment. Accreditation of drinking water laboratories helps ensure communities have healthy and safe water to consume.

This request is essential to achieving all of Ecology's strategic goals because laboratories that provide analytical services to Ecology are required to be accredited. Accreditation helps ensure the data Ecology programs rely on to make decisions are credible and defensible. Accrediting drinking water laboratories helps ensure communities have safe drinking water to consume.

Performance Outcomes:

The outcome of this request will be that the drinking water laboratories will be up-to-date on their required audits and Ecology will make progress on regularly auditing the environmental laboratories.

Equity Impacts

Community outreach and engagement:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Disproportional Impact Considerations:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Target Populations or Communities:

This request supports our agency goals around equity by providing 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. Ecology audits over 400 laboratories that conduct environmental testing for the state of Washington. Many of these laboratories conduct drinking water testing, which is a critical aspect of ensuring drinking water is safe for consumption and is a requirement under the federal Safe Drinking Water Act.

This work 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 to level the playing field so all laboratories 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 laboratories, many of which are small businesses. Ecology's technical support allows these businesses to expand their scope of analysis, improve the quality of their products, and grow.

Other Collateral Connections

Puget Sound Recovery:

N/A

State Workforce Impacts:

N/A

Intergovernmental:

This request impacts DOH because we are required to conduct drinking water laboratory audits every three years in order for DOH to have primacy over drinking water laboratories and to protect public health under the federal Safe Drinking Water Act.

This also impacts Ecology and all of 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 laboratories.

Lastly, this impacts municipal waste water treatment plants who are required to be accredited and may need more technical assistance to achieve and maintain that status.

Stakeholder Response:

All private laboratories are impacted by this request. Ecology accredits over 400 laboratories across the state and country that produce data for use by Ecology and our funding recipients. We anticipate that laboratories will support this request because they will receive auditing services and technical assistance without additional costs. This will allow these laboratories to continue or expand drinking water 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 a 2021 EPA audit finding. Ecology is required to conduct drinking water laboratory audits every three years for DOH to maintain primacy over drinking water laboratories and to protect public health under the Safe Drinking Water Act. EPA audit found that a significant number of laboratories did not meet the triennial audit requirement.

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
	2024	2025	2023-25	2026	2027	2025-27
Obj. A	\$481	\$481	\$962	\$0	\$0	\$0
Obj. B	\$176	\$176	\$352	\$0	\$0	\$0
Obj. E	\$24	\$24	\$48	\$0	\$0	\$0
Obj. G	\$11	\$11	\$22	\$0	\$0	\$0
Obj. J	\$6	\$6	\$12	\$0	\$0	\$0
Obj. T	\$189	\$189	\$378	\$0	\$0	\$0

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Agency Recommendation Summary

Waste generation rates are rising, while recycling rates have stagnated. Litter pollution has grown considerably, in part due to the impacts of the pandemic. To increase public engagement, inspire behavior change, and address the state’s growing litter problem, Ecology is requesting funding to develop a waste reduction campaign and continue to invest in litter control efforts on state highways. 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
	2024	2025	2023-25	2026	2027	2025-27
Operating Expenditures						
Fund 044 - 1	\$625	\$625	\$1,250	\$625	\$625	\$1,250
Total Expenditures	\$625	\$625	\$1,250	\$625	\$625	\$1,250

Decision Package Description

Ecology is requesting ongoing funding to address two priority focus areas for solid waste in Washington State: Waste Reduction and Litter Control. The funding for this work will come from the dedicated Waste Reduction, Recycling and Litter Control Account (WRRLCA) as authorized under Chapter 70A.200 RCW.

Waste Reduction Campaign - \$500,000

Washington has long held waste reduction as the highest waste management priority. Chapter 70A.205 RCW established a waste management hierarchy for solid waste in 1984, which put waste reduction first, followed by recycling, with incineration and landfilling last. However, with the exception of the Great Recession, waste generation in Washington continues to increase at a higher rate than population growth. Overall, waste generation in the state has increased from 11 million tons per year in 2000 to nearly 19 million tons per year in 2018. Per capita, waste generation during that same span has increased from 9.7 pounds per day to 13.2 pounds per day. ([Waste Generation & Recovery Data](#)).

Life-cycle analysis research tells us that greenhouse gas (GHG) and energy savings from preventing wastes far exceed those achieved through recycling. One example can be found in Oregon Department of Environmental Quality’s study on water bottles. Recycling a water bottle reduced GHG emissions 16 percent compared to disposing of the bottle, but using water in a refillable bottle and washing the bottle reduced emissions 79 percent ([Water Bottle Study: A comparison of bottled and tap water using life cycle analysis](#)). Waste reduction also preserves natural resources, saves money, and prevents materials from ending up in the environment. There are many studies that point to overconsumption as a leading cause of climate change and a number of other environmental issues ([Scientists’ Warning on Affluence](#), [Global Warming of 1.5°C](#)).

The [State Solid and Hazardous Waste Plan](#) (State Plan) guides management of waste and materials in the state and aids local governments as they develop local solid and hazardous waste plans. This plan is adopted and updated by Ecology. The State Plan’s vision is to eliminate most wastes and toxic substances. It identifies actions to develop and share information about waste reduction, decreasing consumption, and the connection between waste, materials, and climate change. These actions include researching best strategies for encouraging waste reduction, such as reuse, refill, repair, durable products, and less wasteful alternatives. The State Plan calls for collaboration with local jurisdictions and others to promote waste reduction. Goal SWM 4 from the plan calls for a reduction in overall waste generation and Goal Info 6 recommends messaging to promote reduced consumption and waste reduction.

Historically, the primary focus of Ecology’s work in solid waste has been to recycle and properly manage waste. These elements are vitally important and more visible than waste reduction, so they have tended to capture the most staff time and resources, and have been the focus of the most recent legislative initiatives and budget increases. The need for waste reduction prioritization is evident in emerging concerns about problematic plastics, resulting in bans on items such as plastic shopping bags and expanded polystyrene (aka Styrofoam). Companies are beginning to use reusable packaging for their products, and restaurants are providing reusable take-out containers. Ecology wants to support and expand on these efforts by promoting and bringing attention to the importance of waste reduction.

One way to achieve this is by following the recommendations of a contracted research study and the State Plan. A research study prepared by The Evans School of Public Policy and Governance (Evans School) provided seven recommendations for reducing waste in Washington. The highest-ranking recommendation (based on potential feasibility, capacity building, cultural change, and waste reduction potential) was to develop

a state-level education campaign to engage the public and influence behavior.

Leading social marketing experts report that dedicated, ongoing outreach is a critical part of the process to inspire behavior change among Washington residents and meaningful reductions in waste. One European study reviewed multiple household waste prevention campaigns, tools, and other interventions. It showed behavior change that could achieve 0.5 to one kilogram per household per week of waste reduction. Researchers note that “behavior change has been supported by integrating a range of intervention tools and campaign promotions which have made a collective rather than isolated difference: it is a collection and an accumulation of measures that will have impact.” ([Household Waste Prevention Study](#))

Closer to home, CalRecycle carried out a waste prevention campaign at their office headquarters to reduce paper use and serve as a model. Their campaign included outreach, as well as tips and tools, and reduced paper use by 25 percent. ([CalRecycle Waste Reduction](#))

Waste reduction and reuse efforts are getting increasing attention from local governments, non-governmental organizations, and businesses. This request will allow Ecology to fully engage and support these efforts and give the highest waste management priority the attention it deserves.

Ecology requests funding to hire a consultant to expand on the research performed in the 2021-23 biennium to create and distribute an effective and equitable social marketing campaign to promote waste reduction. The consultant will identify priority audiences, develop and test effective messaging and other interventions, and purchase statewide advertising across multiple media platforms. The consultant will be required to include diverse perspectives and needs in the campaign development and implementation. They will also establish partnerships with stakeholders, local governments, and other media to expand the scope of the outreach. This could include creating a customizable and easy-to-use toolkit for local governments and other partners. It could also include prompts, such as stickers for businesses, to encourage customers to use their own bags, cups, or other containers.

Litter Control - \$750,000

Roadside litter is a major problem in Washington. It harms the environment and contributes to dangerous road conditions, loss of community pride, and reduced tourism. Due to limited litter crew activity during the pandemic and an increase in the number of people experiencing homelessness, litter has increased. Action and resources are needed to not only pick it up, but to change littering behavior. In the past couple of years, we have reignited litter prevention efforts, and we want to keep that momentum going along with increased litter control efforts.

Based on previous litter studies, more than 12 million pounds of litter accumulate annually on our roadways. State roads currently have an increased accumulation of litter, in part due to the impacts of the pandemic.

State agencies, local governments, and elected officials have continued to receive litter complaints from residents requesting the state address the serious litter pollution problem.

Ecology-funded litter pickup programs collected 5.1 million pounds of litter and cleaned 21,423 miles of road statewide in 2021. However, we cannot keep up with the litter problem and are only able to remove a fraction of the litter that accumulates. Ecology, Washington State Department of Transportation (WSDOT), other state agencies, and local governments spend millions of dollars every year on litter pickup and only scratch the surface of the problem. We are only able to pick up about a third of the estimated 18 million pounds of litter ending up on our roadways and public recreation areas every year. Even after litter pickup occurs, roadways quickly become littered again and require regular ongoing pickup. Studies show that presence of litter encourages littering behavior ([Litter In America](#)). Areas become blighted more quickly when litter remains on the ground.

We believe addressing the state’s litter problem requires two approaches: preventing litter by understanding and promoting littering behavior, and investing in litter pickup. First, we need to target the root cause of the problem through social marketing behavior change campaigns and providing the necessary tools and interventions to change littering behaviors. We are only one year into our behavior change campaigns with a focus on unsecured loads, and we are already seeing some positive impacts. We have measured a reduction in unsecured loads entering solid waste facilities. Typically, fewer unsecured loads means less litter on roadways.

In the 2022 supplemental budget, Ecology received ongoing funding to continue litter prevention efforts and build on the campaign strategy established in the 2019-21 biennium. This additional funding provides important resources to continue and enhance litter prevention efforts. Second, we need to increase litter pickup efforts. Ecology recently received one-time funding for litter pickup on state highways. Since there is a significant litter problem statewide, we will need continued funding to address the accumulated litter problem. We propose continuing to invest in

litter pickup in high-priority areas on state highways. We identified high-priority areas based on heavy traffic volumes, high levels of litter, fast litter accumulation rates, large numbers of complaints, and areas that are more challenging for Ecology and volunteer Adopt-a-Highway litter crews to safely clean. Many of these areas also fall within high-ranking areas on the Washington Environmental Health Disparities Map. Increasing litter pickup will help improve the safety and appearance of state highways.

Currently, Ecology is establishing a service contract with a private vendor to pick up state highway litter through June 30, 2023, with the one-time supplemental budget funds. The contract could be extended for up to four years, so it will be ready to continue with additional funding provided through this request.

Contracting with a private vendor for litter pickup is a new approach. Even before the pandemic, increased traffic, wildfire smoke, and heat warnings created safety barriers to using youth crews to pick up litter. During the pandemic, we were unable to send out crews at all, or only send out small crews to allow for social distancing. Because of these challenges, Ecology plans to supplement our traditional litter pick up efforts with this new contracting approach, and the contractor will pick up litter in the priority areas as frequently as possible within budget.

In addition, we will increase financial support to local governments for litter pickup on state highway ramps in their jurisdictions through the newly created grant program initiated by the Welcome to Washington Act (Senate Bill 5040), which was passed by the Legislature in 2021. Ecology has provided this grant funding to cities and counties, and it is already having a positive impact. Approximately 152 miles of state highway ramps have been cleaned, and over 50,000 pounds of litter have been removed and safely disposed by the second quarter of this first biennial grant cycle. Further investments in this new grant program will result in even more state highway ramps getting cleaned on a more frequent basis.

Impacts on Population Served:

This request will impact numerous populations.

A waste reduction campaign, tools, and other interventions will help Washingtonians adopt waste-reducing behaviors. It can be personally rewarding, and save money, to bring one's own mug to a coffee shop, and to repair items in lieu of replacing them. Businesses that want to participate in waste reduction activities can also save money and earn customer loyalty. Our local government partners that are active in this work will get increased support from Ecology through this request, and local governments that are not yet active in this work may be inspired to join the efforts.

In 2021, Ecology and consultants conducted research and found that, in Washington, males aged 18-44 years old were most likely to engage in littering behaviors. They were also more likely to litter when they see litter already on the ground. The current litter prevention campaign will help change social norms and littering behaviors. More funding for litter pick up is also an important part of litter prevention work and will help Ecology and our partners provide the services necessary to keep our state clean. Having less litter on the ground discourages littering, increases community pride, and is beneficial to everyone, especially those in high-ranking areas on the Washington Environmental Health Disparities Map.

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 available fund balance in the account, this is the best alternative.

Consequences of Not Funding This Request:

If this request is not approved, the top recommendation of the Evans School research study would not be addressed. We would also not implement the related goals in the State Plan, which our local government partners are requesting we do. In addition, Ecology would miss the opportunity to support and build on prior investments and the growing reuse and reduction effort, which would reduce our effectiveness and relevance in the state's solid waste management community. On a larger scale, solid waste management actions would continue to focus on the symptoms of waste and litter proliferation and not make meaningful efforts to reduce the causes. Waste generation and littering would continue to increase.

Another consequence would be continued struggles to keep pace with state highway litter accumulation. High litter volumes would continue to accumulate, increasing road hazards, attracting more litter, impacting the environment,

community pride and tourism, and costing state and local governments more in the long term.

If this request is not approved, we would not be able to adequately address Washington’s litter pollution crisis or make progress on the following:

- Removing litter from high-priority and heavily burdened areas.
- Building trust and responding to the unprecedented number of litter complaints coming from Washington residents, businesses, and elected officials.
- Reducing roadside wildfires caused by improperly disposed lit cigarettes.
- Reducing traffic crashes (including injuries and fatalities) caused by debris on our roads.

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 2019-21 and 2021-23 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.

A009 - Eliminate Waste and Promote Material Reuse		
	2019-21	2021-23
FTEs Total	45.45	49.10
001-1 General Fund - State Total	\$51,000	\$1,528,000
044-1 Waste Reduction/Recycle/Litter Control	\$13,153,000	\$14,355,000
11J-6 Electronic Products Recycling - Non Approp	\$770,000	\$797,000
16T-6 Product Stewardship Programs - Non Approp	\$229,000	\$243,000
199-1 Biosolids Permit	\$2,508,000	\$2,500,000
22G-6 Photovoltaic Module Recycling	\$74,000	\$76,000
23P-1 Model Toxics Control Operating – State	\$1,202,000	\$2,048,000
23W-1 Paint Product Stewardship – State	\$167,000	\$130,000
25R-6 Recycled Content - Non Approp	\$0	\$438,000
489-1 Pension Funding Stabilization Acct - State	\$4,000	\$0
TOTAL	\$18,158,000	\$22,115,000

A010 - Prevent and Pick up Litter		
	2019-21	2021-23
FTEs Total	24.65	24.65
044-1 Waste Reduction/Recycle/Litter Control	\$11,880,000	\$15,393,000
TOTAL	\$11,880,000	\$15,393,000

Detailed Assumptions and Calculations:

Beginning July 1, 2023 and ongoing, Ecology requires \$500,000 for the waste reduction campaign and \$750,000 for litter control efforts. We estimate \$500,000 each fiscal year in contract services (half for waste reduction and half for litter control), and \$125,000 each fiscal year for litter control grants (shown in Personal Service Contract, Object C and Grants, Benefits, and Client Services, Object N).

Workforce Assumptions:

Expenditures by Object		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
C	Personal Service						
	Contract	500,000	500,000	500,000	500,000	500,000	500,000
	Grants, Benefits, and Client						
N	Services	125,000	125,000	125,000	125,000	125,000	125,000
	Total Objects	625,000	625,000	625,000	625,000	625,000	625,000
Staffing							
Job Class	Salary	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
	Total FTEs	0.00	0.00	0.00	0.00	0.00	0.00

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, such as mobile dishwashing services.
- Provide health benefits from using durable food takeout products that are safer than some single-use alternatives, which may contain PFAS.

Washington residents understand that litter has a strong negative impact on their communities. Litter negatively affects:

- Waterways.
- Wildlife.
- Property taxes.
- Home values.
- Tourism.
- Businesses.
- Quality of life.
- Health and safety in our communities.

Cleaner roads and public areas support more vibrant communities and attract economic opportunities. According to the Washington State Patrol Public Information Officer, litter on our roadways causes more than 300 traffic crashes and multiple fatalities every year. Covering and securing loads can reduce highway litter and save lives. Expanded litter control efforts will benefit everyone in the state by reducing litter accumulation and improving safety for those who live, travel, and recreate in Washington. Having a cleaner, safer environment and roadways benefits everyone in Washington, especially those in heavily burdened, underserved communities.

This request is also essential to achieving all of Ecology's goals:

- Goal 1: Support and engage our communities, customers, and employees.
- Goal 2: Reduce and prepare for climate impacts.
- Goal 3: Prevent and reduce toxic threats and pollution.
- Goal 4: Protect and manage our state's waters.

Every stage of a product's life cycle impacts the environment, from the extraction of raw materials, to manufacturing, distribution, use, and disposal. Each of these steps contributes to the consumption of fossil fuels, greenhouse gas emissions, and air and water pollution. The Environmental Protection Agency and our State Plan recognize that the materials and waste lifecycle contributes to greenhouse gas emissions and climate change. An effective statewide outreach campaign focused on waste reduction will reduce waste, greenhouse gas emissions, and environmental harm from production and distribution. It will also indirectly reduce litter. By reducing these impacts, waste reduction reduces disproportionate impacts for low-income populations and people of color.

Effectively addressing Washington's litter problem through a comprehensive, expanded litter pickup strategy will reduce and prevent pollution of our beautiful state. Litter is not just ugly, it is dangerous. It can create dangerous roadway conditions, causing car crashes and fatalities.

Litter can contain harmful chemicals that can leach into our waterways. Litter dropped on land can end up in our waterways (including Puget Sound and the Columbia River), harm wildlife, and increase fire risk during dry summer months.

Reducing litter on the ground is also good for community pride, tourism, and attracting economic opportunities. We need to adequately fund litter pickup, especially in the disadvantaged, underserved communities most impacted by this problem. Litter pickup and cleaner roadways also helps motivate would-be litterers to change their behavior. When litter remains on the ground, it attracts more littering behavior.

Performance Measures	Incremental Changes 2024	Incremental Changes 2025	Incremental Changes 2026	Incremental Changes 2027
001489 - Pounds of litter picked up	265,000	265,000	265,000	265,000
002869 - Miles of roadway cleared of litter using Ecology-funded crews	1,220	1,220	1,220	1,220

Performance Outcomes:

The outcome of this request will be a cultural shift in Washington that supports reduction, reuse, and repair.

Campaign outcomes will be measured in:

- Impressions (the number of times the content is shown to users).
- Reach (the number of users who see the content).
- Engagement (number of likes, comments, and shares).
- Click-through rates (the percent of times a user sees a link to the content and clicks on it).

The contractor will also conduct surveys before and after the campaign to measure behavior impacts and brand awareness.

An additional outcome will be coordination with local governments and non-governmental organizations working on waste reduction. We expect increased partnerships in both the development and use of the campaign and toolkits.

Increased litter funding will reduce litter accumulation, environmental impacts, and road hazards, including traffic crashes and roadside wildfires. A cleaner and safer environment will promote economic vitality, a better quality of life, and community pride. Ecology estimates this investment will produce the following outputs per fiscal year:

- 15,600 crew hours worked.
- 265,000 pounds of litter removed.
- 280 ramps and 1,220 roadway miles cleared of litter.

Equity Impacts

Community outreach and engagement:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Disproportional Impact Considerations:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Target Populations or Communities:

As stated in the Evan School’s report, “Equity concerns would be a key part of the campaign. By bringing BIPOC community leaders into campaign development, the state could address the needs and concerns of underprivileged communities while underscoring the importance of responsible and sustainable consumption.”

When developing the campaign, Ecology will work with representatives of diverse communities to ensure messaging considers all circumstances and needs. For example, it would be inappropriate to advise people who are struggling financially to shop less or buy more expensive, durable goods. The contractor will identify priority audiences and conduct research to identify the most effective outreach strategies to promote equity and mitigate environmental harm. The contractor will be required to develop messages that reach diverse audiences, use images that reflect diverse communities, convey information in culturally effective ways, and provide materials in appropriate languages and accessible formats. Messages about saving money by reducing waste through reuse and repair will directly benefit low-income populations. An effective campaign that results in less consumption and less pollution will benefit underserved communities that disproportionately suffer the environmental impacts.

All campaign materials will be made available in Spanish, which is the second most common language spoken in the state ([Washington demographic information](#)) and other priority languages identified by the contractor and as resources allow.

Litter tends to accumulate along heavy traffic roadways and areas with lower visibility and fewer public resources, such as lower-income communities. This creates public health and safety hazards for those who live nearby and compounds environmental justice inequities. Reducing litter on the ground is also good for social cohesion, tourism, and attracting economic opportunities. With additional funding for litter pickup efforts, we can make progress in these high-priority areas. Ecology will prioritize litter pickup in high priority areas and overburdened communities.

Other Collateral Connections

Puget Sound Recovery:

Litter impacts Puget Sound, both directly and indirectly. Litter from roads can wash into storm drains and waterways that feed into the sound. Litter can contain harmful chemicals that can leach into our waterways. Both litter and litter leachate can harm wildlife and Puget Sound recovery. Therefore, increasing litter pickup will benefit Puget Sound recovery efforts.

This request supports the Puget Sound Action Agenda implementation through Ongoing Program OGP_ECY42: Solid Waste Management - Litter pickup.

This request also supports the following elements in the 2022-26 Puget Sound Partnership Action Agenda:

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:

- 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

Actions:

- 45 - Develop and implement programs that incentivize, remove, or replace toxic laden products with safer alternatives, ensure their proper disposal
- 125 - Cultivate broad-scale stewardship practices and behaviors among Puget Sound residents that benefit Puget Sound
- 127 - Build social and institutional infrastructure that supports stewardship behaviors and removes barriers
- 159 - Develop and promote social approaches to encourage behavior changes that will protect, restore, and responsibly enjoy Puget Sound
- 163 - Increase trust by including and communicating directly and effectively with new and diverse audiences

State Workforce Impacts:

N/A

Intergovernmental:

Local governments are requesting Ecology's support for, and involvement in, their waste reduction efforts, and we will coordinate with them on this work. Ecology will expand active local government efforts for use by other local governments in the state.

We anticipate support from other state agencies, WSDOT in particular. 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 in clearing litter from state highway ramps in their jurisdictions through the newly

created grant program initiated by the Welcome to Washington Act.

Stakeholder Response:

The State Plan has goals to run a campaign on waste reduction, and they have been shared with stakeholders. Stakeholders support the concept of waste reduction and related messaging, along with additional funding for litter pickup.

State Facilities Impacts:

N/A

Changes from Current Law:

N/A

Legal or Administrative Mandates:

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
	2024	2025	2023-25	2026	2027	2025-27
Obj. C	\$500	\$500	\$1,000	\$500	\$500	\$1,000
Obj. N	\$125	\$125	\$250	\$125	\$125	\$250

Agency Contact Information

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Agency Recommendation Summary

TurboPlan is Ecology’s IT reporting system for more than 500 Washington businesses and organizations that are required to submit pollution prevention plans under RCW 70A.214.110. This application provides an online portal for entities to submit their plans, and charts reported data over time, showing trends in production, chemical use, waste, and energy consumption, while also providing the data needed for Ecology to assess Hazardous Waste Planning Fees each year. TurboPlan is now over a decade old and needs to be updated in order to remain functional and provide the data reporting and analysis capabilities that are needed to continue reducing hazardous waste in Washington. Ecology is requesting funding for additional IT staff and contract resources to redevelop and modernize this critical system. This request is related to Puget Sound Action Agenda Implementation. (Hazardous Waste Assistance Account)

Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
Staffing						
FTEs	1.7	1.7	1.7	1.7	1.7	1.7
Operating Expenditures						
Fund 207 - 1	\$525	\$525	\$1,050	\$525	\$525	\$1,050
Total Expenditures	\$525	\$525	\$1,050	\$525	\$525	\$1,050

Decision Package Description

Background

In 1988, Washington’s Waste Reduction Law (Chapter 70A.214 RCW) established both Ecology’s Office of Waste Reduction, and a consultation program to encourage the voluntary reduction of hazardous substance use and waste generation. The law, which aimed to reduce the generation of hazardous waste by 50 percent by 1995, requires the development of specialized plans and reporting for certain entities. These include businesses and other organizations (e.g. universities or government agencies) that create large amounts of hazardous waste, and/or those that release toxic chemicals into the environment. Specifically, the law applies to entities that:

- Generate more than 2,640 pounds of hazardous waste per year (220 pounds or 100 kilograms of hazardous waste per month). Entities that generate at least this amount of waste are categorized as either a Medium Quantity Generator (MQG) or Large Quantity Generator (LQG).

OR

- Are required to report releases of toxic chemicals under the Emergency Planning and Community Right to Know Act (EPCRA).

Under the requirements of Chapter 173-307 WAC, these entities must develop and submit a Pollution Prevention (P2) Plan to Ecology. Upon completion of the plan, the owner, chief executive officer, or other person with the authority to commit management to the plan, such as a facility manager, shall sign and submit either an executive summary of the plan, or the plan itself, to Ecology. Although these documents are not publicly available, entities must maintain a copy on-site and must make them available to Ecology personnel upon request.

The purpose of a P2 plan is to identify ways in which processes and procedures used by the entity can be changed or modified to reduce their dependence on hazardous substances, and/or the generation of hazardous wastes. All P2 plans must consider reduction opportunities related to:

- Use of hazardous substances.
- Hazardous waste generation.
- Waste recycling.
- Treatment of hazardous wastes.

These plans must cover a variety of topics, including the hazardous substances used on site, types of hazardous wastes generated, a description of business activities, and a selection of proposed options for reducing these use or wastes. Plans must be kept reasonably current and may be amended in response to changes in facility operations, substances used, or wastes generated.

In addition to the plan or executive summary, covered entities must submit progress reports to Ecology by September 1st of year that provide information on quantities of hazardous waste and hazardous substances or products containing hazardous substances reduced in the prior 12-month period. In addition, every five years, the plans, or executive summaries must be updated and resubmitted to Ecology.

TurboPlan System

Ecology collects and manages these P2 plans, along with the associated progress reports, through its TurboPlan IT system. This application provides an online portal for entities to submit their P2 plans, and charts reported data over time, showing trends in production, chemical use, waste, and energy consumption. The system’s database is the main repository for information about pollution reduction opportunities for more

than 500 P2 entities across the state. Ecology uses this information to help entities correct discrepancies with submitted plans, identify reduction opportunities, and implement voluntary waste and toxics reduction projects.

TurboPlan also provides the technical data and information needed to determine how Hazardous Waste Planning Fees are assessed each year. Per RCW 70A.218.030, entities with a P2 plan are required to pay an annual fee that supports Ecology's review of submitted plans, technical assistance to facilities that are required to prepare these plans, and other activities related to plan development and implementation. These fees generate approximately \$2.1 million in revenue each year, which is deposited into the Hazardous Waste Assistance Account.

Ecology staff use the TurboPlan system to identify which entities are required to pay the fee, and calculate how much those fees will be. Staff also use the system to identify any interrelated facilities (more than two facilities under the same owner that have the same or a similar business process, equipment, services, and products). Per statute, interrelated facilities submit a single P2 plan and pay a single fee each year. Once calculated, the fee information is then transmitted to Ecology's core financial system, eHub, which handles the billing and payment processes. The data in TurboPlan is critical to how these planning fees are calculated and allocated between all fee payers each year.

Problem and Proposed Solution

Ecology's TurboPlan system is now over a decade old and needs to be updated in order to remain functional and meet the needs of both Ecology staff and our P2 entities. The programming language (ASP.net) used to develop TurboPlan is no longer actively supported by Microsoft, which significantly limits on our ability to update the application when needed. Additionally, data stored in the TurboPlan database is with the help of a Microsoft Access database because the system itself does not have DataMart functionality, which would allow Ecology staff to extract data more effectively from the system.

Ecology is requesting funding for additional IT staff and contract resources to update and modernize the TurboPlan system beginning next biennium. Ecology plans to update the system in two phases:

1. Improve the usability of the existing TurboPlan system.
2. Update and modernize the TurboPlan system (both application and database).

The first phase of the project, which will be completed in 2023-25, will focus on improving the usability of the current TurboPlan system, specifically building a new DataMart, which will store data from P2 plan submissions, information on Ecology staff interactions with P2 entities, and provide built-in and custom queries to assist staff in accessing and using the data collected. Having modern DataMart functionality within TurboPlan will:

- Improve Ecology's ability to track implementation of various reduction strategies at facilities around the state, identify real world results from those efforts, and recognize opportunities for technology transfer that could be successfully implemented at other P2 entities.
- Improve Ecology ability to understand and analyze the quantities, types, and risks from toxic substances used or generated in the state.
- Improve the ability of Ecology staff to track their interactions with P2 entities, including notes from technical assistance visits, decisions about implementing reduction opportunities, and compliance histories. Eliminating the need for manual tracking of these interactions will provide easier access to this information, in a single location, and will help provide better technical assistance to these covered entities.
- Help integrate TurboPlan with the Ecology Facility/Site system, which will improve agency cross program coordination and customer service. Integration will help our staff understand customer concerns when they have different permits issued by Ecology, or are subject to inspections from staff across multiple programs. By reintegrating the two systems, our hazardous waste compliance inspectors will be better able to understand the total regulatory universe that waste generators are dealing with and be able to better coordinate with other Ecology inspections.
- Improve access to demographics information for P2 entities and their surrounding communities. This information will be crucial as Ecology continues to improve how it fulfills its environmental justice and Title VI obligations.

The second phase of the project, which will extend into and through the 2025-27 biennium, will focus on rebuilding the existing application in a more current code language in order to meet user and program business needs. Currently, TurboPlan is written in ASP.net, a programming language that is no longer supported by Microsoft. As the program continues to age, it becomes more important to update the underlying code to a more current and nimble programming language. While the system is currently stable in the short-term, it will be important to update the application before it reaches the point of being unstable.

This project will require both new external resources and internal resources, as Ecology does not have staff with the required skill set to develop the DataMart and rebuild the application, and additional IT staff oversee and administer the contracts, provide development and programming expertise for TurboPlan redevelopment, and take responsibility for administering the redeveloped application and DataMart upon completion.

Please note, Ecology has a separate decision package, Hazardous Waste & Toxics IT Systems, which requests a maintenance level (ML) adjustment to make the funding appropriated in the 2022 supplemental operating budget ongoing. That ML request will provide the ongoing support needed for two other, separate, IT systems within Ecology's Hazardous Waste and Toxics Reduction Program: TurboWaste and the High Priority Chemicals Data System (HPCDS). Both decision packages are needed, as the IT systems supported in each are separate, as is the additional work needed to support them.

Impacts on Population Served:

P2 plans help covered entities reduce pollution and increase safety and commercial competitiveness. TurboPlan was primarily designed as a simple customer service tool to facilitate submission and approval of P2 plans from these businesses and organizations. However, since the system was originally launched over a decade ago, P2 planning has matured beyond simple reporting, and now supports Ecology’s ability to provide meaningful technical assistance, consistent with the legislative intent behind the original law from 1988.

While TurboPlan allows for the collection of P2 plans, the system does not provide the features needed to support our technical assistance work. Updating TurboPlan will allow us to better analyze P2 plans, and more efficiently implement core technical assistance and required administrative functions, including assessing the planning fee, tracking site visits and outreach, and prioritizing our services to the regulated community in a more equitable manner. By leveraging the information contained in P2 plans, along with other data and information collected during our interactions with these entities, we will be able to better:

- Tailor our efforts to match the business needs of P2 entities.
- Identify P2 entities that would benefit from targeted assistance.
- Identify new P2 strategies that may transfer to other businesses, whether currently P2 entities or not.
- Facilitate information sharing among both Ecology staff and the covered entities about the latest developments across the industry.

Alternatives Explored:

The alternative to this request would be to continue managing TurboPlan in its current state until it becomes inoperable. Ecology does not have staff with the required skill set to develop the new DataMart and rebuild the application in a new source code, and staff have to employ a number of workarounds, and rely on a number of external programs and processes, to keep the current system functional. For example, to currently track interactions with P2 entities, Ecology staff must maintain a Power BI dashboard that patches together TurboPlan’s database with the SharePoint list, and current reporting needs require reliance on an open database connectivity (ODBC) that relays data to an Access database for eventual consumption in Excel. These reporting tools require constant re-development, updating, and staff time to produce needed results.

Continuing to operate this system in its current state is not a viable alternative, as this system is needed collect and manage submitted P2 plans, identify hazardous waste reduction opportunities, provide technical assistance, and assess the annual Hazardous Waste Planning Fee required by statute. Many of the external programs and processes that TurboPlan currently uses to function will be phased out as options as the agency shifts to Microsoft 365, and the continued reliance on an ODBC is not supported by Ecology’s Information Technology Services office.

Consequences of Not Funding This Request:

The TurboPlan application is over a decade old and is operating on outdated code that only allows for minimal updating. This increases the risk of failure, either of the database itself, or the application used to access the data. Ecology is currently meeting its statutory requirements with the current system, but we are limited in doing more automated data analysis that would allow for improved decision-making, technical assistance, and hazardous waste reduction. The type of data analysis we need relies on significant staff time to complete steps manually, which limits our ability to effectively the information collected. Consequently, this limits our ability to support all businesses in reducing waste and pollution.

If this request is not funded, we would remain unable to fully analyze and understand the quantities, types, and risks from toxic substances used or generated in the state, and their potential impacts to communities and the environment.

Assumptions and Calculations

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

This request expands activity A052 - Reduce the Generation of Hazardous Waste and the Use of Toxic Substances through Technical Assistance by adding additional IT staff and contracting resources to modernize and rebuild the IT system used to collect and use information and data from over 500 hazardous waste generators and hazardous substance users across state. Below is a summary of the 2019-21 and 2021-23 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.

<i>A052 - Reduce the Generation of Hazardous Waste and the Use of Toxic Substances through Technical Assistance</i>		
	2019-21	2021-23
FTEs Total	20.7	22.2
001-2 General Fund - Federal	\$598,000	\$608,000
207-1 Hazardous Waste Assistance	\$2,869,000	\$2,873,000
23P-1 Model Toxics Control Operating - State	\$2,072,000	\$2,596,000
TOTAL	\$5,539,000	\$6,077,000

Detailed Assumptions and Calculations:

Beginning July 1, 2023, through June 30, 2027, Ecology requires salary, benefits, and associated staff costs for 1.0 FTE IT Data Management-Journey and 0.50 FTE IT Business Analyst-Journey to provide development and programing expertise for TurboPlan redevelopment.

Ecology also requires \$240,000 per year, beginning July 1, 2023 through June 30, 2027, to support contractor costs to redevelop and enhance the TurboPlan system. This cost estimate is based on prior IT contracting experience, and an average hourly rate of \$125.00, which is consistent with the hourly costs of three other recent IT contracts. Ecology’s Hazardous Waste & Toxics Reduction Program believes it will take the contractor approximately 160 hours per month over a four-year period (160 hours x 12 months = \$240,000 per year) to complete this project. If this request is funded, the official bid process will determine the final cost.

Beginning July 1, 2027, and ongoing, Ecology will require salary, benefits, and associated staff costs for 1.0 FTE IT Data Management-Journey to provide ongoing maintenance and support for the new TurboPlan system.

Ecology is requesting the funding for this decision package from the Fund 207 – Hazardous Waste Assistance Account because the Hazardous Waste Planning Fees, which are calculated with the help of TurboPlan, and support the completion and implementation of P2 plans, is deposited into this account. Entities with a P2 plan are required to pay an annual fee and this revenue supports Ecology’s review of submitted plans, technical assistance to facilities that are required to prepare these plans, and other activities related to plan development and implementation, including indirect costs.

Workforce Assumptions:

Expenditures by Object		<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
A	Salaries and Wages	155,074	155,074	155,074	155,074	105,055	105,055
B	Employee Benefits Personal Service	56,602	56,602	56,602	56,602	38,345	38,345
C	Contract	240,000	240,000	240,000	240,000		
E	Goods and Services	7,251	7,251	7,251	7,251	4,834	4,834
G	Travel	3,351	3,351	3,351	3,351	2,234	2,234
J	Capital Outlays Intra-Agency	1,845	1,845	1,845	1,845	1,230	1,230
T	Reimbursements	60,858	60,858	60,858	60,858	41,228	41,228
	Total Objects	524,981	524,981	524,981	524,981	192,926	192,926

Staffing

Job Class	Salary	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
IT DATA MANAGEMENT-JOURNEY	105,055	1.00	1.00	1.00	1.00	1.00	1.00
IT BUSINESS ANALYST-JOURNEY	100,037	0.50	0.50	0.50	0.50		
FISCAL ANALYST 2		0.15	0.15	0.15	0.15	0.10	0.10
IT APP DEVELOPMENT-JOURNEY		0.08	0.08	0.08	0.08	0.05	0.05
	Total FTEs	1.73	1.73	1.73	1.73	1.15	1.15

Explanation of costs by object:

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 36.5% of salaries.

Contracts include \$960,000 (\$240,000 per year for four years) for data system development and implementation.

Goods and Services are the agency average of \$4,834 per direct program FTE.

Travel is the agency average of \$2,234 per direct program FTE.

Equipment is the agency average of \$1,230 per direct program FTE.

Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 28.75% 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.

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, as well as Ecology's Goal 1: Support and Engage our Communities, Customers, and Employees. It supports these goals by improving the way Ecology:

- Provides technical assistance that help businesses streamline operations and save money from reducing waste, use of toxic chemicals, and use of natural resources.
- Tracks and analyzes the successful ways businesses approach pollution prevention and reduction. This provides a better return on investment for taxpayer dollars and increases efficiency by eliminating the need for time-intensive manual steps.
- Manage the data we collect and use to provide more effective technical assistance.

This request is essential to achieving the Governor's Results Washington Goal 3: Sustainable Energy and Clean Environment and Goal 4: Healthy and Safe Communities; and Ecology's Goal 3: Prevent and Reduce Toxic Threats and Pollution, because it will improve our ability to understand the risks from toxic substances businesses use or generate in the state, and their potential impacts to individuals, communities and the environment.

Performance Outcomes:

We anticipate these more robust data capabilities will better address both business pollution prevention and toxics reduction needs, as well as community and potential environmental justice concerns.

- The outcome of this request will be a decrease in the amount of hazardous waste generated each year (in millions of pounds), as well as reduced toxic chemical, energy, and water use. The TurboPlan update will help support staff by increasing process efficiency and accuracy when working on P2 activities such as site visits to facilities and P2 projects. These activities directly decrease the amount of toxic chemicals used and hazardous waste generated at facilities.

Equity Impacts

Community outreach and engagement:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Disproportional Impact Considerations:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Target Populations or Communities:

Strengthening and maintaining streamlined and robust reporting applications, systems, and processes support our ability to use data to inform and prioritize work across Ecology, using an equity lens. Other benefits include increased regulatory compliance, increased worker safety, economic savings, increased engagement with communities and partners, and decreased risks to human health and the environment.

For example, TurboPlan collects a variety of information from businesses that generate hazardous waste. This information can be used to help assess risks of cumulative impacts from toxic substances and pollution to communities near these businesses.

Analysis using the Washington Tracking Network's Environmental Health Disparities Map shows hazardous waste exposure risks are disproportionately higher in areas already facing other pressures, such as:

- Areas with the highest environmental health disparities (ranked in the top 10 percent) have 10 times more large quantity hazardous waste generators compared to areas with the lowest disparities.
- The most diverse areas (ranked in the top 10 percent) contain 2.1 times more large quantity hazardous waste generators compared to the least diverse areas.
- The lowest earning areas (ranked in the top 10 percent) contain 2.5 times more large quantity hazardous waste generators compared to the highest earning areas.
- While these measures of inequity are more pronounced in the urban areas west of the cascades, the over-representation of large quantity generators in overburdened communities is a notable trend throughout the state.

Large quantity generators engaged in various hazardous waste management activities pose potential risks to employees and surrounding communities. Risks include exposure to toxic chemicals, spills, fires, reactions, explosions, contamination, air pollution, and lowered property values. Evidence suggests the presence of these businesses in communities may contribute to reduced life expectancy and higher mortality and disease rates from diabetes, asthma, heart disease, stroke, hypertension, poor birth outcomes, and some cancers. Data collected in TurboPlan, and cross-referenced with other datasets via a DataMart, can help Ecology identify, evaluate, and potentially mitigate these risks to human health and the environment in a way that prioritizes our most disadvantaged and vulnerable populations. We will be able to incorporate available environmental justice screening and mapping data to help prioritize technical assistance to address the disproportionate and adverse human health, environmental, climate related, and other cumulative impacts affecting underserved communities.

Ecology is using newly developed methods to analyze information contained in TurboPlan with respect to the equity of our technical assistance visits throughout the state. We use mapping tools and data provided by the Department of Health's Washington Tracking Network to identify facilities located within communities experiencing the highest levels of disparities across a suite of environmental public health metrics in the state. Once we know how communities containing these facilities are distributed across the environmental public health spectrum, we can identify inequities in our assistance efforts, prioritize efforts in overburdened communities, and seek equity in our program outcomes. Information identified through an updated TurboPlan may also be a helpful resource as Ecology begins to conduct environmental justice assessments pursuant to Chapter 70A.02 RCW (commonly referred to as the HEAL Act).

Other Collateral Connections

Puget Sound Recovery:

More than half of all P2 facilities (60 percent) are located in the Puget Sound Basin. The pollution prevention and toxics reduction technical assistance work that the TurboPlan application supports the Puget Sound Action Agenda implementation through Ongoing Program: OGP_ECY05, “Hazardous waste and Toxics Reduction – Reducing Toxic Threats, Toxics Reduction Technical Visits and Special Projects”, and a number of Vital Signs, Strategies, Desired Outcomes, Actions, and Orca Task Force Recommendations included in the 2022-26 Action Agenda. See attachment A for a complete list of linkages between this request and the agenda.

State Workforce Impacts:

N/A

Intergovernmental:

This request does not affect any Tribal, regional, county, or city governments or any political subdivision of the state.

Stakeholder Response:

We anticipate hazardous waste generators that use TurboPlan to meet state reporting requirements will support this request because it will provide enhancements to the system and continue allowing them to meet these requirements. These covered entities will also benefit from Ecology’s ability to provide improved technical assistance, as well as ensure that Hazardous Waste Planning Fees are accurately assessed.

Ecology shares information about this and other IT projects in the HWTR program’s newsletter called ShopTalk. This newsletter goes out to about 6,500 people throughout the state who are interested in news about hazardous waste management and toxics reduction work. We can use ShopTalk articles to solicit feedback on IT proposals using surveys and email resource mailboxes. We can also provide updates about this effort in our Pollution Prevention and Toxics Reduction annual reports that are published externally on Ecology’s website.

State Facilities Impacts:

N/A

Changes from Current Law:

N/A

Legal or Administrative Mandates:

N/A

Reference Documents

[Modernizing TurboPlan System-IT Addendum.docx](#)

[Modernizing TurboPlan System-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?

Yes

Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
Obj. A	\$155	\$155	\$310	\$155	\$155	\$310
Obj. B	\$57	\$57	\$114	\$57	\$57	\$114
Obj. C	\$240	\$240	\$480	\$240	\$240	\$480
Obj. E	\$7	\$7	\$14	\$7	\$7	\$14
Obj. G	\$3	\$3	\$6	\$3	\$3	\$6
Obj. J	\$2	\$2	\$4	\$2	\$2	\$4
Obj. T	\$61	\$61	\$122	\$61	\$61	\$122

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: Modernizing TurboPlan System

Vital Signs

- Toxics in Aquatic Life
- Orcas
- Salmon
- Economic Vitality
- Good Governance
- Sound Stewardship

Strategies

- 8. Prevent Pollution
- 23. Transparent and Inclusive Governance
- 26. Human Health

Desired Outcomes

- 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.
- 2.1.2. Presence of chemicals of emerging concern in consumer goods reduced.
- 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.
- 2.1.5. In-water and near-water sites that exceed state standards for contamination prioritized and cleaned up.
- 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.
- 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.
- 5.2.4. Trust is increased by including and communicating directly and effectively with new and diverse audiences.
- 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).
- 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.
- 44. Increase product testing for compliance with consumer and environmental safety rules.
- 45. Develop and implement programs that incentivize, remove, or replace toxic laden products with safer alternatives, ensure their proper disposal.
- 96. Conduct and coordinate research to improve the understanding of ecosystem-industry interactions.
- 98. Promote multi-benefit solutions in restoration and protection project development to include considerations for job creation.
- 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.
- 179. Engage partners in developing the list of Puget Sound-wide resource needs.
- 184. Improve incorporation of Indigenous knowledge into science and monitoring efforts.
- 187. Communicate science findings clearly and to the appropriate audiences.

Orca Task Force Recommendation

- 29. Accelerate the implementation of the ban on polychlorinated biphenyls in state-purchased products and make information available online for other purchasers.
- 30. Identify, prioritize and take action on chemicals that impact orcas and their prey.
- 31. Reduce stormwater threats and accelerate clean-up of toxics harmful to orcas.

2023-25 IT ADDENDUM

Only use this addendum if your decision package includes IT costs

Part 1: Itemized IT costs

Complete the [2023-25 IT Fiscal Estimate Workbook](#). This workbook will identify the IT portion of the decision package.



Turbo Plan 23-25 IT
Addendum Workbo

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).

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 122 - administrative and financial system investment approval](#) ? Yes No
- C. If **Yes** to question B, has this decision package obtained OCIO and OFM Administrative and Financial System review approval? Yes No
- o If **Yes**, attach the approval letter.
 - o If **No**, the decision package should not be submitted. Recommendation will be "Do Not Fund."
- 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
- Yes No

C. Does this decision package fund the acquisition or expansion of hardware capacity?

If **Yes**, where is the hardware solution hosted?

State Data Center.

External Cloud.

Other location.

Yes No

D. Is this a routine, planned replacement of aging hardware or equipment?

If **Yes**, where will the hardware solution be hosted?

State Data Center.

External Cloud.

Other location.

Yes No

E. Has the agency performed research to determine if a modern cloud solution is available for this maintenance investment?

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 most relevant decision package investment classification from the following list (select one):

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 under OCIO oversight? (See [Technology policy 121.](#)) Yes No

If Yes, name the project:

(Project name published on the [IT Dashboard](#))

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.

We created an IT development team charter and several user stories to help scope the initial phase of updating the Turbo Plan application. We collaborated with Ecology's Strategic Architecture team and explored multiple possible solution before arriving at the solution described in this funding request.

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.

We plan to use governance processes already in place and funded to support these projects:

- **Executive sponsor:** Our program manager serves as the executive sponsor for this work.
- **Representative steering committees:** The steering committees for this work include representatives from all of the impacted internal stakeholder teams and functions, including those focused on fee collection and reporting, management and project management, the program's data consultant, IT developers, and teams that use the data collected by this application to inform technical assistance Ecology provides to business owners to help reduce pollution and use of toxic substances.
- **Resourced vendor/contract management:** None needed.
- **Change control:** We use change control and versioning tools with development, test, and production environments.

- **Incorporating stakeholder feedback into decision-making:** Updates to this application will be informed by both internal (Ecology employees) and external (businesses) users. We are in the process of hiring a business analyst who will engage stakeholders in developing user stories that will inform development.

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.

We plan to use project management processes already in place and funded (in-kind resources) to support this work:

- **Project management:** We plan to use existing and already assigned in-house resources for project management. Our project managers follow project management best practices per the Project Management Body of Knowledge and/or use agile iterative project management approaches such as Scrum as appropriate for development needs. Ecology has a well-established Project Management Office and the PMBOK artifacts have been incorporated into agency templates that used when helpful and appropriate for chartering, planning, scheduling, change management, and reporting and closing.
- **Organizational change management:** Resources are already funded and available as-needed for consultation or training at the program and agency level. Ecology relies on the Plan-Do-Check-Act model of organizational change management. Our program has also invested heavily in building leadership and change management skills, enabling all employees to complete the globally known and research-based The Leadership Challenge® training program. Staff are equipped with principles and methods to address how to navigate and lead projects and teams through both anticipated and unanticipated changes, including relationship and team building and regularly reviewing lessons learned.
- **Independent quality assurance:** Not applicable – we plan to conduct quality assurance internally through thorough application testing during the development process.

Technical alignment

Strategic and technical alignment. Using specific examples, describe how this investment aligns with strategic and technical elements of the [Enterprise Technology Strategic Plan](#). Examples of strategic principles that tie back to tenets of the strategic plan include, but are not limited to, advance digital government, support use of common and shared technologies across agencies, improve the Washington customer experience across digital channels, strengthen privacy capacity in state and local government. Examples of technical principles that tie back to tenets of the strategic plan include but are not limited to; adoption of modern cloud-hosted technologies, provide proactive cybersecurity capabilities, reduce technical debt, expand integration between systems.

This request aligns with the following strategic principles:

- **Data minimization:** This request will fund development of a DataMart to connect data from various existing systems and enable higher quality reporting and analysis, reducing

our reliance on unconnected tools that increase the risk of error due to manual data entry.

- **Solutions hosted on secure, modern, cloud-based hosting solutions:** The TurboPlan application is hosted on State Data Center servers while using the Secure Access Washington (SAW) portal.
- **Solutions promoting accessibility:** We will access accessibility needs and opportunities to improve usability as we proceed with updating the TurboPlan application.
- **Agile, modular implementation of project features, and early value delivery of functionality throughout the project:** TurboPlan is already functional and in use, as is a suite of complementary tools that we intend to incorporate into one TurboPlan application to reduce complexity and bugs. As we proceed with development and updates, we will focus on opportunities to use iterative agile development approaches that can provide modular implementation of project features and early value delivery of functionality as defined through prioritized use cases.
- **Data Driven:** We use data collected in TurboPlan to fulfill legal requirements, help understand the environmental, economic, and social impacts of legislation on the environment, understand and help address community risks from toxic substances and environmental justice considerations, inform rulemaking, help enforce regulatory compliance, and inform program decision making.

This request aligns with the following strategic elements in the Enterprise Technology Strategic Plan:

- **Efficient & Effective Government:** Updates will provided improved customer experience, both from those businesses who use TurboPlan to submit their pollution prevention plans, and from receiving improved technical assistance enabled by better reporting and analysis. Separate stand-alone systems currently used for reporting and analysis will be integrated into one system that uses a data mart to improve functionality and reduce bugs.
- **Accountable IT Management:** This request promotes reuse of existing systems and IT assets, and improve project outcomes with better practices. For example, as we modernize the TurboPlan application, we will conform to agency development standards for current technologies to ensure the system is robust and allow for easier maintenance and future updates.
- **IT Workforce:** This request helps support a diverse, resilient IT workforce. The request includes resources to hire an IT developer/journey. The agency is committed to building a culture that values diversity, equity, inclusion, and respect and creates a safe place for all employees. As part of the hiring process for the IT position, we fully plan to follow our newly revised recruiting process addressing diversity and inclusion considerations developed in partnership with HR. We have also recently invested in a new senior IT developer position and lead for a newly formed dedicated IT unit. This will support inclusive retention and work-life balance for all IT staff working on these projects through mentoring, training, and more effective workload balancing to meet pressing external and regulatory demands. This will also provide better career path support and adoption of modern technology and approaches. This request also supports remote work as we expect to continue with high percentages of the agency workforce working remotely at least 60% of the time, including IT developers for these projects.
- **Enterprise Architecture:** The TurboPlan application is hosted on State Data Center servers (supporting adoption of modern, cloud-based technologies). The external facing

side of the application uses Washington government service domains. TurboPlan application updates will conform to agency development standards for current technologies, which supports the use of common, shared technologies across agencies.

This request aligns with the following technical principles and elements in the Enterprise Technology Strategic Plan:

- **Technology reuse:** This request is for updating existing systems. Planned updates for the TurboPlan application include integration with other existing Ecology systems.
- **Data minimization:** The TurboPlan application collects information as required by law. Planned updates (including integration with other Ecology systems) help reduce redundant data entry or duplicative storage in different systems.

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? If the solution is a new proposal, will it allow for such principles in the future? Provide specific examples.

This request will build on existing systems and look for ways to increase interoperability between past and future revisions. Updates will conform to agency development standards for current technologies to ensure the system is robust and allow for easier maintenance and future updates.

Business alignment

Business driven technology. What are the business problems to be addressed by the proposed investment? These business problems should provide the basis for the outcome discussion below. Describe how end users (internal and external) will be involved in governance and implementation activities.

The TurboPlan application plays a central role in gathering technical data and other information needed for Ecology to invoice our annual Planning Fee as required by statute. This fee generates approximately \$2.1 million in revenue each year and is mandated by statute (Chapter 70A.214 RCW). TurboPlan calculates the fee amounts then transmits the data to Ecology's core financial system for billing and payment.

Business problems: We need to redevelop and update TurboPlan to include reporting and analytical functions to meet basic staff needs. The TurboPlan program and database, developed more than 10 years ago with funding through an EPA Exchange Network Grant, is difficult to maintain and is limited in its ability to meet current business needs. Currently, the application has little to no ability to aggregate or report basic information to support fundamental business processes. Gathering information such as contact lists, facilities in select counties, or facilities sharing fundamental attributes like NAICs classification, or common industrial processes requires technical staff to perform ad hoc queries against the SQL database. This communication chain delays what should be an instantaneous process by days. Other business needs rely on individual Power BI dashboards that lack the rigorous testing, sophistication, or continued support that an application provides.

Expected outcomes: Updating the application will efficiently implement core functions like assessing the P2 fee and providing higher value services to our regulated community. By

leveraging the information contained within P2 plans, with other program data, we would be able to address needs such as:

- Transparency around what each facility's fee covers
- Coordinate basic business processes like facility reporting status and upcoming outreach needs
- Tailor our outreach and technical assistance efforts to match individual facility needs.
- Identify facilities that would benefit from specific types of P2 technical assistance.
- Identify new successful P2 strategies within an industry that may transfer to other facilities.
- Increase staff productivity by decreasing time spent coordinating work processes over email
- Inform staff of the latest developments across industries and identify emerging trends across industries.
- Serve EJ communities by embedding an EJ perspective within our business processes.
- Aggregate reporting for chemical use, pollution emissions, waste disposed, technical assistance visits, and basic data pulls.
- Track process performance measure like opportunities identified by staff, opportunities that lead to projects, and environmental savings from technical assistance projects
- Provide process flow analytics like percentage conversion between technical assistance milestones
- Provide environmental justice perspective on how our P2 facilities and assistance efforts are distributed across highly impacted EJ communities.

Governance and implementation: Necessary updates primarily focus on use cases for internal needs, such as running reports, improving efficiency and reducing manual efforts, and methods to reduce redundancy or provide better quality assurance. As such, the steering committees for these projects include representatives from all of the impacted internal stakeholder teams and functions. We will work closely with external stakeholders, primarily businesses subject to pollution prevention planning, and will to solicit and consider feedback from those who use the system. We use change control and versioning tools with development, test, and production environments, using iterative agile development approaches, prioritizing required features and addressing the biggest needs first. Once we have sufficient resources in place, we will create a prioritized list of user stories and features. External end users participate in beta testing significant application changes.

Measurable business outcome. Describe and quantify the specific performance outcomes you expect from this funding request. Provide specific examples of business outcomes in use within your agency, and how those outcomes will be improved because of this technology investment. Does the response align with the measurable business outcomes identified in the Strategic and Performance Outcomes in Chapter 2 of the 2023-25 budget instructions? What outcomes and results, either positive or negative will occur? Identify all Lean initiatives and their expected outcomes. Include incremental performance metrics.

The outcome of this request will be:

- The TurboPlan update is ultimately meant to support staff by increasing process efficiency and their availability to work on higher value P2 activities, such as site visits to facilities and P2 projects, which directly decrease the amount of toxic chemicals used and hazardous waste generated at facilities. We anticipate these more robust data capabilities will better address both business pollution prevention and toxics reduction needs, as well as community and potential environmental justice concerns. However, we do not have a good way to estimate incremental performance metrics or quantify expected savings for this effort.
- Reduction in P2 fee errors and resulting lost revenue for Ecology, due to better reporting and analysis functionality.

This project partially incorporates the results of an older LEAN project focused on the P2 fee process.

Decision package urgency

During the evaluation and ranking process, the OCIO will take into consideration, the urgency of the decision package request. Describe the urgency of implementing the technology investment in this cycle and the impacts to business if it does not proceed as planned.

If unfunded, Ecology would be less able to analyze and understand the quantities, types, and risks from toxic substances used or generated the state, and their potential impacts to communities and the environment. We will be less able to direct program operations, stakeholder engagement, and address environmental justice and equity considerations for preventing and reducing toxic threats and pollution.

We need to begin this work as soon as possible because the TurboPlan application is outdated and requires frequently updating separate systems that fail regularly, and running reports and analysis manually. Additional functionality (such as searching) is necessary to fully provide intended services to businesses but impossible to integrate into the current system.



Agency Recommendation Summary

There are currently over 6,100 toxic cleanup sites across Washington that are either in the process of being cleaned up, or still awaiting clean up. As these sites are addressed, ground disturbing activities or building/structure demolition associated with cleanup could negatively impact cultural resources at these sites. Ecology’s Toxics Cleanup Program needs staff with a background and expertise in cultural resources management to complete required reviews and consultations with the Department of Archaeology and Historic Preservation and affected Tribes on projects receiving state funding. This request will support the specialized staff needed to help Ecology meet Government-to-Government obligations related to cultural resources protection, and allow cleanup project managers to move cleanups forward in a timely and effective manner. (Model Toxics Control Operating Account)

Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
Staffing						
FTEs	2.3	2.3	2.3	2.3	2.3	2.3
Operating Expenditures						
Fund 23P - 1	\$330	\$330	\$660	\$330	\$330	\$660
Total Expenditures	\$330	\$330	\$660	\$330	\$330	\$660

Decision Package Description

Background

Governor Inslee signed Executive Order (EO) 21-02 on April 7, 2021, concerning the protection of cultural resources. The underlying goal behind the EO is to ensure that the state is proactive in protecting our rich history for future generations and we use funding wisely by avoiding unnecessary damage and loss of significant sites, structures, and buildings. Cultural resources can include:

- Archaeological sites or objects.
- Buildings older than 50 years that are on the historic register or eligible for the historic register.
- Objects such as boundary markers, fountains, or monuments.
- Locations of significant events or pre-historic or historic occupation of activity, such as trails, petroglyphs, village site, or battlefields.

Both state and federal regulations protecting cultural resources apply to the cleanup of contaminated sites under the Model Toxics Control Act (MTCA) Cleanup Regulations (WAC 173-340-710). Cleanup activities, especially those that disturb the ground, can affect or reveal cultural resources that may need protection or preservation. For these ground disturbing remedial actions to be eligible for grant funding, Ecology, or another state or federal agency, must consult with the Department of Archaeology and Historic Preservation (DAHP) and affected Tribes before cleanup actions begin. The goals of a cultural resource review include:

1. Identifying any cultural resources that could be affected by the proposed remedial action.
2. Assessing the effects of the remedial action.
3. Seeking ways to avoid, minimize, or mitigate any adverse effects on historic properties and cultural resources.

Problem

As of August 2022, there are over 6,100 toxic cleanup sites across Washington that are either in process of being cleaned up, or still awaiting clean up. As these sites are addressed, ground disturbing activities or building/structure demolition associated with the cleanups could negatively impact cultural resources at these sites. There are currently over 27,000 archeological sites on file at DAHP, and over 600,000-recorded historical sites.

In order to ensure that cleanup activities at sites across the state do not negatively impact cultural resources, Ecology needs additional staff, who have a background and expertise in cultural resources management, to effectively complete the required cultural resources work, and enable cleanup projects to move forward in a timely and appropriate manner. DAHP highly encourages state agencies to utilize qualified staff and/or employ the services of qualified consultants to complete this work. These individuals can determine if resources are eligible for listing, properly document resources that meet DAHP’s standard, and facilitate a smooth and timely review process.

Currently, cleanup project managers within Ecology’s Toxics Cleanup Program are supporting this cultural resources workload as part of their site management responsibilities. However, these staff are mostly environmental engineers, hydrogeologists, or have other backgrounds specializing in cleanup; not cultural resources. Cleanup project managers across the state have reported that they struggle to keep cleanups on schedule and fully meet all cultural resource requirements. Investing in staff that are both specialized and dedicated to cultural resource management will ensure proper protection of these resources and allow for more efficient cleanups, because site managers will remain focused within their area of expertise.

Solution

To address this need, Ecology is requesting funding for two specialized archeological FTEs to conduct consultations – with both the Tribes and DAHP – to identify, evaluate, and ultimately protect the state’s cultural resources. Consultation is a continuous process for participants, where feasible, to seek agreement in cultural resource matters that arise throughout the life of a project. Additional or continued consultation may be required if work plans change significantly or the cleanup area expands as more contaminants are discovered. This process, and specialized staff to conduct it, are critical to cultural resource identification prior to potential impacts, ensuring proper communication with Tribes and DAHP, and meeting Ecology’s Government-to-Government obligations to Tribes.

The two dedicated staff will also help develop staff trainings and ensure updates to our process to reflect changes to industry best practices, regulations, and lessons learned. They will provide technical assistance to project proponents that may need to complete a Public Inadvertent Discovery Plan in the event of an unanticipated discovery of human remains, or historic or prehistoric resources.

These staff will participate in Ecology’s Cultural Resources Environmental Workgroup (ECREW) to stay current on agency-wide policies and concerns, and will provide critical staff support during the onboarding process to ensure cleanup project managers know when and how to request support to protect cultural resources throughout the cleanup process.

Impacts on Population Served:

This request will protect Washington’s rich history through preserving cultural resources for all communities. Cultural resources, once damaged, are irreplaceable. Providing dedicated staff for cultural resource review and consultation is an investment in capacity to strengthen partnerships with both the Tribes and DAHP. These staff will ensure Ecology uses consistent practices with cultural resources review and collaboration with Indian Tribes (RCW 43.376.020). The program currently does not have full-time, dedicated staff for engaging and consulting Tribes. Funding this request will also support and implement the Tribal consultation framework required under Washington’s environmental justice law (Chapter 70A.02 RCW).

Alternatives Explored:

Cleanup project manager or other core work resources have been supporting this work previously, but they lack the specialized expertise. Additionally, cleanups are slowed as cleanup project managers work outside their expertise. Supporting timely cleanups and meeting the state’s obligation to cultural resources is not sustainable with the status quo.

Consequences of Not Funding This Request:

If this request is not funded, Ecology would continue to absorb this workload through our cleanup project managers or fall short of meeting our cultural resource requirements, including Government-to-Government obligations and protocols. Cleanup project managers do not have a cultural resources background, which is a specialized field. Having dedicated and specialized technical staff that meet the federal or state professional cultural resource standards is critical to ensuring ongoing protection of cultural resources throughout the cleanup process.

Assumptions and Calculations

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

This request expands activity A005 - Clean up the Most Contaminated Sites First (Upland and Aquatic) by adding additional staff to complete cultural resource consultations throughout Washington State. Below is a summary of the 2019-21 and 2021-23 base funding and FTEs for this activity. Administrative Overhead related to this activity is in the agency's Administration Activity A002, and is not included in the totals below.

A005 Clean up the Most Contaminated Sites First (Upland and Aquatic)		
	2019-21	2021-23
FTEs Total	157.8	174.2
001-2 General Fund – Federal	\$7,137,000	\$7,082,000
001-7 General Fund – Private/Local	\$3,004,000	\$3,004,000
176-1 Water Quality Permit	\$1,583,000	\$1,616,000
23P-1 Model Toxics Control Operating – State	\$40,848,000	\$46,167,000
23P-7 Model Toxics Control Operating - Local	\$499,000	\$499,000
TOTAL	\$53,071,000	\$58,368,000

Detailed Assumptions and Calculations:

Beginning July 1, 2023, and ongoing, Ecology requires salary, benefits, and associated staff costs for 2.0 FTEs in the Environmental Planner 4 job class to support the increasing workload related to cultural resources activities for cleanups.

Workforce Assumptions:

Expenditures by Object		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
A	Salaries and Wages	178,590	178,590	178,590	178,590	178,590	178,590
B	Employee Benefits	65,185	65,185	65,185	65,185	65,185	65,185
E	Goods and Services	9,668	9,668	9,668	9,668	9,668	9,668
G	Travel	4,468	4,468	4,468	4,468	4,468	4,468
J	Capital Outlays	2,460	2,460	2,460	2,460	2,460	2,460
	Intra-Agency						
T	Reimbursements	70,086	70,086	70,086	70,086	70,086	70,086
	Total Objects	330,457	330,457	330,457	330,457	330,457	330,457

Staffing

Job Class	Salary	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
ENVIRONMENTAL PLANNER 4	89,295	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
Total FTEs		2.30	2.30	2.30	2.30	2.30	2.30

Explanation of costs by object:

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 36.5% of salaries.

Goods and Services are the agency average of \$4,834 per direct program FTE.

Travel is the agency average of \$2,234 per direct program FTE.

Equipment is the agency average of \$1,230 per direct program FTE.

Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 28.75% 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.

Strategic and Performance Outcomes

Strategic Framework:

This request is essential to achieving the Governor's Results Goal 3: Sustainable Energy and a Clean Environment and Ecology's Goal 3: Prevent and Reduce Toxic Threats and Pollution because it will fund dedicated resources Ecology needs to ensure ongoing protection of cultural resources in Washington State.

This request is also essential to achieving the Governor's Results Goal 5: Efficient, Effective, and Accountable Government and Ecology's Goal 1: Support and Engage our Communities, Customers, and Employees because it will fund specialized staff dedicated to maintaining partnerships with the Tribes and DAHP.

Performance Outcomes:

The outcome of this request will be a sustainable funding source for dedicated and specialized staff that will ensure ongoing protection of cultural resources in Washington State.

Equity Impacts

Community outreach and engagement:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Disproportional Impact Considerations:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Target Populations or Communities:

Washington State and Ecology have obligations to protect and preserve cultural resources, which includes cultural resources present or potentially located in areas identified by Tribes. Washington has many indigenous people and communities, including 29 in federally recognized Tribes. This request will have direct benefits to Tribes and other indigenous people and communities and support Ecology's cultural resources legal obligations.

Having dedicated staff to regularly engage and consult with Tribes will help to provide consistency and more comprehensive approach to protect cultural resources during cleanup.

Other Collateral Connections

Puget Sound Recovery:

N/A

State Workforce Impacts:

N/A

Intergovernmental:

This request is an investment in providing a consistent line of communication for the Tribes and the DAHP in protecting cultural resources. Having Ecology cultural resource expertise will help local governments and other governmental entities involved in cleanups to comply with obligations to preserve places and items of historical significance.

Stakeholder Response:

Cultural resources evaluation takes time, but cleanups are likely to proceed faster when appropriately supported to meet cultural resource obligations. This benefits landowners, developers, local governments, and others looking to conduct cleanups and reintroduce properties to productive use.

State Facilities Impacts:

N/A

Changes from Current Law:

N/A

Legal or Administrative Mandates:

This request will increase Ecology’s capacity to meet Government-to-Government obligations during cleanup. The increased reporting requirements from Executive Order 21-02 makes it advantageous to have a consolidated program resource for cultural resources. This request will also support Ecology’s legal obligations for the National Historic Preservation Act (54 U.S.C, 312501 et seq.), the Archaeological Resource Protection Act of 1979 (16 U.S.C 470aa et seq.), and the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.).

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
	2024	2025	2023-25	2026	2027	2025-27
Obj. A	\$178	\$178	\$356	\$178	\$178	\$356
Obj. B	\$65	\$65	\$130	\$65	\$65	\$130
Obj. E	\$10	\$10	\$20	\$10	\$10	\$20
Obj. G	\$5	\$5	\$10	\$5	\$5	\$10
Obj. J	\$2	\$2	\$4	\$2	\$2	\$4
Obj. T	\$70	\$70	\$140	\$70	\$70	\$140

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Agency Recommendation Summary

One-time funding is requested to conduct a statewide compost emissions study. The results from this study will provide important information that will be used to improve the quality of permitting decisions, improve compost facility operations and odor control, and support state goals to reduce organic waste in landfills to help reduce climate change impacts, as established in the organic materials management law passed in the 2022 legislative session (E2SHB 1799). 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
	2024	2025	2023-25	2026	2027	2025-27
Operating Expenditures						
Fund 23P - 1	\$1,250	\$1,250	\$2,500	\$0	\$0	\$0
Total Expenditures	\$1,250	\$1,250	\$2,500	\$0	\$0	\$0

Decision Package Description

Ecology is requesting \$2.5 million in one-time funding to conduct a statewide compost emissions study to be completed by June 2025. This study will provide data to establish an air emission factor that regulatory agencies (Ecology and local air agencies) can apply when permitting compost facilities in Washington State. Current air emissions standards for Ecology and most local air agencies in Washington State are based on data from a 12-year-old study conducted in California that does not reflect the regulatory standards for the majority of compost produced in Washington State, or the differences between Washington’s meteorological and climate conditions compared to California.

Ecology and local air agencies need current and accurate data to set emissions standards from compost facilities to better permit projects that meet the greenhouse gas emission reductions directed by the Washington State Legislature. In addition, this study will provide facilities with information on how to better operate their aeration systems, which can result in lower emissions.

The Washington State legislature sets a goal to reduce the amount of organic waste disposed in landfills (E2SHB 1663 and 2ESHB 1799) by 75 percent by 2030.

The law further directs local governments to provide collection and management services for organic materials to all residents by 2027. Composting facilities currently manage 55 percent of all organic waste generated in Washington State; however, there is not sufficient capacity to meet the goals of 2ESHB 1799. There are regulatory challenges inhibiting the state’s ability to increase the siting and permitting of compost facilities, including defensible emissions standards. The best publicly available emissions data from the California study generally uses older composting processes than those that are used in Washington, have different organic materials going into the system, and the two states have different meteorological and climate conditions. This study will address these important differences.

Emissions data for more advanced composting processes used in Washington is proprietary and not publicly available for use by others. This creates an inequitable playing field, because those that can afford to pay and can demonstrate lower emission values can increase the capacity of compost they can produce. Whereas small to medium or start-up compost facilities that are small businesses that have the desire to grow and cannot afford to pay for their site-specific private testing are left using the publicly available emissions data from the California study. This puts growing small to mid-sized facilities at a disadvantage because it limits how much compost may be produced while they bear a higher per ton cost of business to comply with operational costs, emissions control equipment needs, and permit fees. Having publicly available, Washington-centric data will help reduce these costs, support small business growth, and provide optimal protection of human health and the environment. Composting organic material is better than landfilling it because it reduces the amount of greenhouse emissions, turns the waste into a beneficial product, improves soil health and water retention, and returns carbon to the soil.

Improves Emissions Data

Ecology and local clean air agencies use emission factors based on a 2010 California study to set air quality emissions standards in compost facility permits. A compost facility cannot operate without an air quality permit.

In 2017, Ecology partnered with Washington State University’s Center for Sustainable Agriculture (WSU) to analyze air emissions samples previously collected from a few compost facilities in Washington State. The results suggested significant differences between the air emissions from compost facilities in Washington compared to California’s data. Key differences include composting processes, feedstock characteristics, and meteorological conditions.

Based on this analysis, WSU recommended we conduct a comprehensive statewide compost emissions study for Washington State. Ecology’s Solid Waste and Air Quality Programs discussed the emissions standards and drawbacks of the California’s emissions factors. Over the last few months, Ecology and WSU have been working with the composting community and local clean air agencies to explore feasible options and needs for a statewide study. WSU is currently evaluating different sampling techniques that will be used for a statewide study if this request is

funded.

The emissions factors from the California study were measured using mechanically aerated turned-windrow style compost practices. Seventy-three percent of the organics waste in Washington State is currently composted in facilities that use a forced-air aerated system. The study funded by this request will produce emissions factors for forced-air aerated systems and some of the meteorological conditions that exist in our state.

The results from this study will provide more accurate emissions data to Ecology, local air agencies and compost facilities. This should lead to expanded compost facility access across the state, and increased compost waste diversions from landfills.

Improves Permit Decisions Process

This study will provide emissions data that will improve and support permitting decisions. The study's results will present emissions factors based on some of the environments, compost materials, and types of composting operations in Washington State.

Ecology and local clean air agencies will have additional emissions data to consider in their permitting process. This additional data will provide valuable new emissions information to help in siting and permitting compost facilities that will help reduce greenhouse gas emissions from solid waste facilities. The data will also help the composters understand how the aeration system operation can help minimize specific emissions.

Increases Organic Waste Diversions

E2SHB 1799 sets a new goal to reduce statewide disposal of organic materials by 75 percent by 2030. This law also requires local governments to provide more curbside organics collection programs for their residents and calls for businesses to compost their organic waste materials. We will need more composting services in the state to meet these goals.

The information from this study will improve the quality of permitting decisions, and support increasing organic waste diversion from landfills to help reduce climate change impacts and meet the goal set in the organic materials management law passed in the 2022 session (E2SHB 1799).

This study will benefit state and municipal governments, local clean air agencies, and the compost industry by providing additional emissions data based on the majority of compost processes, meteorological conditions, and the variety of feedstock used in Washington State.

Ecology and local clean air agencies will have Washington-specific data to permit compost facilities. The regulated community will have more data representing their operational and environmental conditions than the current data set being used. Understanding the emissions information, in association with the operation of the aeration systems, could help new compost facilities start up and grow, leading to increased access to more composting services in the state and allowing current compost facilities to make business decisions regarding operation or expansion. Additional facility and/or expanded facilities will increase organic waste diversion from landfills to help reduce climate change impacts by reducing greenhouse gases like methane and meet the goals set in organic materials management.

The results of this study could have positive multiplier effects in creating green jobs and helping to address climate change by reducing greenhouse gases such as methane.

Impacts on Population Served:

Compost facilities have the potential to emit odors. Understanding Washington's operation of the aeration system will help composters to operate their facility with the potential for less VOC emissions and fewer complaints. Local clean air agencies will have total VOC, and individual emissions data along with information on how to best operate the aeration system for optimal composting. All this information will support the permitting process for regulators and facilities.

If compost facilities have better data allowing them to optimize their operations, it may help new facilities start up and grow. This would provide more access to composting for communities impacted by E2SHB 1799.

Alternatives Explored:

The alternative is not doing the study. There is potential for costly site-specific testing, as discussed below.

Consequences of Not Funding This Request:

If this request is not funded, many facilities would continue to be permitted using existing emissions data, which is less specific to their operations. Some large facilities will be able to afford private testing to have more specific emissions data for their facility. Facilities that conduct private testing keep their data confidential and do not share the results with their competition, so these tests are not beneficial to the state or the industry.

Without this study, Ecology and the local clean air agencies would continue to have limited data to quantify facility emissions in Washington State. Many small to mid-size facilities that want to grow and cannot afford private testing would be at a competitive disadvantage because their operational and permitting costs are higher due to limited expansion options. This leads to a decrease in organic waste diversions from landfills resulting in an increase in greenhouse gas emissions.

Assumptions and Calculations

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

This request supports activities A063 - Climate Change Mitigation and Adaptation and A064 - Manage Solid Waste Safely by supporting increasing organic waste diversion from landfills to help reduce climate change impacts. Below is a summary of the 2019-21 and 2021-23 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.

A063 - Climate Change Mitigation and Adaptation		
	2019-21	2021-23
FTEs Total	35.05	85.25
001-1 General Fund - State	\$3,666,000	\$28,524,000
216-1 Air Pollution Control	\$1,185,000	\$928,000
23P-1 Model Toxics Control Operating – State	\$4,439,000	\$3,315,000
25Q-1 Clean Fuels Program – State	\$0	\$348,000
26B-1 Climate Investment - State	\$0	\$6,709,000
489-1 Pension Funding Stabilization Acct – State	\$195,000	\$0
TOTAL	\$9,485,000	\$39,824,000

A064 - Manage Solid Waste Safely		
	2019-21	2021-23
FTEs Total	24.0	25.0
001-1 General Fund - State	\$0	\$220,000
001-7 General Fund - Priv/Loc	\$50,000	\$50,000
08R-1 Waste Tire Removal – State	\$0	\$200,000
23P-1 Model Toxics Control Operating – State	\$6,112,000	\$6,244,000
TOTAL	\$6,162,000	\$6,714,000

Detailed Assumptions and Calculations:

Beginning July 1, 2023 through June 30, 2025, Ecology requests \$1.25 million per fiscal year (for a total of \$2.5 million in the 2023-25 biennium) for an interagency agreement to implement the statewide compost emissions study (shown in Goods and Services, Object E).

Workforce Assumptions:

Expenditures by Object		<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
E	Goods and Services	1,250,000	1,250,000				
	Total Objects	1,250,000	1,250,000	0	0	0	0
Staffing		<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
Job Class	Salary						
	Total FTEs	0.00	0.00	0.00	0.00	0.00	0.00

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 fund a comprehensive statewide compost emissions study that will:
 - Provide more accurate data that Ecology and local air agencies can consider in their permitting process.
 - Ensure compost facilities are managed properly so they can continue to process waste that would normally end up in landfills and create methane, a potent greenhouse gas that contributes to climate change.

Decreasing greenhouse gas emissions due to methane generation helps meet the new organics landfill diversion goals set in the organic materials management law passed in 2022 (E2SHB 1799).

- Goal 5 - Efficient, Effective, and Accountable Government because it will support government accountability by providing additional data from another scientifically defensible study. The data will help refine the existing permitting process and addresses stakeholder concerns about the applicability of the California study. This will benefit the compost industry, air quality jurisdictions, and municipal governments by providing the:
 - Total VOC data (compared to California data).
 - Individual emissions data.
 - Optimal operation of the aeration system.

This could create greater access to composting by helping:

- New facilities that need a permit.
- Existing facilities that want to expand.

This request is essential to achieving the following Ecology goals:

- Goal 1 – Support and Engage our Communities, Customers, and Employees because it will provide better customer service to our permittees and provide an opportunity to collaborate with local air agencies to protect air quality and reduce greenhouse gases.
- Goal 2 - Reduce and Prepare for Climate Impacts and Goal 3 – Prevent and Reduce Toxic Threats and Pollution because it will reduce greenhouse gas by promoting composting in our state. Composting facilities not only add value to green waste and food waste, which otherwise end up in a landfill, but they also reduce the emission of greenhouse gases.

Diverting organic waste materials from landfills reduces the impacts of climate change and toxic threats from pollution. These organic materials can be composted to produce a product that is a benefit for use in society as a soil amendment rather than a waste product. Compost can also be used as an effective stormwater filter, trapping toxins in runoff and protecting water quality.

Performance Outcomes:

The outcome of this request will be more accurate data Ecology and local air agencies can consider in their permitting decisions to ensure we understand what emissions are essential to control to protect the community.

Equity Impacts

Community outreach and engagement:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Disproportional Impact Considerations:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Target Populations or Communities:

This request will not contribute to direct, strategic measures to reduce disparities, but the study will have indirect benefits for overburdened communities and vulnerable populations. Not all communities in Washington State have access to a compost facility for their organic waste materials.

Understanding how to operate their facility to minimize impact to the surrounding community will help the small facilities that cannot afford private testing at their facility and it may help new compost facilities enter the industry. Additional facilities could improve access to composting services in the state.

Data produced through this study will facilitate permitting decisions based on some of the operational and environmental conditions in our state. The study will also provide total VOC and individual emissions data along with best operational practices for reducing air emissions. This will provide Ecology and local clean air agencies with additional data for emissions factors to measure and assess impacts in overburdened communities.

Other Collateral Connections

Puget Sound Recovery:

This request supports the Governor's Orca Task Force Recommendations through recommendation 43: Take aggressive, comprehensive, and sustained action to reduce human-caused greenhouse gas emissions, with the goal of achieving net zero emissions by 2050.

This request supports the following elements in the 2022-26 Puget Sound Partnership Action Agenda:

- Vital Sign: Air Quality
- Strategy: 19. GHG Reductions and Carbon Sequestration
- Desired Outcome Category: 4.2 Achieve net zero emissions in Washington State by 2050
- Actions:
 - 136 - Develop and implement plans, regulations, and incentives to reduce greenhouse gas emissions from all sources, especially primary emitting sources (those that account for more than 16 percent of emissions), including land use and transportation; electricity; residential, commercial, and industrial building; and heating.
 - 138 - Monitor, evaluate, and assess the effectiveness of greenhouse gas reduction programs and projects.

State Workforce Impacts:

N/A

Intergovernmental:

Local clean air agencies support this request, as do county solid waste programs. They would like to improve the permitting process, and this study will give them more data based on Washington conditions. The data will be public and available for all government agencies to use.

Stakeholder Response:

Ecology is working with WSU, local clean air agencies, county solid waste departments, and compost facilities. Ecology conducted meetings with these stakeholders to discuss the proposed study and learn about their concerns and needs. We will continue to meet with them as the request moves forward. These stakeholders support this request.

Stakeholders, including trade associations, industry, and government entities, involved in the passage of E2SHB 1799 are aware of this request and believe having Washington emissions factors will help improve the implementation of this law by diverting organic waste from landfills and increasing the number of viable compost facilities.

The Washington Organic Recycling Council, which represents composters and compost interests of Washington, also support the need for this study.

State Facilities Impacts:

N/A

Changes from Current Law:

N/A

Legal or Administrative Mandates:

This request supports the organic materials management law passed in 2022 (E2SHB 1799), which sets the goal for a 75 percent reduction by 2030 in the statewide disposal of organic materials. This new law also established requirements for local governments to provide more curbside organics collection programs for their residents and businesses to compost their organic waste materials. To meet these goals, more and expanded compost facilities will be needed.

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
	2024	2025	2023-25	2026	2027	2025-27
Obj. E	\$1,250	\$1,250	\$2,500	\$0	\$0	\$0

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**Department of Ecology
2023-2025 Operating Budget**

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Agency Recommendation Summary

6PPD-quinone is a chemical of emerging concern that is lethal to salmon in small doses. More research is needed to better understand its persistence in the environment and which stormwater treatment approaches are effective in managing 6PPD-Q’s toxic effects to Coho and other aquatic organisms impacted by stormwater runoff. Ecology received one-time funding in 2021-23 and 2022 to monitor 6PPD-Q in the environment, identify effective best management practices to treat tire wear chemicals in stormwater runoff, and develop laboratory methods to analyze 6PPD-Q in water and sediment. However, much of this work cannot be completed in a single biennium. This request will continue the work needed to provide an ongoing management strategy and monitoring effort for 6PPD-Q. 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
	2024	2025	2023-25	2026	2027	2025-27
Staffing						
FTEs	8.6	8.1	8.35	8.1	8.1	8.1
Operating Expenditures						
Fund 23P - 1	\$2,642	\$2,553	\$5,195	\$2,553	\$2,553	\$5,106
Total Expenditures	\$2,642	\$2,553	\$5,195	\$2,553	\$2,553	\$5,106

Decision Package Description

Background

Salmon populations have long suffered from declining abundance due to many factors, including pre-spawn mortality. When salmon die before they spawn, they do not reproduce. Research by the University of Washington (UW) and Washington State University (WSU) has shown that in some urban streams, pre-spawn mortality can affect 40–90 percent of Coho salmon, which can have dramatic impacts on future salmon population productivity. Researchers have been investigating causes of pre-spawn mortality for decades and ruled out infection and many common contaminants from urban development. Recently they determined that a chemical used in tires is responsible for causing pre-spawn mortality, even when present at extremely low environmental concentrations.

The chemical researchers identified is called 6PPD, which is added to rubber as an antioxidant and antiozonant. This chemical keeps the rubber from cracking and prolongs the life of the tire. However, when 6PPD interacts with oxygen, it forms another chemical known as 6PPD-Quinone (6PPD-Q). 6PPD-Q is highly toxic to Coho salmon, Rainbow trout, and Brook trout. Although manufacturers do not intentionally add 6PPD-Q to tires, creation of the substance is unavoidable when 6PPD is used.

This request covers two key areas to protecting salmon from this deadly contaminant: reducing 6PPD-Q in stormwater runoff and identifying sensitive areas in Washington State.

Please note, Ecology is also submitting a separate budget request, “Address Toxic Tire Wear Chemical,” which addresses efforts to: Work toward solutions to eliminating the use of 6PPD by developing two products: A 6PPD Action Plan and a 6PPD Alternatives Assessment.

- The Action Plan will include a multimedia assessment of 6PPD and 6PPD-Q and recommend actions for addressing these chemicals. It will summarize existing information on the hazards of 6PPD, address the current state of safer alternatives, identify mitigation efforts and best management practices to reduce the impacts of 6PPD and 6PPD-Q, and identify geographic hot spots that should be high priority for mitigation efforts.
- The alternatives assessment will conduct research needed to determine whether safer alternatives are feasible and available. This work will include expanded hazard assessments, performance data collection, and report development.

Previous Investments to Reduce 6PPD-Q in Stormwater and Investigate Priority Areas

The 2021-23 operating budget provided one-time funding in to coordinate with Washington State University, University of Washington – Tacoma, and Washington State Department of Transportation (WSDOT) to:

- Identify best management practices (BMPs) to address 6PPD-Q toxicity,
- Compile existing research and identify the priority areas affected by 6PPD-Q in Washington State, and
- Develop an accredited laboratory method for future analysis of 6PPD-Q water and sediment at Ecology’s Manchester Environmental Laboratory (MEL).

These findings will be presented in a 6PPD-Q report, due to the Legislature in November 2022. As part of the legislative report, a new guidance document titled, “Stormwater Treatment of Tire Contaminants - Best Management Practices Effectiveness”, was produced and is now available at:

(https://fortress.wa.gov/ecy/ezshare/wq/Permits/Flare/2019SWMMWW/Content/Resources/DocsForDownload/2022_SWTreatmentOfTireContaminants-BMPEffectiveness.pdf). The guidance document, which will be included in the appendices of the legislative report, evaluates which stormwater BMPs are expected to reduce concentrations of 6PPD-Q in stormwater runoff. Stormwater managers can use this information in planning new development, redevelopment, and stormwater retrofit projects.

Funding was then provided in the 2022 supplemental operating budget, based on the Governor’s Salmon Strategy Update, to continue work in these areas. However, that funding was only provided one-time for fiscal year 2023, while the work needed to identify and confirm which BMP treatments are effective is ongoing and needs to increase. Ecology will need to monitor for and analyze 6PPD-Q compounds in stormwater to assess the effectiveness of BMPs that are developed and implemented.

Ecology also received one-time funding in the 2022 supplemental operating budget to develop a program to monitor for 6PPD-Q in stormwater and receiving waters. However, that funding request was also intended to be mostly ongoing, as the work to develop a method for analyzing for 6PPD-Q in sediment will go beyond fiscal year 2023.

Additional Work is Needed

The funding provided in the 2022 supplemental budget for these two investment areas was supported as ongoing in both the Governor’s and House budget proposals, but was ultimately made one-time in the enacted budget. Consistent with the intent for this funding as part of the Governor’s Salmon Strategy Update, this request continues the work started in the 2022 supplemental budget.

The number of information gaps and the amount of research needed on BMPs will take longer than one year to study. Analytical testing is only now becoming available at Ecology. BMP treatment research is critical to protecting salmon and trout suffering from acute toxicity from even very low concentrations 6PPD-Q.

The sheer scope and scale of reconstructing road drainage infrastructure requires a strategic and consistent approach to address nonpoint source pollution that works in coordination with salmon recovery and supports its population growth in Washington State. Ecology develops requirements for where and when to use BMPs and their treatment performance expectations, but reduction of toxicity from tire wear chemicals is not a specific topic of our BMP approval program for use in new and redevelopment projects.

We will need to expand this program and develop new criteria for approving the use of BMPs under our Technology Assessment Protocol to address 6PPD-Q toxicity. We also need to expand coordination with multiple state and federal agencies to find and make use of opportunities to leverage existing BMP research at Ecology and with other statewide partners. Ecology would apply scientific findings to stormwater BMP designs and management strategies to reduce tire wear chemicals, particularly 6PPD-Q in stormwater runoff.

Ecology requests funding for four years to fill information gaps around 6PPD-Q fate and transport and to test existing and new BMPs that reduce toxicity as a new objective for stormwater BMPs. Ecology needs credible information for decisions and management of these chemicals in stormwater runoff. With this funding, Ecology will produce guidance on how and when to use BMPs for toxicity reduction and incorporate the guidance into future stormwater manuals. The new guidance is needed in time for Ecology to publish the next stormwater manual updates in 2029. Stormwater manuals are used by stormwater permits issued to cities, counties, ports, and WSDOT. Ecology’s financial assistance programs also rely upon BMP guidance in Ecology’s stormwater manuals when awarding grants and loans.

This request continues the one-time funding from fiscal year 2023:

- Staff costs each fiscal year for the next two biennia to hire four FTEs to lead engineering and manage research projects.
- Project costs of \$466,000 each fiscal year for the next two biennia to fund stormwater studies to address tire toxicity.

Ecology is also requesting increased project funding by \$1 million each fiscal year for the next two biennia for the specific intent of expanding the stormwater studies to identify the appropriate BMPs and their design and construction specifications. BMP studies will fill science gaps in understanding the effectiveness of current and future stormwater treatment facilities and devices to remove 6PPD-Q from stormwater runoff, evaluate the logistics and site conditions that are required for the BMP to be effective (e.g., soil type, depth to groundwater, etc.), and prepare guidance for stormwater managers to reduce tire toxicity to salmon.

Both one-time and ongoing staff are also needed to complete development of the method for analyzing for 6PPD-Q in sediment and oversee the ongoing program to monitor for and analyze 6PPD-Q in stormwater and receiving waters. These staff will include a one-time research chemist to complete development of the laboratory method between July 1 and December 31, 2023, an ongoing field lead to collect environmental samples, and an ongoing laboratory chemist to analyze samples for 6PPD-Q.

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 in

point source discharges is critical for fish and aquatic life to survive and protecting human health. The public will be better protected from pollution sources from direct discharges to surface waters and to the ground.

This request will ultimately limit 6PPD-Q from stormwater runoff and help with the successful recovery of salmonid populations. Toxicity of 6PPD-Q in stormwater ties together two larger stormwater and salmon recovery problems facing our state and all those involved. Most of the impervious 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 broader stormwater stakeholder community on how to protect water quality; including emerging issues like tire wear chemicals.

Alternatives Explored:

The fate and transport of tire wear chemicals in the built environment and receiving waters must be better understood to be effectively managed. Other state agencies, universities, and federal partners are researching different aspects of 6PPD-Q, including its effects on fish biology. Ecology needs capacity to coordinate and conduct lab and field studies for application of stormwater BMPs to determine and confirm effectiveness of these practices at real-life scale. There are no other entity’s conducting primary research goal focused on stormwater management BMP implementation and effectiveness.

Consequences of Not Funding This Request:

6PPD-Q is a chemical of emerging concern, and perhaps the greatest barrier to the recovery of certain salmonid populations. More research is needed to better understand the fate and transport, toxicity, persistence in the environment, and effective stormwater treatment approaches in managing 6PPD-Q’s toxic effects to Coho and other aquatic organisms impacted by stormwater runoff.

If this request is not funded, the research on fate, transport, and BMP evaluation efforts started this biennium would end. The level of analysis needed to identify appropriate BMPs that treat stormwater runoff effectively to remove 6PPD-Q would not occur in time for inclusion in the next stormwater manual updates. Stormwater managers and local governments would not have Ecology guidance on how to handle runoff polluted with this toxic chemical. Ecology would not have capacity to continue coordination between the entities involved in salmon recovery and stormwater management.

In addition, Ecology’s one year of work towards establishing a program to research and monitor for 6PPD-Q in stormwater and receiving waters and would end. When the one-time funding ends, there will not have been sufficient time to complete developing a laboratory method for analyzing 6PPD-Q in sediment and there will have been no more than six months of monitoring for 6PPD-Q in stormwater. Ecology will not have collected enough data to determine baseline conditions and would not be able to implement the planned ongoing monitoring to determine effectiveness of BMPs and treatment options.

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 staff and contract funding to conduct stormwater studies to identify the appropriate BMP design and construction specifications to reduce the level of 6PPD-Q 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.

Below is a summary of the 2019-21 and 2021-23 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.

A008 Control Stormwater Pollution		
	2019-21	2021-23
FTEs Total	57.1	51.55
001-2 General Fund – Federal	\$141,000	\$0
001-7 General Fund – Local	\$5,236,000	\$6,153,000
176-1 Water Quality Permit Account	\$11,004,000	\$12,199,000
23-P Model Toxics Control Operating Account	\$5,583,000	\$6,741,000
TOTAL	\$21,964,000	\$25,093,000

A026 Measure Contaminants in the Environment by Performing Laboratory Analyses		
	2019-21	2021-23
FTEs Total	31.1	30.6
001-7 General Fund – Private/Local	\$294,000	\$294,000
176-1 Water Quality Permit Account	\$269,000	\$282,000
23P-1 Model Toxics Control Operating Account	\$4,258,000	\$4,126,000
TOTAL	\$4,821,000	\$4,702,000

Detailed Assumptions and Calculations:

Beginning July 1, 2023, Ecology requires salaries, benefits, and associated staff costs for the following positions to help reduce 6PPD in stormwater and conduct needed science and monitoring work.

Water Quality Program – Reducing 6PPD in Stormwater

- 1.0 FTE Environmental Planner 4 (EP4) for the 2023-25 and 2025-27 biennium. This position will coordinate working with permittees and external stakeholders, such as other state agencies, Puget Sound Ecosystem Monitoring Program (PSEMP), Environmental Protection Agency, National Oceanic Atmospheric Administration, state agencies, and Tribes.
- 1.0 FTE Management Analyst 3 (MA3) for the 2023-25 and 2025-27 biennium. This position will manage contracts and agreements with partners to conduct 6PPD-Q research on best management practices for incorporation into future updates of the stormwater manuals. This position will track expenditures and deliverables and assist with program development.
- 1.0 FTE Environmental Engineer 3 (EE3) for the 2023-25 and 2025-27 biennium. This position will be the lead engineer to assess BMP effectiveness on stormwater management and provide project management assistance.
- 1.0 FTE Environmental Planner 3 (EP3) ongoing. This position will be ongoing and be the agency lead to coordinate science and research and incorporate BMPs into permits and guidance documents.

Beginning July 1, 2023 through June 30, 2027, Ecology also requires \$1,466,000 per fiscal year to contract for stormwater studies to address tire toxicity, identify the appropriate BMPs needed, and determine their design and construction specifications. These costs are shown in Object C – Contracts.

Environmental Assessment Program – Science and Monitoring

- 1.0 FTE Natural Resource Scientist 4 ongoing. This position will be the project lead for Ecology’s program to monitor for 6PPD-Q in stormwater.
- 1.0 FTE Natural Resource Scientist 2 ongoing. This position will be the field lead for collecting stormwater samples to be analyzed for 6PPD-Q in stormwater.
- 1.0 FTE Chemist 3 ongoing. This position will be the laboratory chemist conducting laboratory analysis of the stormwater samples being analyzed for 6PPD-Q.
- 0.5 FTE Chemist 4 - one-time from July 1, 2023 – December 31, 2023. This position will be the laboratory chemist completing the development of a laboratory method to analyze for 6PPD-Q in sediment. This position began this work January 1, 2023 and will complete the work December 31, 2023.

Beginning July 1, 2023 and ongoing, Ecology also requires \$25,000 per fiscal year to conduct laboratory analyses on water and sediment samples containing 6PPD. These costs are shown in Object E – Good and Services.

Workforce Assumptions:

Expenditures by Object		<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
A	Salaries and Wages	630,930	582,850	582,850	582,850	323,453	323,453
B	Employee Benefits Personal Service	230,290	212,741	212,741	212,741	118,061	118,061
C	Contract	1,446,000	1,446,000	1,446,000	1,446,000		
E	Goods and Services	61,255	58,838	58,838	58,838	44,336	44,336
G	Travel	16,755	15,638	15,638	15,638	8,936	8,936
J	Capital Outlays	9,225	8,610	8,610	8,610	4,920	4,920
T	Intra-Agency Reimbursements	247,599	228,730	228,730	228,730	126,934	126,934
Total Objects		2,642,054	2,553,407	2,553,407	2,553,407	626,640	626,640

Staffing

Job Class	Salary	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
NATURAL RESOURCE SCIENTIST 4	91,525	1.00	1.00	1.00	1.00	1.00	1.00
NATURAL RESOURCE SCIENTIST 2	68,071	1.00	1.00	1.00	1.00	1.00	1.00
CHEMIST 3	82,901	1.00	1.00	1.00	1.00	1.00	1.00
CHEMIST 4	96,159	0.50					
ENVIRONMENTAL PLANNER 4	89,295	1.00	1.00	1.00	1.00		
ENVIRONMENTAL PLANNER 3	80,956	1.00	1.00	1.00	1.00	1.00	1.00
ENVIRONMENTAL ENGINEER 3	98,587	1.00	1.00	1.00	1.00		
MANAGEMENT ANALYST 3	71,515	1.00	1.00	1.00	1.00		
FISCAL ANALYST 2		0.75	0.70	0.70	0.70	0.40	0.40
IT APP DEVELOPMENT-JOURNEY		0.38	0.35	0.35	0.35	0.20	0.20
Total FTEs		8.63	8.05	8.05	8.05	4.60	4.60

Explanation of costs by object:

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 36.5% of salaries.

Contracts are \$1,466,000 per fiscal year from July 1, 2023 through June 30, 2027 for stormwater studies to address tire toxicity, identify the appropriate BMPs needed, and determine their design and construction specifications.

Goods and Services are the agency average of \$4,834 per direct program FTE and \$25,000 per fiscal year for chemicals and supplies needed to conduct laboratory analyses.

Travel is the agency average of \$2,234 per direct program FTE.

Equipment is the agency average of \$1,230 per direct program FTE.

Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 28.75% 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.

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 fund the resources Ecology needs to:

- Update stormwater management manuals with new or revised BMPs.
- Provide technical assistance to ensure permittees have adequate permit coverage for stormwater runoff.

This request is essential to achieving the Governor's Results Washington Goal 3: Sustainable Energy and a Clean Environment and Goal 4: Healthy and Safe Communities; and Ecology's Goal 3: Prevent and reduce toxic threats and pollution and Goal 4: Protect and Manage our State's Waters because it will fund the resources Ecology needs to:

- Identify appropriate approaches to contain or prevent transportation of 6PPD-Q in stormwater systems
- Identify BMPs that treat stormwater runoff effectively to reduce 6PPD-Q.
- Implement our 6PPD-Q monitoring program to:
 - Gain knowledge about the extent of 6PPD-Q distribution 6PPD-Q in salmon-bearing streams.
 - Identify cleanup areas.

This request is also essential to:

- The Governor's Salmon Recovery Strategy Update because it will identify and reduce pollutants and chemicals in runoff from roadways, through new infrastructure and road maintenance.
- The Governor's Orca Recovery Task Force (Recommendation #30) because it will address chemicals that affect Southern Resident Orca recovery and their prey.

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. Improves stormwater management

Performance Outcomes:

One outcome of this request will be a decrease in the amount of 6PPD-Q discharged to stormwater to improve the abundance and health of fish populations; an important outcome for Tribes.

Equity Impacts

Community outreach and engagement:

See "Target Populations or Communities" section for combined answer to Equity questions.

Disproportional Impact Considerations:

See "Target Populations or Communities" section for combined answer to Equity questions.

Target Populations or Communities:

This proposal addresses a key pollution impact to salmon, which is a natural resource essential to Tribes and Tribal communities. 6PPD-Q is a known contributor to salmon and trout mortality. Addressing these toxics in stormwater runoff directly addresses Tribal treaty reserved rights to harvest healthy, sustainable fish populations. Attention has been focused in the Puget Sound area, but 6PPD-Q is a chemical of concern in runoff throughout Washington State. There are 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.

Other Collateral Connections

Puget Sound Recovery:

This request supports Puget Sound Action Agenda implementation through Ongoing Program: OGP_ECY34: Water Quality - Control Stormwater and Wastewater Pollution (Department of Ecology) and the following Vital Signs, Strategies, Desired Outcomes, and Actions included in the 2022-2026 Puget Sound Action Agenda:

- Vital Signs – Freshwater and Toxics in Aquatic Life
- Strategies – 10 Stormwater Runoff and Legacy Contamination

- Desired Outcomes
 - 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
 - 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
 - 33 Incentivize redevelopment in areas associated with high loads of toxic chemicals
 - 41 Find and fix toxic hotspots

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 6PPD-Q in stormwater runoff. There are many critical information gaps identified in the 2022 June Report on Tire Contaminants and BMP Effectiveness for researchers to address to better inform how BMP implementation on the ground. 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.

Many jurisdictions conduct long-term stormwater infrastructure planning through Growth Management Act and municipal permit requirements. In the past, there was no expectation their planning would address 6PPD-Q, because the chemical was unknown. Stormwater management and salmon recovery are two major statewide efforts. With 6PPD-Q tying these efforts together, increased coordination capacity is needed, for both Ecology and our permit holders involved in salmon recovery.

Currently Coho are listed as threatened under the Endangered Species Act in the lower Columbia River and as a species of concern by Washington Department of Fish and Wildlife. Federal and regional fish biologists are implementing Coho population assessments based on Endangered Species Act Section 7(a)(2) consultation requiring directed efforts to aid in conservation of listed species and their habitats. Priority area assessments may change in response to ESA listing updates from National Oceanic Atmospheric Administration (NOAA). This would affect our guidance on when, where, and how to use BMPs for new development, redevelopment, and retrofit projects for different site conditions.

Stakeholder Response:

Public and non-government stakeholders are interested in working together to manage stormwater from older developments and recover salmon populations in the Pacific Northwest. Non-governmental stakeholders are already advocating for rapid response for stormwater mitigation work along transportation corridors in susceptible areas; funding and policy support to streamline the planning and permitting processes; BMP criteria and guidance to manage more toxics in stormwater; and development of more innovative stormwater solutions. Stakeholder groups tracking this work include environmental organizations, salmon recovery organizations and Orca whale recovery organizations.

State Facilities Impacts:

N/A

Changes from Current Law:

N/A

Legal or Administrative Mandates:

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
	2024	2025	2023-25	2026	2027	2025-27
Obj. A	\$631	\$583	\$1,214	\$583	\$583	\$1,166
Obj. B	\$230	\$213	\$443	\$213	\$213	\$426
Obj. C	\$1,446	\$1,446	\$2,892	\$1,446	\$1,446	\$2,892
Obj. E	\$61	\$59	\$120	\$59	\$59	\$118
Obj. G	\$17	\$15	\$32	\$15	\$15	\$30
Obj. J	\$9	\$8	\$17	\$8	\$8	\$16
Obj. T	\$248	\$229	\$477	\$229	\$229	\$458

Agency Contact Information

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Agency Recommendation Summary

Washington faces severe and costly damage to life and property from climate change. For coastal populations, there is an increased risk from worsening coastal hazards, such as flooding, erosion, and sea level rise. At Governor Inslee’s request, the Washington Coastal Marine Advisory Council developed a set of coastal resilience recommendations in 2021, focused on building the organizational infrastructure for a sustained partnership between state agencies and coastal communities to help them address the challenging issues of the present, and shape a prosperous future. Ecology requests funding and staff capacity needed to implement three of these priority recommendations (1) expand data analysis to assess site scale vulnerabilities within coastal communities, (2) deliver coordinated state-level technical assistance, and (3) increase local capacity to design and implement effective on-the-ground projects. 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
	2024	2025	2023-25	2026	2027	2025-27
Staffing						
FTEs	10.6	10.6	10.6	10.6	10.6	10.6
Operating Expenditures						
Fund 23P - 1	\$1,957	\$1,957	\$3,914	\$2,957	\$2,957	\$5,914
Total Expenditures	\$1,957	\$1,957	\$3,914	\$2,957	\$2,957	\$5,914

Decision Package Description

Background

Washington’s 28,000 miles of marine coastline and freshwater stream, lake, and river shorelines provide the basis for thriving economic and social life in communities across the state. However, natural hazard 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’s Shorelands and Environmental Assistance Program manages the state’s coastal and shoreline areas, and works to enhance Washington’s resilience to natural hazards in coastal and shoreline areas. We do this through core set activities designed to help avoid or minimize the impacts that natural hazards can have on communities and the environment, while enhancing the state’s resilience to these threats. Such activities include:

- Leading shoreline and floodplain management in Washington by offering planning and project resources to communities.
- Surveying Washington’s coastlines to monitor coastal erosion and sediment movement through time.
- Assessing stream channel migration to help communities avoid risk to lives, homes, and infrastructure.
- Supporting informed policy and regulatory decisions with coastal landslide guidance and planning assistance.
- Understanding climate change and sea level rise impacts to help address vulnerable communities and resources.
- Helping coastal communities plan to avoid and minimize the impacts of a catastrophic incident.
- Providing emergency flood-related assistance to local governments through our Flood Control Assistance Account Program (FCAAP) and Washington Conservation Corps (WCC).

In this context, resilience is a community’s ability to thrive in the present, adapt to hazard challenges, and transform as necessary to meet future threats and opportunities. Enhancing resilience to natural hazards is complex, wide-ranging, and requires action on multiple levels. We collaborate with communities, local and tribal governments, and other state and federal agencies to leverage the information and resources needed to take action.

Problem and Recommended Solutions

Natural hazards pose threats to the health and wellbeing of our state’s coastal populations, particularly in vulnerable, underserved communities. Unfortunately, the frequency and severity of these events are increasing due to the effects of climate change, and the threat of a major earthquake and tsunami creates further risks these coastal communities. Over the years, Ecology has participated in a number of efforts to better understand the risks facing the state’s coastal populations and infrastructure, and we work in partnership with communities to find on-the-ground solutions that also protect the environment. However, moving forward more needs to be done.

On July 29, 2021, the Washington Coastal Marine Advisory Council (WCMAC) delivered a set of coastal resilience recommendations to the Governor’s Office, Legislature, and Washington’s Congressional Delegation. These recommendations, developed at the request of Governor Inslee, focused on building the organizational infrastructure for a sustained partnership between state agencies, coastal communities, and Tribes

to help them address the challenging issues of the present, and shape a prosperous future (see Attachment A). Tribes are not formal members of WCMAC, but the WCMAC recommendations were developed with input from coastal Tribes as part of the assessment, pilot projects, and development process. This budget request provides the funding and staff capacity needed to implement three of those priority recommendations:

1. Expand Ecology's Coastal Monitoring & Analysis Program (CMAP)
2. Establish a Coastal Hazard Organizational Resilience Team (COHORT)
3. Increase local staffing capacity for resilience work

Please note, while the recommendations put forward by WCMAC were focused on supporting communities and Tribes on the Pacific Coast, they are applicable to all coastal communities, and therefore, this request expands on the initial recommendations to include communities along the Strait of Juan de Fuca and in Puget Sound as well.

Coastal Zone Mapping and Erosion Monitoring

To better understand physical changes along Washington's beaches, bluffs, and nearshore zones, Ecology's Coastal Monitoring & Analysis Program (CMAP) conducts research by mapping and monitoring Washington's marine coastline. CMAP 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 these data to make informed management decisions and put restoration and protection efforts in place.

Our staff provide 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). We strive to maintain an unbiased, scientifically based knowledge foundation to enhance decision-making for coastal projects and planning. For more information on current and past CMAP projects, products, and reports, please visit: <https://ecology.wa.gov/Research-Data/Monitoring-assessment/Coastal-monitoring-assessment>.

As sea levels rise and storm events become more destructive, it is becoming increasingly more important to have a complete understanding of the mechanisms that shape our shorelines. Building and maintaining a scientific knowledge base is the first step to ensure effective responses to the challenges Washington's coastal areas are now facing.

Since 2001, Ecology has funded its CMAP activities mostly through small, short-term, project-specific receivable agreements and federal grants (see Attachment B for a sample list of projects). These agreements have supported an average of 3.0 direct project FTEs each biennium, and while the team has the expertise and ability needed to do this work, our current capacity only allows us to collect data for select locations on the coast, and for project partners that provide funding. As a result, these monitoring and analysis services are not currently available for many communities and Tribes along the state's multiple coastlines.

At the same time, hazard impacts are becoming more frequent and severe, as climate change continues to affect marine shorelines in new and more damaging ways. Ecology is the only state agency well positioned to provide data and analysis necessary to perform vulnerability assessments and help design risk reduction projects in these communities. As described in the Environmental Protection Agency's (EPA) 2021 Social Vulnerability Report (<https://www.epa.gov/cira/social-vulnerability-report>), understanding the comparative risks to vulnerable populations is critical for developing effective and equitable strategies for responding to climate change.

Washington's coastal communities are requesting data, information, and accurate projections for the impacts of sea level rise and associated erosion, flooding, and storm surge; and this need for technical information provided through CMAP far exceeds Ecology's current capacity. This budget request supports 7.2 new direct FTEs needed to build on existing relationships and develop new partnerships with coastal communities and Tribes based on their coastal monitoring data and analysis needs. These staff will provide data and information at a scale necessary for communities and Tribes to perform vulnerability assessments and design mitigation projects. Based on our experience doing project-based CMAP work over the last two decades, we believe this is the minimum staff level necessary to proactively implement CMAP statewide.

Six of these requested positions will represent entirely new capacity to enhance CMAP capabilities, while the remaining 1.2 FTEs will support 40 percent of three existing project positions, which are currently supported through small, short-term, project-specific receivable agreements. This investment will allow Ecology to make these positions permanent, with the remaining 60 percent of each position funded through ongoing federal grants currently in place.

Combined, these staff will collect and provide coast-wide erosion data, coastal process analysis, education and outreach, and technical assistance to evaluate risks. They will work with state and federal agencies, local partners, and Tribes to develop comprehensive strategies and multi-benefit resilience projects. Ecology will continue to maintain several existing project positions supported by periodic, project-based receivable agreements.

Coastal Hazards Organizational Resilience Team (COHORT)

In March 2018, Governor Jay Inslee requested the assistance of WCMAC to prioritize needs and actions in order to carry out recommendations from the Washington State Coast Resilience Assessment Final Report (https://s3.wp.wsu.edu/uploads/sites/2180/2013/06/Washington-Coast-Resilience-Assessment-Report_Final_5.1.17.pdf). After a year of discussion and investigation, WCMAC prioritized a set of recommendations, including the formation of a Coastal Hazard Organizational Resilience Team (COHORT) to support communities and Tribes with resource capacity challenges.

Building on that recommendation, in 2019, WCMAC launched a partnership with Ecology and Washington Sea Grant to pilot the recommendation for establishing a COHORT to enhance and integrate coast-wide resilience efforts. The 18-month (2020-2021) Resilience Action Demonstration Project (RAD) (<https://wacoastalnetwork.com/resilience-action-demonstration-project/>) was used as a proof of concept, which tested the logistics of the interagency COHORT model, and identified strategies for improving and better coordinating agencies' hazards assistance to Washington's coastal communities.

The pilot, and associated follow up study completed by the Ruckelshaus Center (https://s3.wp.wsu.edu/uploads/sites/2180/2021/02/Options-and-Considerations-for-Implementing-the-COHORT_final_6.28.19.pdf), determined that establishing a COHORT could strengthen the resilience efforts of coastal communities by delivering additional state investment to align local resources and expertise, enhance collaboration, and coordinate strategic investment in science, projects, and programs.

In support of these recommendations and studies, Ecology is requesting the funding needed to establish the COHORT, which will consist of staff from Ecology, the Washington Sea Grant, Washington State University Extension, and Washington Military Department's Emergency Management Division. These agencies and organizations were identified during the RAD pilot as the four entities that have the interest, expertise, mission, and capacity to provide integration and elevation of coastal resilience efforts. Ecology is requesting funding to support one direct FTE at each entity. Ecology will fund one of the FTEs directly, and support the three others through interagency agreements with the other COHORT members.

The COHORT will assist coastal communities in prioritizing coast-wide projects in a coordinated way and accessing funding, including federal dollars. Changes to federal disaster mitigation funding guidelines will likely increase the amount of money available for predesign and planning and this effort will give communities a leg up in applying and making the case for those funds. The COHORT will help communities develop project priorities in a coordinated way that can improve opportunities for funding.

Through developing joint priorities, strategies, and projects, the COHORT will help communities to develop an integrated approach that minimizes projects competing with one another for resources, provides overall strategies and a vision for long-term resilience, identifies public benefits of projects, and assists funders with evaluating project needs. Additional information about COHORT work and deliverables supported by this request, including a breakdown of tasks and responsibilities by entity and FTE, is included in Attachment C. Also included, as Attachment D, are letters of support from the entities that would participate in the COHORT alongside Ecology.

Establish a Grant Program to Increase Local Staffing Capacity for Resilience Work

As part of its 2021 recommendations, WCMAC urged the Governor and Legislature to develop options to increase staffing capacity in Tribes, local governments, and special districts with the experience and skills needed to accomplish resilience objectives. This included the need for additional coastal planners, project coordinators, GIS/data specialists, and hazard mitigation coordinators who could complete risk and vulnerability assessments, planning integration, project scoping, design, and grant writing.

In recent years, federal funding to support climate hazards has been increasing, and expectations are that it will continue to do so as climate change creates greater demand for resources in coastal communities across the country. In 2021, the federal government increased funding for FEMA's Building Resilient Infrastructure and Communities program from \$500 million to \$1 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 resiliency.

Funding also has increased for other programs, such as National Fish and Wildlife Foundation's National Coastal Resilience Fund. In addition, federal infrastructure funding through the Bipartisan Infrastructure Law (BIL) will also be available over the next five years, while funding for climate hazards resilience in permanent programs and supplemental authorizations for projects is expected to continue beyond this timeframe and continue growing to respond to increased demands nationally.

Ecology's research and the RAD pilot program indicate that many times overburdened and underserved communities have challenges accessing these types of federal funding opportunities due to capacity barriers within their organizations. Unfortunately, there are no current state or federal programs working to address this capacity gap, and help communities transform identified project needs into competitive, fully scoped proposals and applications. Disasters are happening with greater frequency, and recovery costs are increasing. For communities able to afford it, proactive mitigation planning provides a high return on investment. Research by the Multi-hazard Mitigation Council found communities save \$6 for every \$1 spent on hazard mitigation (https://www.fema.gov/sites/default/files/2020-07/fema_ms2_interim_report_2017.pdf).

To address these capacity gaps, Ecology is requesting funding and staff capacity to establish a small capacity grants program to support

community-based resilience planning, effective project design, and proposal development within communities and Tribes that currently don't have that these tools. The grant program, which would begin offering pass through funding in the 2025-27 biennium, will focus on preparing underserved local governments and Tribes to apply for implementation funding through various federal and state funding programs (see Attachment E).

In 2023-25, funding and staff are requested to establish the grant program. Over those two years, the requested staff will develop the eligibility criteria, funding priorities, grant guidelines, the application, review, and scoring processes, and prepare to award funding starting in 2025-27. As part of this development process, staff will lead a collaborative, inclusive outreach effort to solicit feedback from coastal communities and Tribes to inform the creation of the grant program.

Based on initial scoping for the grant program, we anticipate grant awards will range from \$150,000 and \$400,000 per project, and that the requested \$2 million per biennium, beginning in 2025-27, will support five to 13 projects every two years. We anticipate that the COHORT will provide a wide range of expertise and technical assistance in support of the grant program, including facilitating connections between local project proponents and the large federal funding programs that may be options for specific projects.

Once established, we anticipate local governments and Tribes will be able use the grant funding to hire temporary staff, fellowship positions, or consultants to accomplish eligible grant activities, including:

- Gathering existing scientific information and local knowledge related to coastal hazards, coastal resilience-related issues, and historic changes to over time, community assets, and partnerships.
- Adaptation planning workshops and meetings to engage at-risk communities in learning about and planning for risks posed by coastal climate hazards.
- Resilience planning and project development activities to design scopes of work for resilience projects.

Expected outcomes include:

- Increased local capacity and community support to scope projects, apply for funding, and adapt to coastal change.
- Relationship development and increased communication with stakeholders 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.

Impacts on Population Served:

Washington's total population is approximately seven million. Almost 70 percent – or 4.8 million people – live in the coastal areas of the state. The region employs almost 2.4 million people, earning a total of over \$162 billion annually. This equates to almost \$419 billion in gross domestic product (<https://coast.noaa.gov/digitalcoast/data/acs.html> and <https://www.ncei.noaa.gov/access/billions/overview>).

By taking action to respond and adapt to changing climate conditions, Washington can significantly limit the damage and reduce the long-term costs of climate related impacts expected to grow in number and intensity in coming decades. However, if no action is taken, potential costs to Washington are projected to reach \$12.9 billion annually within the next fifty years from climate change impacts (Climate Leadership Initiative 2009, https://scholarsbank.uoregon.edu/xmlui/bitstream/handle/1794/10719/economicreport_washington.pdf?sequence=1&isAllowed=y).

Alternatives Explored:

This request reflects community voices and the expertise of the Ruckelshaus Center to produce three well-researched components designed to tackle coastal climate hazards. The RAD pilot project further informed WCMAC's process to evaluate alternatives and identify high priority needs and actions to carry out the recommendations from the assessment regarding coastal hazards.

Ecology considered making a separate request for each of the three components proposed and stretching out the timeline. However, there is an urgent need to address coastal climate hazards. Furthermore, all three components of this request complement and depend on each other to achieve a comprehensive resilience approach. This request addresses three main challenges that specifically prevent under-resourced coastal communities and Tribes from assessing risk to implementing on-the-ground climate hazard resilience projects. Without funding for all three components, data will not be at a scale useful for project design, access to funding will continue to be an issue, and a lack of local capacity will prevent the implementation of climate resilience projects.

Ecology is requesting funding for this request from the Model Toxics Control Operating Account (MTCA Operating) because that is the fund source for our current work on shoreline natural hazards management. However, alternative to using MTCA Operating could be to use the new Natural Climate Solutions Account (NCSA), created under 70A.65.270, to support this request. Funds in that account must be used a manner that is consistent with existing and future assessments of climate risks and resilience from the scientific community and expressed concerns of and impacts to overburdened communities. Funding can be used to restore and protect marine shoreline habitats and prepare for sea level rise, reduce flood risk, and restore natural floodplain ecological function. Appropriation from this account would be eligible to support the work in this request, however, under current law, revenue from the cap and trade program allowance auctions under the Climate Commitment Act

(Chapter 70A.65 RCW) won't be available in the account until the start of fiscal year 2025.

Consequences of Not Funding This Request:

This request cannot be reduced or delayed without significant impact to the communities it is designed to support. The demand for Ecology's coastal monitoring and analysis services greatly exceeds available resources and existing capacity. Staff are overstretched, and equipment needs to be replaced or upgraded. Deferring maintenance may result in costly replacement.

The COHORT pilot was implemented on a small scale between 2019 and 2021 and needs full funding to take advantage of federal funding to reduce state and local impacts and costs. Delayed funding would result in loss of momentum, partnership continuity, and staff expertise. This would result in higher costs and longer timelines to rebuild existing capacity and partnerships.

If this request is not funded, the lack of data, monitoring, and hazard assessments would compromise planning, project design, and adaptive management efforts – potentially resulting in losses that cannot be recovered. This could lead to more expensive and harmful emergency actions that can have long-term environmental impacts and social implications. For example, shoreline armoring can result in beach degradation and nearshore habitat loss, reduced public access and recreation, and lead to increased erosion at adjacent unarmored beaches. Communities like Ocean Shores, Westport, North Cove, and the Shoalwater Bay Tribe could lose beaches and dunes that provide critical habitat and that are vital to protecting infrastructure, resource-based industries, and critical transportation corridors.

The most severe harms from climate-influenced hazards fall disproportionately on overburdened and underserved communities that are least able to plan and prepare for their impacts (<https://www.epa.gov/cira/social-vulnerability-report>). The 2020 Environmental Justice Task Force Report (https://apps.leg.wa.gov/ReportsToTheLegislature/Home/GetPDF?fileName=EJTF%20Report_FINAL_39bdb601-508e-4711-b1ca-6e8c730d57bf.pdf) describes how studies conducted in Washington largely reflect the findings of national environmental justice research. In Washington, environmental and climate hazards continue to disproportionately affect people of color and low-income populations. The University of Washington Climate Impacts Group explored these disparities and found the cumulative effects of climate change and other environmental injustices are most adversely affecting communities of color, indigenous people, and low-income communities (https://cig.uw.edu/wp-content/uploads/sites/2/2018/08/AnUnfairShare_WashingtonState_August2018.pdf).

Until resiliency is established, this will continue into the future, resulting in further declines in socioeconomic well-being and jurisdictional capabilities, potentially resulting in disastrous impacts to coastal ecosystems. The coastal regions targeted in this request are already geographically isolated, have high unemployment, and have experienced a decline of historic industries. Investments preventing and mitigating flood hazards has a return of \$5 to \$8 for every \$1 invested (National Institute of Building Sciences, Natural Hazards Mitigation Saves, 2019 Report: <https://www.nibs.org/projects/natural-hazard-mitigation-saves-2019-report>). The consequences of unintended community deterioration are incalculable.

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 and staff capacity needed to implement three of these priority recommendations (1) expand data analysis to assess site scale vulnerabilities within coastal communities, (2) deliver coordinated state-technical assistance, and (3) increase local capacity to design and implement effective on-the-ground projects. A summary of the 2019-21 and 2021-23 base funding and FTEs for this activity is below. Administrative Overhead related to this activity is also in the agency's Administration Activity A002.

Activity A036: Protect and Manage Shorelines in Partnership with Local Governments		
	2019-21	2021-23
FTEs Total	37.65	41.85
001-1 General Fund-State	\$802,000	\$2,002,000
001-2 General Fund-Federal	\$4,200,000	\$4,265,000
001-7 General Fund-Private/Local	\$20,000	\$20,000
02R-1 Aquatic Lands Enhancement Acct	\$0	\$150,000
23P-1 Model Toxic Control Operating	\$8,642,000	\$9,014,000
TOTAL	\$13,664,000	\$15,451,000

Detailed Assumptions and Calculations:

Beginning July 1, 2023 and ongoing, Ecology requires salaries, benefits, and associated staff costs to implement the following coastal resilience recommendations from the Washington Coastal Marine Advisory Council:

- Expand Ecology's Coastal Monitoring & Analysis Program (CMAP)
- Establish a Coastal Hazard Organizational Resilience Team (COHORT)
- Increase local staffing capacity for resilience work

Expand Ecology's Coastal Monitoring & Analysis Program (CMAP)

- **1.0 FTE Washington Management Service 1** to serve as a Unit Supervisor for the expanded CMAP unit supported by this request.
- **1.0 FTE Natural Resource Scientist 4** to analyze data, program computer software, and develop scientific methods to evaluate and interpret coastal processes.
- **1.0 FTE Natural Resource Scientist 2** to develop analytical methods for measuring changes in coastal features from various data sources, including providing coastal mapping and analyses of survey data.
- **1.0 FTE Engineering Technician 3** to assemble, install, calibrate, and repair survey systems, instrumentation, and data acquisition programs and maintain field surveying equipment including vessels, all-terrain vehicles, and other survey platforms.
- **1.0 FTE Environmental Specialist 2** to provide technical support to implement coastal morphology surveying and monitoring, collect sediment samples, conduct cobble cam surveys, and process data.
- **1.0 FTE Management Analyst 3** to provide budget, fiscal liaison, grant administration, tracking, reporting, and business management services in support of CMAP, the COHORT, and the grant program.
- **0.4 FTE Natural Resource Scientist 3** to oversee hydrographic and topographic surveying involving global navigation satellite systems technology, geodesy and geodetic control, and boat-based mobile laser scanning and single-beam and multi-beam sonar systems. The other 60 percent of this position is supported by ongoing federal grant funding.
- **0.4 FTE Environmental Specialist 3** to provide geospatial data compilation and derivation, assess data, and develop, process, and analyze data products. The other 60 percent of this position is supported by ongoing federal grant funding.
- **0.4 FTE Environmental Specialist 2** to provide technical support to implement coastal surveying and monitoring, develop boat survey logistics, process and clean LIDAR and multi-beam point clouds, and create digital elevation models. The other 60 percent of this position is supported by ongoing federal grant funding.

Beginning July 1, 2023 and ongoing, Ecology will also require \$225,000 per year for equipment maintenance and replacement costs for a wide range of equipment and scientific instrumentation used by CMAP (e.g. cameras, camera batteries, wetsuits, sonar and LIDAR equipment, boat motors, receivers, radios, etc.). These costs are shown in Object J: Equipment.

Establish a Coastal Hazard Organizational Resilience Team (COHORT)

- 1.0 FTE Environmental Planner 3 to serve as Ecology's representative on the established COHORT and assist coastal communities in prioritizing coast-wide projects in a coordinated way and accessing funding, including federal dollars.
- In addition to this direct FTE, Ecology requires \$900,000 per biennium that will be passed through via interagency agreements to support one direct FTE at each of the other three COHORT agencies/organizations. These costs are shown in Object E: Goods and Services.

Local Capacity Grant Program

- 1.0 FTE Environmental Specialist 4 to establish, build, and administer the grant program that will begin in 2025-27. Ongoing, this position will coordinate COHORT involvement in the grant program; synthesize lessons learned from projects and ensure that we incorporate those learnings in our grant guidelines and criteria; and participate in and lead interagency work groups to ensure strategic and coordinated investments in coastal climate resilience.

Beginning July 1, 2025 and ongoing, Ecology requires \$2,000,000 per biennium for local capacity pass through grants. These costs are shown in Object N: Grants.

Workforce Assumptions:

Expenditures by Object		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
A	Salaries and Wages	685,792	685,792	685,792	685,792	685,792	685,792
B	Employee Benefits	250,314	250,314	250,314	250,314	250,314	250,314
E	Goods and Services	494,474	494,474	494,474	494,474	494,474	494,474
G	Travel	20,554	20,554	20,554	20,554	20,554	20,554
J	Capital Outlays	236,316	236,316	236,316	236,316	236,316	236,316
N	Grants, Benefits, and Client Services			1,000,000	1,000,000	1,000,000	1,000,000
T	Intra-Agency Reimbursements	269,131	269,131	269,131	269,131	269,131	269,131
	Total Objects	1,956,581	1,956,581	2,956,581	2,956,581	2,956,581	2,956,581

Staffing

Job Class	Salary	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Environmental Specialist 3	63,214	0.40	0.40	0.40	0.40	0.40	0.40
Natural Resource Scientist 3	82,901	0.40	0.40	0.40	0.40	0.40	0.40
Environmental Specialist 2	57,329	1.40	1.40	1.40	1.40	1.40	1.40
Natural Resource Scientist 4	91,525	1.00	1.00	1.00	1.00	1.00	1.00
Engineering Technician 3	69,756	1.00	1.00	1.00	1.00	1.00	1.00
Management Analyst 3	71,515	1.00	1.00	1.00	1.00	1.00	1.00
Natural Resource Scientist 2	68,071	1.00	1.00	1.00	1.00	1.00	1.00
WMS BAND 1	92,000	1.00	1.00	1.00	1.00	1.00	1.00
Environmental Specialist 4	73,262	1.00	1.00	1.00	1.00	1.00	1.00
Environmental Planner 3	80,956	1.00	1.00	1.00	1.00	1.00	1.00
FISCAL ANALYST 2		0.92	0.92	0.92	0.92	0.92	0.92
IT APP DEVELOPMENT-JOURNEY		0.46	0.46	0.46	0.46	0.46	0.46
	Total FTEs	10.58	10.58	10.58	10.58	10.58	10.58

Explanation of costs by object:

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 36.5% of salaries.

Goods and Services are the agency average of \$4,834 per direct program FTE, and \$900,000 per biennium for 3.0 FTEs at other agencies (COHORT).

Travel is the agency average of \$2,234 per direct program FTE.

Equipment is the agency average of \$1,230 per direct program FTE. Also included is \$225,000 per year for equipment maintenance and replacement costs.

Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 28.75% 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.

Strategic and Performance Outcomes

Strategic Framework:

This request is essential to achieving the Governor's Results Washington Goal 2: Prosperous Economy, Goal 4: Healthy and Safe Communities, and Goal 5: Efficient, Effective, and Accountable Government because it will fund the resources Ecology needs to provide increased 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, enhanced approach to assisting these communities will be effective and efficient because it leverages key assets across agencies and helps 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 Ecology's 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 of meaningful engagement and a thoughtful implementation plan that engages local communities, Tribes, and stakeholders.

This request is essential to achieving Ecology's 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 requested funding will also advance action on community resilience, and prevent and remediate negative impacts with an emphasis on historically under-served and overburdened communities. This request also aligns with Washington State's Integrated Climate Response Strategy (2012) (<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 is also essential to achieving Ecology's Goal 3: Prevent and reduce 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 to a healthy marine and ocean coast.

Performance Outcomes:

The outcome of this request will be the successful implementation of three priority recommendations from the Washington Coast Marine Advisory Council for improving coastal resilience in Washington State:

1. Expand Ecology's Coastal Monitoring & Analysis Program (CMAP)
2. Establish a Coastal Hazard Organizational Resilience Team (COHORT)
3. Increase local staffing capacity for resilience work by providing grants to support smaller, rural, and under-resourced communities and Tribes

Equity Impacts

Community outreach and engagement:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Disproportional Impact Considerations:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Target Populations or Communities:

In Washington, certain areas and communities are disproportionately affected by the consequences of chronic and episodic disaster events. This request has broad benefits, but focuses specifically on communities and Tribes that do not have ready access to technical information, resilience planning expertise, and funding needed to proactively address risks and impacts of coastal hazards and climate change.

The most severe harms from climate-influenced hazards fall disproportionately on overburdened and underserved communities that are least able to plan and prepare for their impacts (<https://www.epa.gov/cira/social-vulnerability-report>). The 2020 Environmental Justice Task Force Report (https://apps.leg.wa.gov/ReportsToTheLegislature/Home/GetPDF?fileName=EJTF%20Report_FINAL_39bdb601-508e-4711-b1ca-6e8c730d57bf.pdf) describes how studies conducted in Washington largely reflect the findings of national environmental justice research. In Washington, environmental and climate hazards continue to disproportionately affect people of color and low-income populations. The University of Washington Climate Impacts Group explored these disparities and found the cumulative effects of climate change and other environmental injustices are most adversely affecting communities of color, indigenous people, and low-income communities (https://cig.uw.edu/wp-content/uploads/sites/2/2018/08/AnUnfairShare_WashingtonState_August2018.pdf).

The 2017 Washington State Coast Resilience Assessment found severe capacity constraints and economic challenges are affecting the ability to provide necessary services and prepare for emergencies” in underserved coastal communities and Tribes, and “funding for disaster prevention is rarely provided prior to an actual disaster”. As a result, small coastal communities and Tribes are dependent on grants to fund hazards resilience projects, but they often lack local capacity to undertake the complex process of developing strong project proposals, applying to federal grant programs, and administering grants they receive.

This request addresses these critical needs by providing equitable access to crucial data on erosion and coastal change to inform local mitigation and resilience planning. The request will do this by establishing the COHORT, which will prioritize assistance to overburdened and underserved communities and Tribes and provide small grants for communities and Tribes to enhance local capacity to conduct proactive resilience planning work. This request includes prioritization criteria that ensures overburdened and underserved communities will benefit from this work. These communities include economically distressed communities using data from the U.S. Census Bureau, Tribal entities, and vulnerable populations as defined in Chapter 70A.02 RCW.

Washington invests in land use planning through the state Growth Management Act, Shoreline Management Act, Comprehensive Flood Hazard Management Plans, and Hazard Mitigation Plans. However, there is a lack of support for communities to implement these plans to address current impacts of coastal hazards and prepare for future risks. The collective approach outlined in this budget request will provide coastal communities and Tribes with the tools they need to undertake project planning processes and access federal funding opportunities to address coastal hazards and climate impacts.

This request was developed based upon years of collaborative resilience work with coastal community members, local government staff, Tribes, and state agencies. The proposed approach responds to continued data, technical assistance, and funding requests from communities and recommendations of Tribes and coastal stakeholders, including consensus recommendations made by WCMAC to the Governor, Legislature, and Congressional Delegation in 2021. The diverse partnerships that have contributed toward coastal resilience efforts in Washington will continue to play an instrumental role in implementing and advising the activities described in this request, including strategic coordination on coastal hazards technical assistance efforts and refining prioritization criteria for the small grants program.

Other Collateral Connections

Puget Sound Recovery:

This request supports Puget Sound Action Agenda implementation through a number of Vital Signs, Strategies, Desired Outcomes, and Actions included in the 2022-26 Action Agenda. See Attachment G for a complete list of linkages between this request and the agenda.

State Workforce Impacts:

N/A

Intergovernmental:

This work involves coastal communities and a multitude of organizations, including local and Tribal governments, state and federal agencies,

academic institutions, and other entities. The COHORT will work in partnership with a wide range of staff and community members.

This request builds on years of collaborative work with coastal communities, Tribes, agencies, and organizations working to advance state resilience to coastal hazards and climate change.

Washington's participation in the national Coastal Zone Management and Sea Grant programs strengthens the broader community of practice. Exchanging knowledge, guidance, and best practices among coastal states and territories enhances our ability to take collective resilience action.

In 2021, Ecology staff were invited and funded by Guam's Coastal Program to offer technical assistance tailored to local residents and community organizations. This work demonstrated the strength of collaboration to better understand coastal vulnerabilities while designing more effective nature-based risk reduction projects. This partnership was initiated through the Coastal States Organization. In a December 27, 2021, letter to Governor Inslee, Guam Governor Lourdes A. Leon Guerrero wrote:

“While Guam and Washington are separated by thousands of miles, our common interest is that our ocean and shorelines provide economic, environmental, and social benefits for our communities. We both know that coastal communities are a desirable place to live, work, and recreate. However, these areas face unique challenges that require us to take measures to protect our communities and infrastructure along the coastline from coastal hazards. It is through engagements like this where expertise and new ideas are shared as well as provide for enough time to develop onsite design and an adaptive approach to respond to those hazards...As you may know, islands are particularly vulnerable to climate change, we are often the first to experience the devastation from rising seas and increased storm events. It is through partnerships like this that will allow us to work toward increasing our resiliency and be better prepared to address hazards in the future.”

With this request, Ecology will be in a better position to:

- Strengthen resiliency along Washington coastlines.
- Assist states, territories, and communities across the country by providing technical assistance and having dedicated time to ensure lessons learned are being published.
- Highlight and communicate state achievements to national and international audiences. This will help increase opportunities to attract more external funding and transfer successful approaches to more coastal communities.

Stakeholder Response:

All components of this budget requests were developed jointly with stakeholders, communities, and Tribes. This request also responds to WCMAC's highest priority recommendations to the Governor regarding coastal resilience.

Ecology and partner organizations have shared this request with stakeholders using WCMAC as a forum for feedback and consensus building. We received feedback from the State Hazard Mitigation Work Group, environmental organizations, Washington State Association of Counties and Association of Washington Cities. Many local partners participating in the RAD project also provided feedback. We will continue to share this request and develop specific communication materials as the request moves through the process.

In August, Ecology and partner organizations supported WCMAC in hosting a briefing about its resilience recommendations to the Governor, Legislature, and members of Washington's U.S. Congressional Delegation.

See Attachment F for letters of support from partner organizations for this budget request.

State Facilities Impacts:

N/A

Changes from Current Law:

N/A

Legal or Administrative Mandates:

N/A

Reference Documents

- [Coastal Climate Hazards - Attachment A.pdf](#)
- [Coastal Climate Hazards - Attachment D.pdf](#)
- [Coastal Climate Hazards - Attachment F.pdf](#)
- [Coastal Climate Hazards -Attachment B.docx](#)
- [Coastal Climate Hazards -Attachment C.docx](#)
- [Coastal Climate Hazards -Attachment E.docx](#)
- [Coastal Climate Hazards -PS Attachment G.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?

No

Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
Obj. A	\$686	\$686	\$1,372	\$686	\$686	\$1,372
Obj. B	\$250	\$250	\$500	\$250	\$250	\$500
Obj. E	\$495	\$495	\$990	\$495	\$495	\$990
Obj. G	\$21	\$21	\$42	\$21	\$21	\$42
Obj. J	\$236	\$236	\$472	\$236	\$236	\$472
Obj. N	\$0	\$0	\$0	\$1,000	\$1,000	\$2,000
Obj. T	\$269	\$269	\$538	\$269	\$269	\$538

Agency Contact Information

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WASHINGTON COASTAL MARINE ADVISORY COUNCIL

c/o Washington of Ecology SEA Program PO Box 47600 Olympia WA 98504-7600

The Honorable Jay Inslee
Governor of Washington
PO Box 40002
Olympia, 98504-0002

July 29, 2021

RE: Washington Coast Marine Advisory Council 2021 Recommendations

Dear Governor Inslee:

The members of the Washington Coastal Marine Advisory Council (WCMAC) wish to thank you for your strong support for coastal Washington. We appreciate your leadership in facing coastal hazards head-on and recognizing the often-struggling coastal economies, and we appreciate the expertise and energy of state agency staff. This letter conveys WCMAC's recommendations on addressing coastal resilience.

WCMAC was created, in part, to provide recommendations to the governor and legislature on coastal resource management issues (43.143.060 RCW). In 2018, you asked us to identify high priority needs and actions to carry out the recommendations from the "Washington State Coast Resilience Assessment".¹

At our June 2021 meeting, WCMAC came to consensus on a list of the most urgent and actionable evidence-based recommendations (attachment A). Our recommendations represent the culmination of a multi-year collaborative effort (attachment B). We believe this inclusive process accurately represents the many interests present on the Washington coast and provides a collective vision for supporting resilience across the region.

Our recommendations focus on building the organizational infrastructure for a sustained partnership with State agencies that will help our coastal communities address the challenging issues of the present and shape a prosperous future. Coastal erosion and flooding already cause hundreds of thousands of dollars in damage each year. Unless we begin to plan and adapt, sea-level rise and the increasing frequency of severe storms will exacerbate these hazards, causing hundreds of millions of dollars in additional damages. Ocean acidification and invasive species are unrelentingly destroying shellfish, habitat and lucrative fisheries. Families who have made their living in these industries for generations are unable to continue. Taken together, this outlook will cripple the economy of our coastal communities.

¹ William D. Ruckelshaus Center "Washington State Coastal Resilience Assessment (2017)": <https://ruckelshauscenter.wsu.edu/projects/past-projects/>

Environmentally and economically, we cannot wait to take action. Hard-pressed counties and communities have limited capacity to plan for future conditions on their own. The planning that is being done is incident-specific and lacks coordination with neighboring jurisdictions, tribes, and potential project partners. Coastal governments need the State to fund personnel to coordinate and develop long-term plans. This would help guide planning efforts, develop project proposals, test theories, and initiate funding streams. Without this support, the Washington coast will continue to lack the resilience to come back strongly from economic and environmental hazards.

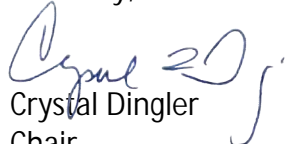
The WCMAC membership is committed to following through on these recommendations using our capacity as a group and through the organizations we represent. To accomplish our resilience goals for Coastal Washington, we ask you to consider the following requests:

- Commit to work with agencies to further detail and prioritize our recommendations.
- Consider where and how our recommendations can be advanced, including through your budget and policy actions.
- Join us for a coastal resilience briefing to disseminate our resilience recommendations with state legislatures and congressional delegates, Nation and Tribal representatives, agency leaders, and other key partners.
- Work with our State legislature and congressional delegation to implement our recommendations.

Please give your support to our voices so that our Washington coast can be resilient, thrive, and contribute strongly to the state's overall healthy economy.

Feel free to have your staff contact me at 360-581-5386 or cdingler@osgov.com.

Sincerely,



Crystal Dingler
Chair

WA Coastal Marine Advisory Council

CC:

- Senator Reuven Carlyle, Chair, Senate Environment, Energy & Technology Committee
- Senator Liz Lovelett, Vice Chair, Senate Environment, Energy & Technology Committee
- Senator Kevin Van De Wege, Chair, Senate Agriculture, Water, Natural Resources & Parks Committee
- Senator Jesse Salomon, Vice Chair, Senate Agriculture, Water, Natural Resources & Parks Committee
- Senator Jeff Wilson, 19th Legislative District
- Representative Steve Tharinger, 24th Legislative District
- Representative Joe Fitzgibbon, Chair, House Environment & Energy Committee
- Representative Davina Duerr, Vice Chair, House Environment & Energy Committee

- Representative Mike Chapman, Chair, House Rural Development, Agricultural & Natural Resource Committee
- Representative Sharon Shewmake, Vice Chair, House Rural Development, Agricultural & Natural Resource Committee
- Representative Cindy Ryu, Chair, House Community & Economic Development
- Representative Dave Paul, Vice Chair, House Community & Economic Development
- Representative Jim Walsh, 19th Legislative District
- Representative Joel McEntire, 19th Legislative District
- US Representative Derek Kilmer, 6th District
- US Representative Jaime Herrera Beutler, 3rd District
- US Senator Maria Cantwell
- US Senator Patty Murray
- Jennifer Hennessey, Office of the Governor
- Members, Washington Coastal Marine Advisory Council
- Bobbak Talebi, Department of Ecology

Attachment A: WCMAC Coastal Resilience Recommendations

Type	Short Name	Recommendation	Desired Outcome	Implementers
Hazards	<p>Establish a Coastal Hazards Organizational Resilience Team (COHORT)</p>	<p>WCMAC recommends that the WA Legislature and the Governor create and fund a Coastal Hazards Organizational Resilience Team (COHORT). The COHORT will coordinate state and federal resources and assistance through staff located on the coast. These entities will draw from their individual network of resources and collaborate to provide strategic services to local governments, communities, and project leaders.</p>	<p>Provide long-term state assistance for a coast-wide resilience initiative,² including:</p> <ul style="list-style-type: none"> • Bridging coordination and collaboration with other state and federal agencies (e.g., Commerce, WDFW MRC Coordinator, USACE, etc.) • Developing resilience strategies • Facilitating regional and local partnerships • Exchanging knowledge • Assessing risk and vulnerability • Integrating planning • Developing project scopes and design • Coordinating grant writing and strategic investments across agency programs • Organizing conferences • Strengthening networking opportunities and access to resources through an online data and resilience hub • Programming educational programs • Providing business incubation • Providing job training to: <ul style="list-style-type: none"> ○ Increase local innovation, ○ Support intergenerational participation in resilience initiatives, and ○ Support emerging local leaders 	<ul style="list-style-type: none"> • WA Sea Grant • Ecology • WSU Extension • EMD • Commerce
Hazards	<p>Options to increase local staffing capacity for resilience work</p>	<p>WCMAC recommends that the WA Legislature and the Governor fund a study to develop options to increase staffing capacity in tribes, local governments, and special districts with the experience and skills to accomplish resilience objectives</p>	<p>Identify the most strategic and feasible options to increase and sustain local capacity to focus on coastal resilience. This includes the need for additional coastal planners, project coordinators, GIS/data specialists, and hazard mitigation coordinators who could complete risk and vulnerability assessments, planning integration, project scoping and design, and grant writing. Options to consider include:</p> <ul style="list-style-type: none"> • Regional and local partnerships/cost-sharing • Grants and Fellowship opportunities • Other funding opportunities to increase local capacity 	<ul style="list-style-type: none"> • WCMAC/ Ecology

² For more information, see: [“Options and Considerations for Implementing the Coastal Hazards Organizational Resilience Team \(COHORT\)”](#)

<p>Hazards</p>	<p>Coastal erosion technical assistance program</p>	<p>WCMAC recommends that the WA Legislature and the Governor fund the expansion of Ecology's Coastal Monitoring & Analysis Program (CMAP).</p>	<p>Collect and provide coast-wide erosion data, coastal process analysis, education and outreach, and technical assistance to evaluate risk. Work with state and federal agencies, local partners, and tribes to develop comprehensive strategies and multi-benefit resilience projects.</p>	<ul style="list-style-type: none"> • Department of Ecology
<p>Hazards</p>	<p>Pursue modifications to federal standards</p>	<p>WCMAC recommends that the Governor work with the WA Congressional Delegation to pursue modifications to federal standards that create significant barriers for smaller, rural, and under-resourced communities and tribes. Including:</p> <ul style="list-style-type: none"> • Reducing matching requirements. • Providing flexibility for projects to investigate beyond the traditional benefit-cost analysis as defined in the National Economic Development Plan. • Allowing for advanced payments in lieu of reimbursable expenses. • Designating portions of existing federal funding programs specifically for smaller, rural, and under-resourced communities and tribes. 	<p>Incorporate environmental justice considerations in funding programs so federal investments are equally accessible, competitive, and distributed to smaller, rural, and under-resourced coastal communities and tribes.</p>	<ul style="list-style-type: none"> • Congress
<p>Hazards</p>	<p>Sea level rise planning</p>	<p>WCMAC recommends that the WA Legislature and the Governor develop State requirements for local governments to address sea level rise and provide adequate funding, guidance, and tools for sea level rise planning</p>	<p>Communities plan for and have strategies in place to comprehensively address and adapt to the impacts of sea level rise</p>	<ul style="list-style-type: none"> • Commerce and Ecology

Hazards	Hazard disclosures	WCMAC recommends that the WA Legislature and the Governor update disclosure requirements to require disclosure of coastal hazard risks (including erosion, sea level rise, and tsunamis) in property sales	Reduce public liability and promote coastal hazards adaptation. This would also require disclosure of whether the property has ever received disaster aid. Disclosures would rely upon updated maps and delineation of hazards zones.	<ul style="list-style-type: none"> • Washington State's Real Estate Commission, in coordination with Ecology, • Commerce, • DNR, and • Emergency Management Division
Economic	Area Sector Analysis Planning	WCMAC recommends that the WA Legislature and the Governor fund Area Sector Analysis Planning (ASAP) for the Washington Coast to assist rural coastal communities in developing an economic development strategy.	Develop an economic development strategy for the WA Coast.	<ul style="list-style-type: none"> • Western Rural Development Center
Economic	Coastal Conservation Corps	WCMAC recommends that the WA Legislature and the Governor fund and direct the development of curricula, training and certifications for a Coastal Conservation Corps to implement a variety of restoration activities on the WA coast and build on the work and leverage existing programs from the WA Conservation Commission, Conservation Districts, and the WA Conservation Corps.	Support training and workforce development for coastal residents and youth while achieving conservation and restoration outcomes.	<ul style="list-style-type: none"> • WA Conservation Commission • WA Conservation Corps
Economic	New Commerce FTE	WCMAC recommends that the WA Legislature and the Governor create a Coastal Economic Resilience Community Outreach Specialist at the Department of Commerce to connect communities with state and federal resources, develop and organize training events, connect with educational institutions on special research projects, and implement model practices from other jurisdictions.	Support from the Department of Commerce to support community and economic resilience for the WA Coast.	<ul style="list-style-type: none"> • Legislature • Governor • Commerce
Economic	Coastal Rural Broadband	WCMAC recommends that the WA Legislature and the Governor increase broadband access and infrastructure for WA coastal communities by leveraging current regulations and federal support.	Increase internet broadband access.	<ul style="list-style-type: none"> • Legislature • Governor

<p>Economic</p>	<p>Energy supply and infrastructure assessment</p>	<p>WCMAC recommends that the WA Legislature and the Governor fund an assessment that 1) identifies vulnerabilities for coastal communities related to their electrical power supply, particularly where there are single points of failure, and work with those communities to suggest potential solutions for restoring power quickly after a critical event (e.g., storms, landslides, earthquakes, tsunamis) and 2) identifies potential economic barriers in installing energy infrastructure for businesses and industries.</p>	<p>Identification of coastal power vulnerabilities and solutions.</p>	<ul style="list-style-type: none"> State Energy Office
<p>Economic</p>	<p>Burrowing shrimp</p>	<p>WCMAC recommends that the Governor implement an emergency program to allow shellfish growers on the SW Coast to use chemical and/or mechanical control of burrowing shrimp until a pest management tool is in place that meets common agricultural parameters around damage density.</p>	<p>Emergency program to allow shellfish growers on the SW Coast to control burrowing shrimp and their associated impacts.</p>	<ul style="list-style-type: none"> Governor

Recent Recommendation to the Governor:

WCMAC sent this recommendation to the Governor on December 16, 2020. This recommendation remains a high priority for coastal economic resilience.

<p>Economic</p>	<p>Green Crab</p>	<p>We ask that you and our state legislators use your authority to support the convening of a policy forum to provide policy-level advice on the management and eradication of the highly invasive European green crab in Washington.</p>
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Attachment B: Timeline of Associated Events

- 2015 After a severe winter in 2015, coastal entities in Grays Harbor County, in partnership with the office of U.S. Representative Derek Kilmer's Office and the Washington State Department of Ecology (Ecology), convened a coast-wide event focused on strengthening regional partnerships to overcome the chronic crisis of disasters caused by natural hazards.
- 2016 An alliance of local, tribal, state and federal partners formed the [Grays Harbor Resilience Coalition \(GHRC\)](#) to address both immediate and future natural hazards through collaborative research, planning, and investment in capital projects. The effort was spearheaded by Ocean Shores Mayor Crystal Dingler, with ongoing support from Ecology and U.S. Rep. Derek Kilmer. With the additional support of State Rep. Steve Tharinger, the Washington Legislature included \$200,000 in the state's 2016-17 supplemental capital budget to support the GHRC effort. Ecology received an additional \$25,000 from FEMA to support the GHRC.
- 2017 At the beginning stages of the GHRC, staff from U.S. Rep. Kilmer's office and Ecology contacted the William D. Ruckelshaus Center seeking independent facilitation services to meet the group's objectives. Through a series of conversations, the Center suggested that while the GHRC may decide to continue pursuing a short-term budget request specific to Grays Harbor County, there also appears to interest in and an opportunity for multiple coastal communities to work together on a more durable coast-wide approach to hazards resilience. With support from the GHRC, Ecology and U.S. Rep. Kilmer's office contracted with the Ruckelshaus Center to complete the "Washington State Coast Resilience Assessment."
- 2017 The Washington Coastal Marine Advisory Council (WCMAC) invited guest speakers to member meetings to better understand the issues and existing community efforts, and began discussions to determine how to best support the growing hazards resilience initiative on the coast.
- 2017 WCMAC created a coastal resilience technical work group and asked that they prepare a working definition that aligns with the Council's role and identify priorities to help members determine how to advance resilience goals and objectives. During the December meeting, members discussed the following items:
1. An inclusive working definition of resilience that recognizes economic well-being as critical aspect of community resilience.
 2. A prioritized list of Ruckelshaus recommendations that WCMAC could assist with implementing.
 3. A prioritized list of Ruckelshaus recommendations that WCMAC should advocate for/recommend financing or otherwise support.
- 2018 In a letter dated March 28, 2018, Governor Inslee expressed his full support for WCMAC's desire to build on the work recently completed by the Ruckelshaus Center's ["Washington State](#)

[Coast Resilience Assessment,](#)” and requested that WCMAC help to “identify high priority needs and actions to carry out the recommendations from the assessment regarding coastal hazards.”

- 2019 After a year of discussion and investigation, the WCMAC decided that a priority should be placed on implementing the recommendation to “Establish a Coast-Wide Resilience Initiative to Enhance and Integrate Efforts.” To best address this need, the Center’s report highlighted that there needs to be a core group of entities who would partner together as integrators, provide backbone services, and work as a team to address resilience issues coast-wide. The Center recommended the formation of a “Coastal Hazards Organizational Resilience Team” (COHORT). The COHORT effort builds on the experiences and lessons learned from past efforts, most notably the Governor-convened Southwest Coast Erosion Task Force (1999) and the Flood Hazard Reduction Projects and Agency Coordination (funded by SB 3110 in 1998). Experience gained from these previous efforts should make this effort more durable and effective. The support from and collaboration among multiple agencies; the State support for a community-led initiative; and the fact that this effort is envisioned from the outset as a long-term initiative sets it apart.
- 2019 WCMAC launched a partnership with Ecology and Washington Sea Grant that acquired grant funding from NOAA to pilot the Ruckelshaus Center’s recommendation of establishing a Coastal Hazards Organizational Resilience Team (COHORT) to enhance and integrate coast-wide resilience efforts. The 18-month (2020-2021) [Resilience Action Demonstration Project \(RAD\)](#) pilot program was a proof of concept which tested the logistics of the interagency COHORT model and identified strategies for improving and better coordinating agencies’ hazards assistance to Washington’s coastal communities by accomplishing the following:
- a. WCMAC and Ecology funded a follow-up study conducted by the Ruckelshaus Center to fully detail [“Options and Considerations for Implementing the Coastal Hazards Organizational Resilience Team \(COHORT\)”](#)
 - b. Local and regional outreach was conducted with coastal MRCs, tribes, local jurisdictions, state and county emergency managers, special districts, state and federal agency officials, and local project proponents, resulting in an inventory of hazards priorities, hurdles, and opportunities across the Pacific coast of Washington.
 - c. The pilot identified over 175 “on the shelf” projects that are ready for deployment as funding and opportunity arises.
 - d. The pilot developed a framework of resilience project principles and an assessment of hazards resilience programs to inform the scoping and development of locally-led resilience projects.
 - e. The pilot assisted three locally-led projects to scope and submit funding requests, resulting in combined \$845,000 in expected funding for hazards resilience planning and community development on the coast.
 - f. Developed findings that helped inform WCMAC in refining final recommendations to key state entities, the Governor, State Legislature, and members of the Washington Congressional Delegation.

- 2020 WCMAC acknowledged the importance of the Ruckelshaus finding that the “well-being of communities and the coastal natural environment are intimately linked; therefore, it is important to consider the intersection of economic prosperity, community health, ecology, infrastructure, and governance when considering how to improve coastal resilience.” WCMAC decided to pursue economic resilience as an additional priority. A WCMAC economic resilience workgroup was formed to begin preparing for an in-person workshop to build awareness, share knowledge and experiences, and discuss next steps for improving economic resilience on the coast. However, WCMAC had to pivot from their in-person workshop to an online webinar series due to the COVID-19 pandemic. WCMAC hosted a series of four webinars that invited key experts, presenters, stakeholders, and tribes to explore the tourism industry, forestry industry, marine/coastal industries, and economic resilience ([recorded and posted on the WCMAC website](#)). After these workshops, the WCMAC economic resilience workgroup sent out a survey to workshop participants to solicit ideas for economic resilience recommendations.
- 2021 WCMAC staff and facilitators combined hazards and economic resilience recommendations into a final draft. WCMAC convened a series of three coastal resilience technical workgroup workshops to synthesize findings, refine recommendations, and prepare a draft decision package for full member consideration on June 16, 2021.
- 2021 WCMAC reviewed and discussed the proposed recommendations and provided an opportunity for public comments. WCMAC came to a consensus on a final set of resilience recommendations (attachment A).

Attachment B: Receivable Agreements and Federal Grants for CMAP

This is a list of the entities that have contracted with CMAP for specific project work. This list includes, but is not limited to:

1. University of Washington – NANOOS outer coast beach monitoring (2004 – present)
2. USGS – Southwest Washington Coastal Erosion Study, Elwha River mouth monitoring and many other projects (1996-present)
3. USACE, Seattle District – North Cove and Shoalwater Bay monitoring and many other projects (2001-present)
4. USACE, Portland District – Mouth of the Columbia River monitoring and many related projects (2001-present)
5. EPA – Elwha and Dungeness bluff erosion project
6. NOAA – Columbia River Delft3D feasibility study, Pacific County and North Cove erosion hazard assessment, Port Gamble Bay topo-bathymetric data analysis project, and varying projects
7. EMD – Washington coast erosion hazard assessment project
8. Grays Harbor County – coastal resilience project
9. Pacific County Conservation District – North Cove dynamic revetment monitoring
10. Pacific County – North Willapa erosion hazard assessment project
11. State Parks – Seashore conservation line project, Damon Point erosion assessment, Cape Disappointment erosion assessment.
12. WDNR – Olympic coast topography and bathymetry survey project, Port Gamble Bay survey project
13. WDFW – Puget Sound shoreline and bluff erosion survey projects, shoreline armor assessment project, beach rapid assessment protocol project
14. WSDOT – Southwest Washington coastal data transfer
15. Makah Tribe – Makah Bay and Ozette coastal change assessment project
16. Shoalwater Bay Tribe – Shoalwater dune erosion and emergency dynamic revetment surveys
17. FEMA – Pacific County coastal erosion mapping, Kitsap County boat-based LIDAR shoreline assessment
18. Kitsap Transit – Rich Passage shoreline erosion assessment
19. NPS – Kalaloch shoreline change assessment
20. South Puget Sound Salmon Enhancement Group – Edgewater Beach restoration project
21. Ecology Spills – Sunken oil detection assessment, Columbia River spills drill, and Deep River survey projects
22. Ecology Water Resources – Osoyoos Lake and Zosel dam forebay survey
23. Ecology FCAAP – Chehalis River flood survey

Attachment C: Roles and responsibilities of the staffing agencies for the Coastal Hazards Organizational Resilience Team (COHORT)
To be used to develop a Memorandum of Understanding (MOU)

Parties

The agencies and organizations providing staff include the Washington State Department of Ecology, Washington Sea Grant, Washington State University Extension, and Washington State Emergency Management Division.

Purpose

The purpose of this document is to establish the roles and responsibilities of the agencies and organizations providing staff for the COHORT, including the collective goals of this inter-agency team.

Description

A “Coastal Hazards Organizational Resilience Team,” or COHORT, would provide coordinated state technical assistance to underserved coastal communities and tribes to build coastal and climate resilience. The COHORT would provide hands-on planning support to communities that may not have the capacity to develop project plans and access funding opportunities on their own.

The COHORT’s proactive approach bridges a fundamental funding gap by helping bring project funding to communities and Tribes that have been historically underserved or whose resources are limited. In addition, the COHORT would address the need for strategic state coordination on the topic of coastal and climate hazards resilience, including support for social, economic, and ecological benefits.

Community members first recommended the establishment of a COHORT in 2017 during the [Washington State Coast Resilience Assessment](#). Between 2019 and 2021, the [Resilience Action Demonstration Project](#) (RAD) served as a pilot program for the COHORT inter-agency hazards assistance model. NOAA grant funds supported staff at Washington Sea Grant and the Washington State Department of Ecology to test the inter-agency agency assistance model and lay the groundwork for future efforts. In July 2021, the Washington Coastal Marine Advisory Council (WCMAC) delivered a package of resilience recommendations to the Governor and State Legislature. The first recommendation was to establish the COHORT.

Goals and objectives of the COHORT

The COHORT builds upon the efforts begun during the RAD. The COHORT would tie together related projects and plans, share ideas and information, provide targeted assistance to local communities, and connect project proposals with funding opportunities. The COHORT would focus on integrating local priorities into hazards resilience efforts, supporting local economies, and building capacity for future action. In doing so, the COHORT would alleviate funding barriers while assisting communities, Tribes, and the state in reducing hazards vulnerability and costs, in comparison to the cost of repairing and rebuilding after hazard events occur.

Community benefits:

- Capacity support and technical assistance to develop strong projects to address hazards needs
- Improved ability by state agencies to respond to inquiries regarding hazards issues, projects, and funding
- Increased access to current hazards data, project approaches, and other practical information

Project-related outcomes:

- Projects designed to further resilience, through locally-informed approaches such as adaptive management, nature-based solutions, inclusive community engagement, socioeconomic benefits, and the most recent climate and sea level rise science.
- Integration of existing and planned coastal resilience efforts in furtherance of holistic, resilient, and multi-benefit outcomes
- Connections with applicable funding programs, increasing access to federal funding for hazards and climate resilience. This would include application assistance to underserved communities on challenging topics such as benefit-cost analysis (BCA) calculation.

Regional results:

- Development of a strategic plan to guide overall coastal resilience efforts, including coast-wide assessments that identify priority actions.
- Addresses environmental justice and equity needs by providing targeted support for disadvantaged and underserved communities that are currently unable to address immediate needs while also planning for increased severity of hazards and other climate change threats.
- Focused coordination across state and federal agencies (e.g., Commerce, WSDOT, USACE, DNR, WDFW, State Parks) and programs (e.g. Marine Resources Committees, Joint Tsunami Work Group) to better achieve the objectives listed above.

Implementation

The [*Resilience Action Demonstration Project \(RAD\) Final Report*](#) provides guidance for implementing the COHORT within the main body of the report and appendices. This includes the William D. Ruckelshaus Center report entitled “Options and Considerations for Implementing the COHORT,” which is included as one of the appendices.

COHORT targeted technical assistance – prioritization of underserved communities

The COHORT would provide targeted technical assistance to a limited number of communities and tribes to assist with the development of scopes of work and project proposals for coastal and climate resilience funding programs. It is anticipated that the COHORT will provide targeted assistance for ten projects per biennium.

The purpose of the COHORT's targeted technical assistance service is to provide holistic early-stage planning and proposal development support to communities that may not have the capacity to undertake this work on their own. The COHORT would provide support for project or application-specific needs and community-wide resilience needs for up to 24 months.

The COHORT would prioritize targeted assistance for communities and tribes based upon the following criteria. A community/tribe need not meet all of the following requirements to be eligible for targeted technical assistance.

- Qualify as economically distressed communities using the most recent [data from the U.S. Census Bureau](#) on median household income (MHI). To qualify as economically distressed, communities must have a mean household income below 80% of the state median. Washington's median household income was \$77,006 in 2020, the most recent year for which data is available.
- Are tribal entities
- Have not received a hazards resilience funding or capacity building award through one of the funding programs listed in [Table 1] within the past three years.
- Demonstrate a compelling need, as described within a letter of interest of no more than two pages. The letter of interest should include:
 - A description of the community's interest and need to improve capacity and capability to increase the community's resilience, identify and scope coastal and climate hazards resilience projects, or apply for funding
 - Other factors relevant to describing the compelling need, including presence of significant disadvantaged populations, communities with multiple major disaster declarations within the past five years, etc.

Roles and responsibilities of agencies and organizations providing staff for the COHORT

Washington State Department of Ecology (1.0 FTE)

- COHORT expertise areas: flooding, erosion, sea level rise
 - Provide targeted assistance to communities and Tribes to support project scoping efforts, identify funding opportunities, develop competitive grant proposals, and permitting assistance
 - Respond to inquiries and questions regarding hazards issues and project questions related to agency expertise

- Enhance access to data and practical information in partnership with the Coastal Monitoring & Analysis Program, Coastal Hazards Resilience Network, RiskMAP, Washington Data Portal, and other efforts
- Manage CHRN Network and Mapper development
 - Organize annual meeting of the Coastal Hazards Resilience Network, in coordination with other COHORT staff
 - Coordinate with other COHORT staff to develop and revise information, resources, tools, case studies, and other website content
 - Provide guidance and direction to fellows hosted by the Department of Ecology that will provide day-to-day management of network and website responsibilities
- Coordinate regular meetings and conversations between local partners and non-COHORT agencies to discuss current projects, near-term plans, and long-term strategies to achieve coastal resilience objectives (e.g. regional sediment management with USACE or project-level coordination with WSDOT)
- Point of contact for potential applicants to Ecology grant programs, including the Shoreline Master Program (SMP) Competitive Grant Program & Periodic Reviews
- Point of contact CMAP inquiries and new grant program

Washington Sea Grant (1.0 FTE via IAA)

- COHORT expertise areas: climate resilience and adaptation, multi-benefit solutions, community engagement and capacity-building
 - Provide targeted assistance to communities and Tribes to support project scoping efforts, collaboration and capacity-building opportunities, and project proposal development
 - Respond to inquiries and questions regarding hazards issues and project questions related to organizational expertise
 - Enhance access to data and practical information in partnership with Washington Sea Grant-led research initiatives and community outreach, and other University of Washington entities
- Lead coastal resilience outreach and engagement with jurisdictions, Tribes, stakeholder groups, and other parties
 - Convene focused meetings and workshops to increase coast-wide understanding and coordination around coastal hazards resilience
 - Help organize annual meeting of the Coastal Hazards Resilience Network
- Maintain and update the RAD hazards resilience project inventory, to facilitate the process of connecting project proponents with technical assistance and funding opportunities
- Lead development of coastal resilience strategic plan that will:
 - Establish and refine shared definition of resilience on the Pacific Coast
 - Guide overall coastal resilience efforts and be adapted and improved over time
 - Refine criteria for determining which communities and Tribes will receive targeted project development support, with emphasis on equity and environmental justice

- Point of contact for supporting placement of graduate fellowships in coastal communities and collaborating with coastal colleges

Washington State Emergency Management Division (EMD) (1.0 FTE via IAA)

- COHORT expertise areas: tsunamis, earthquakes, emergency preparedness, disaster recovery
 - Provide targeted assistance to communities and Tribes to support project scoping efforts, identify funding opportunities, and develop competitive grant proposals
 - Respond to inquiries and questions regarding hazards issues and project questions related to agency expertise
 - Enhance access to data and practical information in coordination with the Joint Tsunami Work Group and updates to the State Enhanced Hazard Mitigation Plan and local Hazard Mitigation Plans
- Undertake efforts to alleviate barriers to competitiveness for federal funding proposals from small, rural, disadvantaged, or underserved communities and Tribes. This could include
 - providing support for initial benefit-cost analysis (BCA) questions and assistance
 - pursuing modifications to federal funding standards
 - exploring avenues to tackle large and complex tsunami preparedness initiatives
- Coordinate with EMD staff that work on climate change hazard mitigation planning, acting as a liaison with underserved coastal communities to inform coast-wide risk assessment, analysis, and strategy development
 - Support development of local and regional plans (including Hazard Mitigation Plans, or Comprehensive Flood Management Plans) with robust technical and community-sourced information that identify potential projects or other actions
- Point of contact for potential applicants to EMD/FEMA grant program, including the Hazard Mitigation Grant Program and Building Resilient Infrastructure and Communities (BRIC)

Washington State University Extension (1.0 FTE via IAA)

- COHORT expertise areas: educational programming, jobs training, community development
 - Provide targeted assistance to communities and Tribes to support project scoping efforts, identify funding opportunities, and develop competitive grant proposals
 - Respond to inquiries and questions regarding hazards issues and project questions related to agency expertise
 - Enhance community access and involvement with hazards resilience programs and partnerships such as the WSU-Extension Disaster Capacity Program (EDCP), National Extension Disaster Education Network (EDEN), and Cascadia CoPes Hub

- Lead outreach and integration of hazards resilience into community programs, youth engagement (e.g. 4-H), and other extension services
 - Development of Community Resilience Practitioner program to enhance local resilience leadership, peer-to-peer learning, educational programming, and integration into economic development efforts
- Coordinate coastal resilience communication and storytelling objectives, including communicating to decision-makers and other parties about what coastal communities are experiencing and what their needs and questions are
 - Collect and disseminate lessons learned, case studies, and local needs
 - Develop a central web-based access point to share information about the COHORT and solicit requests and questions from community members
- Point of contact for William D. Ruckelshaus Center in service of collaborative decision-making, community-engaged research, and other resources involving complex public policy challenges.



Washington Sea Grant
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August 9, 2022

Bobbak Talebi
Coastal/Shorelands Section Manager
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

Dear Bobbak,

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 to implement the requests, recommendations, and pilot programs for local governments and Tribes that are disproportionately affected by coastal hazards and climate impacts. This funding request package is designed to provide the tools at the local level to undertake project planning processes and access federal funding opportunities to address coastal 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 Project¹ (WCRP), a multi-organizational partnership² that

¹ <https://wacoastalnetwork.com/washington-coastal-resilience-project/>

² 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,

produced the 2018 Washington State Sea Level Rise Projections and numerous other tools which jurisdictions are currently using to build resilience for climate change impacts. Through the 2019-21 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, ensuring 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. Increased funding for Ecology's coastal monitoring and analysis program will guarantee that the best available science and contextually-relevant data informs local resilience efforts while expanding access to this valuable resource for communities across the state's coastline. A Coastal Hazards Organizational Resilience Team (COHORT) will use data and community insights to help local governments and Tribes to scope tangible and fundable projects that support resilience of the mutually-dependent habitats and communities of Washington State's coastal zone. Ecology's proposed small grants program will be an essential component of this work, addressing those hard-to-fund components of innovative projects which are not typically targeted by federal funding programs or, in some cases, may simply need additional foundational development.

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

Island County, King County, University of Oregon, UW Department of Earth and Space Sciences, UW School 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 U.S. Geological Survey.

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 invested³. As the public becomes increasingly aware of climate change's impacts to daily life, and as 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,



Russell Callender
Director, Washington Sea Grant

³ "Hallegatte, Stephane; 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."



COLLEGE OF AGRICULTURAL, HUMAN, AND NATURAL RESOURCE SCIENCES

Bobbak Talebi
Coastal/Shorelands Section Manager
Washington State Department of Ecology
PO Box 47600
Olympia, Washington 98504-7600

To whom it may concern,

Please accept this letter of support for the Washington Department of Ecology's Coastal Climate Hazards Operating Budget request to implement the requests, recommendations, and pilot programs for local governments and Tribes reflected in the accompanying proposal. This proposal will ensure that those communities, areas and entities which are disproportionately affected by coastal hazards and climate impacts are included in programming to build coastal resilience in Washington. I know that this package is designed to provide the tools they need to undertake project planning processes and access federal funding opportunities to address coastal hazards and climate impacts.

WSU Extension looks forward to continued participation in this project and a number of related efforts regarding community resilience, and anticipates staffing the new position reflected in this proposal to enhance those extension efforts specifically as they relate to coastal resilience. This coastal resilience proposal 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 and assistance around which to organize efforts to improve coastal resilience, this proposed effort could not come at a more important time.

Sincerely,

Michael J. Gaffney

Michael J. Gaffney
Michael J. Gaffney
Assistant Extension Director
Community and Economic Program Unit Director
509-338-0318
mjgaffney@wsu.edu



**STATE OF WASHINGTON
MILITARY DEPARTMENT
EMERGENCY MANAGEMENT DIVISION**

*MS: TA-20 Building 20 ■ Camp Murray, Washington 98430-5122
Phone: (253)512-7000 ■ FAX: (253) 512-7200*

August 15, 2022

Bobbak Talebi
Coastal/Shorelands Section Manager
Washington State Department of Ecology
PO Box 47600
Olympia, Washington 98504-7600

Dear Bobbak,

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 is designed to provide the tools they need 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,

Stacey McClain Digitally signed by Stacey
McClain
Date: 2022.08.15 19:04:22 -07'00'

Stacey McClain
State Coordinating Officer (SCO)
Governor's Authorized Representative (GAR)
Operations Unit Manager
Washington Military Department, Emergency Management Division

Attachment E: Coastal and Climate Resilience Grant Programs

Grant Agency	Name	Grant Limit	Frequency	Purpose	Match Requirement
FEMA	Hazard Mitigation Grant Program (HMGP)	varies	Varies, typically multiple annually	Post-disaster, all hazards, plans and projects	12.5% to 25%
FEMA	Building Resilient Infrastructure Communities (BRIC) - State Competition	\$1 million	Annual	Pre-Disaster, All Hazards, Plans and Projects	25% (10% for Tribes/impoverished communities)
FEMA	Building Resilient Infrastructure Communities (BRIC) - National Competition	\$50 million	Annual	Pre-Disaster, All Hazards, Plans and Projects	25% (10% for Tribes/impoverished communities)
FEMA	Flood Mitigation Assistance (FMA) Grants	\$25K - \$50K	Annual	Pre-disaster, flood hazard	0 to 25%
FEMA	Cooperating Technical Partners (CTP) Program	\$150K	Annual	Flood hazard mapping	None
NOAA/NFWF	National Coastal Resilience Fund	\$10 million	Annual	Restoration, nature-based solutions	None (but recommended)
NOAA/NFWF	America the Beautiful Challenge	\$200k - \$1 million	Annual, unknown timeframe	Restoration, nature-based solutions	Varies: 0-50%
NFWF, WHC	Five Star and Urban Waters Grant Program	\$20K - \$50k	Annual	Habitat restoration, stormwater management, outreach, education	meet or exceed 1:1
NOAA	Infrastructure Investment and Jobs Act (IIJA) Coastal Resilience & Restoration Grants	\$5 million	Annual, next five years	Acquisition, restoration, climate resilience	None
NOAA	Effects of Sea Level Rise Program (ESLR)	\$500K	Biennial	Sea level rise planning and research	None
EPA	NEP Coastal Watersheds Grant Program	\$75K - \$250K	Annual	Habitat loss, flooding and coastal erosion.	
DOT	Infrastructure Investment and Jobs Act (IIJA)	varies	Annual, next five years	Transportation corridors, climate-related hazards	Varies
USACE	Continuing Authorities Program (CAP) Section 103	\$5 million	Annual	shoreline protection, storm damage	Varies: 0-35%
USFWS	North American Wetlands Conservation Act Standard Grants Program	\$100K - \$1 million	Varies	Acquisition, restoration, enhancement and/or wetland establishment	1:1 nonfederal matching funds
USFWS	North American Wetlands Conservation Act Small Grants Program	Up to \$100,000	Varies	Protection, restoration and/or enhancement of wetlands and associated upland habitats	1:1 nonfederal matching funds
WA RCO	Washington Coast Resiliency and Restoration Initiative (WCRI)	\$2 million	Biennial	Acquisition, Restoration, Planning, Combination	None



Quinault Indian Nation

PO Box 189 * Taholah, WA 98587

Bobbak Talebi
Coastal/Shorelands Section Manager
Washington State Department of Ecology
PO Box 47600
Olympia, Washington 98504-7600

August 18, 2022

To whom it may concern,

The Quinault Indian Nation (QIN) supports the Washington Department of Ecology's (WDOE) 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.

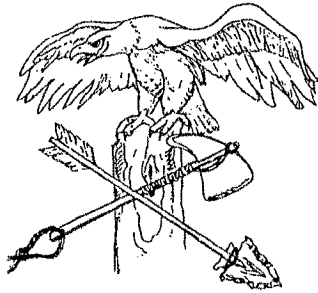
This package will provide the tools that the Quinault Nation can use to support project planning processes and access federal funding opportunities to address coastal hazards and climate impacts. The Coastal Climate Hazards Operating Budget is important to the QIN and programs and products produced by WDOE will assist planning and management of the vulnerable QIN Reservation coastline. The QIN has a long history of working with the Coastal Monitoring and Analysis Program (CMAP). That team, led by George Kaminsky, has had permission to access the closed reservation beaches for many years to accurately measure changes to the Quinault reservation coastline and nearshore areas. The Quinault coast regularly experiences significant changes due to sediment deposition, storm events and rising sea levels, all exacerbated by climate change. These changes can have profound effects on infrastructure, property and coastal natural resources including species of cultural and economic value to tribal members. Of particular importance is the use of this data to protect public safety and lives by updating areas of potential tsunami inundation.

The CMAP team has worked well with Quinault in the past by coordinating with staff and making data products freely available. Continuing that relationship and the products it produces is important to the Quinault Nation.

Other initiatives within the Coastal Climate Hazards Operating Budget including the Coastal Hazards Organizational Resilience Team (COHORT) and the small grant program proposed to support community-based projects that address coastal hazards are also supported by Quinault. Both of these initiatives have potential to assist Quinault in better protecting its tribal members and planning for the future in a quickly changing climate.

Sincerely,

Dave Bingaman, Director
Quinault Division of Natural Resources
Quinault Indian Nation



SHOALWATER BAY INDIAN TRIBE

P. O. Box 130 · Tokeland, Washington 98590
Telephone 360-267-6766 · Fax 360-267-1227

August 21, 2022

Bobbak Talebi
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 is designed to provide the tools all coastal communities need to undertake project planning processes and access federal funding opportunities to address coastal hazards and climate impacts that affect us now and in the future.

Our Shoalwater Bay reservation and tribal community is located just 12 ft above sea level and with an expected 2 ft of sea level rise within the next 100 years, we have become a leader in mitigation and planning for coastal resilience. Often times our coastal community government staff are stretched beyond capacity in skills and human resources to do the work necessary to effectively build a safer community and must hire outside contractors already.

It would be a welcome addition to have the Department of Ecology working to assist our communities in accomplishing our goals to provide a safer future for all communities on the coasts of the Pacific Ocean.

Sincerely,

A handwritten signature in cursive script that reads "Charlene Nelson".

Charlene Nelson
Tribal Chairwoman



PORT GAMBLE S'KLALLAM TRIBE
NATURAL RESOURCES DEPARTMENT
31912 Little Boston Rd. NE – Kingston, WA 98346



August 18, 2022

Bobbak Talebi
Coastal/Shorelands Section Manager
Washington State Department of Ecology
PO Box 47600
Olympia, Washington 98504-7600

Dear Bobbak Talebi,

The Port Gamble S'Kallam Tribe hereby offers our 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 is designed to provide the tools they need to undertake project planning processes and access federal funding opportunities to address coastal hazards and climate impacts.

The Port Gamble S'Kallam Tribe is fully engaged in revising our Climate Change Impact Assessment; our Vulnerability Analysis and Adaptation Plan and need any help we can get from the Department of Ecology and other experts to assist us in our current and future CC work.

We are very worried about the Tribe's kids and grandchildren and their kids and grandchildren as to the future world they will be faced with depending on how seriously government's and their respective agencies take Climate Change impacts and the changes needed to minimize those impacts.

We are rapidly running out of time. High temperatures are already killing our salmon and shellfish and sea level rise and erosion are very serious threats to us. We urge you to approve funding for this important package.

Sincerely,

Paul McCollum
Director, Natural Resources Department
Port Gamble S'Klallam Tribe

Phone: (360) 297-6288 Fax: (360) 925-3873

COMMISSIONERS

Harold N. Jambor

Patricia L. Lignoski

Rebecca L. Chaffee



1725 Ocean Avenue • Raymond, Washington 98577 U.S.A.

August 19, 2022

Jim Sayce, Manager

Bobbak Talebi
 Coastal/Shorelands Section Manager
 Washington State Department of Ecology
 PO Box 47600
 Olympia, Washington 98504-7600

To whom it may concern,

This letter confirms the Port of Willapa Harbor's support for the Department of Ecology's Coastal Climate Hazards Operating Budget request. This proposed budget will fund crucial activities to implement the requests, recommendations, and pilot programs for activities of direct consequence to Pacific County, our county ports, our four municipalities, our fishing and aquaculture industries, and the Shoalwater Bay Tribe. All these governments, organizations, and businesses must be resilient to coastal climate hazards, which are ever-present, and front-of-mind given our southwest Washington location. At least \$3.5 million of undeveloped land and \$2.8 million of tax-exempt property (federal, tribal, state, and county) are assessed losses known today just in our Willapa Bay port district that are attributed to coastal erosion. Lost properties there include nearly \$4 million in single-family residences and over \$1.2 million of ancillary buildings, garages, and other structures.

Elsewhere in Pacific County, the rainfall-dependent freshwater aquifer of the Long Beach Peninsula provides the entire water supply to one-third of the entire county's population. Climate-triggered compromise to this aquifer would have catastrophic consequences to continued functioning of this entire ecosystem.

This proposed funding package will provide the capacity to undertake project planning that will be further leveraged by federal funding opportunities to address coastal hazards and climate impacts. The importance of fully funding Ecology's coastal hazards budget cannot be overstated. With each storm and tidal surge, more habitat acres, physical property, and public infrastructure are at risk.

Thank you for your consideration.

Sincerely,



Jim Sayce
 Manager, Port of Willapa Harbor

INDUSTRIAL SITES ON U.S. HWY. 101 • UTILITIES AND GENERAL CARGO DOCK
 AIRPORT, COMMERCIAL FISHING AND RECREATIONAL BOAT BASINS

PHONE (360) 942-3422

E-MAIL portofwh@willapabay.org

FAX (360) 942-5865

Visit our website at: www.portofwillapaharbor.com



Pacific County COMMISSIONERS

Lisa Olsen, District #1
Frank Wolfe, District #2
Mike Runyon, District #3

August 22, 2022

Bobbak Talebi
Coastal/Shorelands Section Manager
Washington State Department of Ecology
PO Box 47600
Olympia, Washington 98504-7600

To whom it may concern,

This letter confirms support for the Department of Ecology’s Coastal Climate Hazards Operating Budget request. This proposed budget will fund crucial activities to implement the requests, recommendations, and pilot programs for activities of direct consequence to Pacific County, our three county ports, our four municipalities, our fishing and aquaculture industries, and the Shoalwater Bay Tribe.

All of these governments, organizations, and businesses must be resilient to coastal climate hazards, which are ever-present and front-of-mind given our southwest Washington location. At least \$3.5 million of undeveloped land and \$2.8 million of tax-exempt property (federal, tribal, state, and county) are assessed losses known today just in Willapa Bay alone that are attributed to climate-driven erosion. Lost properties there include nearly \$4 million in single-family residences and over \$1.2 million of ancillary buildings, garages, and other structures.

Elsewhere in Pacific County, the rainfall-dependent freshwater aquifer of the Long Beach Peninsula provides the entire water supply to one-third of the entire county’s population. Climate-triggered compromise to this aquifer would have catastrophic consequences to continued functioning of this entire ecosystem.

This proposed funding package will provide the capacity to undertake project planning that will be further leveraged by federal funding opportunities to address coastal hazards and climate impacts.

The importance of fully funding Ecology’s coastal hazards budget cannot be overstated. With each storm and tidal surge, more habitat acres, physical property, and public infrastructure are at risk.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
PACIFIC COUNTY, WASHINGTON

Lisa Olsen, Chair

Frank Wolfe, Commissioner

Mike Runyon, Commissioner

Pacific County Economic Development Council
Grays Harbor College- Riverview Campus
600 Washington Ave
Raymond, WA 98577



Bobbak Talebi
Coastal/Shorelands Section Manager
Washington State Department of Ecology
PO Box 47600
Olympia, Washington 98504-7600

To whom it may concern,

This letter confirms support for the Department of Ecology's Coastal Climate Hazards Operating Budget request. This proposed budget will fund crucial activities to implement the requests, recommendations, and pilot programs for activities of direct consequence to Pacific County, our three county ports, our four municipalities, our fishing and aquaculture industries, and the Shoalwater Bay Tribe.

All of these governments, organizations, and businesses must be resilient to coastal climate hazards, which are ever-present and front-of-mind given our southwest Washington location. At least \$3.5 million of undeveloped land and \$2.8 million of tax-exempt property (federal, tribal, state, and county) are assessed losses known today just in Willapa Bay alone that are attributed to climate-driven erosion. Lost properties there include nearly \$4 million in single-family residences and over \$1.2 million of ancillary buildings, garages, and other structures.

Elsewhere in Pacific County, the rainfall-dependent freshwater aquifer of the Long Beach Peninsula provides the entire water supply to one-third of the entire county's population. Climate-triggered compromise to this aquifer would have catastrophic consequences to continued functioning of this entire ecosystem.

This proposed funding package will provide the capacity to undertake project planning that will be further leveraged by federal funding opportunities to address coastal hazards and climate impacts.

The importance to fully fund Ecology's coastal hazards budget cannot be overstated. With each storm and tidal surge, more habitat acres, physical property, and public infrastructure are jeopardized.

Thank you for your consideration.

Sincerely,

Susan Yirku, Executive Director
Pacific Economic Development Council (PCEDC)
www.pacificcountyedc.org
director@pacificcountyedc.org
cell: 503-519-7811



City of Westport

Rob Bearden, Mayor

604 N Montesano St., P O Box 505

Westport, WA 98595

Phone: 360-268-0131 Fax: 360-268-0921

mayor_bearden@ci.westport.wa.us

August 19, 2022

Bobbak Talebi
Coastal/Shorelands Section Manager
Washington State Department of Ecology
PO Box 47600
Olympia, Washington 98504-7600

Dear Bobbak,

Please accept this official letter 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.

The City of Westport is actively involved in resilience planning and community engagement. Westport is currently waiting for notice of award for a FEMA BRIC Application to construct a Tsunami Vertical Evacuation Structure in our Marina District. Staff has been working closely with WA EMD and the Port of Grays Harbor on a Maritime Resilience Project. The City has partnered with the University of Washington and Oregon State University as part of the Cascadia Coastlines and Peoples Hazards Research HUB and the NSF Smart & Connected Communities Planning Grant. We have been awarded a competitive planning grant for Public Engagement in Climate Change and Sea Level Rise and are working to incorporate Climate Change and Sea Level Rise Language into our Shoreline Master Program. There is a great deal more work to be done to protect our coastline from erosion and flooding risk that has been amplified by Climate Change and Sea Level Rise.

The proposed Ecology Coastal Climate Hazards Resilience Program would provide resources and capacity that the City of Westport desperately needs to continue our current resilience efforts and create new opportunities for Westport to build a robust Coastal Resilience Plan for the future.

Sincerely,

Robin Bearden
Mayor, City of Westport

The City of Westport is an equal opportunity provider and employer.



Pacific County Drainage District #1
1315 Gould Road
North Cove, WA 98547

Bobbak Talebi
Coastal/Shorelands Section Manager
Washington State Department of Ecology
PO Box 47600
Olympia, Washington 98504-7600

To whom it may concern,

I am writing as Chairman of Pacific County Drainage District No.1 to express our strongest support for Department of Ecology's Coastal Climate Hazards Operating Budget request which essential to the continuing success of our North Cove Erosion Control Project.

Coastal erosion is a major threat to our Drainage District, which encompasses roughly 4,000 acres including ~ 70 family cranberry farms (~ 1136 acres) and ~6 \$million annual production which is roughly 60% of the Washington State total cranberry production. Saltwater infiltration into this low-lying farmland during winter ocean storm surge would decimate the local economy.

Since 2016 we've received invaluable technical assistance for Dept. of Ecology's coastal monitoring program. They've not only provided us with erosion data that wouldn't otherwise be available, they've also connected us with prominent coastal scientists and engineers who've helped us to develop innovative nature-based soft armoring, including dynamic revetment and enhanced dune management, which has proved to be so successful that it's becoming a model for other coastal erosion projects.

With Dept. of Ecology's assistance we've not only solved many of our immediate erosion/flooding threats, we've also added greater resilience to our whole system, making our community much better prepared for long range threats such as climate change and sea level rise.

I believe it's critically important to the health of the entire Washington Coast that Department of Ecology's Coastal Hazards Program be properly funded so they can continue build on their successes and serve our Coastal Communities. Please support the Coastal Climate Hazards Operating Budget request.

Sincerely,

David Cottrell, commission chairman
Pacific County Drainage District No. 1



Bobbak Talebi
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 is designed to provide the tools they need to undertake project planning processes and access federal funding opportunities to address coastal hazards and climate impacts.

Through our seat as the representatives of ocean recreation on the Washington Coastal Marine Advisory Council, involvement in Coastal Marine Resources Committees, participating in updates to various county Shoreline Master Programs, and throughout the campaigns and programs of our Washington Chapter Network, the Surfrider Foundation in Washington has been actively working since 2015 towards enhanced community resilience in the face of coastal hazards and addressing the impacts of climate change on our coast.

The Surfrider Foundation is working proactively to promote conservation and responsible coastal management that avoid creation of coastal hazards or erosion problems. The Surfrider Foundation supports coastal research and science-based management of coastal resources to promote sustainable, long-term planning and preservation of beach environments.

We are in strong support of the Ecology proposed three-part approach:

- Increased funding for Ecology's coastal monitoring and analysis activities. The program provides important data about erosion and coastal change in Washington's coastal area – critical information for local mitigation and resilience planning.
- Establish a COHORT to provide coastal and climate hazard assistance to all Washington communities with marine shorelines.
- Create a small grants program for local and Tribal governments to conduct coastal and climate resilience planning activities

Washington state is particularly vulnerable to sea level rise. In the United States, 42% of the population lives along the coasts. Over 68% of Washingtonians (4.6 million people) live along or near the state's 3,026 miles of coastline. Additionally, when you factor in the vulnerability that we currently have with the potential for a Cascadian Subduction earthquake and subsequent tsunami, as well as the increasing storm severity, the challenges that we face as a state are daunting, and coastal communities lack the

resources and capacity to meet this challenge at the local level, that is why we need a strategic and coordinated approach on the statewide level such as this.

Washington state has emerged as a leader over the past 5 years in addressing the threat of coastal hazards and impacts of climate change on our coastal communities. The proposal package builds upon the momentum that has been established over the past several years, and directly addresses several of the constraints that have been identified as being barriers. With the recent investments at the federal level around infrastructure, and coastal restoration funding that was a part of the recently passed Inflation Reduction Act, we have a significant opportunity as a state to leverage our funding and get a better bang for the buck towards a more resilient future. Clearly the time to move this package forward is right now.

Sincerely,

Gus Gates

-Washington Policy Manager, Surfrider Foundation



WashAway No More
c/o North Willapa Harbor Grange
PO Box 137
Tokeland, WA 98590
15 August 2022

Bobbak Talebi
Coastal/Shorelands Section Manager
Washington State Department of Ecology
PO Box 47600
Olympia, Washington 98504-7600

To whom it may concern,

Our community based organization supports for the Department of Ecology's Coastal Climate Hazards Operating Budget request to continue monitoring coastal changes including North Cove. Pacific County and the Shoalwater people have been fighting to keep our land from salt water inundation for the past 80 years. We need the scientific monitoring provided by George Kaminsky and his team as it improves our chances of keeping our homes, roads, and infrastructure. The data and engineering support provided by Washington DOE has reversed the erosion cycle over the last 4 years also providing insight used globally for hazard mitigation.

WashAway No More began in 2017 to raise funds and support for experimental methods of dune building in the residential neighborhood known as Seamobile. Most of the homes built here since the 1960's had disappeared into the sea. Our residents were traumatized and disheartened. Working with DOE on projects like drilling rocks for inserting RF tracking devices and installing photo stations as well as seeing people systematically measure the shoreline, has restored faith in the value of scientific monitoring and analysis.

This is what good government is about. Please help us keep our homes and farms and beaches.

Sincerely,

A handwritten signature in black ink that reads 'Connie Allen'.

Connie Allen
WashAway No More
North Willapa Harbor Grange treasurer

August 19, 2022

Bobbak Talebi
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.

Department of Ecology is a critical partner in coastal engineering and shoreline management in Washington State. The Coastal Mapping and Analysis Program (CMAP) program has been collecting shoreline change data in Southwest Washington for over 25 years. These are extremely valuable data that inform smart shoreline management decisions. We successfully partnered with the Coastal Mapping and Analysis Program (CMAP) to monitor the performance of the Shoalwater Bay dune restoration project in 2014-2016. These data helped inform USACE's adaptive management decisions to ensure dune resiliency over the project life-cycle. Similar efforts occurred at the mouth of the Elwha River to understand the role of sediment dynamics associated with a large scale dam removal project and on-going coastal bluff erosion. These data informed long-term maintenance requirements on the Ediz Hook project located downdrift of the Elwha River. Maintaining the Ediz Hook revetment and cobble beach is critical for supporting U.S. Coast Guard Search and Rescue Operations and maintaining navigation in Port Angeles Harbor, the only U.S. deep draft port in the Strait of Juan de Fuca.

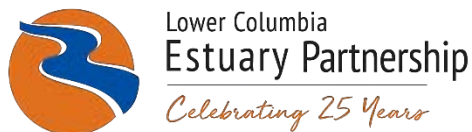
Department of Ecology has also been a leader in community stakeholder engagement. The Grays Harbor Resilience Commission and the Willapa Erosion Control Alliance Now (WECAN) stakeholder groups have been successful at generating discussion which has led to actions to mitigate risk to vulnerable coastal communities. These include laying the groundwork for innovative natural and nature based features such as dynamic revetment structures, large woody debris placement, and plantings that increase resiliency while mimicking natural shorelines.

These are great examples which show the importance of supporting Department of Ecology's Coastal Climate Hazards and Coastal Mapping and Analysis Program over the next biennium.

Sincerely,

A handwritten signature in black ink, appearing to read "David Michalsen". The signature is fluid and cursive, with a long horizontal stroke at the end.

David R. Michalsen, P.E.
Coastal Engineer
U.S. Army Corps of Engineers, Seattle District



August 19, 2022

Bobbak Talebi
Coastal/Shorelands Section Manager
Washington State Department of Ecology
PO Box 47600
Olympia, Washington 98504-7600

Dear Mr. Talebi;

The Lower Columbia Estuary Partnership (Estuary Partnership) supports 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 is designed to provide the tools they need to undertake project planning processes and access federal funding opportunities to address coastal hazards and climate impacts.

The Lower Columbia Estuary Partnership (Estuary Partnership) is one of 28 estuaries in the nation designated as an "Estuary of National Significance," created in 1995 by the governors of Oregon and Washington and the US Environmental Protection Agency. Our mission is to improve the lower Columbia River by protecting and restoring ecosystems and improving water quality for current and future generations of fish, wildlife, and people. We manage a comprehensive ecosystem restoration program for the lower Columbia that includes monitoring trends in ecosystem conditions and filling data and information gaps.

One of the major gaps for coastal communities in the lower Columbia River is the capacity for adapting and mitigating for coastal hazards and climate change impacts. One of our roles at a National Estuary Program is to address these gaps and support our communities with information and resources they could not otherwise obtain. We regularly collaborate with Washington Ecology's Coastal Climate Hazards group on addressing these gaps and greatly appreciate their efforts. We find them immensely supportive, knowledgeable, and helpful and truly enjoy partnering with them. They have been instrumental in supporting our efforts to secure resources and information in our efforts to reduce risks to local communities and habitat from increased flooding with sea level rise and more frequent and more intense storms. Indeed, their support was critical in securing a recent \$350,000 grant from the National Fish and Wildlife Federation to support a community resiliency planning project in the lower Columbia River.

The proposed funding package provides a critical opportunity to further address information and capacity gaps in the lower Columbia that otherwise will persist, and it aligns with our organization's efforts to collaboratively work to assess and improve the health of the lower Columbia River. We support this budget request and appreciate the opportunity in the future to collaborate further.

Regards,



E. Elaine Placido, DPA
Executive Director



August 15, 2022

Bobbak Talebi
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 is designed to provide the tools they need to undertake project planning processes and access federal funding opportunities to address coastal hazards and climate impacts.

In 2016, coastal entities in Grays Harbor County, in partnership with the office of U.S. Representative Derek Kilmer's Office, and the Washington State Department of Ecology contracted with the William D. Ruckelshaus Center (Center) to conduct the Washington State Coast Resilience Assessment that explores long-term resilience opportunities in response to growing concerns about the impact on coastal communities, infrastructure, and the natural environment from erosion, flooding, and landslides; the number and severity of storms; predictions about rising sea levels; and a potentially large earthquake and tsunami.

Through conducting 104 interviews with coastal tribes, coastal residents, elected officials, federal, tribal, state, county, and city government agency staff, researchers, scientists, engineers, NGOs, and other interested parties this assessment examined the dynamics, interests, challenges, and opportunities related to coastal resilience in Washington State. The assessment provided a mechanism for the experiences and viewpoints of the participants to inform the next generation of strategies for enhancing coast-wide resilience. The assessment began to identify existing efforts so that new efforts build upon what is already established. It also identified approaches, processes, structures, and resources needed to enhance and support coast-wide resilience efforts.

In March 2018, Governor Jay Inslee requested the assistance of the Washington Coastal Marine Advisory Council (WCMAC) to prioritize needs and actions to carry out the recommendations in the *Coast Resilience Assessment Report*. After a year of discussion and investigation, the

WCMAC decided that a priority should be placed on implementing the recommendation to “Establish a Coast-Wide Resilience Initiative to Enhance and Integrate Efforts.” The recommendation highlighted that there needs to be a core group of entities who would partner together as integrators, provide backbone services, and work as a team to address resilience issues coast wide. Department of Ecology, in collaboration with WCMAC contracted with the Center to explore and develop options for the development of a Coastal Hazards Organizational Resilience Team (COHORT) and the initiative. The Center provided a written report that described COHORT options, implementation considerations, and recommendations for implementation and actionable next steps.

This request is based on years of work with coastal communities and Tribes to understand their needs, in order to strengthen their resilience. The Washington coast and coastal communities are at an extraordinary confluence of cultures, influences, and potent threats. The area is at the epicenter of potentially catastrophic impacts from a Cascadia earthquake and tsunami and is at the frontline of impacts from extreme weather, waves, and ocean changes. Increasing coast-wide resilience is not only important to coastal communities and their ability to thrive, but has ramifications for the economic and environmental health of the state and nation as a whole.

During our work with coastal communities and Tribes on the assessment, staff at the Center listened to many individuals, groups, communities, and Tribes describe the importance of strengthening efforts to assist them in addressing the compounding threats that they face. Many of them have attended years of meetings, forums, and discussions with the hope that there will be increased focus and action taken that improves the resilience of the communities, businesses, and the natural environment that provides both sustenance and awe. This budget request is essential to supporting these communities and is built upon the input from coastal communities and Tribes. It is very timely and is the next critical step in addressing the growing challenges and current lack of resources that these communities have to address these challenges.



Phyllis Shulman
Interim Director
Assistant Professor, Washington State University
William D. Ruckelshaus Center



August 22, 2022

Bobbak Talebi
Coastal/Shorelands Section Manager
Washington State Department of Ecology
PO Box 47600
Olympia, Washington 98504-7600

To whom it may concern,

This is a 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 is designed to provide the tools they need to undertake project planning processes and access federal funding opportunities to address coastal hazards and climate impacts.

We write in our personal capacities, but from our perspective as leaders of the NSF-funded **Cascadia Coastal Hazards Research Coordination Network (RCN)**, which brings together researchers, practitioners, and stakeholders who seek to advance coastal geohazards sciences and mitigate the risks to coastal communities in the Pacific Northwest geohazards. The goal of the RCN is to co-develop research agendas and establish new collaborations that cross-disciplinary and institutional boundaries.

The Department of Ecology's proposed efforts are supportive and complementary to the activities of the RCN that we lead. With additional funding, Ecology can provide important services in the state through data collection, monitoring, and mapping while also providing enhanced coordination among institutional and community groups. The small grants program will provide the necessary resources to better prepare for future climatic and natural events for local communities who are otherwise capacity limited. The COHORT model will better enable community partners and tribes to enact best practices, and more fully engage with state agencies as well as academic partners. The COHORT model is also complementary to and synergistic with the activities of the NSF-funded Cascadia Coastlines and Peoples Hazards Research Hub, a sister organization to and collaborating partner of the RCN.



We strongly encourage the implementation of this package, as it aims to build the resilience of our communities to natural hazards and resulting disasters. These proactive activities will provide future cost savings and minimize the loss of life from storms, flooding, tsunamis, and other natural hazards to which Washington coastal communities are vulnerable, many of which are increasing in severity. Many communities are currently struggling to adapt and striving to prepare now for increases in precipitation extremes and other hazards climate change will likely exacerbate, some of which are already affecting our coasts. They are in need of timely assistance to take advantage of the opportunities afforded by new federal policies and programs intended to help, such as the Inflation Reduction Act.

Sincerely,

David Schmidt
Professor, Earth and Space Sciences, University of Washington
PI, Cascadia Coastal Hazards Research Coordination Network
Investigator, Cascadia Coastlines and Peoples Hazards Research Hub

Ann Bostrom
Weyerhaeuser endowed Professor of Environmental Policy, Evans School of Public Policy & Governance, University of Washington
Co-PI, Cascadia Coastal Hazards Research Coordination Network
Co-PI and co-director, Cascadia Coastlines and Peoples Hazards Research Hub

Attachment G

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: Coastal Climate Hazards

Vital Signs

- Beaches and Marine Vegetation
- Estuaries
- Salmon
- Good Governance

Strategies

- 1. Smart Growth
- 3. Healthy Shorelines
- 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.
- 1.3.2. Armor on estuaries, lakes, and marine shorelines removed or softened.
- 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.
- 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.

Actions

- 16. Protect and restore marine shorelines by improving compliance, incentives, and strategic planning rooted in an understanding of coastal processes, with a focus on

bluff-backed beaches. 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.
- 131. Expand monitoring, research, and assessment of the individual and cumulative impacts and risks of climate change on Puget Sound.
- 135. Improve networks for sharing information across public (transboundary, federal, tribal nations, state, and local) and private sectors.
- 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.
- 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.
- 162. Increase capacity for vulnerable populations and underserved communities to engage in environmental decision-making.
- 163. Increase trust by including and communicating directly and effectively with new and diverse audiences.



Agency Recommendation Summary

Washington faces 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. Ecology monitors statewide water supply levels and has authority to declare a drought emergency when water supply projections fall below 75 percent of average and there is a risk of undue hardship to water users and uses. However, there is currently no ongoing fund source available to support drought preparation or emergency response. This budget request supports agency request legislation for the 2023 session that establishes permanent funding for drought planning and preparation to improve resiliency to the effects of climate change, and authorizes funding for Ecology to take immediate actions when a drought emergency is declared. (State Drought Preparedness Account; NEW – Emergency Drought Response Account)

Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
Staffing						
FTEs	2.3	2.3	2.3	2.3	2.3	2.3
Operating Expenditures						
Fund 05W - 1	\$2,500	\$2,500	\$5,000	\$2,500	\$2,500	\$5,000
Fund EDR - 1	\$3,000	\$3,000	\$6,000	\$3,000	\$3,000	\$6,000
Total Expenditures	\$5,500	\$5,500	\$11,000	\$5,500	\$5,500	\$11,000

Decision Package Description

Background

Washington faces 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 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 percent of average and there is a risk of undue hardship to water users and uses. 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.

Ecology’s Drought Contingency Plan (<https://apps.ecology.wa.gov/publications/SummaryPages/1811005.html>) describes our drought response efforts. Once a drought is declared, Ecology is the lead agency for drought response efforts, include aiding state agriculture, protecting public water supplies, and safeguarding fish and boosting streamflows. The plan’s drought response activities are implemented through an emergency response grant program (when funding is provided by the Legislature), which is established by rule along with the emergency drought declaration.

Problem

Historically, specific appropriations from the Legislature for purposes of drought response have been included within the operating or capital budget bills after a drought has been declared. However, droughts in 2019 and 2021 rapidly increased in severity late in the spring, despite healthy snowpack conditions earlier in the year, which limited Ecology’s ability to determine emergency response needs in time to request funding while the Legislature was in session. Most recently, in 2021, drought conditions accompanied a severe heat event that occurred after the legislative session adjourned, and there was no ability for Ecology to submit a funding request to the Legislature for consideration. With no base budget included for drought response available, Ecology had few resources available to address drought hardships and support suffering communities.

Solution

The state needs an ongoing funding source available for drought planning and preparation, as well as a source of funding immediately available to respond to sudden and unanticipated drought emergencies. A combination of proactive planning and preparation, coupled with timely response to drought emergencies, can help resolve issues before drought hardships become severe.

To address the need for available funding to support drought planning, preparation, and emergency response on an ongoing basis, Ecology is

submitting request legislation for the 2023 session. Ecology's *Improving State Drought Planning, Preparedness, and Response* agency request legislation will establish permanent funding for drought planning and preparation to improve resiliency to the effects of climate change. This proposal also authorizes funding for Ecology to take immediate actions when a drought emergency is declared.

Section 2 of the proposed bill would amend RCW 43.83B.430 to rename the State Drought Preparedness and Response Account to the State Drought Preparedness Account, and would change the uses of the account to include planning activities, and exclude response activities. This section would also direct the Office of the State Treasurer to transfer at the beginning of each biennium the sum of \$5 million from the State General Fund to the account in this section.

Section 3 of the bill would add a new section to Chapter 43.83B RCW to direct the Office of the State Treasurer, upon the issuance of an emergency drought order under RCW 43.83B.405(2), to transfer from the State General Fund to a new Emergency Drought Response Account established in section 4 of the bill, such amounts as necessary to bring the account balance to \$3 million. The Office of Financial Management (OFM) would be directed to notify the Office of the State Treasurer and Ecology of the account balance and the amount of a transfer to the account. This section would limit transfers under these circumstances to only once every fiscal year.

Under the proposed legislation, Ecology will increase its ongoing capacity to partner with irrigators, communities, and fisheries managers to better prepare for drought impacts and to address drought hardships more effectively when they occur. Funding for drought planning and preparation projects will enable communities and agricultural users to 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.

In addition, as we have seen in the past several years, we cannot reliably depend on legislative appropriations to support emergency drought response, given that drought conditions often occur after the end of the legislative session. Recent years have highlighted the challenge of predicting droughts based solely on winter snowpack. Enabling Ecology to respond immediately when drought is declared will provide for more effective and timely actions to mitigate drought hardships.

This request seeks appropriation authority consistent with sections 2-4 of the request legislation describe above. This request will provide staff and grant funding to assess, develop, and implement projects designed to plan and prepare for ongoing climate change and drought conditions before an emergency situation occurs and an official drought declaration is enacted.

The request will also provide appropriation authority and funding for an emergency drought grant program in years when an emergency drought declaration is enacted to provide emergency response funding to stakeholders impacted by water supply shortages during actual drought conditions. Types of projects anticipated will include emergency standby wells, water supply augmentation sources, water tanks and standpipes, and other similar investments to provide water during drought conditions. This proposal will complement agency request legislation being submitted to request ongoing funding to implement a drought planning and preparedness program and an emergency drought response program.

Impacts on Population Served:

A reliable supply of water is vital for communities, businesses, industries, 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.

All residents statewide will benefit from a drought planning and preparedness program as well as an emergency drought response program that will begin to mitigate against drought-influenced water supply disruptions before and as they occur rather than only after the drought 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. An established emergency drought response program included in the Ecology base budget will expedite emergency response, more quickly mitigate existing drought conditions and improve water supply conditions statewide that benefits domestic, commercial, industrial, agricultural, and environmental water uses.

Alternatives Explored:

Ecology did not consider other alternatives to this request. Implementing an ongoing drought planning and preparedness program coupled with an emergency drought response program is the only way for the state to provide a coordinated response short of waiting for the emergency to occur.

Consequences of Not Funding This Request:

Ecology would not have funding within the 2023-25 biennial budget and future base appropriations to plan and prepare for chronic climate change conditions and/or acute drought impacts in advance of an emergency declaration being enacted. Ecology would also not have emergency response funding available in the 2023-25 biennial budget to respond to conditions should a drought declaration be declared.

The goal of this request, and the associated agency request legislation, is to implement projects that would mitigate against emergency climate

and drought conditions before and as they occur rather than waiting for an emergency declaration. The impacts of not having base funding to plan, prepare for, and respond to significant drought impacts was experienced during the 2015 drought. In that example, a statewide drought was declared, but Ecology did not have base funding to mount an early response and had to wait on delayed legislative action to obtain the budget to begin responding to water availability conditions both instream and out of stream.

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 ongoing funding and staff to support drought planning, preparedness, and providing new ongoing funding to support emergency drought response. Below is a summary of the 2019-21 and 2021-23 base funding and FTEs for this activity. Administrative Overhead related to this activity is in the agency’s Administration Activity A002, and is not included in the totals below.

A003 – Implementing Integrated Solutions to Protect Instream Resources		
	2019-21	2021-23
FTEs Total	47.45	37.6
001-1 General Fund State	\$17,302,000	\$14,376,000
001-2 General Fund Federal	\$198,000	\$198,000
001-7 General Fund Private/Local	\$135,000	\$135,000
02P-1 Flood Control Assistance	\$1,508,000	\$0
032-1 St Emerg. Water Projects Revolv	\$40,000	\$40,000
05W-1 State Drought Preparedness and Response	\$204,000	\$204,000
072-1 Water Supply Facilities (Ref 38)	\$171,000	\$174,000
22K-6 Watershed Restoration Enhancement	\$623,000	\$0
489-1 Pension Funding stabilization Account	\$354,000	\$0
TOTAL	\$20,535,000	\$15,127,000

Detailed Assumptions and Calculations:

Drought Preparedness

Beginning July 1, 2023 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 response activities. This position will coordinate all drought activities within the Water Resources Program including coordination of stakeholder activities (Water Supply Advisory Committee, 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.
- 1.0 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, 10 to 15 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, 2023 and ongoing, Ecology also requires appropriation authority to award grants for drought planning and preparedness activities. Authority needed is estimated at \$2,167,869 per fiscal year, and will be administered by the Environmental Planner 5 and Environmental Planner 3 identified above. These costs are shown in object N: Grants.

Emergency Drought Response

Section 4 of the proposed request legislation would create the Emergency Drought Response Account, with funding through Treasurer transfers from the State General Fund as specified under section 3. Transfers would be made following the issuance of a drought emergency and following OFM notification to the Office of the State Treasurer up to once each fiscal year to bring the balance of the account to \$3 million. The account would be subject to appropriation, and would not be spent until a drought is declared and uses by Ecology are approved through OFM.

To ensure that Ecology has the appropriation authority needed to issue grants, should a drought be declared, beginning July 1, 2023 and ongoing, Ecology requires \$3 million in appropriation authority each fiscal year to implement an emergency drought response program whenever an emergency drought declaration is declared.

This authority will be included in the Ecology base budget to allow expenditures for emergency response should a drought be declared. Please note, this appropriation authority will be placed in unallotted status until such a time when an emergency drought declaration is enacted. Actual

expenditures and the timing for drought response activities are indeterminate, and will require a drought declaration be enacted before the requested authority could be spent.

Workforce Assumptions:

Expenditures by Object		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
A	Salaries and Wages	179,543	179,543	179,543	179,543	179,543	179,543
B	Employee Benefits	65,533	65,533	65,533	65,533	65,533	65,533
E	Goods and Services	9,668	9,668	9,668	9,668	9,668	9,668
G	Travel	4,468	4,468	4,468	4,468	4,468	4,468
J	Capital Outlays	2,460	2,460	2,460	2,460	2,460	2,460
N	Grants, Benefits, and Client Services	5,167,869	5,167,869	5,167,869	5,167,869	5,167,869	5,167,869
T	Intra-Agency Reimbursements	70,459	70,459	70,459	70,459	70,459	70,459
	Total Objects	5,500,000	5,500,000	5,500,000	5,500,000	5,500,000	5,500,000

Staffing			FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Job Class	Salary							
ENVIRONMENTAL PLANNER 3	80,956	1.00	1.00	1.00	1.00	1.00	1.00	1.00
ENVIRONMENTAL PLANNER 5	98,587	1.00	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	0.20
IT APP DEVELOPMENT-JOURNEY		0.10	0.10	0.10	0.10	0.10	0.10	0.10
	Total FTEs		2.30	2.30	2.30	2.30	2.30	2.30

Explanation of costs by object:

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 36.5% of salaries.

Goods and Services are the agency average of \$4,834 per direct program FTE.

Travel is the agency average of \$2,234 per direct program FTE.

Grants includes \$2,167,869 per fiscal year for drought planning and preparedness grants, and \$3,000,000 per year for emergency drought response grants.

Equipment is the agency average of \$1,230 per direct program FTE.

Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 28.75% 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.

Strategic and Performance Outcomes

Strategic Framework:

This request is essential to implementing goals in Ecology's strategic plan to:

- Reduce and prepare for climate impacts: The proposal provides the first statewide funding for drought preparedness and planning, and provides stable funding for drought emergencies. Due to climate impacts, it is anticipated drought will occur more and more frequently in the future and this funding helps state and local governments proactively prepare and respond in order to provide secure drinking water supplies, protect fish/wildlife, and help agriculture during droughts.
- Deliver integrated water solutions: Providing ongoing preparedness and planning funding will eventually reduce reliance upon emergency drought funding. Planning and preparedness funds for tribes, governments, and public entities can provide environmental benefits to fish and wildlife during drought.
- Promote lean as the primary process for improvement: An ongoing and stable funding source reduces need for Ecology to request funding each drought; this significantly saves staff and the Legislature's time. As well, proactive preparedness funding helps reduce reliance on emergency response, which tends to be resource-intensive and less effective.

This request also provides essential support to the following Governor's Results Washington Goals:

- Goal 3: Sustainable Energy and a Clean Environment (Sustainable and Clean Energy; Healthy Fish and Wildlife; Clean and Restored Environment; Working and Natural Lands) – Funding will be available to tribes and WDFW to support fish and wildlife during emergency drought situations, as well as to agricultural government agencies for farmers to prepare and respond to drought emergencies. Planning and preparedness funds for local governments, tribes, and state agencies can provide environmental benefits to fish and wildlife during drought.
- Goal 4: Healthy and Safe Communities – Planning/preparedness funds and emergency drought response funds will be available for DOH, tribes, local governments and public water purveyors to ensure safe drinking water supplies even during times of drought.
- Goal 5: Effective, Efficient and Accountable Government (Customer Satisfaction and Confidence; Resource Stewardship; Transparency and Reform) – These funds provide ongoing known funding to provide resiliency, planning, and emergency response. This ensures funds are available when needed, reduces time to distribute funding, and simplifies what has been an ad hoc funding schema for emergency response and no funding for planning/preparation.

Performance Outcomes:

The outcome of this request will:

- Improve water supply conditions to mitigate against ongoing climate change and drought impacts before a drought emergency is declared.
- Provide funding to respond immediately when drought is declared, and provide for more effective and timely actions to mitigate drought hardships.

Equity Impacts

Community outreach and engagement:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Disproportional Impact Considerations:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Target Populations or Communities:

Having reliable, ongoing funding for drought planning, preparedness, and emergency response will help meet current and future water needs throughout the state for families, businesses, and farms, as well as instream uses for habitat and fish. Preparing and planning for drought would mitigate future climate change and drought impacts on water supplies that provide economic benefit to urban, rural, tribal, commercial, and agricultural communities throughout Washington. Being prepared for drought would support areas and communities, including tribal nations, who are often adversely impacted and vulnerable to economic and health risks from interruptions to water supply and are hardest hit by drought or low flows.

Other Collateral Connections

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 against climate change and drought impacts. Cities and counties throughout the state are strong supporters and active partners for improved drought planning and preparedness activities.

Stakeholder Response:

We anticipate that this bill will receive bipartisan support based on feedback to Senator Warnick’s similar 2022 drought bill (2SSB 5746). During public hearings of that bill, there appeared to be general agreement among legislators and stakeholders that Ecology needs to be better positioned to respond climate change impacts, including drought preparation and response activities. That bill also received bipartisan sponsorship in the senate and passed that chamber unanimously.

State Facilities Impacts:

N/A

Changes from Current Law:

This request is related to Ecology’s agency request legislation, *Improving State Drought Planning, Preparedness, and Response* (see attached z draft of proposed bill).

Legal or Administrative Mandates:

N/A

Reference Documents

[Drought Preparedness and Response 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
	2024	2025	2023-25	2026	2027	2025-27
Obj. A	\$180	\$180	\$360	\$180	\$180	\$360
Obj. B	\$66	\$66	\$132	\$66	\$66	\$132
Obj. E	\$10	\$10	\$20	\$10	\$10	\$20
Obj. G	\$4	\$4	\$8	\$4	\$4	\$8
Obj. J	\$2	\$2	\$4	\$2	\$2	\$4
Obj. N	\$5,168	\$5,168	\$10,336	\$5,168	\$5,168	\$10,336
Obj. T	\$70	\$70	\$140	\$70	\$70	\$140

Agency Contact Information

Jim Skalski

(360) 584-3805

jska461@ecy.wa.gov

BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: Z-0050.2/23 2nd draft

ATTY/TYPIST: ML:jlb

BRIEF DESCRIPTION: Concerning drought preparedness.

1 AN ACT Relating to drought preparedness; amending RCW 43.83B.415
2 and 90.86.030; reenacting and amending RCW 43.83B.430; and adding new
3 sections to chapter 43.83B RCW.

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

5 **Sec. 1.** RCW 43.83B.415 and 2020 c 168 s 5 are each amended to
6 read as follows:

7 (1)(a) The department is authorized to issue grants to eligible
8 public entities to reduce current or future hardship caused by water
9 unavailability stemming from drought conditions. No single entity may
10 receive more than (~~twenty-five~~) 25 percent of the total funds
11 available. The department is not obligated to fund projects that do
12 not provide sufficient benefit to alleviating hardship caused by
13 drought or water unavailability. Projects must show substantial
14 benefit from securing water supply, availability, or reliability
15 relative to project costs. Projects do not need to be completed while
16 a drought emergency order under RCW 43.83B.405(2) is in effect.

17 (b) Except for projects for public water systems serving
18 economically disadvantaged communities, the department may only fund
19 up to (~~fifty~~) 50 percent of the total eligible cost of the project.
20 Money used by applicants as a cash match may not originate from other
21 state funds.

1 (c) For the purposes of this chapter, eligible public entities
2 include only:

3 (i) Counties, cities, and towns;

4 (ii) Water and sewer districts formed under chapter 57.02 RCW;

5 (iii) Public utility districts formed under chapter 54.04 RCW;

6 (iv) Port districts formed under chapter 53.04 RCW;

7 (v) Conservation districts formed under chapter 89.08 RCW;

8 (vi) Irrigation districts formed under chapter 87.03 RCW;

9 (vii) Watershed management partnerships formed under RCW
10 39.34.200; and

11 (viii) Federally recognized tribes.

12 (2) Grants may be used to develop projects that enhance the
13 ability of water users to effectively mitigate for the impacts of
14 water unavailability arising from drought. Project applicants must
15 demonstrate that the projects will increase their resiliency,
16 preparedness, or ability to withstand drought conditions when they
17 occur. Projects may include, but are not limited to:

18 (a) Creation of additional water storage;

19 (b) Implementation of source substitution projects;

20 (c) Development of alternative, backup, or emergency water
21 supplies or interties;

22 (d) Installation of infrastructure or creation of educational
23 programs that improve water conservation and efficiency or promote
24 use of reclaimed water;

25 (e) Development or update of local drought contingency plans if
26 not already required by state rules adopted under chapter 246-290
27 WAC;

28 (f) Mitigation of emergency withdrawals authorized under RCW
29 43.83B.410(1);

30 (g) Projects designed to mitigate for the impacts of water supply
31 shortages on fish and wildlife; and

32 (h) Emergency construction or modification of water recreational
33 facilities.

34 (3) During a drought emergency order pursuant to RCW
35 43.83B.405(2), the department shall prioritize funding for projects
36 designed to relieve the immediate hardship caused by water
37 unavailability.

38 **Sec. 2.** RCW 43.83B.430 and 2022 c 297 s 957 and 2022 c 296 s
39 7008 are each reenacted and amended to read as follows:

1 The state drought preparedness (~~and response~~) account is
2 created in the state treasury. All receipts from appropriated funds
3 designated for the account and all cost recovery revenues collected
4 under RCW 43.83B.410(5) must be deposited into the account. At the
5 beginning of each biennium, the state treasurer shall transfer from
6 the general fund to the account the sum of \$5,000,000. Expenditures
7 from the account may be used for drought planning and preparedness
8 (~~and response~~) activities under this chapter, including grants
9 issued under RCW 43.83B.415. During the 2021-2023 fiscal biennium,
10 moneys in the account may be used for water banking pilot projects.
11 Moneys in the account may be spent only after appropriation. During
12 the 2021-2023 fiscal biennium, the legislature may appropriate moneys
13 from the account for activities related to water banking.

14 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.83B
15 RCW to read as follows:

16 Upon the issuance of an order of drought emergency under RCW
17 43.83B.405(2), the state treasurer shall transfer from the general
18 fund to the emergency drought response account created in section 4
19 of this act those amounts necessary to bring the balance of the
20 emergency drought response account to \$3,000,000. The office of
21 financial management must determine the fund balance of the emergency
22 drought response account as of the previous fiscal month before the
23 issuance of an order of drought emergency. The office of financial
24 management must promptly notify the state treasurer and the
25 department of the account balance and the necessary transfer amount
26 once a determination is made. A transfer based on the determination
27 by the office of financial management may be made only once every
28 fiscal year. The department shall, at a minimum, provide the director
29 of the office of financial management, legislative fiscal committees,
30 and the joint legislative committee on water supply during drought,
31 established under RCW 90.86.010, with a close-out cost summary
32 following the expiration of the emergency drought order.

33 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.83B
34 RCW to read as follows:

35 The emergency drought response account is created in the state
36 treasury. All receipts from moneys received pursuant to section 3 of
37 this act, moneys appropriated to the account by the legislature for
38 the purpose of funding emergency drought response actions, or moneys

1 directed to the account from any other lawful source must be
2 deposited into the account. Moneys in the account may be spent only
3 after appropriation. Expenditures from the account may be used only
4 for the costs of implementing the powers set forth in RCW 43.83B.410
5 through 43.83B.420 to provide relief for the immediate hardship
6 caused by water unavailability while a drought emergency order issued
7 pursuant to RCW 43.83B.405(2) is in effect.

8 **Sec. 5.** RCW 90.86.030 and 2010 1st sp.s. c 7 s 122 are each
9 amended to read as follows:

10 (1) The joint legislative committee on water supply during
11 drought shall convene from time to time at the call of the chair when
12 an advisory is in effect under RCW 43.83B.405(1), when a drought
13 (~~conditions~~) emergency order under RCW 43.83B.405 is in effect, or
14 when the chair determines, in consultation with the department of
15 ecology, that it is likely that such an order will be issued within
16 the next year.

17 (2) The committee may request and review information relating to
18 water supply conditions in the state, and economic, environmental,
19 and other impacts relating to decreased water supply being
20 experienced or anticipated. The governor's executive water emergency
21 committee, the department of ecology, and other state agencies with
22 water management or related responsibilities shall cooperate in
23 responding to requests from the committee.

24 (3) During drought conditions in which (~~an~~) a drought emergency
25 order issued under RCW 43.83B.405(2) is in effect, the department of
26 ecology shall provide to the committee no less than monthly a report
27 describing drought response activities of the department and other
28 state and federal agencies participating on the water supply
29 availability committee. The report shall include information
30 regarding applications for, and approvals and denials of emergency
31 water withdrawals and temporary changes or transfers of, water rights
32 under RCW 43.83B.410. The report must include information regarding
33 grants applied for or issued under RCW 43.83B.415.

34 (4) The committee from time to time shall make recommendations to
35 the senate and house of representatives on budgetary and legislative
36 actions that will improve the state's drought response programs and
37 planning.

--- END ---



Agency Recommendation Summary

Ecology issues water quality discharge permits for municipal wastewater treatment plants. A majority (66 percent) of those permits are currently expired because we do not have sufficient resources to process renewals. Substitute Senate Bill 5585, passed in 2022, removed the cap on municipal wastewater permit fees and included a requirement to reduce the backlog of expired permits. Ecology convened an advisory group to develop recommendations for increasing permit fees, which will inform rulemaking to revise the Water Quality Permit Fee rule, Chapter 173-224 WAC for the 2023-25 biennium. This request will provide the appropriation authority needed, consistent with the revised fees, to hire the additional staff needed to reduce the current backlog over time. Related to Puget Sound Action Agenda Implementation. (Water Quality Permit Account)

Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
Staffing						
FTEs	17.3	17.3	17.3	17.3	17.3	17.3
Operating Expenditures						
Fund 176 - 1	\$2,501	\$2,501	\$5,002	\$2,501	\$2,501	\$5,002
Total Expenditures	\$2,501	\$2,501	\$5,002	\$2,501	\$2,501	\$5,002
Revenue						
176 - 0286	\$2,501	\$2,501	\$5,002	\$2,501	\$2,501	\$5,002
Total Revenue	\$2,501	\$2,501	\$5,002	\$2,501	\$2,501	\$5,002

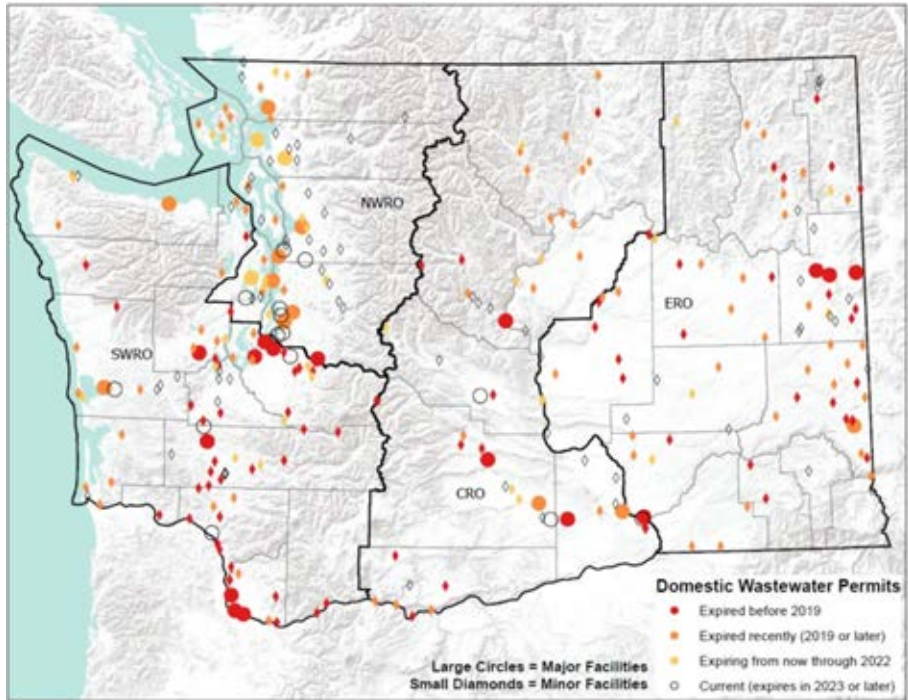
Decision Package Description

Ecology implements the state Water Pollution Control Act under the authority of Chapter 90.48 RCW, and has delegated authority from the Environmental Protection Agency (EPA) to administer the National Pollutant Discharge Elimination System (NPDES) program, which is a requirement of the federal Clean Water Act. Ecology protects the state's waters by issuing state waste discharge and NPDES permits to help manage when, where, and how treated wastewater and stormwater enters the environment.

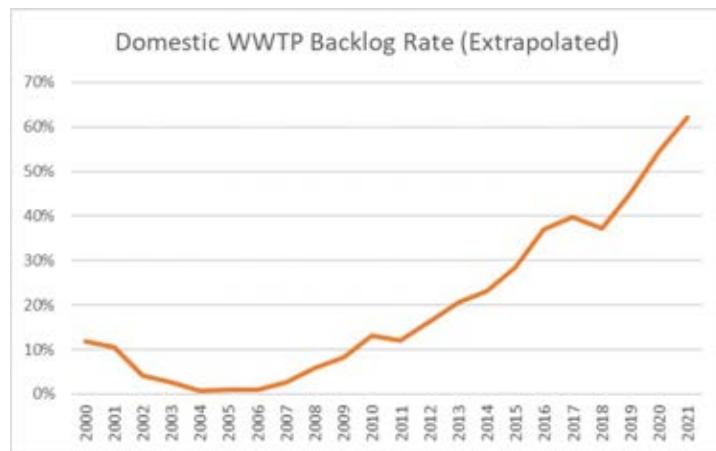
Municipal Wastewater Permit Backlog

Ecology issues and renews water quality discharge permits for municipal wastewater treatment plants in accordance with state and federal laws. A permit's expiration date is five years after it takes effect. As of August 2022, there are 300 permitted domestic wastewater facilities across the state, and a majority (66 percent) of those permits are expired because we do not have sufficient permit and technical staff resources to process renewals. If a permit holder re-applies for the permit on time (at least 180 days prior to expiration), the expired permit remains in effect and enforceable, but it may not be modified. So, for example, if a wastewater treatment plant requires an upgrade to accommodate an increase in discharge volumes related to population growth, Ecology is unable to modify the permit to accommodate that population growth and the treatment plant cannot expand to meet demand.

In addition, expired permits do not allow Ecology to incorporate pollutant-loading allocations approved in Total Maximum Daily Loads (TMDL) into a wastewater treatment plant permit. TMDL requirements can only be imposed on a point-source discharge when a permit is modified or reissued. Adding pollutant-loading requirements to permits is important to bring a waterbody into attainment with water quality standards. Renewing permits in a timely way ensures the permit is based on and utilizes the most current analytical methods, water quality standards, best management practices, technological advances, and EPA-approved wasteload allocations.



The permit backlog has increased over time to a critical point in which Ecology’s inability to reissue permits is negatively affecting domestic wastewater treatment plants’ ability to upgrade facilities and expanding capacity. Permittees have voiced concerns, including to the Legislature, that outdated permits put them at risk and delay their ability to bond for renovations or expansions necessary for community growth. Permittees are also concerned about unreliable technical support and poor responsiveness from Ecology due to understaffing.



The current backlog varies by region with the most critical needs in the Southwest, Eastern and Central regions.

Region	Backlog Rate	Permit to Staff Ratio
Southwest	79%	21:1
Eastern	76%	20:1
Central	66%	17:1
Northwest	38%	10:1

Permit Fee Cap Removed in 2022

Substitute Senate Bill (SSB) 5585 passed in 2022 and removed the cap on municipal wastewater permit fees. Permittees supported SSB 5585, with a commitment from Ecology to convene an advisory committee to recommend appropriate fees and fee structure to cover the costs of managing wastewater treatment plant permits – including providing on-the-ground technical assistance to treatment plants as issues arise to help permittees stay in compliance. Ecology formed an advisory committee that began meeting in July 2022 to provide recommendations on a revised municipal treatment plant permit fee structure by the end of the year. For more information on the work of the advisory committee, please visit: https://www.ezview.wa.gov/site/alias__1962/37749/wastewater_permit_fees_advisory_committee.aspx.

Increasing permit fees, consistent with requirements in RCW 90.48.465, will allow Ecology to update wastewater treatment plant permits, provide timely reviews of engineering plans for facility updates, and improve operator certification support and technical assistance. As a result,

permittees will be better able to plan for growth, manage their facilities, experience faster technical assistance from Ecology, and improve water quality.

Reducing the Backlog

SSB 5585 requires Ecology to make progress on the backlog, and report progress in its biennial Wastewater and Stormwater Discharge Permit Fee Program Report to the Legislature. The law requires reducing the current backlog of 66 percent to 40 percent by July 1, 2025, and 20 percent by July 1, 2027. With increased revenue from permit fees, and additional appropriation, Ecology will add capacity to reissue permits in a timely manner and reduce the backlog.

To meet the directive to reduce the backlog, Ecology requires an additional 15 direct FTEs. These positions will be strategically located in the regions where the backlog issue is the greatest. Ecology’s workload analysis demonstrates approximately one permit staff person can effectively manage 10 wastewater treatment plant permits. This is currently the case in the Northwest Region. The other regions significantly lag behind due to a higher permit to staff ratio. With the additional staff in this request, the Southwest, Eastern, and Central Regions will achieve a similar 10:1 permit to staff ratio as the Northwest Region. Ecology expects this increase in staff to allow it to achieve the requirements in SSB 5585.

Region	Current Permit to Staff Ratio	Additional Permit Staff in this Request	New Permit to Staff Ratio
Southwest	21:1	5	10:1
Eastern	20:1	3	10:1
Central	17:1	3	10:1
Northwest	10:1	0	10:1

In addition to front-line permit staff, an additional two supervisors are needed to balance the staff to supervisor ratios in the Southwest and Central Regions. Without a new supervisor in those two regions, current supervisors would manage 14 people, which would not be effective or sustainable.

This request also includes two staff in Headquarters. An Environmental Specialist 5 will provide additional capacity in the Program Development Services section. This person will update and maintain permit templates, shells and other guidance documents. Maintaining templates improves efficiency of issuing permits in the regions. This person will also be a central hub for permit writers and engineers across the Water Quality Program to share research and collaborate on problem solving, identifying solutions and documenting these solutions to promote consistency in our approach statewide.

Lastly, a Forms and Records Analyst will ensure permit forms and publications meet accessibility guidelines and support records management. This position requires skills in Adobe and SharePoint to create form fields, manage a document site to ensure staff across the state can access the most up to date forms and documents, and ensure ADA/accessibility compliance. This position would relieve pressure from overextended staff and provide critical assistance on SharePoint, forms, and records management. This person will be a time saver with the right skills for the job rather than relying on multiple permitting staff to acquire these skills in addition to their other assigned work.

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. This request will limit pollutants from over 300 wastewater treatment plant permittees. Addressing pollutants in point source discharges is critical for fish and aquatic life to survive and protecting human health. The public will be better protected from pollution sources from direct discharges to surface waters and to the ground.

Alternatives Explored:

Ecology reviewed our internal processes to identify opportunities for improved efficiencies and production and evaluate historical permit timeliness patterns. Procedural improvements include increased training and knowledge sharing, as well as updated guidance and templates. However, the review of historical staffing levels and permit timeliness identified that providing additional staffing resources to address the backlog is the only viable alternative.

The Municipal Wastewater Permit Advisory Committee discussed Ecology’s approach to the workload analysis and the majority of members expressed support for achieving the 10:1 permit to staff ratio in this request.

Consequences of Not Funding This Request:

If this request is not funded, Ecology would continue to be understaffed and not able to meet permittees needs; community growth would be limited; environmental harm would occur due to permits not addressing new standards or changes in permitted facilities’ processes; and Ecology would face potential legal challenges related to outdated permits.

The backlog of expired permits creates several types of risks. Environmentally, out-of-date permits will not reflect new standards for wastewater treatment, or the needs for a watershed to restrict pollutants further because of a water clean-up plan (TMDL). The permit requirements may no longer match the process the facility uses, which makes it harder to provide proper permit oversight. For permittees, this shortage of staff has meant a shortage of technical assistance. Smaller facilities in particular value Ecology’s expertise when they face technical challenges or

emergencies like COVID or flooding. Permittees have also suffered by not having the prompt engineering reviews they need to bond their own projects, and in rare circumstances have even been sued for their out-of-date permit. For Ecology, this shortage of staff results in frustration that can create more vacancies, further magnifying the problem.

JUSTIFICATION FOR NEW OR INCREASED FEE REQUEST:

1. Fee Name: Water Quality Permit Fee – Municipal/Domestic Facilities
2. Current Tax or Fee Rate:

The annual permit fee for a permit held by a municipality for a domestic wastewater facility issued under RCW 90.48.162 or 90.48.260 is determined as follows:

	FY 2022	FY 2023
Residential Equivalents (RE)	Annual Permit Fee	Annual Permit Fee & Beyond
< 250,000	\$2.16	\$2.16
> 250,000	\$2.16	\$2.16

3. Proposed Rate:

FY 2024: PLACEHOLDER – Currently, the municipal/domestic wastewater facility fee generates \$5 million in revenue each fiscal year. To pay for this request, rates will need to increase by 50% to generate an additional \$2.5 million per fiscal year. How the fee increase will be allocated between permittees will be informed by the Municipal Wastewater Permit Fee Advisory Committee.

FY 2025: PLACEHOLDER - Currently, the municipal/domestic wastewater facility fee generates \$5 million in revenue each fiscal year. To pay for this request, rates will need to increase by 50% to generate an additional \$2.5 million per fiscal year. How the fee increase will be allocated between permittees will be nformed by the Municipal Wastewater Permit Fee Advisory Committee.

4. Incremental Change for Each Year:

FY 2024: The incremental change is estimated to increase 50%.

FY 2025: The incremental change is estimated to increase 50%.

5. Expected Implementation Date: July 1, 2023

6. Estimated Additional Revenue Generated by Increase:

FY 2024: \$2.5 million

FY 2025: \$2.5 million

7. Justification: This request is necessary to reduce the backlog of reissuing permits for wastewater treatment plants as stipulated in SSB 5585. 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 through site visits.

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 would 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.

A lack of new revenue to pay for this request would shift the burden to pay for this appropriation to other permittees creating inequities across the permit fee schedule.

8. Changes in Who Pays: No change.

9. Changes in Methodology: This fee increase proposed is based on a workload analysis specific to the wastewater treatment plant discharge permit. This is different from past fee increases that were based on inflation only.

10: RecSum Code: PM

11. Alternatives: Ecology reviewed our internal processes to identify opportunities for improved efficiencies and production and evaluate historical permit timeliness patterns. Procedural improvements include increased training and knowledge sharing, as well as updated guidance and templates. However, the review of historical staffing levels and permit timeliness identified that providing additional staffing resources to address the backlog is the only viable alternative.

Using existing fund balance is not appropriate in this case, as it would move away from payment equity between fee categories. Reducing the gaps in fee equity is very important to both Ecology and fee payers.

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:

This request expands activity A032 Prevent Point Source Water Pollution by adding additional staff needed to reduce the current backlog of water quality discharge permits for municipal wastewater treatment plants that are expired and need to be reissued. Below is a summary of the 2019-21 and 2021-23 base funding and FTEs for this activity. Administrative Overhead related to this activity is in the agency’s Administration Activity A002, and is not included in the totals below.

A032 – Prevent Point Source Water Pollution		
	2019-21	2021-23
FTEs Total	92.85	101.7
001-1 General Fund - State	\$1,160,000	\$943,000
001-2 General Fund - Federal	\$1,070,000	\$307,000
001-7 General Fund – Private/Local	\$878,000	\$0
176-1 Water Quality Permit	\$21,909,000	\$22,256,000
21H-1 Wastewater Treatment Plant Op Cert.	\$0	\$512,000
23P-1 Model Toxics Control Operating	\$1,369,000	\$1,253,000
TOTAL	\$26,386,000	\$25,271,000

Detailed Assumptions and Calculations:

Revenue to support this request will come from water quality permit fees established in WAC 173-224-040. Ecology initiated rulemaking in June 2022 to establish fees for the 2023-25 biennium. An increase in permit fees to generate the revenue to support this request will be included in this rulemaking. Ecology expects to publish the proposed rule in March 2023 and adopt a final rule in May 2023. New fees will start July 1, 2023.

Beginning July 1, 2023 and ongoing, Ecology requires, salaries, benefits, and associated staff costs for the following positions to reduce the backlog of municipal wastewater permits:

- 8.0 FTE Environmental Engineer 3 to serve as permit writers and permit managers - five in Southwest Region, two in Eastern Region and 1 in Central Region. Permit staff write permits, incorporate changes to water quality standards, coordinate with TMDL staff on new parameters, review and approve treatment plant designs, provide technical assistance during the life the permit, and respond to inquiries from the public. Engineers are involved in permitting writing and compliance, and also focus much of their time on treatment plant design review and technical assistance.
- 1.0 FTE Environmental Specialist 4 to serve as a senior permit manager to write permits, incorporate changes to water quality standards, coordinate with TMDL staff on new parameters, conduct inspections and respond to inquiries from the public. This position coordinates any engineer review with the EE3s, as needed.

- 1.0 FTE Environmental Specialist 3 to serve as a permit administrator in the Eastern Region. This position will write permits and conduct inspections for municipal wastewater treatment permits with lower volume and lower risks to the environment, mainly involving State Waste Discharge Permits. This position would also assist senior staff with ensuring required inspections and reports are completed and recorded in data management software, as well as tracking permit compliance and assist with documenting initial enforcement steps as assigned.
- 1.0 FTE Environmental Engineer 5 to provide technical oversight and review as a new unit supervisor in the Eastern Region.
- 2.0 FTE Washington Management Service 1 (WMS1) to provide guidance and oversight of staff as new unit supervisors – one in the Southwest Region and one in the Central Region. These two supervisors are necessary to balance the staff to supervisor ratios in these two regions because the units would be too large for the existing supervisors to manage, if the FTEs in this request are funded.
- 1.0 FTE Environmental Specialist 5 to provide programmatic permit support and technical assistance in headquarters. This person will update and maintain permit templates, shells and other guidance documents. Maintaining templates improves efficiency of issuing permits in the regions. This person will also be a central hub for permit writers and engineers across the Water Quality Program to share research and collaborate on problem solving, identifying solutions, and documenting these solutions to promote consistency in our approach statewide.
- 1.0 FTE Forms and Records Analyst 2 to prepare permit forms, ensure accessibility, and support records management. This position requires skills in Adobe and SharePoint to create form fields, manage a document site to ensure staff across the state can access the most up to date forms and documents, and ensure ADA/accessibility compliance.

Workforce Assumptions:

Expenditures by Object		<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
A	Salaries and Wages	1,352,041	1,352,041	1,352,041	1,352,041	1,352,041	1,352,041
B	Employee Benefits	493,495	493,495	493,495	493,495	493,495	493,495
E	Goods and Services	72,510	72,510	72,510	72,510	72,510	72,510
G	Travel	33,510	33,510	33,510	33,510	33,510	33,510
J	Capital Outlays	18,450	18,450	18,450	18,450	18,450	18,450
T	Intra-Agency Reimbursements	530,591	530,591	530,591	530,591	530,591	530,591
	Total Objects	2,500,597	2,500,597	2,500,597	2,500,597	2,500,597	2,500,597

Staffing

Job Class	Salary	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
ENVIRONMENTAL SPECIALIST 3	63,214	1.00	1.00	1.00	1.00	1.00	1.00
ENVIRONMENTAL SPECIALIST 4	73,262	1.00	1.00	1.00	1.00	1.00	1.00
ENVIRONMENTAL ENGINEER 3	98,587	8.00	8.00	8.00	8.00	8.00	8.00
ENVIRONMENTAL SPECIALIST 5	80,956	1.00	1.00	1.00	1.00	1.00	1.00
FORMS & RECORDS ANALYST 2	53,104	1.00	1.00	1.00	1.00	1.00	1.00
ENVIRONMENTAL ENGINEER 5	108,809	1.00	1.00	1.00	1.00	1.00	1.00
WMS BAND 1	92,000	2.00	2.00	2.00	2.00	2.00	2.00
FISCAL ANALYST 2		1.50	1.50	1.50	1.50	1.50	1.50
IT APP DEVELOPMENT-JOURNEY		0.75	0.75	0.75	0.75	0.75	0.75
Total FTEs		17.25	17.25	17.25	17.25	17.25	17.25

Explanation of costs by object:

Salary estimates are current biennium actual rates at Step L.
 Benefits are the agency average of 36.5% of salaries.
 Goods and Services are the agency average of \$4,834 per direct program FTE.
 Travel is the agency average of \$2,234 per direct program FTE.
 Equipment is the agency average of \$1,230 per direct program FTE.
 Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 28.75% 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.

Strategic and Performance Outcomes

Strategic Framework:

This request is essential to achieving the Governor’s Results Washington Goal 2 - Prosperous Economy because it will fund the resources Ecology needs to provide businesses the technical assistance they need to stay in compliance with their permit requirements and reduce the risk to their business.

This request is essential to achieving the Governor’s Results Washington Goal 3 - Sustainable Energy and a Clean Environment and Goal 4 - Healthy and Safe Communities; and Ecology’s Goal 4 - Protect and Manage our State’s Waters because it will fund the resources Ecology needs to implement the state’s water quality standards that protect human health and the environment by ensuring safe drinking water and safe access to water for recreation and commerce.

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 Ecology needs to:

- Issue and renew industrial wastewater permits in a timelier manner.
- Reduce complaints about expired permit coverage and lack of technical assistance.

In addition, this request directly addresses the Governor’s Salmon Recovery Strategy Update by investing in clean water infrastructure, including improving wastewater management to achieve clean water for salmon and people, which is a priority for the Governor’s 2022-25 action list.

Addressing the wastewater treatment plant backlog also proactively addresses recommendation #48 from the Governor’s Orca Recovery Task Force, which recommends implementing regulations to prevent development if stormwater and wastewater infrastructure are within a percentage of their thresholds. This recommendation highlights that we are not keeping up with wastewater treatment capacity and the permit backlog only adds to this concern from the task force.

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. Improves stormwater management

Performance Measures	Incremental Changes 2024	Incremental Changes 2025	Incremental Changes 2026	Incremental Changes 2027
001563 - Percentage of active water quality discharge permits that are up to date.	10%	10%	10%	10%

Performance Outcomes:

SSB 5585 requires Ecology to demonstrate progress towards achieving the goal of reducing wastewater discharge permit backlog to no more than 40 percent by July 1, 2025 and not more than 20 percent by July 1, 2027.

Over time, updating and renewing wastewater treatment plan discharge permits will reduce pollutant loading and improve water quality. The outcome of this request will be renewed permits that incorporate current water quality standards, pollutant-loading limitations, and accommodate facility upgrades to meet future demands and population growth. Ecology will be more responsive to permittees needs and provide a greater level of customer service. In the future, permits will be monitored and renewed on a regular basis thereby improving water quality and protecting the environment.

This request will make it possible to increase the percentage of active wastewater discharge permits that are up to date. The municipal wastewater portion of the performance measure will increase incrementally from 38 percent to 60 percent to 80 percent through July 2027.

Equity Impacts

Community outreach and engagement:

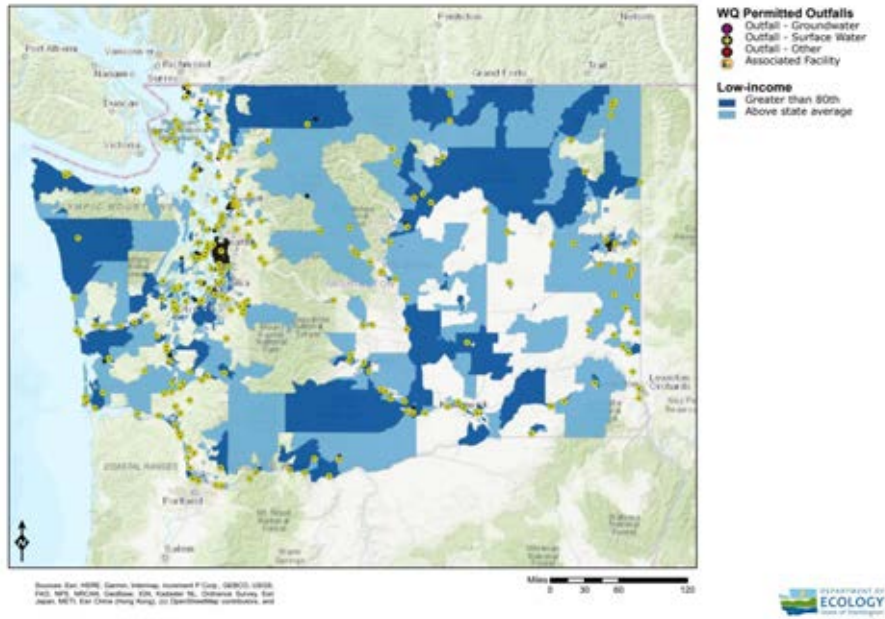
See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Disproportional Impact Considerations:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

August 24, 2022

Municipal NPDES Permits and Low Income



Other Collateral Connections

Puget Sound Recovery:

This request supports Puget Sound Action Agenda implementation through Ongoing Program: OGP_ECY34: Water Quality - Control Stormwater and Wastewater Pollution (Department of Ecology) and Orca Task Force Recommendation 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.

This request also supports the following Vital Signs, Strategies, Desired Outcomes, and Actions in the 2022-2026 Puget Sound Action Agenda:

- Vital Signs – Marine Water, Toxics in Aquatic Life and Shellfish Beds
- Strategies – #10 Stormwater Runoff and Legacy Contamination and #11 Wastewater Systems
- Desired Outcomes -
 - #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
 - #2.2.1. Municipal wastewater discharges of nutrients to Puget Sound meet water quality-based effluent limits and other requirements of the nutrients general permit
 - #2.3.1. Municipal wastewater discharges of disease-causing (pathogenic) bacteria and viruses to Puget Sound meet water quality-based effluent limits
 - #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 –
 - #37 Develop a permit framework for advanced wastewater treatment to reduce nutrient discharge and other pollutants and provide technical and financial support for implementation
 - #38 Increase compliance monitoring, technical assistance, and enforcement to improve wastewater treatment plants
 - #39 Implement priority upgrades of municipal and industrial wastewater facilities in urban and urbanizing areas to reduce disease-causing bacteria and viruses and their effect on Puget Sound
 - #41 Find and fix toxic hotspots
 - #154 Prevent and reduce combined sewer overflows
 - #211 Promote appropriate reclaimed water projects to reduce pollutant loading to Puget Sound

State Workforce Impacts:

N/A

Intergovernmental:

Local governments impacted by this request operate approximately 250 of the wastewater treatment permits. At the direction of SSB 5585, Ecology formed an advisory committee to provide recommendations on equitable permit fee increases for all permittees.

Stakeholder Response:

The advisory committee includes representation from permittees representing local governments, environmental organizations, Washington State Association of Counties, and Association of Washington Cities. The advisory committee will meet through the summer and fall of 2022, and is required to provide a recommendation by the end of 2022. There is support for a fee increase to address the backlog. This budget request represents Ecology’s analysis of the level of funding needed to do that. As of September 2022, the advisory committee is considering options for increasing their permit fees to pay for this request. A final recommendation is expected in December 2022.

Of the wastewater treatment plants in this request, 13 of them are non-government entities that would be effected by a fee increase. These permittees will be notified of any fee increase through the rulemaking process. Another 21 wastewater treatment plants are subject to a different fee schedule and would not be impacted by the fee increase considered in this request.

State Facilities Impacts:

N/A

Changes from Current Law:

Water quality permit fees are established in WAC 173-224-040. Ecology initiated rulemaking in June 2022 to establish fees for the 2023-25 biennium. An increase in permit fees to generate the revenue to support this request will be included in this rulemaking. Ecology expects to publish the proposed rule in March 2023 and adopt a final rule in May 2023. New fees will start July 1, 2023.

Legal or Administrative Mandates:

This request is in direct response to Substitute Senate Bill (SSB) 5585, which passed in 2022 and removed the cap on municipal wastewater permit fees. SSB 5585 requires Ecology to demonstrate progress towards achieving the goal of reducing wastewater discharge permit backlog to no more than 40 percent by July 1, 2025 and not more than 20 percent by July 1, 2027.

Permittees supported SSB 5585, with a commitment from Ecology to convene an advisory committee to recommend appropriate fees and fee structure to cover the costs of managing wastewater treatment plant permits – including providing on-the-ground technical assistance to treatment plants as issues arise to help permittees stay in compliance. Ecology formed an advisory committee that began meeting in July 2022 to provide recommendations on a revised municipal treatment plant permit fee structure by the end of the year.

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
	2024	2025	2023-25	2026	2027	2025-27
Obj. A	\$1,352	\$1,352	\$2,704	\$1,352	\$1,352	\$2,704
Obj. B	\$493	\$493	\$986	\$493	\$493	\$986
Obj. E	\$73	\$73	\$146	\$73	\$73	\$146
Obj. G	\$34	\$34	\$68	\$34	\$34	\$68
Obj. J	\$18	\$18	\$36	\$18	\$18	\$36
Obj. T	\$531	\$531	\$1,062	\$531	\$531	\$1,062

Agency Contact Information

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Agency Recommendation Summary

Over the years, the number and complexity of water quality permits for commercial and industrial facilities has grown much more than staffing levels. This request includes four parts to increase staffing resources to meet increased demand for these services. Increased staffing is needed to 1) reduce the current backlog of individual industrial wastewater permits that are expired, 2) process permit applications for sector-specific general wastewater permits and conduct compliance inspections for sand & gravel permittees, 3) process application documents for industrial stormwater and construction stormwater general permits, and 4) provide support for permit-related legislative requests, state performance reporting, and accessible and user-friendly guidance and publications. Related to Puget Sound Action Agenda Implementation. (Water Quality Permit Account)

Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
Staffing						
FTEs	18.4	18.4	18.4	18.4	18.4	18.4
Operating Expenditures						
Fund 176 - 1	\$2,565	\$2,565	\$5,130	\$2,565	\$2,565	\$5,130
Total Expenditures	\$2,565	\$2,565	\$5,130	\$2,565	\$2,565	\$5,130

Decision Package Description

Overview

Ecology implements the state Water Pollution Control Act under the authority of Chapter 90.48 RCW, and has delegated authority from the Environmental Protection Agency (EPA) to administer the National Pollutant Discharge Elimination System (NPDES) program, which is a requirement of the federal Clean Water Act. Ecology protects the state’s waters by issuing state waste discharge and NPDES permits to help manage when, where, and how treated wastewater and stormwater enters the environment.

This request includes four parts to bring in needed staffing resources for industrial and commercial sector water quality permits to meet increased demand for these services. These staff are needed to:

1. Reduce the current backlog of individual industrial wastewater permits that are expired and need to be reissued.
2. Process application documents and submittals for sector-specific general wastewater permits and conduct compliance inspections for sand & gravel permittees.
3. Process application documents and submittals for the industrial stormwater and construction stormwater general permits.
4. Provide support for permit-related legislative requests, state performance reporting, and accessible and user-friendly guidance and publications.

Individual Industrial Permit Backlog

Ecology issues water quality discharge permits for commercial and industrial facilities in accordance with state and federal laws. An individual permit includes discharge limits for specific pollutants, monitoring and reporting requirements, operation and maintenance requirements, and other specific conditions related to past performance. A permit’s expiration date is five years after it takes effect.

As of August 2022, there are 420 industrial permits in the following categories experiencing a 44 percent backlog of expired permits because we do not have sufficient permit and technical staff resources to process renewals:

- Industrial Discharge to Publicly-Owned Treatment Works - These permits, also called pretreatment permits, cover industries that discharge their process wastewater to public sewage treatment plants, excluding industrial stormwater. We are responsible for issuing both the industrial state waste discharge permit and the discharge permit for the POTW. These permits could be a state waste discharge permit or a NPDES permit.
- Industrial Discharge to Surface Water - We issue individual permits for all industries discharging wastewater to surface water. We may include stormwater discharges from an industrial facility under the individual permit when coverage requirements are not met for the industrial stormwater general permit.
- Industrial Discharge to Groundwater - These permits cover industries that discharge to groundwater through processes such as land treatment or infiltration.

If a permit holder re-applies for the permit on time (at least 180 days prior to expiration), the expired permit remains in effect and enforceable, but it may not be modified. For example, if an industrial facility discharges to a wastewater treatment plant, Ecology is unable to modify the permit to accommodate new requirements associated with the receiving wastewater treatment plant.

In addition, expired permits do not allow Ecology to incorporate pollutant-loading allocations approved in Total Maximum Daily Loads (TMDL) into industrial permits. TMDL requirements can only be imposed on a point-source discharge when a permit is modified or reissued. Adding pollutant-loading restrictions to permits is important to bring a waterbody into attainment with water quality standards. Renewing permits in a timely way ensures the permit is based on and utilizes the most current analytical methods, water quality standards, best management practices, technological advances, and EPA-approved wasteload allocations.

The permit backlog has increased over time to a critical point in which Ecology’s inability to reissue permits is negatively affecting Ecology’s ability to reduce pollution loads by reissuing permits based on current water quality standards. Since 2000, the number of individual industrial wastewater permits has increased from 88 to over 420, or a **350 percent increase over 22 years** – roughly 15 percent per year. Over the same period, Ecology’s Water Quality Program has grown from 217 to 273 FTEs or a 25 percent increase in staff over 22 years – roughly 1 percent per year.

As of June 2022, Ecology administers 420 individual industrial permits with 12.6 FTEs, an average of 33.4 permits per FTE. The average backlog is 44 percent of permits expired, with a higher percentage in the Eastern and Central Regions.

Region	Number of Permits	Existing FTE	Permit to Staff Ratio
Northwest	124	3.1	40:1
Southwest	136	4.0	34:1
Eastern	86	2.7	32:1
Central	75	2.9	26:1

Reducing the Permit Backlog

This request will reduce the permit to staff ratio to 20 permits per FTE by adding nine new staff, creating capacity for both timely permit development and compliance assurance activities, which are both important Clean Water Act delegation metrics. These positions will be strategically located in the regions where the backlog issue is the greatest. Ecology’s workload analysis demonstrates approximately one permit staff person can effectively manage 20 individual industrial permits.

Region	Current Permit to Staff Ratio	Additional Permit Staff in this Request	New Permit to Staff Ratio
Northwest	40:1	3.0	20:1
Southwest	34:1	3.0	20:1
Eastern	32:1	2.0	20:1
Central	26:1	1.0	20:1

In addition, one new unit supervisor is needed to maintain a manageable staff ratio in the Northwest Region, which serves our most populous communities. Without a new supervisor, the current supervisor would manage 15 people, which would not be effective or sustainable.

Industrial Sector-Specific General Permits

In addition to individual industrial permits, Ecology develops and implements general permits to conditionally authorize discharges from various sectors of commercial and industrial facilities and activities. Examples include sand and gravel facilities, Concentrated Animal Feeding Operations (CAFOs) general permits, aquatic pesticide applications, bridge washing, and vessel deconstruction. The highest demand for this grouping of permits is for the sand and gravel sector with over 850 permittees statewide.

These general permits currently lack dedicated permit administration staff, resulting in customer service delays related to issuing, modifying, or transferring permits. The current administrative workload of general permits falls largely on permit writers, inspectors, and permit administrators. This causes a reduced ability to process legally required permit actions, provide technical assistance, conduct inspections, and respond to permit holders and public stakeholders. One additional FTE will provide administrative support to these sector-wide industrial wastewater general permits. In addition, one FTE in each of the Northwest and Eastern Regions will focus on sand and gravel compliance inspections and technical assistance.

Construction and Industrial Stormwater General Permits

Ecology also administers approximately 4,150 general permits for construction and industrial stormwater, which represents 65 percent of all water quality permits. Currently, only 4.3 FTEs are available to process permit applications, issue coverages, and set up electronic reporting according to the EPA’s eReporting requirements. This limits Ecology in meeting our goal to evaluate and improve processes and timelines for water-related permitting decisions as stated in Ecology’s strategic plan, and our commitment to a 60-day performance measure for construction permit coverages. This request includes increasing resources by two FTEs to issue permit coverages and associated actions in a timely manner; ensure electronic reporting is up-to-date; review and approve site-specific corrective actions, provide technical assistance; evaluate discharge

monitoring reports and other submittals for compliance; and be responsive to regional inspectors, permittees, and the public. This additional capacity will relieve higher paid staff to focus on permit oversight and compliance.

Permitting Performance Reporting & Accessibility

This request also includes one FTE dedicated to track performance, policy, and legislative reporting requirements related to water quality permits and one FTE to help with publications and outreach materials to meet accessibility and Title VI requirements, develop templates and forms to help streamline customer experience, and improve guidance and technical assistance materials.

Permittees pay a fee to obtain a water quality permit. Chapter 173-224 WAC implements RCW 90.48.465 and requires Ecology to establish, by rule, annual fees to recover the cost of administering the wastewater and stormwater permit programs. Ecology intends to use existing fund balance to cover the costs of this request. The increase in permit numbers has also increased permit revenue. The Water Quality Permit Account has sufficient fund balance through the next biennium to support the \$2,721,000 appropriation. Ecology will re-evaluate revenue needs for the 2025-27 biennium and may consider permit fee increases at that time if revenue is insufficient to cover the costs of this work into the future.

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. This request will limit pollutants from over 5,600 water quality permittees to increase the level of customer service provided to industrial wastewater individual permittees, sector-specific wastewater general permittees, construction and industrial stormwater permittees, and the public. Addressing pollutants in point source discharges is critical for fish and aquatic life to survive and protecting human health. The public will be better protected from pollution sources from direct discharges to surface waters and to the ground.

Alternatives Explored:

Ecology considered two alternatives (in addition to seeking opportunities for permitting process improvements and efficiencies) related to staffing commercial and industrial wastewater permits workload. We determined the preferred alternative is a permit to staff ratio of 20 permits per FTE over the next five years. Other alternatives were fewer than 20 permits per staff. Fewer permits per FTE, while ideal, is not feasible to achieve within the next biennium due to challenges with hiring and supervising new staff. Future budget requests may be needed to reach a lower permit to staff ratio after the results of this request are achieved and reviewed.

Consequences of Not Funding This Request:

If this request is not funded, the backlog of individual industrial wastewater permits would continue to be a problem. Businesses would not get the technical assistance needed to make informed decisions about managing their discharges. The backlog also affects administration of annual permit fees if permit records do not adequately reflect current business operations, which results in charging inaccurate fees.

Beyond these operational impacts, water quality would suffer, because pollutants may be discharged at levels that are no longer considered permissible. Reissuing permits on a timely basis ensures the most current water quality standards, analytical methods, and latest technologies are incorporated. A lack of adequate staff also means facilities are inspected less often, which can result in a drop in compliance by permittees, putting their business at risk. Without this funding and adequate staffing, Washington waters would be at higher risk of contamination.

The permitting program is designed to protect Washington's waters, but it must be kept current and staffed adequately, or it will lack the oversight it was built to provide.

Assumptions and Calculations

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

This request expands activity A032 Prevent Point Source Water Pollution by adding additional staff needed to 1) reduce the current backlog of individual industrial wastewater permits that are expired and need to be reissued, 2) process application documents and submittals for sector-specific general wastewater permits and conduct compliance inspections for sand & gravel permittees, 3) process application documents and submittals for the industrial stormwater and construction stormwater general permits, and 4) provide support for permit-related legislative requests, state performance reporting, and accessible and user-friendly guidance and publications. Below is a summary of the 2019-21 and 2021-23 base funding and FTEs for this activity. Administrative Overhead related to this activity is in the agency's Administration Activity A002, and is not included in the totals below.

A032 – Prevent Point Source Water Pollution		
	2019-21	2021-23
FTEs Total	92.85	101.7
001-1 General Fund - State	\$1,160,000	\$943,000
001-2 General Fund - Federal	\$1,070,000	\$307,000
001-7 General Fund – Private/Local	\$878,000	\$0
176-1 Water Quality Permit	\$21,909,000	\$22,256,000
21H-1 Wastewater Treatment Plant Op Cert.	\$0	\$512,000
23P-1 Model Toxics Control Operating	\$1,369,000	\$1,253,000
TOTAL	\$26,386,000	\$25,271,000

Detailed Assumptions and Calculations:

Ecology requires the following resources to address the industrial discharge permitting workload:

- 8.0 FTEs Environmental Engineer 3 as individual industrial permit developers and managers – two in the Eastern Region, three in the Southwest Region, and three in the Northwest Region. Permit staff write permits, incorporate changes to water quality standards, coordinate with TMDL staff on new parameters, review and approve design plans, provide technical assistance during the life the permit, and respond to inquiries from the public. While engineers are involved in permitting writing and compliance, they focus much of their time on treatment engineering review and technical assistance on discharge treatment systems.
- 1.0 FTE Environmental Specialist 4 as a senior permit manager in the Central Region to write permits, incorporate changes to water quality standards, coordinate with TMDL staff on new parameters, conduct inspections and respond to inquiries from the public. This position coordinates any engineer review with the EE3s, as needed.
- 1.0 FTE Washington Management Service as a new unit supervisor in the Northwest Region. This supervisor is necessary to balance the staff to supervisor ratios in this region, which would be too large for the existing supervisor to manage, if the FTEs in this request are funded.
- 2.0 FTEs Environmental Specialist 4 dedicated to inspections and technical assistance for sand and gravel general permits – one in the Northwest Region and one in the Eastern Region. These staff would focus on being in the field and ensuring compliance with best management practices for sand and gravel operations and preventing pollution runoff before it starts.
- 3.0 FTEs Environmental Specialist 3 to provide industrial and construction general permit administration and support at headquarters. These staff would issue general permit coverages in a timely manner; ensure electronic reporting is up-to-date; review and approve site-specific corrective actions, provide technical assistance; evaluate discharge monitoring reports and other submittals for compliance; and be responsive to regional inspectors, permittees, and the public.
- 1.0 Environmental Planner 1 as program support to track performance measures, policy, and legislative reporting requirements related to water quality permits.
- 1.0 FTE Communications Consultant 3 to support development of water quality publications, templates, permit guidance documents and manuals, and focus sheets. This person will help meet accessibility and Title VI requirements, develop templates and forms to help streamline customer experience, and improve guidance and technical assistance materials.

Workforce Assumptions:

Expenditures by Object		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
A	Salaries and Wages	1,383,821	1,383,821	1,383,821	1,383,821	1,383,821	1,383,821
B	Employee Benefits	505,094	505,094	505,094	505,094	505,094	505,094
E	Goods and Services	77,344	77,344	77,344	77,344	77,344	77,344
G	Travel	35,744	35,744	35,744	35,744	35,744	35,744
J	Capital Outlays	19,680	19,680	19,680	19,680	19,680	19,680
T	Intra-Agency Reimbursements	543,064	543,064	543,064	543,064	543,064	543,064
	Total Objects	2,564,747	2,564,747	2,564,747	2,564,747	2,564,747	2,564,747

Staffing

Job Class	Salary	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
ENVIRONMENTAL SPECIALIST 3	63,214	3.00	3.00	3.00	3.00	3.00	3.00
ENVIRONMENTAL SPECIALIST 4	73,262	1.00	1.00	1.00	1.00	1.00	1.00
ENVIRONMENTAL ENGINEER 3	98,587	5.00	5.00	5.00	5.00	5.00	5.00
KING CO - ENVIRONMENTAL ENGINEER 3	106,881	3.00	3.00	3.00	3.00	3.00	3.00
ENVIRONMENTAL PLANNER 1	54,491	1.00	1.00	1.00	1.00	1.00	1.00
KING CO - WMS BAND 1	107,000	1.00	1.00	1.00	1.00	1.00	1.00
COMMUNICATIONS CONSULTANT 3	66,423	1.00	1.00	1.00	1.00	1.00	1.00
KING CO - ENVIRONMENTAL SPEC 4	79,425	1.00	1.00	1.00	1.00	1.00	1.00
FISCAL ANALYST 2		1.60	1.60	1.60	1.60	1.60	1.60
IT APP DEVELOPMENT-JOURNEY		0.80	0.80	0.80	0.80	0.80	0.80
Total FTEs		18.40	18.40	18.40	18.40	18.40	18.40

Explanation of costs by object:

Salary estimates are current biennium actual rates at Step L.
 Benefits are the agency average of 36.5% of salaries.
 Goods and Services are the agency average of \$4,834 per direct program FTE.
 Travel is the agency average of \$2,234 per direct program FTE.
 Equipment is the agency average of \$1,230 per direct program FTE.
 Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 28.75% 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.

Strategic and Performance Outcomes

Strategic Framework:

This request is essential to achieving the Governor’s Results Washington Goal 2 - Prosperous Economy because it will fund the resources Ecology needs to provide businesses the technical assistance they need to stay in compliance with their permit requirements and reduce the risk to their business.

This request is essential to achieving the Governor’s Results Washington Goal 3 - Sustainable Energy and a Clean Environment and Goal 4 - Healthy and Safe Communities; and Ecology’s Goal 4 - Protect and Manage our State’s Waters because it will fund the resources Ecology needs to implement the state’s water quality standards that protect human health and the environment by ensuring safe drinking water and safe access to water for recreation and commerce.

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 Ecology needs to:

- Issue and renew industrial wastewater permits in a timelier manner.
- Reduce complaints about expired permit coverage and lack of technical assistance.

This request also broadly 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. Improves stormwater management

Performance Measures	Incremental Changes 2024	Incremental Changes 2025	Incremental Changes 2026	Incremental Changes 2027
001563 - Percentage of active water quality discharge permits that are up to date.	5%	5%	5%	5%

Performance Outcomes:

This request will make it possible to increase the percentage of active water quality discharge permits that are up to date over the next four years by 20 percent so that we can reach our target of 80 percent.

Over time, updating and renewing commercial and industrial permits will reduce pollutant loading and improve water quality. The outcome of this request will be renewed permits that incorporate current water quality standards, pollutant loading limitations, and latest best management practices. Ecology will be more responsive to permittees needs and provide a greater level of customer service. In the future, permits will be monitored and renewed on a regular basis thereby improving water quality and protecting the environment.

Equity Impacts

Community outreach and engagement:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Disproportional Impact Considerations:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Target Populations or Communities:

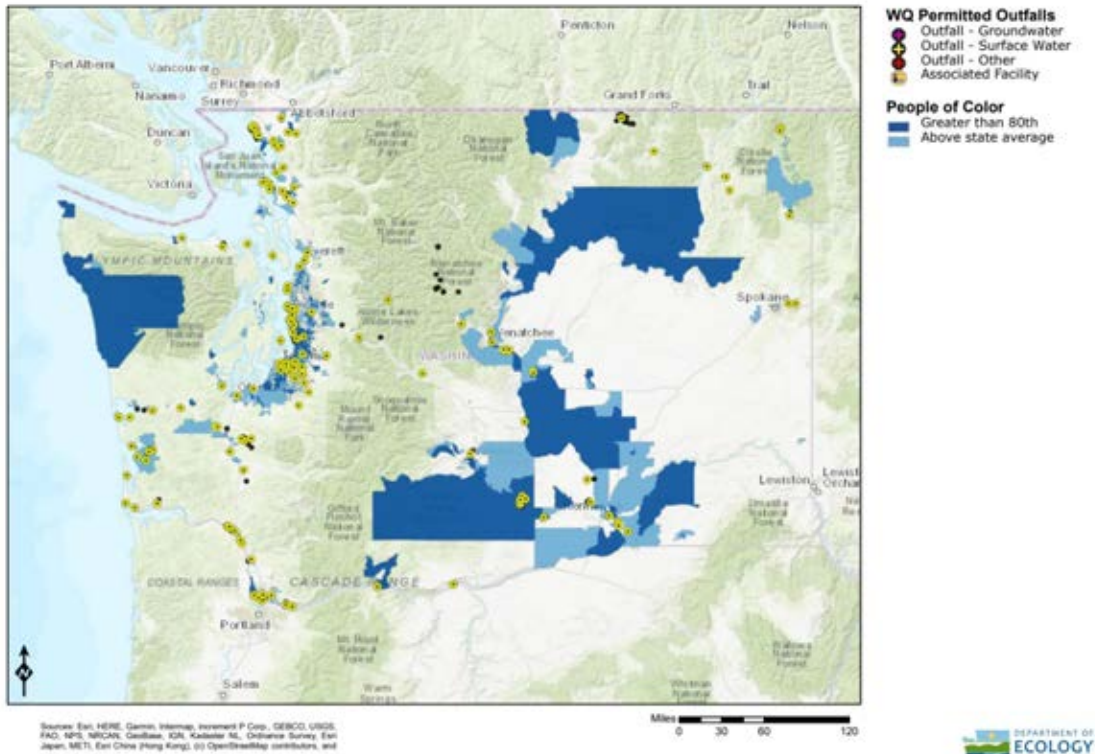
Washington’s industrial facilities are concentrated in areas of the state that are overburdened by environmental health disparities (rank of 9 or 10 in the Washington Department of Health Environmental Health Disparity index). By adequately staffing our industrial wastewater program, we are better able to serve and protect the most vulnerable communities that are most affected by industrial discharges. Increased staffing will help to expand access for communities affected by our work by giving us space to focus on addressing the needs and tailoring our outreach to these communities. Staff will be trained on how to identify overburdened communities, develop effective communications plans, and improve equitable access to the benefits and protections of our work to overburdened communities.

This request includes one FTE to assist with publications and outreach materials to, in part, ensure that our work considers environmental justice

and the HEAL Act obligations, expands access to and engagement with our work, and meets Title VI nondiscrimination requirements. The work and products of this FTE will help increase opportunities for employees to establish and evaluate best and promising practices for conducting outreach and engagement with overburdened communities impacted by permit decisions, including making decisions on appropriate accessibility standards and language translation and interpretation services. This position also provides the opportunity to evaluate the impact of inspections in overburdened communities.

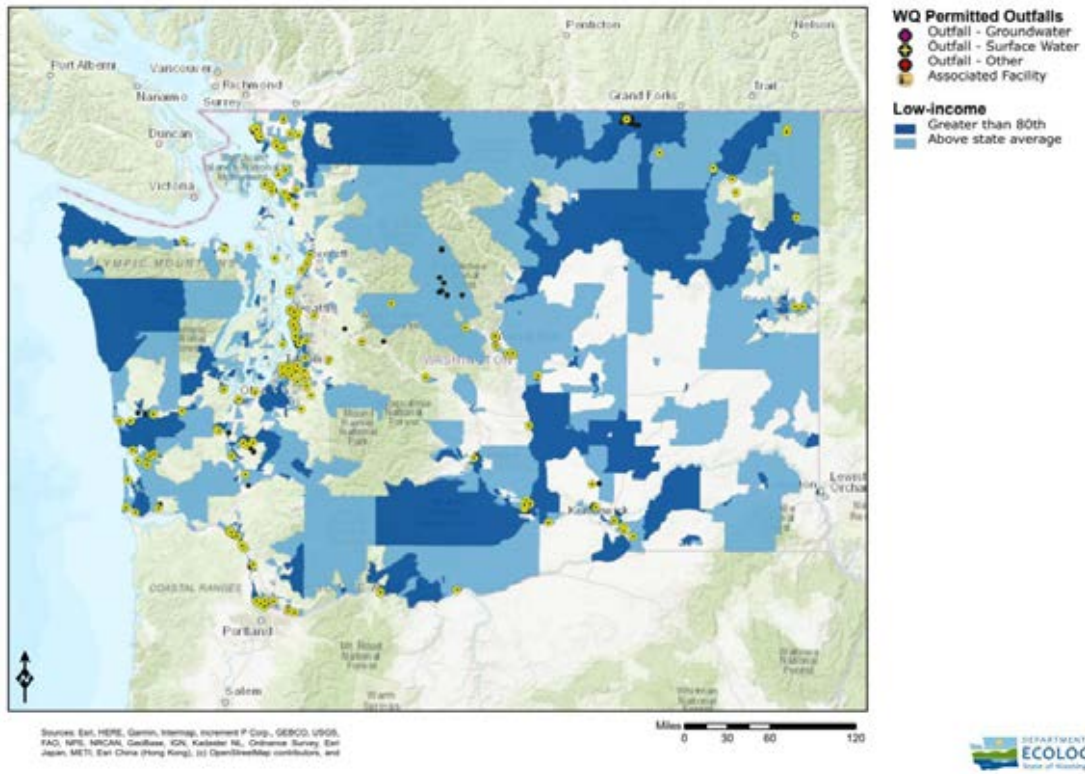
Below are maps of industrial individual permits and their locations compared to areas with a high percentage of People of Color and Low Income. These maps illustrate that many of outfalls are in areas above the state average with People of Color or Low Income.

Industrial NPDES Permits and People of Color



August 25, 2022

Industrial NPDES Permits and Low Income



Other Collateral Connections

Puget Sound Recovery:

This request supports Puget Sound Action Agenda implementation through Ongoing Program: OGP_ECY3 4: Water Quality - Control Stormwater and Wastewater Pollution (Department of Ecology) and Orca Task Force Recommendation 32: Improve effectiveness, implementation and enforcement of National Pollutant Discharge Elimination System permits to address direct threats to Southern Resident orcas and their prey.

This request also supports the following Vital Signs, Strategies, Desired Outcomes, and Actions in the 2022-2026 Puget Sound Action Agenda:

- Vital Signs - Toxics in Aquatic Life and Shellfish Beds
- Strategies – #10 Stormwater Runoff and Legacy Contamination and #11 Wastewater Systems
- Desired Outcomes - #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 and #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 - #39 Implement priority upgrades of municipal and industrial wastewater facilities in urban and urbanizing areas to reduce disease-causing bacteria and viruses and their effect on Puget Sound and #41 Find and fix toxic hotspots.

State Workforce Impacts:

N/A

Intergovernmental:

Not all industrial wastewater discharges are from commercial enterprises. Public entities conduct activities that generate industrial wastewater, such as bridge washing. Other industrial wastewater is generated during activities designed to improve environmental conditions, such as vessel deconstruction. Governments and commerce alike will benefit from the increase in capacity to regulate wastewater discharges.

Stakeholder Response:

Some permittees may not want their permits to be kept up-to-date, because they do not want to adjust their processes to protect water quality. However, the public, many permittees, and nongovernmental organizations are interested in protecting and restoring our environment and will support this request. Having a visible field presence on industrial sites is a vital part of the effectiveness of the permitting program.

State Facilities Impacts:

N/A

Changes from Current Law:

N/A

Legal or Administrative Mandates:

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
	2024	2025	2023-25	2026	2027	2025-27
Obj. A	\$1,384	\$1,384	\$2,768	\$1,384	\$1,384	\$2,768
Obj. B	\$505	\$505	\$1,010	\$505	\$505	\$1,010
Obj. E	\$77	\$77	\$154	\$77	\$77	\$154
Obj. G	\$36	\$36	\$72	\$36	\$36	\$72
Obj. J	\$20	\$20	\$40	\$20	\$20	\$40
Obj. T	\$543	\$543	\$1,086	\$543	\$543	\$1,086

Agency Contact Information

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Agency Recommendation Summary

Ecology is proposing an adjudication of water rights in the Nooksack watershed (throughout Water Resource Inventory Area [WRIA] 1). Water is critical for fish, wildlife, recreation and all economies in the Nooksack watershed, but uncertainties about Tribal senior water rights, unquantified claims, and the validity of water uses pose ongoing impediments to effective water management to support the state’s environment and economy. Adjudication of WRIA 1 will provide urgently needed resolution of water rights disputes (Adjudication of Lake Roosevelt and Middle Tributaries is addressed in a separate decision package). Ecology is requesting \$2.74 million to conduct a general adjudication of surface and groundwater rights that will determine who has a legal right to use water, including the federal government and Indian Tribes (Lummi Nation and Nooksack Tribe), and the priority and quantity of each right. (General Fund-State)

Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
Staffing						
FTEs	6.3	9.8	8.05	9.8	9.8	9.8
Operating Expenditures						
Fund 001 - 1	\$1,363	\$1,375	\$2,738	\$1,375	\$1,375	\$2,750
Total Expenditures	\$1,363	\$1,375	\$2,738	\$1,375	\$1,375	\$2,750

Decision Package Description

Background/Context

The uncertainty of legally available water is a challenge statewide, and some watersheds face particularly significant uncertainty in this area. “Uncertainty” here means that Ecology cannot definitively determine how much water is legally available for use; how much water is legally required for habitat; who is entitled to its use; whether the rights, certificates, and claims to water are valid; or the legal priority of water rights during water shortages. Lack of clarity about who has the legal right to use water creates obstacles to current and future water management in the face of increasing competition for in- and out-of-stream needs. The Nooksack Tribe and Lummi Nation have requested this adjudication through a petition to Ecology. Many local stakeholders support adjudication, although others oppose it.

Adjudication applies state law of “prior appropriation” to all existing water rights in an area identified by Ecology. This is a comprehensive and meticulous process where Ecology files a petition in court and sends notice to all water users. The court sets deadlines and establishes a process for users to submit claims for Ecology review. Ecology submits reports of findings to the court with a recommendation as to the legal quantity, priority date, purpose and place of use of each water right. The court then hears objections, issues final rulings, and lists the final water rights on a decree. The decree is an inventory of all water rights by priority date, location, and quantity. For more information about the adjudication process, refer to Ecology’s legislative report and publication, *Process for Conducting a Water Rights Adjudication* (<https://apps.ecology.wa.gov/publications/SummaryPages/1011013.html>).

To date, only one general stream adjudication joining Tribal and federal parties has occurred in Washington state courts, and it was specific to only surface water (did not address groundwater withdrawals). Ecology has concluded the superior court phase of adjudication of surface water rights in the Yakima Basin in *Dept. of Ecology v. Acquavella et al.*, Superior Court for Yakima County.

The Yakima Basin surface water adjudication took many years and ultimately produced certainty among users, the Yakama Nation, the United States Bureau of Reclamation (USBR), and facilitated the wide-ranging water projects within the Yakima Basin Integrated Plan. Although dozens of small, local drainages have been adjudicated, comprehensive, general stream adjudications have not yet been conducted in Washington’s other 61 watersheds. Future adjudications are expected to be significantly more efficient than *Acquavella*, due to amendments and clarifications in the law and innovations in technology.

This request does not require changes to the law. The current statutory framework clearly prioritizes rights between competing water needs (“prior appropriation”). But the law is not self-executing, and Ecology cannot fully manage water, including protecting federal and Tribal rights, without using the tool of adjudication.

NOTE: More detailed and complete background related to Ecology’s recommendation for adjudication is in Ecology’s 2020 Water Resources Adjudication Assessment Legislative Report (<https://apps.ecology.wa.gov/publications/SummaryPages/2011084.html>).

Current Condition/Problem Statement

In 2019, the Legislature directed Ecology to conduct a statewide overview of the need for water rights adjudications, and then assess, in detail, four watersheds with substantial uncertainty about legal water use. In 2021, the Legislature funded Ecology’s preparation for adjudication in two

of these watersheds that face profound and time-sensitive needs for improved water regulation: The Nooksack (WRIA 1) and the Lake Roosevelt area. This request is for funding to proceed with filing an adjudication in the Nooksack (WRIA 1) basin to address:

- Tribal claims for water and likely impacts on state water management and water availability, and the need for integration between State and Tribal water management both on and off reservation.
- Chronic local water disputes due to the unresolved legal status of Tribal rights, streamflow rules, and state water rights (irrigation, municipal, domestic, and industrial).
- Restricted ability for Ecology to fairly and comprehensively protect legal water use, enforce against unlawful water use, and ensure streamflow protection.
- Challenges to local growth management and other planning that rely on clarity of legal water availability.
- Cost-intensive and unpredictable results when changing and transferring water rights. This inhibits establishment of water mitigation banks, which are critical tools to protect streamflow while allowing out-of-stream uses.
- Ongoing investment of time and expense, over many years, in local efforts that have not yet yielded complete or satisfactory water management solutions, despite widespread good-faith efforts and resources.
- Increasing uncertainty and risk of water disputes with neighboring jurisdictions, sovereign Tribes, and federal parties.
- Disproportionate impact to the natural resources (including critical habitat for listed salmon) and subsistence and economies of Tribal communities, where historic inequity has compromised the health and safety of Native people for generations.
- Lost opportunities for multilateral negotiation of water resource solutions that court decrees will protect through an open and established court adjudication process.

Unique opportunity to proceed efficiently

In 2019 and 2020, a unique opportunity arose when the Lummi Nation and Nooksack Tribe petitioned Ecology under state law to use the state's court process for water right adjudication purposes. Historically, Tribes have resisted state jurisdiction over treaty and reservation water, which has led to many years of litigation over jurisdiction and venue by Tribal and federal parties when states pursue adjudication. The petitions demonstrate that these Tribes asked for the determination of their priority and quantity of water rights in the courts of Washington (Whatcom County Superior Court rulings may be appealed to State Appellate and Supreme Courts; certain issues of the Washington State Supreme Court may be reviewed by the U.S. Supreme Court).

The Tribes' request to enter state courts to resolve water rights presents an unprecedented opportunity to make immediate progress to address the fundamental legal foundations of water management. With the willing participation of Tribal governments, the state court's determination of the legal status of water rights can proceed.

To bring Tribal and federal parties into state court, however, the state must adjudicate all pertinent water users in a comprehensive general stream adjudication. Adjudication will apply the law fairly and consistently to all claimants of a water source, including individual, municipal, Tribal, federal, and instream flow water rights.

Proposed Solution

Adjudications of water rights in WRIA 1 will begin a long-term but necessary process. This work will result in a court decree resolving conflicts and claims for water rights among all parties. Ecology will have an accurate inventory of water rights for enforcement, changes, and new permit decisions. Water users whose water rights are now only tentative will have more certain and permanent water rights established in the adjudication.

Certainty of water rights will allow for secure, long-range planning for water use and protection. Adjudicated rights can be accurately valued in efficient water markets, and security of legal status can support investments in water-related infrastructure.

During the 2021-23 biennium, Ecology conducted pre-adjudication work. This included coordinating with the Administrative Office of the Courts, superior courts, and Attorney General's Office to prepare for case filing; establishing the databases and technology to manage records and enhance efficiency during the case; and defining details of how an adjudication would proceed in the Nooksack Basin. Ecology is now ready to implement the work done during pre-adjudication and begin the court process.

This request will allow Ecology to file the case, serve all applicable parties, and begin the process of adjudication in Whatcom County Superior Court.

Purchase Description

This request will fund staff to file the adjudication in Whatcom County Superior Court and to manage and respond to major wide-scale litigation

that includes thousands of water users. Staff will include a manager, specialists, and other positions described below. Ecology's request herein also includes the costs of summons by certified mail and publication. It also includes funds for support through the Attorney General's Office (AGO). Administrative Office of the Courts (AOC) will independently request funds for Whatcom County Superior Court's support of adjudication, and those costs are not included in this request.

This funding will allow Ecology to preserve and continue work done to date to prepare for the adjudication. During the pre-adjudication phase, Ecology made significant progress toward pre-adjudication work. Continued funding will allow Ecology to initiate the court filings in fiscal year 2024.

This request will maintain Ecology's current capacity of staff and legal advisors who have been preparing for adjudication. Maintaining existing staff will avoid the costs of losing and/or replacing skills, technical familiarity, and institutional knowledge.

Impact on Population Served:

Adjudication will directly impact water users in the adjudicated watersheds, particularly water rights holders and Tribal populations. There are approximately 5,400 water right holders in the Nooksack Basin, and an estimated 15,000 more who use water on private wells without a permit (Adjudication proceedings do not include water users who obtain water from a municipal purveyor like a city, town, or utility district.). An adjudication will give water right holders a formal determination of their rights to use water, with associated values, affirmed by a court and embodied in the court's decrees.

Aligning water uses with legal rights to use water, through a Superior Court adjudication process, reduces uncertainty about legal availability of water for economic development. Clear legal protection of water rights through a court decree facilitates well-founded permitting and enforcement, benefiting streamflow and ecosystems and protecting endangered species.

Adjudication entails substantial time and expense, but it ultimately resolves and reduces local, state, and legislative conflict over water resources.

Alternatives Explored:

In the 2021-23 biennium, the Legislature funded a "collaborative process" led by Whatcom County to explore the possibility of a negotiated solution to water disputes in WRIA 1. This led to a proposal for a local "solutions table" to bring together governments and stakeholders to discuss water solutions. To date, no formal watershed-wide "solutions" meetings have been attended by all necessary parties. Lummi Nation and Nooksack Tribe have submitted a request to the United States for a federal settlement team to represent Tribal interests in WRIA 1 water management, and Ecology officially supports that request. Ecology participates in efforts for solutions beyond adjudication, but it appears adjudication is a necessary step in this process. Decades of substantial time and resources have been devoted to alternative water management solutions. These alternative solutions have not yet resolved local disputes about water rights despite many years of good-faith effort.

Adjudication is a fundamental water management tool provided for in the law. Ecology is also authorized to adopt streamflow protection rules, approve or deny water right permit applications, and advise counties on legal water availability. However, without a formal adjudication, the other legal mechanisms are insufficient to fairly and completely regulate water use in the basin.

Consequences of Not Funding This Request:

If this request is not funded, the work to date in preparing for adjudication will stall, and Ecology would not be able to file a Nooksack adjudication. This would significantly impair and delay the adjudication process, which would impair state and local government ability to successfully manage water needs in WRIA 1 due to lack of water right certainty. Considerable state, local, and Tribal investments in watershed planning, water supply development, prior litigation, and other flow improvement efforts would continue with limited effectiveness. Current challenges would only get worse with time, as increased demands on the water resource lead to critical decline of habitat and water supply. If funding is discontinued, even temporarily, future attempts at adjudication would be even more expensive and time-consuming than if funding is provided now.

The impacts of water use uncertainty are exacerbated by climate change. Failure to prepare and file adjudication in WRIA 1 threatens irrevocable change to stream habitat, threatened species of salmon, and the communities' ecosystems that depend on them.

Particularly in WRIA 1, Washington and water users would remain vulnerable to claims by Tribal and federal governments in the event Tribes brought action against the state of Washington for impairment of Tribal water rights.

Assumptions and Calculations

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

This request will expand Activity A003 – Implementing Integrated Solutions to Protect Instream Resources by providing funding for additional staff, costs, and legal resources to file adjudication in the Nooksack watershed (WRIA 1). Work on adjudications is only a portion of Activity

A003. There are currently three FTEs doing adjudication work. Below is a summary of the 2019-21 and 2021-23 base funding and FTEs for this activity. Administrative Overhead related to this activity is also in the agency’s Administration Activity A002, but not included in the totals below.

A003 - Implementing Integrated Solutions to Protect Instream Resources		
	2019-21	2021-23
FTEs Total	47.5	37.6
001-1 General Fund State	\$17,302,000	\$14,376,000
001-2 General Fund Federal	\$198,000	\$198,000
001-7 General Fund Private/Local	\$135,000	\$135,000
02P-1 Flood Control Assistance	\$1,508,000	\$0
032-1 St Emerg. Water Projects Revolv	\$40,000	\$40,000
05W-1 State Drought Preparedness	\$204,000	\$204,000
072-1 Water Supply Facilities (Ref 38)	\$171,000	\$174,000
22K-6 Watershed Restoration Enhancement	\$623,000	\$0
489-1 Pension Funding stabilization Account	\$354,000	\$0
TOTAL	\$20,535,000	\$15,127,000

Detailed Assumptions and Calculations:

Assumptions:

1. All funding will be from General Fund-State.
2. Staff will finalize preparation for adjudication and support filing, service, and adjudication work during the 2023-25 biennium.
3. Ecology’s three existing permanent FTEs, currently working on preparing for adjudication, will continue preparation and support filing in the 2023-25 biennium. The FTE resources in this request are in addition to Ecology’s current base of three FTEs.
4. Beginning in Fiscal year 2024, staff (both base and in this request) will finalize filing of an adjudication petition with the Attorney General’s Office, issue summons and service to all parties, and provide substantial customer-service level support to the public.
5. Funding for legal services through the AGO as reflected below and in the AGO budget.
6. AOC requests funds within its own budget submittal for costs related to adjudication.
7. Ecology anticipates the Nooksack adjudication will take between five and ten biennia to complete once filed in Superior Court.

Beginning in fiscal year 2024 and ongoing, Ecology will require:

1. 1.0 FTE Environmental Planner 5 to manage overall project, including communications with local parties and Legislature, oversight of communication plan with local partners, involvement in parallel or complementary water solutions or settlement efforts, coordination with AGO, managing case schedule, managing and directing staff activities to meet case schedule requirements, etc.
2. 4.0 FTEs Environmental Specialist 4 for water rights data; technical and scientific support, including providing customer service to the court, local partners, and all water right holders requiring assistance during the court proceedings. Beginning in fiscal year 2025, 3.0 additional Environmental Specialist FTEs will be required (for a total of 7.0 in fiscal year 2025) to review water right claims and evidence and provide customer service during the proceeding.
3. 0.5 FTE Hydrogeologist 4 to provide scientific and technical analysis and support of water right information to the court, water right holders, and local partners during the court proceedings.
4. 1.0 FTE AAG costs for AGO legal support. The AGO will also request authority in their own budget to match Ecology funding levels.

In fiscal year 2024, Ecology will require \$400,000 one-time funding for certified mailing and other mailing and service costs to all water right holders party to the adjudication.

Beginning July 1, 2023 and ongoing, Ecology will require salary, benefits, and associated staff costs for 6.33 FTEs to support adjudication filing in Whatcom County Superior Court.

Beginning July 1, 2024 and ongoing, Ecology will require salary, benefits, and associated staff costs for 9.78 FTEs to assist with preparing and issuing summons and service requirements to notify relevant entities that they are party to the adjudication. These new FTEs will provide customer service and technical support to the thousands of residents and water users throughout the watershed who are served in adjudication.

Beginning July 1, 2025 and ongoing, Ecology will require salary, benefits, and associated staff costs for 9.78 FTEs to conduct reviews of all water rights claims in the Nooksack adjudication. These new FTEs will assist with preparing and issuing summons and service requirements to notify relevant entities that they are party to the adjudication.

Ecology has coordinated with the AGO and AOC regarding this request. Ecology will need AGO support in the form of legal advice, preparation, and filing of adjudication petitions. For AOC, funding is needed to support new e-filing technology in Whatcom County and an increase in staffing for local superior court clerks and judicial staff as necessary to address the extraordinary costs of high-volume litigation.

Workforce Assumptions:

Expenditures by Object		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
A	Salaries and Wages	439,715	659,501	659,501	659,501	659,501	659,501
B	Employee Benefits	160,496	240,717	240,717	240,717	240,717	240,717
E	Goods and Services	571,587	186,089	186,089	186,089	186,089	186,089
G	Travel	12,287	18,989	18,989	18,989	18,989	18,989
J	Capital Outlays	6,765	10,455	10,455	10,455	10,455	10,455
T	Intra-Agency Reimbursements	172,561	258,813	258,813	258,813	258,813	258,813
Total Objects		1,363,411	1,374,564	1,374,564	1,374,564	1,374,564	1,374,564

Staffing

Job Class	Salary	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
ENVIRONMENTAL PLANNER 5	98,587	1.00	1.00	1.00	1.00	1.00	1.00
ENVIRONMENTAL SPECIALIST 4	73,262	4.00	7.00	7.00	7.00	7.00	7.00
HYDROGEOLOGIST 4	96,159	0.50	0.50	0.50	0.50	0.50	0.50
FISCAL ANALYST 2		0.55	0.85	0.85	0.85	0.85	0.85
IT APP DEVELOPMENT-JOURNEY		0.28	0.43	0.43	0.43	0.43	0.43
Total FTEs		6.33	9.78	9.78	9.78	9.78	9.78

Explanation of costs by object:

Salary estimates are current biennium actual rates at Step L.
 Benefits are the agency average of 36.5% of salaries.
 Goods and Services are the agency average of \$4,834 per direct program FTE.
 \$400,000 is included for one-time certified mailing costs to support service to water right holders, and \$145,000 each fiscal year for AGO legal support costs.
 Travel is the agency average of \$2,234 per direct program FTE.
 Equipment is the agency average of \$1,230 per direct program FTE.
 Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 28.75% 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.

Strategic and Performance Outcomes

Strategic Framework:

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 Waters, because it will fund the resources Ecology needs to resolve conflicts and claims for water rights in the Nooksack watershed. Certainty of water rights will enable state and local government to successfully manage water in WRIA 1 and will improve longstanding inequities for the Lummi Nation and Nooksack Tribes.

This request is essential to achieving the Governor’s Results Washington Goal 2: Prosperous Economy and Goal 3: Sustainable Energy and a Clean Environment because it will encourage local economic development and meet community needs for reliable water supplies, while protecting essential habitats for endangered salmon and the Orca food chain.

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: 4c. Ensure clean, cold water in streams and rivers to build climate resiliency

Performance Outcomes:

The outcome of this request will be the filing and support of adjudication in the Nooksack (WRIA 1) watershed.

Equity Impacts

Community outreach and engagement:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Disproportional Impact Considerations:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Target Populations or Communities:

Insufficient water management disproportionately affects Tribal communities and Tribal members in the Nooksack (WRIA 1). The waters subject to these petitions are a central focus to the culture, identity, and well-being of these Tribes. Securing adequate water is essential for a range of needs among these economically vulnerable populations. These Tribes have steadfastly pursued protection and restoration of salmon populations and other species and habitats without having adequate Tribal participation in water management decisions that affect these environmental and cultural imperatives.

Ecology does not have legal authority to recognize or protect Tribal water rights without an adjudication. Adjudication is the only complete process that will comprehensively address longstanding inequities around water for Lummi Nation and Nooksack Tribe by resolving their claims to water for their reservations and any water for treaty rights fisheries and shellfish. These inequities result from a legal framework that limits Ecology's authorities without adjudication, and adjudication will provide legal clarity and authority for how to proceed.

In the Nooksack watershed, there are strong environmental justice considerations to address Tribal senior water rights and the impacts of water uncertainty on vulnerable populations. This adjudication proposal is both responsive to these longstanding requests from Tribes, and addresses critical natural resource and economic development challenges in these watersheds.

Other Collateral Connections

Puget Sound Recovery:

N/A

State Workforce Impacts:

N/A

Intergovernmental:

Ecology has conducted significant intergovernmental outreach in its adjudication assessment process to date (see details in 2020 Legislative Report). Ecology has engaged with Whatcom County, the City of Bellingham, and other cities, and with the Nooksack Tribe and Lummi Nation and will continue to do so. This request includes Ecology staff time and costs for providing significant outreach throughout the affected communities. Local governments (county, cities, towns and special purpose districts) and the Washington Department of Fish and Wildlife have water rights that will be adjudicated. After the adjudication begins, the Court will determine a schedule these parties to review and submit their water rights. Costs for these parties to participate in the adjudication are indeterminate at this time. Ecology anticipates that all other governmental parties will incorporate any costs within their own budget process.

Ecology will continue to work with the Administrative Office of the Courts and the Whatcom County Clerk to ensure adequate support of impacts of adjudication to local government.

Stakeholder Response:

There is a mix of opposition and support for adjudication, consistent with current disputes over water rights. Individual stakeholder comments and positions received are detailed in Ecology's September 2020 Legislative Report (<https://apps.ecology.wa.gov/publications/SummaryPages/2011084.html>).

Those with strong and senior claims are more inclined to support adjudication than those with junior and less certain claims. The cost of adjudication is a deterrent, but the certainty provided when an adjudication is complete encourages local economic development and environmental protection.

State Facilities Impacts:

N/A

Changes from Current Law:

N/A

Legal or Administrative Mandates:

In its 2021 budget proviso, the Legislature directed Ecology to address outstanding water rights issues in WRIA 1 by preparing for adjudication of state water rights in the Nooksack. ESSB 5092 302(11)(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
	2024	2025	2023-25	2026	2027	2025-27
Obj. A	\$440	\$660	\$1,100	\$660	\$660	\$1,320
Obj. B	\$160	\$241	\$401	\$241	\$241	\$482
Obj. E	\$571	\$186	\$757	\$186	\$186	\$372
Obj. G	\$12	\$19	\$31	\$19	\$19	\$38
Obj. J	\$7	\$10	\$17	\$10	\$10	\$20
Obj. T	\$173	\$259	\$432	\$259	\$259	\$518

Agency Contact Information

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Agency Recommendation Summary

Ecology is proposing an adjudication of water rights in the area of Lake Roosevelt and its Middle Tributaries (Water Resource Inventory Area [WRIA] 58). Water is critical for fish, wildlife, recreation and all economies in the Lake Roosevelt area, but uncertainties about Tribal senior water rights, the U.S. Bureau of Reclamation water right, and the validity of water uses pose ongoing impediments to effective water management to support the state’s environment and economy. Adjudication of Lake Roosevelt will provide urgently needed resolution of water rights disputes (Adjudication of the Nooksack WRIA 1 is addressed in a separate decision package). Ecology is requesting \$1.54 million to conduct a general adjudication of surface and groundwater rights that will determine who has a legal right to use water, including the federal government and Indian Tribes (Spokane Tribe and Colville Confederated Tribes), and the priority and quantity of each right. (General Fund-State)

Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
Staffing						
FTEs	1.7	6.3	4.0	9.8	9.8	9.8
Operating Expenditures						
Fund 001 - 1	\$573	\$963	\$1,536	\$1,375	\$1,375	\$2,750
Total Expenditures	\$573	\$963	\$1,536	\$1,375	\$1,375	\$2,750

Decision Package Description

Background/Context

The uncertainty of legally available water is a challenge statewide, and some watersheds face particularly significant uncertainty in this area. “Uncertainty” here means that Ecology cannot definitively determine how much water is legally available for use; how much water is legally required for habitat; who is entitled to its use; whether the rights, certificates, and claims to water are valid; or the legal priority of water rights during water shortages. Lack of clarity about who has the legal right to use water creates obstacles to current and future water management in the face of increasing competition for in- and out-of-stream needs. The Colville Confederated Tribes have requested this adjudication through a petition to Ecology. The Spokane Tribe has indicated they do not object to adjudication. The United States Bureau of Reclamation (USBR) and its customers, the most significant non-Tribal user of Lake Roosevelt Waters, have been part of regular outreach efforts but have not responded with an official position.

Adjudication applies state law of “prior appropriation” to all existing water rights in an area identified by Ecology. This is a comprehensive and meticulous process where Ecology files a petition in court and sends notice to all water users. The court sets deadlines and establishes a process for users to submit claims for Ecology review. Ecology submits reports of findings to the court with a recommendation as to the legal quantity, priority date, purpose and place of use of each water right. The court then hears objections, issues final rulings, and lists the final water rights on a decree. The decree is an inventory of all water rights by priority date, location, and quantity. For more information about the adjudication process, refer to Ecology’s legislative report and publication, Process for Conducting a Water Rights Adjudication (<https://apps.ecology.wa.gov/publications/SummaryPages/1011013.html>).

To date, only one general stream adjudication joining Tribal and federal parties has occurred in Washington State Courts, and it was specific to only surface water (did not address groundwater withdrawals). Ecology has concluded the superior court phase of adjudication of surface water rights in the Yakima Basin in *Dept. of Ecology v. Acquavella et al.*, Superior Court for Yakima County.

The Yakima Basin surface water adjudication took many years and ultimately produced certainty among users, the Yakama Nation, the USBR, and facilitated the wide-ranging water projects within the Yakima Basin Integrated Plan. Although dozens of small, local drainages have been adjudicated, comprehensive, general stream adjudications have not yet been conducted in Washington’s other 61 watersheds. Future adjudications are expected to be significantly more efficient than *Acquavella*, due to amendments and clarifications in the law and innovations in technology.

This request does not require changes to the law. The current statutory framework clearly prioritizes rights between competing water needs (“prior appropriation”). But the law is not self-executing, and Ecology cannot fully manage water, including protecting federal and Tribal rights, without using the tool of adjudication.

NOTE: More detailed and complete background related to Ecology’s recommendation for adjudication is in Ecology’s 2020 Water Resources Adjudication Assessment Legislative Report (<https://apps.ecology.wa.gov/publications/SummaryPages/2011084.html>).

Current Condition/Problem Statement

In 2019, the Legislature directed Ecology to conduct a statewide overview of the need for water rights adjudications, and then assess, in detail, four watersheds with substantial uncertainty about legal water use. In 2021, the Legislature funded Ecology's preparation for adjudication in two of these watersheds that face profound and time-sensitive needs for improved water regulation: The Nooksack (WRIA 1) and the Lake Roosevelt area. This request is for funding to proceed with filing an adjudication in the Lake Roosevelt area to address:

- Tribal claims for water and likely impacts on state water management and water availability, and the need for integration between State and Tribal water management both on and off reservation.
- Restricted ability for Ecology to fairly and comprehensively protect legal water use, enforce against unlawful water use, and ensure streamflow protection.
- Challenges to local growth management and other planning that rely on clarity of legal water availability.
- Increasing uncertainty and risk of water disputes with neighboring jurisdictions, sovereign Tribes, and federal parties.
- Disproportionate impact to the natural resources and subsistence and economies of Tribal communities, where historic inequity has compromised the health and safety of Native people for generations.
- Lost opportunities for multilateral negotiation of water resource solutions that court decrees will protect through an open and established court adjudication process.

Unique opportunity to proceed efficiently

In 2019, a unique opportunity arose when the Colville Confederated Tribes petitioned Ecology under state law to use the state's court process for water right adjudication purposes. Historically, Tribes have resisted state jurisdiction over treaty and reservation water, which has led to many years of litigation over jurisdiction and venue by Tribal and federal parties when states pursue adjudication. The petition demonstrates that this Tribes asked for the determination of their priority and quantity of water rights in the courts of Washington (Superior Court rulings may be appealed to State Appellate and Supreme Courts; certain issues of the Washington State Supreme Court may be reviewed by the U.S. Supreme Court).

The Tribes' request to enter state courts to resolve water rights presents an unprecedented opportunity to make immediate progress to address the fundamental legal foundations of water management. With the willing participation of Tribal governments, the state court's determination of the legal status of water rights can proceed.

To bring Tribal and federal parties into state court, however, the state must adjudicate all pertinent water users in a comprehensive general stream adjudication. Adjudication will apply the law fairly and consistently to all claimants of a water source, including individual, municipal, Tribal, federal, and instream flow water rights.

Proposed Solution

Adjudications of water rights in Lake Roosevelt will begin a long-term but necessary process. This work will result in a court decree resolving conflicts and claims for water rights among all parties. Ecology will have an accurate inventory of water rights for enforcement, water right changes, and new permit decisions. Water users whose water rights are now only tentative will have more certain and permanent water rights established in the adjudication.

Certainty of water rights will allow for secure, long-range planning for water use and protection. Adjudicated rights can be accurately valued in efficient water markets, and security of legal status can support investments in water-related infrastructure.

During the 2021-23 biennium, Ecology conducted pre-adjudication work. This included coordinating with the Administrative Office of the Courts, superior courts, and Attorney General's Office to prepare for case filing; establishing the databases and technology to manage records and enhance efficiency during the case; and extensive work with Colville Confederated Tribes, Spokane Tribe, and the United States (USBR, Department of Justice, Bureau of Indian Affairs, and the United States Forest Service). Ecology will continue these discussions and conduct local community outreach to complete preparations before filing the case in superior court.

When pre-adjudication work has been completed, this request will allow Ecology to file the case, serve all applicable parties, and begin the process of adjudication in Lake Roosevelt.

Purchase Description

Over the past biennium's preparation, representatives from the DOJ have requested Ecology consider adjusting the proposed adjudication boundaries, which lead to further and ongoing discussions. During this same time, the State Supreme Court issued a decision in *Acquavella VI*, 198 Wn.2d 687, 498 P.3d 911 (2021) that could change available strategic approaches to the scope of future adjudications by making it more

difficult to finalize an adjudication in phases before a final judgment is issued on the entire area. For this reason, Ecology continues to work on hydrographic mapping and legal research to determine appropriate boundaries surrounding Lake Roosevelt for adjudication. If the boundaries are revised, Ecology will need to conduct further local outreach to apprise water users about whether they will be involved in adjudication.

This funding will allow Ecology to preserve and continue work done to date to prepare for the adjudication. Continued funding will allow Ecology to continue to prepare for adjudication in fiscal year 2024:

- Finalize mapping.
- Conduct outreach with local and federal interests.
- Complete consultation with Tribes.

This request will fund staff to file the adjudication when ready and to initiate the court filings by fiscal year 2025 in Superior Court, and manage and respond to major wide-scale litigation that includes hundreds of water users. Staff will include a manager, specialists, and other positions described below. Ecology's request herein also includes the costs of summons by certified mail and publication. It also includes funds for support through the Attorney General's Office (AGO). Administrative Office of the Courts (AOC) will independently request funds for the Superior Court's support of adjudication, and those costs are not included in this request. A final decision on superior Court venue (such as Stevens or Spokane County) has not been made.

This request will maintain Ecology's current capacity of staff and legal advisors who have been preparing for adjudication. Maintaining existing staff will avoid the costs of losing and/or replacing skills, technical familiarity, and institutional knowledge.

Impact on Population Served:

Adjudication will directly impact water users in the adjudicated watersheds, particularly water rights holders and Tribal populations. There are approximately 850 individual water right holders in the Lake Roosevelt area. Adjudication proceedings do not include water users who obtain water from a municipal purveyor like a city, town, or utility district. Adjudication will include the USBR water rights, and potentially their three contracted irrigation districts, but will not include the customers of those irrigation districts. An adjudication will give water right holders a formal determination of their rights to use water, with associated values, affirmed by a court and embodied in the court's decrees.

Aligning water uses with legal rights to use water, through a Superior Court adjudication process, reduces uncertainty about legal availability of water for economic development. Clear legal protection of water rights through a court decree facilitates well-founded permitting and enforcement, benefiting streamflow and ecosystems and protecting species.

Adjudication entails substantial time and expense, but it ultimately resolves and reduces local, state, and legislative conflict over water resources.

Alternatives Explored:

The Colville Confederated Tribes have submitted a request to the United States for a federal settlement team to represent Tribal interests in Lake Roosevelt water management. Ecology participates in efforts for solutions and settlement efforts beyond adjudication, but it appears adjudication is a necessary step in this process.

Adjudication is a fundamental water management tool provided for in the law. Ecology is also authorized to adopt streamflow protection rules, approve or deny water right permit applications, and advise counties on legal water availability. However, without a formal adjudication, the other legal mechanisms are not as effective for overall water management in the basin.

Consequences of Not Funding This Request:

If this request is not funded, the work to date in preparing for adjudication would stall, and Ecology would not be able to complete preparatory work and file a Lake Roosevelt adjudication. This would significantly impair and delay the adjudication process, which would impair state and local government ability to successfully manage water needs in the Lake Roosevelt area due to lack of water right certainty. Considerable state, local, and Tribal investments in watershed management would continue with limited effectiveness. Current challenges would only get worse with time, as increased demands on the water resource lead to critical decline of habitat and water supply. If funding is discontinued, even temporarily, future attempts at adjudication would be even more expensive and time-consuming than if funding is provided now.

The impacts of water use uncertainty are exacerbated by climate change. Failure to prepare and file adjudication in Lake Roosevelt threatens irrevocable change to stream habitat, species, and the communities' ecosystems that depend on them.

Washington, USBR customers, and other water users would remain vulnerable to claims by Tribal and federal governments in the event Tribes brought action against the state of Washington for impairment of Tribal water rights.

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

This request will expand Activity A003 – Implementing Integrated Solutions to Protect Instream Resources by providing funding for additional staff, costs, and legal resources to file adjudication in Lake Roosevelt. Work on adjudications is only a portion of Activity A003. There are currently three FTEs doing adjudication work. Below is a summary of the 2019-21 and 2021-23 base funding and FTEs for this activity. Administrative Overhead related to this activity is also in the agency’s Administration Activity A002, but not included in the totals below.

A003 - Implementing Integrated Solutions to Protect Instream Resources		
	2019-21	2021-23
FTEs Total	47.5	37.6
001-1 General Fund State	\$17,302,000	\$14,376,000
001-2 General Fund Federal	\$198,000	\$198,000
001-7 General Fund Private/Local	\$135,000	\$135,000
02P-1 Flood Control Assistance	\$1,508,000	\$0
032-1 St Emerg. Water Projects Revolv	\$40,000	\$40,000
05W-1 State Drought Preparedness	\$204,000	\$204,000
072-1 Water Supply Facilities (Ref 38)	\$171,000	\$174,000
22K-6 Watershed Restoration Enhancement	\$623,000	\$0
489-1 Pension Funding stabilization Account	\$354,000	\$0
TOTAL	\$20,535,000	\$15,127,000

Detailed Assumptions and Calculations:

Assumptions:

1. All funding will be from General Fund-State.
2. Staff will finalize preparation for adjudication and support filing, service, and adjudication work during the 2023-25 biennium.
3. Ecology’s three existing permanent FTEs, currently working on preparing for adjudication, will continue preparation and support filing in the 2023-25 biennium. The FTE resources in this request are in addition to Ecology’s current base of three FTEs.
4. By fiscal year 2025, staff (both base and in this request) will finalize filing of an adjudication petition with the Attorney General’s Office, issue summons and service to all parties, and provide substantial customer-service level support to the public.
5. Funding for legal services through the AGO as reflected below and in the AGO budget.
6. AOC requests funds within its own budget submittal for costs related to adjudication.
7. Ecology anticipates the Lake Roosevelt adjudication will take between three and five biennia to complete once filed in Superior Court.

Beginning in fiscal year 2024 and ongoing, Ecology will require:

1. 0.5 FTE Environmental Planner 5 to manage overall project, including communications with local parties and Legislature, oversight of communication plan with local partners, involvement in parallel or complementary water solutions or settlement efforts, coordination with AGO, managing case schedule, managing and directing staff activities to meet case schedule requirements, etc.
2. 1.0 FTE Environmental Specialist 4 for water rights data; technical and scientific support, including providing customer service to the court, local partners, and all water right holders requiring assistance during the court proceedings.
3. Beginning in fiscal year 2025, 3.0 additional Environmental Specialist FTEs will be required (for a total of 4.0 in fiscal year 2025) to review water right claims and evidence and provide customer service during the proceeding.
4. 0.5 FTE Hydrogeologist 4 to provide scientific and technical analysis and support of water right information to the court, water right holders, and local partners during the court proceedings.
5. 1.0 FTE AAG costs for AGO legal support. The AGO will also request authority in their own budget to match Ecology funding levels.

In fiscal year 2024, Ecology will require \$200,000 one-time funding for certified mailing and other mailing and service costs to all water right holders party to the adjudication.

Beginning July 1, 2023 and ongoing, Ecology will require salary, benefits, and associated staff costs for 1.73 FTEs to support adjudication filing in Superior Court.

Beginning July 1, 2024 and ongoing, Ecology will require salary, benefits, and associated staff costs for 6.33 FTEs to assist with preparing and issuing summons and service requirements to notify relevant entities that they are party to the adjudication. These new FTEs will provide customer service and technical support to the thousands of residents and water users throughout the watershed who are served in adjudication.

Beginning July 1, 2025 and ongoing, Ecology will require salary, benefits, and associated staff costs for 9.78 FTEs to assist with preparing and issuing summons and service requirements to notify relevant entities that they are party to the adjudication. These new FTEs will provide customer service and technical support to the thousands of residents and water users throughout the watershed who are served in adjudication.

Ecology has coordinated with the AGO and AOC regarding this request. Ecology will need AGO support in the form of legal advice, preparation, and filing of adjudication petitions. For AOC, funding is needed to support improved technology in superior court and an increase in staffing for local superior court clerks and judicial staff as necessary to address the extraordinary costs of high-volume litigation.

Workforce Assumptions:

Expenditures by Object		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
A	Salaries and Wages	122,556	439,715	659,501	659,501	659,501	659,501
B	Employee Benefits	44,733	160,496	240,717	240,717	240,717	240,717
E	Goods and Services	352,251	171,587	186,089	186,089	186,089	186,089
G	Travel	3,351	12,287	18,989	18,989	18,989	18,989
J	Capital Outlays	1,845	6,765	10,455	10,455	10,455	10,455
T	Intra-Agency Reimbursements	48,096	172,561	258,813	258,813	258,813	258,813
Total Objects		572,832	963,411	1,374,564	1,374,564	1,374,564	1,374,564

Staffing

Job Class	Salary	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
ENVIRONMENTAL PLANNER 5	98,587	0.50	1.00	1.00	1.00	1.00	1.00
ENVIRONMENTAL SPECIALIST 4	73,262	1.00	4.00	7.00	7.00	7.00	7.00
HYDROGEOLOGIST 4	96,159		0.50	0.50	0.50	0.50	0.50
FISCAL ANALYST 2		0.15	0.55	0.85	0.85	0.85	0.85
IT APP DEVELOPMENT-JOURNEY		0.08	0.28	0.43	0.43	0.43	0.43
Total FTEs		1.73	6.33	9.78	9.78	9.78	9.78

Explanation of costs by object:

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 36.5% of salaries.

Goods and Services are the agency average of \$4,834 per direct program FTE.

\$200,000 is included for one-time certified mailing costs in fiscal year 2024 to support service to water right holders, and \$145,000 each fiscal year for AGO legal support costs.

Travel is the agency average of \$2,234 per direct program FTE.

Equipment is the agency average of \$1,230 per direct program FTE.

Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 28.75% 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.

Strategic and Performance Outcomes

Strategic Framework:

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 Waters, because it will fund the resources Ecology needs to resolve conflicts and claims for water rights in the Nooksack watershed. Certainty of water rights will enable state and local government to successfully manage water in WRIA 1 and will improve longstanding inequities for the Spokane Tribe and Colville Confederated Tribes.

This request is essential to achieving the Governor’s Results Washington Goal 2: Prosperous Economy and Goal 3: Sustainable Energy and a Clean Environment because it will encourage local economic development and meet community needs for reliable water supplies, while protecting essential habitats for fish and other wildlife.

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: 4c. Ensure clean, cold water in streams and rivers to build climate resiliency

Performance Outcomes:

The outcome of this request will be the filing and support of adjudication in the Nooksack (WRIA 1) watershed.

Equity Impacts

Community outreach and engagement:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Disproportional Impact Considerations:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Target Populations or Communities:

Insufficient water management disproportionately affects Tribal communities and Tribal members on the reservations of the Spokane Tribe and Colville Confederated Tribes. Lake Roosevelt is a central focus to the culture, identity, and well-being of these Tribes. Securing adequate water is essential for a range of needs among these economically vulnerable populations. These Tribes have steadfastly pursued protection and restoration of wildlife habitats without having adequate Tribal participation in water management decisions that affect these environmental and cultural imperatives.

Ecology does not have legal authority to recognize or protect Tribal water rights without an adjudication. Adjudication is the only complete process that will comprehensively address longstanding inequities around water for the Spokane Tribe and Colville Confederated Tribes by resolving their claims to water for their reservations and any water for fisheries. These inequities result from a legal framework that limits Ecology's authorities without adjudication, and adjudication will provide legal clarity and authority for how to proceed.

In this area, there are strong environmental justice considerations to address Tribal senior water rights and the impacts of water uncertainty on vulnerable populations. This adjudication proposal is both responsive to these longstanding concerns of Tribes, and addresses critical natural resource and economic development challenges in these watersheds.

Other Collateral Connections

Puget Sound Recovery:

N/A

State Workforce Impacts:

N/A

Intergovernmental:

Ecology has conducted significant intergovernmental outreach in its adjudication assessment process to date (see details in 2020 Legislative Report). Ecology has engaged with the United States and with the Spokane Tribe and Colville Confederated Tribes and will continue to do so. This request includes Ecology staff time and costs for providing significant outreach throughout the affected communities. Local governments (county, cities, towns and special purpose districts) and the Washington Department of Fish and Wildlife have water rights that will be adjudicated. After the adjudication begins, the Court will determine a schedule for these parties to review and submit their water rights. Costs for these parties to participate in the adjudication are indeterminate at this time. Ecology anticipates that all other governmental parties will incorporate any costs within their own budget process.

Ecology will continue to work with the Administrative Office of the Courts and the Whatcom County Clerk to ensure adequate support of impacts of adjudication to local government.

Stakeholder Response:

There is a mix of opposition and support for adjudication, consistent with current disputes over water rights. Individual stakeholder comments and positions received are detailed in Ecology’s September 2020 Legislative Report (<https://apps.ecology.wa.gov/publications/SummaryPages/2011084.html>).

Those with strong and senior claims are more inclined to support adjudication than those with junior and less certain claims. It will take some time and resources to complete this effort, but the certainty provided when an adjudication is complete will encourage local economic development and facilitate environmental protection.

State Facilities Impacts:

N/A

Changes from Current Law:

N/A

Legal or Administrative Mandates:

In its 2021 budget proviso, the Legislature directed Ecology to address outstanding water rights issues in Lake Roosevelt by preparing for adjudication of state water rights in the area. ESSB 5092 302(11)(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
	2024	2025	2023-25	2026	2027	2025-27
Obj. A	\$123	\$440	\$563	\$660	\$660	\$1,320
Obj. B	\$45	\$160	\$205	\$241	\$241	\$482
Obj. E	\$352	\$171	\$523	\$186	\$186	\$372
Obj. G	\$3	\$12	\$15	\$19	\$19	\$38
Obj. J	\$2	\$7	\$9	\$10	\$10	\$20
Obj. T	\$48	\$173	\$221	\$259	\$259	\$518

Agency Contact Information

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Agency Recommendation Summary

Ecology currently manages over \$1.3 billion in grants and loans for water quality infrastructure and nonpoint pollution projects across the state through its Water Quality Combined Funding Program. While funding for these investments has grown steadily over the years to meet demand in local communities, staffing levels needed to administer these funds have not kept pace. Since 2014, the number of projects funded through this program has increased by 197 percent, while staffing has only increased by 62 percent over that same time. Ecology requests funding for additional staff needed to ensure that these critical funding opportunities reach the communities that need them, and are effectively managed to completion. Related to Puget Sound Action Agenda Implementation. (Water Pollution Control Revolving Administration Account, Model Toxics Control Operating Account)

Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
Staffing						
FTEs	8.6	8.6	8.6	8.6	8.6	8.6
Operating Expenditures						
Fund 23P - 1	\$280	\$280	\$560	\$280	\$280	\$560
Fund 564 - 1	\$788	\$788	\$1,576	\$788	\$788	\$1,576
Total Expenditures	\$1,068	\$1,068	\$2,136	\$1,068	\$1,068	\$2,136

Decision Package Description

Background

Ecology's Water Quality Combined Funding Program provides funding to projects that improve and protect water quality throughout Washington. The program combines grants and loans from both state and federal funding sources to support water quality infrastructure and nonpoint pollution projects in communities throughout the state. Applicants submit just one application to seek funding from all of the funding sources within the combined program, and Ecology staff provide technical assistance and financial/project management throughout the process.

Water Quality Combined Funding Program

- Clean Water State Revolving Fund Loans

Provided by the federal Clean Water Act (CWA), the Clean Water State Revolving Fund (CWSRF) program is funded through an annual Environmental Protection Agency (EPA) capitalization grant, state matching funds, and principal and interest repayments on past program loans. The CWSRF program provides low-interest and forgivable principal loan funding for wastewater treatment construction projects, eligible nonpoint source pollution control projects, and eligible "green" projects.

- Centennial Clean Water Program Grants

To improve and protect water quality, the state Centennial Clean Water Program provides grants for water quality infrastructure and nonpoint source pollution projects. Eligible infrastructure projects are limited to wastewater treatment construction projects for financially distressed communities. Eligible nonpoint projects include stream restoration and buffers, on-site septic repair and replacement, education and outreach, and other eligible nonpoint activities.

- On-site Sewage Systems (OSS) Program

This program provides funds to local governments to set up low-interest loan programs to repair or replace failing on-site sewage systems. Property owners unable to qualify for conventional bank loans and marine waterfront property owners can use the program to get loans to fix or replace their systems where failures might directly affect Puget Sound. Both the Clean Water State Revolving Fund and the Centennial Clean Water Program provide funding for this program.

- Stormwater Financial Assistance Program Grants

The Stormwater Financial Assistance Program (SFAP) is designed to fund stormwater projects and activities that have proven effective at reducing impacts from existing infrastructure and development and enhance existing stormwater programs. Stormwater facility projects and a limited set of stormwater activities project types are eligible for SFAP funding.

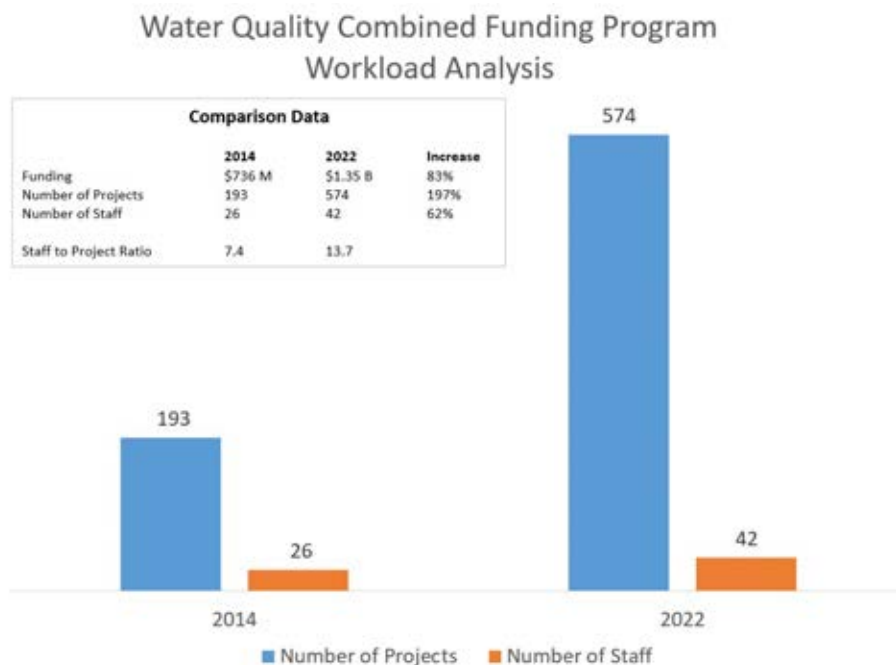
- Clean Water Act Section 319 Federal Grants

EPA provides grants to Washington under Section 319 of the federal Clean Water Act. The state is required to provide a 40 percent match in funding. The Section 319 grant program offers funding to eligible nonpoint source pollution control projects, similar to the state Centennial Clean Water Program. Nonpoint source water pollution control projects include a wide variety of planning and implementation activities that do not involve constructing or preparing to construct a traditional water pollution control facility.

Problem

Over the last eight years, the amount of funding and projects managed through Ecology’s Water Quality Combined Funding Program has increased significantly to meet the demand for water quality infrastructure and nonpoint projects needed across the state. However, the staffing need to effectively manage these additional grants and loans has not kept pace. Since 2014, the amount of funding (both new and reappropriations) managed by the program has almost doubled, from \$736.5 million to just over \$1.35 billion, while the number of agreements have increased by 197 percent, from 193 to 574 currently (including the State Fiscal Year 2023 Offer List). Yet, staff to manage this influx of funding and work hasn’t kept pace, only increasing from 26 direct FTEs in 2014, to 42 now. This has resulted in staff overseeing more projects than can be effectively managed, with staff to project ratios nearly doubling over the last eight years, from 7:4 in 2014 to 13:6 in 2022.

In addition to the sharp increase in funding and projects that needs to be managed, changes to federal and state requirements, increased demand for small community engagement and technical assistance, and additional oversight of new and innovative projects being offered through the program has also increased our workload. Changes in federal requirements for both the CWSRF and 319 Nonpoint programs, as well as new requirements concerning cultural resource reviews at project sites, has added new demands that current staff have to try to manage. Couple this with the increase in funding, projects, and resulting demand for technical assistance, especially in our smaller communities, and Ecology needs additional staff to ensure that these critical funding opportunities reach the communities that need them, and are effectively managed to completion.



Solution

To address this need, Ecology is requesting 7.5 new direct FTEs who will be stationed in regional offices across the state, and at Headquarters to provide the increased project management, financial management, and technical assistance needed to the growing number of projects, and associated workload. Two positions are requested from MTCA Operating to support the Centennial Clean Water Program, while the other 5.5 FTEs are requested from the Water Pollution Control Revolving Administration Account, and will provide direct project oversight, technical assistance, and outcomes management. These staff will also perform project tracking, reporting, and technology support to accommodate program’s expanding existing business operations.

We are requesting these new resources in the operating budget from the two fund sources identified because that is how the current staff supporting the Centennial and CWSRF programs are funded. Staff that support the SFAP program are funded through capital appropriations and an increase in that staffing level is included in Ecology’s Capital Project Request, “2023-25 Stormwater Financial Assistance Program”.

Impacts on Population Served:

The management of complex funding agreements with nearly 500 recipient organizations (local governments, Tribes, special purpose districts, not for profits) is a partnership with the recipient to achieve water quality and public health outcomes. Funding recipients rely on Ecology project and financial management staff for timely response to questions, technical reviews, project issues, and timely reimbursement of eligible project costs. This request will ensure that we can meet the needs of the communities that request and receive funding through the Combined Funding Program.

Alternatives Explored:

Ecology considered reducing levels of project oversight and responsiveness to funding recipients in order to reduce workload burden. However, for many reasons, including increased audit risk, and fewer projects completed, these are not acceptable alternatives. This request for increased staffing to properly support the number and complexity of projects is the best alternative in order to maintain the program’s accountability and effectiveness moving forward.

Consequences of Not Funding This Request:

If this request is not funded, resources made available for water quality infrastructure and nonpoint projects may not reach the intended communities in a timely manner, nor address the highest priority projects. Significant staff workloads have the potential to increase audit risks, and impact our ability to get this funding on the ground and spent in a timely manner. Finally, water quality permittees may experience further delays with their permits as staff are diverted to assist with the implementation of grants and loans.

Assumptions and Calculations

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

This request expands activity A043 – Provide Water Quality Financial Assistance by providing additional staff to manage the growing amount of grants and loans for water quality infrastructure and nonpoint pollution projects offered through its Water Quality Combined Funding Program. Below is a summary of the 2019-21 and 2021-23 base funding and FTEs for these activities. Administrative Overhead related to this activity is also in the agency’s Administration Activity A002, but not shown in the totals below.

A043 Provide Water Quality Financial Assistance		
	2019-21	2021-23
FTEs Total	49.85	54.8
001-1 General Fund – State	\$0	\$596,000
001-2 General Fund – Federal	\$22,027,000	\$25,506,000
10A-1 Aquatic Algae Control	\$518,000	\$0
222-1 Freshwater Aquatic Weeds	\$1,180,000	\$0
23P-1 Model Toxics Control Operating	\$13,453,000	\$9,218,000
23R-1 Model Toxics Control Stormwater	\$0	\$8,491,000
564-1 Water Pollution Control Revolving Administration	\$3,835,000	\$4,981,000
TOTAL	\$41,013,000	\$48,792,000

Detailed Assumptions and Calculations:

Beginning July 1, 2023 and ongoing, Ecology requires the following staff resources to more effectively administer the water quality grants and loans offered through our Combined Funding Program:

Clean Water State Revolving Fund (CWSRF) Loans

- 5.0 FTE Environmental Specialist 4 (ES4) to serve as roving operators and project managers in our regional offices. These provide support to smaller wastewater systems and communities with limited technical staffing. They also protect our investments in these systems and ensure they are operating correctly.
- 0.5 FTE IT Application Developer to assist project and financial managers with tracking and oversight of project deliverables, due dates, and outcomes. This position will help the program manage the expansion of existing business operations associated with the increase in funding and projects, by helping to modernize and manage the program’s existing Access/SharePoint/Excel workflow. This FTE will be combined with a 0.5 FTE being requested in Ecology’s capital project request, “2023-25 Stormwater Financial Assistance Program” to hire a fulltime position.

Centennial Clean Water Program Grants

- 2.0 FTE ES4 to serve as nonpoint project managers in regional offices and in statewide project management. These positions will provide direct project oversight, technical assistance, and outcomes management.

Workforce Assumptions:

Expenditures by Object		<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
A	Salaries and Wages	572,098	572,098	572,098	572,098	572,098	572,098
B	Employee Benefits	208,816	208,816	208,816	208,816	208,816	208,816
E	Goods and Services	36,255	36,255	36,255	36,255	36,255	36,255
G	Travel	16,755	16,755	16,755	16,755	16,755	16,755
J	Capital Outlays	9,225	9,225	9,225	9,225	9,225	9,225
T	Intra-Agency Reimbursements	224,513	224,513	224,513	224,513	224,513	224,513
	Total Objects	1,067,662	1,067,662	1,067,662	1,067,662	1,067,662	1,067,662

Staffing

Job Class	Salary	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
ENVIRONMENTAL SPECIALIST 4	73,262	5.50	5.50	5.50	5.50	5.50	5.50
IT APP DEVELOPMENT-JOURNEY	100,037	0.50	0.50	0.50	0.50	0.50	0.50
KING CO - ENVIRONMENTAL SPEC 4	79,425	1.50	1.50	1.50	1.50	1.50	1.50
FISCAL ANALYST 2		0.75	0.75	0.75	0.75	0.75	0.75
IT APP DEVELOPMENT-JOURNEY		0.38	0.38	0.38	0.38	0.38	0.38
Total FTEs		8.63	8.63	8.63	8.63	8.63	8.63

Explanation of costs by object:

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 36.5% of salaries.

Goods and Services are the agency average of \$4,834 per direct program FTE.

Travel is the agency average of \$2,234 per direct program FTE.

Equipment is the agency average of \$1,230 per direct program FTE.

Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 28.75% 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.

Strategic and Performance Outcomes

Strategic Framework:

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

- Goal 2: Prosperous Economy, by providing opportunities for quality jobs when a new wastewater system is constructed or an existing system is repaired or upgraded. State financial managers calculate that about 11 jobs in Washington are created for every \$1 million spent for construction and design. 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, by providing 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 by funding projects that address the impacts of climate change and improving community resiliency through support of long term multi-benefit solutions to impacts from water pollution, including nutrients and temperature. CWSRF supports economic security by providing grant subsidy to small hardship communities to protect public health while keeping utility rates reasonable. CWSRF supports Environmental Justice issues by addressing needs in low-income communities through low or no interest loans in conjunction with forgivable principal to reduce residential rate impacts.
- Goal 5: Efficient, Effective, and Accountable Government by creating an efficient and streamlined approach for communities to apply for and access funding resources through an integrated water quality financial assistance program. CWSRF is part of an integrated funding system that streamlines the application and award process for funding critical water quality projects. The system is reviewed and updated annually to make efficiency improvements based on internal and external stakeholder input.

This request is essential to achieving the following Ecology goals:

- Goal 1: Support and Engage our Communities, Customers, and Employees: Through Ecology's integrated Water Quality Financial Assistance Program, which continues to provide one-application and rating and ranking process to award funding from four separate funding sources, including CWSRF. By directly investing in communities through numerous grants and loan programs to improve water quality.
- Goal 2: Reduce and Prepare for Climate Impacts: CWSRF funded projects often help communities prepare for climate impacts and integrate climate resiliency and long term sustainability. Examples are reclaimed water and water reuse facilities that help small communities be resilient and sustainable in water-short areas, and increased stream buffers and native vegetation to help address stream flow dynamics, temperature impacts, and carbon sequestration, in addition to improving water quality.
- Goal 4: Protect and Manage our State Waters: By continuing to fund projects for water pollution control infrastructure and projects that reduce nonpoint pollution and nutrient discharges.

This request also broadly 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. Improves stormwater management

Performance Outcomes:

The outcome of this request will be better service and responsiveness to funding recipients and improved project management and water quality improvement and protection results.

Equity Impacts

Community outreach and engagement:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Disproportional Impact Considerations:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Target Populations or Communities:

A significant number of funded projects occur in overburdened and rural areas of the state that have limited resources to access funds and manage projects. The Water Quality rating and ranking system includes pro-equity scoring criteria that provides advantages for financially disadvantaged communities. This proposal supports staffing specific to providing small overburdened communities with both technical and financial assistance to meet community clean water needs. This is a priority goal for the Water Quality Combined Funding Program.

Other Collateral Connections

Puget Sound Recovery:

This request supports Puget Sound Action Agenda implementation through Ongoing Program: OGP_ECY38: Water Quality - Provide Financial Assistance, and a diverse range of water quality infrastructure and nonpoint projects. Projects supported by the staff included in this request may include building wastewater facilities in low-income communities, streambank restoration, agricultural BMPs, watershed planning, etc. Due to the size and scope of Ecology Water Quality Combined Funding Program, this request supports a number of Vital Signs, Strategies, Desired Outcomes, Actions, and Orca Task Force Recommendations included in the 2022-26 Action Agenda. See Attachment A for a complete list of linkages between this request and the agenda.

State Workforce Impacts:

N/A

Intergovernmental:

This request improves support and service to funding recipients that include local governments, tribes, and special purpose districts through the state.

Ecology collaborates and coordinates with other state funding agencies to address program and policy improvements that improve co-funding opportunities, improve funding accessibility, and create consistency in mutual process. State funding program workgroups include Sync System Improvement Team (Ecology, Health, Commerce, Public Works Board, and Transportation Improvement Board) and the Align Workgroup (Recreation Conservation Office, Department of Fish and Wildlife, and Puget Sound Partnership).

Stakeholder Response:

The Financial Assistance Council supports this request for increased staffing because grant recipients experience delays in grant and financial assistance when there is limited staff resources. The Financial Assistance Council is comprised of stakeholders from local government, state agencies, and federal agencies including EPA.

State Facilities Impacts:

N/A

Changes from Current Law:

N/A

Legal or Administrative Mandates:

N/A

Reference Documents

[WQP Grants and Loan Administration-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
	2024	2025	2023-25	2026	2027	2025-27
Obj. A	\$572	\$572	\$1,144	\$572	\$572	\$1,144
Obj. B	\$209	\$209	\$418	\$209	\$209	\$418
Obj. E	\$36	\$36	\$72	\$36	\$36	\$72
Obj. G	\$17	\$17	\$34	\$17	\$17	\$34
Obj. J	\$9	\$9	\$18	\$9	\$9	\$18
Obj. T	\$225	\$225	\$450	\$225	\$225	\$450

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: WQP Grant & Loan Administration

Vital Signs

- Freshwater
- Marine Water
- Streams and Floodplains
- Toxics in Aquatic Life
- Beaches and Marine Vegetation
- Estuaries
- Forests and Wetlands
- Groundfish and Benthic Invertebrates
- Orcas
- Salmon
- Zooplankton
- Drinking Water
- Shellfish Beds
- Cultural Wellbeing
- Economic Vitality
- Good Governance
- Sense of Place
- Sound Stewardship

Strategies

- 7. Freshwater Availability
- 8. Prevent Pollution
- 9. Source Identification and Correction
- 10. Stormwater Runoff and Legacy Contamination
- 11. Wastewater Systems
- 12. Working Lands Runoff
- 19. GHG Reductions and Carbon Sequestration
- 20. Climate Adaptation and Resilience
- 21. Sense of Place
- 22. Recreation and Stewardship
- 23. Transparent and Inclusive Governance
- 24. Cultural Practices
- 26. Human Health

Desired Outcomes

- 1.1. Protect habitat and habitat-forming processes from conversion and fragmentation.
- 1.2.1. Conversion of agricultural lands and working forests to more intensive land uses (residential and commercial development) prevented.
- 1.3.1. Levees, floodgates, tidegates, roads, existing development, and other barriers in floodplains and estuaries removed or their management altered.
- 1.3.2. Armor on estuaries, lakes, and marine shorelines removed or softened.
- 1.4.1. In-stream and riparian areas of rivers and streams restored.

- 1.4.2. Floodplains, tidal wetlands, and estuaries restored.
- 1.5.2. Infiltration and water holding capacity of upland areas (developed lands, agricultural lands and working forests, and natural lands) increased.
- 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.
- 2.1.4. Toxics in infrastructure and building materials removed through source control and/or management/remediation.
- 2.2. Reduce nutrients entering Puget Sound and connected waters.
- 2.3.1. Municipal wastewater discharges of disease-causing (pathogenic) bacteria and viruses to Puget Sound meet water quality-based effluent limits.
- 2.3.2. On-site septic systems (OSS) are inventoried, inspected, maintained, and operational.
- 2.3.4. Disease-causing (pathogenic) bacteria and viruses in stormwater runoff from residential and commercial lands reduced.
- 2.3.5. Disease-causing (pathogenic) bacteria and viruses in runoff from agricultural lands reduced.
- 3.2.2. Number of adult and juvenile salmon lost to predation by pinnipeds and predatory fish reduced.
- 4.2.1. Human-caused greenhouse gas emissions in Washington State reduced 95% below 2005 levels by 2050.
- 4.2.2. Carbon sequestered in Puget Sound forests, kelp, soils, and other significant means 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.
- 5.1.2. 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.
- 5.3.1. Opportunities for cultural practices, such as native and spiritual practices and environmentally related social activities, are increased.
- 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

- 3. Conduct watershed-scale planning and land use planning to protect and restore water quality.
- 5. Facilitate the increased use or performance of best management practices to reduce pollutants and the volume of runoff from agricultural lands and working forests.
- 6. Implement agricultural management practices proven to reduce nutrient loads.
- 7. Expand and improve incentives and education for agricultural land users to motivate voluntary actions for reducing fecal pollution.
- 9. Fund, develop, and implement effective local and tribal nations pollution identification and correction (PIC) programs.
- 10. Support watershed cleanup implementation and the development of cleanup plans such as Total Maximum Daily Loads (TMDLs) and other strategies to limit fecal pollution.
- 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.
- 12. Increase the number and accelerate implementation of habitat acquisition and restoration projects as prioritized in salmon and watershed recovery plans.
- 20. Prioritize, design, and implement reach-scale restoration and protection projects within a river basin or watershed.
- 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.
- 32. Increase local stormwater management capacity (including funding, staffing resources, and management tools and information).
- 35. Develop and implement education and outreach and behavior change campaigns and fund projects to reduce nutrient impacts from residential, stormwater, and agricultural runoff.
- 40. Effectively manage and control fecal pollution and disease-causing bacteria and viruses from small onsite sewage systems (OSS) and larger onsite sewage systems (LOSS).
- 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.
- 98. Promote multi-benefit solutions in restoration and protection project development to include considerations for job creation.
- 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.

- 151. Re-green urban spaces.
- 154. Prevent and reduce combined sewer overflows.
- 155. Extend centralized sewer systems in areas where conditions are not suitable for onsite sewage systems (OSS).
- 156. Fund, develop, and implement programs to address fecal pollution from people experiencing homelessness or with inadequate access to sanitary services.
- 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.
- 196. Facilitate the increased use or performance of best management practices, including increasing riparian restoration to reduce stream temperatures.
- 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.
- 200. Limit people's exposures to harmful water pollution.
- 201. Provide incentives, financial and technical support to local jurisdictions that have prioritized riparian restoration.
- 211. Promote appropriate reclaimed water projects to reduce pollutant loading to Puget Sound.

Orca Task Force Recommendations

- 1. Significantly increase investment in restoration and acquisition of habitat in areas where Chinook stocks most benefit Southern Resident orcas.
- 2. Immediately fund acquisition and restoration of nearshore habitat to increase the abundance of forage fish for salmon sustenance.
- 31. Reduce stormwater threats and accelerate clean-up toxics harmful to orcas.
- 34. Provide sustainable funding for implementation of all recommendations.
- 41. Collect high-quality nutrient data in watersheds to fill key knowledge gaps of baseline conditions.

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Agency Recommendation Summary

Managing toxic pollutants in discharges from contaminated sites is important to protect human health and Washington waters. Toxic chemicals, including those of emerging concern, may become mobilized during site remediation or other construction activities and threaten achieving state and national goals for fishable waters, salmon recovery, and healthy watersheds. This request will address toxics in stormwater runoff from industrial and contaminated sites, which will get contaminated properties back into use sooner for affordable housing, economic redevelopment, public access, and overall economic vitality in the community. 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
	2024	2025	2023-25	2026	2027	2025-27
Staffing						
FTEs	5.8	5.8	5.8	5.8	5.8	5.8
Operating Expenditures						
Fund 23P - 1	\$715	\$715	\$1,430	\$715	\$715	\$1,430
Total Expenditures	\$715	\$715	\$1,430	\$715	\$715	\$1,430

Decision Package Description

Stormwater runoff at construction sites is typically controlled through a construction stormwater general discharge permit. However, when a construction site is contaminated from past uses, the stormwater runoff may become contaminated and release toxic materials or hazardous substances to the environment.

As contaminated properties are cleaned up and redeveloped, Ecology has a responsibility (Chapter 90.48 RCW) to ensure stormwater runoff during construction meets water quality standards. In these circumstances, when general permit requirements are not specific enough to address water quality concerns, Ecology issues individual administrative orders under RCW 90.48.120 as companions to general permit coverages to ensure stormwater treatment and monitoring addresses site-specific contaminants. These orders and permits combine to allow site remediation and construction without contaminating neighboring waters. The combination also helps properly cover the majority of projects under the general permit.

Pollution prevention work is complex and site-specific depending on the type of contamination on site. Assessing the risk of toxic discharges from each site, and developing the companion administrative orders when necessary, requires significant “pre-permit” work, which involves:

- Reviewing available soil and groundwater chemistry data to identify parameters detected at concentrations that may pose a risk to surface water quality if mobilized by construction activities.
- Reviewing stormwater pollution prevention plans to identify scope of planned work and anticipated best management practices.
- Determining indicator levels for parameters of concern based on water quality criteria, analytical methods, and receiving water body information.
- Preparing the final administrative order documenting requirements for monitoring additional parameters, reporting, and treatment to reduce concentrations to indicator levels before discharge.

Throughout the process, there is substantial communication with the permittee, contractors, consultants, Ecology’s Toxics Cleanup Program, water treatment vendors, and analytical laboratories. The orders require site specific monitoring, reporting, and treatment to minimize risks to surface waters. While developing orders is time consuming, they are critical to timely permitting of construction site discharges and water quality protection, which may otherwise require individual NPDES permit coverage at contaminated project sites.

There is increased emphasis on putting contaminated properties (often on shorelines or near underserved communities) back into use for affordable housing, public access, and brownfields redevelopment. This has created a significant increase in the need for companion administrative orders to control toxics in stormwater runoff during cleanup and construction activities. The likelihood of rainfall during construction requires discharge authorization be in place before construction activities begin.

Unfortunately, water quality permitting can be a bottleneck for redevelopment of contaminated sites because a permit, most often with an accompanying administrative order, must first be in place before construction can begin. This is a hardship for developers who need permits before construction can begin, and it delays cleanup of contaminated properties. As of July 2022, Ecology has 198 active construction stormwater general permit coverages on sites with known soil and groundwater contamination, and another 52 new applications for permit coverage that have not been issued yet.

The Water Quality Program’s goal is to issue construction stormwater permits within 60 days of receiving a complete permit application.

However, we rarely achieve that goal at contaminated sites because the internal review process requires expertise from a limited number of staff who have too many competing priorities. Currently, the program has no FTEs dedicated solely to this work, and it is instead conducted by regional field inspection staff, in addition to their normal job duties. These regional staff have to draft complex administrative orders within their existing inspection workload, pulling in expertise from engineers and other technical staff as needed. This constant juggling of priorities results in delays in drafting the orders, responding to environmental complaints, and other priority permit work. Ecology's average turnaround for issuing permits on contaminated sites is close to 145 days once we receive a complete permit application, and complex sites can take up to 12 months.

This request will support a dedicated team of stormwater specialists who will work with developers and other project proponents to more effectively issue administrative orders in conjunction with general permits. The team will develop and issue site-specific administrative orders to require stormwater treatment and best management practices, additional sampling and analysis, and corrective action triggers to ensure pollutants in contaminated stormwater are measured, controlled, and removed prior to discharge.

The team will have expertise in both toxics-specific chemistry and water quality standards, which will improve consistency and efficiency when developing site-specific administrative orders. The team will consist of:

- A statewide permit coordinator to develop and maintain internal guidance for addressing stormwater discharges from contaminated sites in coordination with the Toxics Cleanup Program and stakeholders. This person will be the statewide expert and provide support to regional permit staff.
- A statewide permit administrator to screen permit applications and identify those that may require companion administrative orders early in the application process, coordinate with regional staff, and coordinate permit issuance and associated electronic reporting requirements.
- Two regional water quality toxics specialists who will focus on site-specific construction stormwater water cleanup and redevelopment activities, develop administrative orders, monitor permit compliance, and coordinate with the Toxics Cleanup Program.
- An environmental engineer responsible for reviewing contaminated stormwater treatment plans, writing complicated administrative orders with complex treatment systems, providing technical assistance, and conducting compliance oversight.

With these additional resources, Ecology will strive to issue permits and orders at the close of each permit's public comment period, or within our performance measure target of within 60 days of receiving a complete application. This will reduce turnaround time for permitting these contaminated sites by approximately 60 percent (from 145 days to 60 days).

In regard to the overall cleanup process timelines managed by our Toxics Cleanup Program (TCP), we anticipate these additional resources will help construction cleanup projects meet necessary timelines, because the required permits and administrative orders will have a dedicated team of staff to improve statewide consistency in process. For TCP-led projects, TCP will be able to consult this team in advance of applying for permit coverage in order to streamline the submittal and reduce the time it takes from receipt of the application until permit coverage is issued, without adding to workloads of existing regional inspection staff.

Impacts on Population Served:

Ecology works to protect Washington waters from toxics in discharges to sustain healthy watersheds and communities throughout the state. This work ensures state waters support beneficial uses, including recreational and business activities; supplies for clean drinking water; and protection of fish, shellfish, wildlife, and public health.

Confirmed and suspected contaminated sites are located throughout Washington, with some areas having very high densities of such sites. Typically, the higher density areas of contaminated sites are located in significant population centers and/or adjacent to underserved communities. Funding this request will help clean up some of these contaminated sites and promote economic redevelopment and environmental justice actions by ensuring the quality of stormwater runoff from contaminated properties protects human health and the environment.

Alternatives Explored:

Ecology considered requesting additional resources through the Water Quality Permit Account for this work, but these costs are not considered part of the overall permit fee schedule, as administrative orders are site specific and in addition the permit coverage. Using permit fees to support this work creates inequity for fee payers that do not benefit directly from managing toxics in runoff, especially on contaminated construction sites.

Since existing permit fees would not be an appropriate way to fund this proposal, Ecology considered creating a new water quality permit fee specifically to pay for the cost of developing administrative orders. However, this would be difficult to implement because we often do not know the extent of time and resources needed to develop site-specific administrative orders at the time of a permit application. We are also concerned that a new fee for administrative orders could deter applicants from disclosing a construction site is contaminated, making it even harder for Ecology to track and manage these sites.

Another alternative considered was to create a new individual water quality permit for construction sites with contamination concerns, rather than using the construction stormwater general permit with companion administrative orders. This option was rejected because issuing individual stormwater permits typically takes considerable staff resources and up to two years to develop, which is significantly longer than the current

process.

Providing Model Toxics Control Act Operating (MTCA Operating) funding is the most appropriate fund source for toxics related work like this. In the 201517 enacted operating budget, a similar, but more focused budget request for Lower Duwamish River toxics source control work was also funded by MTCA.

Consequences of Not Funding This Request:

If this request is not funded, Ecology would not have dedicated, specialized capacity to develop timely and protective stormwater discharge requirements for contaminated sites undergoing cleanup and/or redevelopment. This would continue to lead to significant delays in cleanup projects and reduced capacity to regulate standard construction stormwater discharges while staff are pulled away to work on potentially toxic discharges from contaminated sites.

Delays in starting construction activities on contaminated sites can have significant effects on cleanup timelines. This includes additional delays from missed fish windows for shoreline construction work, longer gaps between selecting a remedial action and implementing that remedy, and longer periods before properties can be put back to beneficial use.

Ecology’s Water Quality Program would continue to be a bottleneck in permitting contaminated construction projects because current staffing and expertise are not adequate to ensure permit coverage results in proper management, treatment, and sampling of stormwater at redevelopment sites where soil and groundwater is contaminated with toxic compounds.

If this request is not funded, Ecology could experience unnecessary public records requests, litigation, and risk related to public concerns about permitting contaminated construction sites if we are not able to demonstrate, in a timely manner, that water quality permit coverages and administrative orders protect human health and the environment and prevent violations of water quality standards.

Ecology has faced expensive legal challenges in the past over construction stormwater permit coverages and the associated administrative orders for contaminated sites. Legal challenges have involved disputes over the selection of parameters of concern and indicator levels, the geographic extent to which the administrative order is applied, and who is responsible for paying for the cost of treatment.

Assumptions and Calculations

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

This request expands activity A008 – Control Stormwater Pollution by providing expertise on addressing toxics in stormwater and capacity for developing and overseeing administrative orders for construction activities on contaminated sites. Below is a summary of the 2019-21 and 2021-23 base funding and FTEs for this activity. Administrative Overhead related to this activity is in the agency’s Administration Activity A002, and is not included in the totals below.

A008 – Control Stormwater Pollution		
	2019-21	2021-23
FTEs Total	57.10	51.55
001-2 General Fund - Federal	\$141,000	\$0
001-7 General Fund - Private/Local	\$5,236,000	\$6,153,000
176-1 Water Quality Permit Account - State	\$11,004,000	\$12,199,000
23P-1 MTC Operating - State	\$5,583,000	\$6,741,000
TOTAL	\$21,964,000	\$25,093,000

Detailed Assumptions and Calculations:

Beginning July 1, 2023 and ongoing, Ecology requires salaries, benefits, and associated staff costs for:

- **1.0 FTE Environmental Specialist 5 (ES5) – Statewide Contaminated Construction Site Permitting & Compliance Coordinator**

This position will provide toxics specific chemistry and water quality standards expertise on contaminated construction sites to help develop administrative orders for the Construction Stormwater General Permit. The orders address toxics found in soil and/or groundwater that are likely to be mobilized in stormwater or dewatering water (e.g., the water pumped out of an excavation) during construction activities. The orders require site-specific monitoring, reporting, and treatment to minimize risks to surface waters. These orders are time consuming but critical to water quality protection and permitting construction discharges at contaminated sites. This position will also develop guidance for addressing stormwater discharges from contaminated sites in coordination with the Toxics Cleanup Program and stakeholders.

• **1.0 FTE ES2 – Stormwater Permit Administrator/Contaminated Intake Administrator**

This position will improve intake of permit applications for construction stormwater discharges from contaminated sites to identify discharges early in the process, resulting in better control of toxic stormwater discharges and facilitating cleanup site redevelopment to protect undeveloped watersheds. The position will:

- Review applications as they come in to ensure applications involving a site with contaminated soils and/or groundwater are routed to the administrative order process as soon as possible.
- Coordinate with regional staff, Toxics Cleanup Program, and permit applicants to ensure site-specific contamination data is provided.
- Set up the electronic reporting system (Ecology’s permitting data system called PARIS) to reflect the specific toxic parameters and indicator levels found in the administrative order consistent with federal eReporting requirements.
- Issue permit coverage as soon as the administrative order is finalized and the electronic reporting system is set up.

• **2.0 FTEs ES4 – Water Quality Toxics Specialists (One Eastern Region, one Southwest Region)**

These positions will focus on redevelopment activities, site cleanup, and toxics in stormwater discharges in the urban areas of Eastern Washington and within the Tacoma Smelter Plume (Southwest) that are driving the need for additional regional resources for this work. These positions will also coordinate closely with toxics cleanup efforts, provide technical assistance, conduct independent onsite inspections, collect samples for lab analysis, review water quality monitoring data, and write administrative orders for construction projects on contaminated sites. These actions will reduce discharges of toxics in contaminated stormwater and provide water quality focused technical support to site remediation partner programs and agencies.

• **1.0 FTE Environmental Engineer 3 (EE3) – Industrial Wastewater Permit Manager (Western Washington)**

This position will be responsible for the pre-permitting work (technical assistance, engineering reviews for treatment systems, initial permit development) and compliance assurance/enforcement work associated with contaminated sites that requires individual permits for authorizing discharges to waters of the state. One common type of site remedy that requires an individual permit is ‘pump and treat’ systems for contaminated groundwater.

Workforce Assumptions:

Expenditures by Object		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
A	Salaries and Wages	383,396	383,396	383,396	383,396	383,396	383,396
B	Employee Benefits	139,940	139,940	139,940	139,940	139,940	139,940
E	Goods and Services	24,170	24,170	24,170	24,170	24,170	24,170
G	Travel	11,170	11,170	11,170	11,170	11,170	11,170
J	Capital Outlays	6,150	6,150	6,150	6,150	6,150	6,150
T	Intra-Agency Reimbursements	150,459	150,459	150,459	150,459	150,459	150,459
	Total Objects	715,285	715,285	715,285	715,285	715,285	715,285

Staffing

Job Class	Salary	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
ENVIRONMENTAL SPECIALIST 5	80,956	1.00	1.00	1.00	1.00	1.00	1.00
ENVIRONMENTAL SPECIALIST 2	57,329	1.00	1.00	1.00	1.00	1.00	1.00
ENVIRONMENTAL SPECIALIST 4	73,262	2.00	2.00	2.00	2.00	2.00	2.00
ENVIRONMENTAL ENGINEER 3	98,587	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
Total FTEs		5.75	5.75	5.75	5.75	5.75	5.75

Explanation of costs by object:

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 36.5% of salaries.

Goods and Services are the agency average of \$4,834 per direct program FTE and include \$25,000 a year for lab supplies and lab sampling

costs.

Travel is the agency average of \$2,234 per direct program FTE.

Equipment is the agency average of \$1,230 per direct program FTE.

Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 28.75% 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.

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: Healthy and Safe Communities because it will support a dedicated team of stormwater specialists who will work with developers and other project proponents to decrease the amount of pollution, carried in their construction stormwater discharges, that enter Washington's waterbodies. More specialists to do this work will reduce delays for the customer and better protect water quality and fish and wildlife resources. It will also reduce human health risks for residents who could consume contaminated fish and shellfish. This request will also address Goal 5: Efficient, Effective, and Accountable Government because it will make the processing of construction stormwater permits for contaminated sites faster than under existing staff resources.

This request is essential to achieving Governor Inslee's Executive Order 1802, Southern Resident Killer Whale Recovery and Task Force because it will reduce toxic contaminants in Puget Sound. The Order lists toxic contaminants in stormwater runoff as a primary factor threatening the Southern Resident orca population.

This request is essential to achieving Ecology's Goal 1: Support and Engage our Communities, Customers, and Employees, Goal 3: Prevent and Reduce Toxic Threats and Pollution and Goal 4: Protect and Manage our State's Waters because it will make it possible to write more timely permits and orders for construction site discharges so that:

- Contaminated properties can be redeveloped for affordable housing, public access, and overall economic vitality in the community.
- Water quality is protected.
- Sediment contamination or recontamination is prevented.
- Fish, shellfish, and Orca exposure to toxic chemicals is reduced.

This request also broadly 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. Improves stormwater management

Performance Outcomes:

The outcome of this request will be timelier turnaround and consistent approach in developing and enforcing administrative orders to control toxics discharges and protect Washington's waters, public health, and fish and wildlife resources. Ecology will be able to reach the 60day target for making final decisions on construction stormwater permits for the majority of complete permit applications. We will also develop consistent standards and guidance for permittees, leading to less toxics pollution contamination and faster economic redevelopment of contaminated properties.

Equity Impacts

Community outreach and engagement:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Disproportional Impact Considerations:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Target Populations or Communities:

Ecology is committed to improving meaningful and effective community engagement. This request will benefit communities located in the vicinity of Puget Sound, Spokane River, and Columbia River basins and areas with considerable diversity, both culturally and economically. Improving the health of these waters and the species within them supports social, environmental, and economic health for all those who live, work, worship, and play there.

The water quality improvements tied to this request will have key benefits for Tribes and indigenous populations, disproportionately impacted communities, and potentially vulnerable populations. Recovery of Puget Sound and the related salmon and orca populations has significant cultural, social, economic, and subsistence importance for many people. Fishing and consuming fish are traditional practices, and fish is a key protein source for many of Washington's Tribal, Asian American, Russian, Latino/Hispanic, and immigrant populations.

By prioritizing our ability to control toxic discharges to Washington's waters from cleanup and redevelopment of contaminated sites that may otherwise remain un-remediated, we are working to restore environmental health in communities located in proximity to industrial and construction activity. This aims to help address historical inequities that have resulted in greater toxics exposure in overburdened communities. This request for additional support will also result in more regional staff time spent providing meaningful technical assistance in the field and allow them to prioritize eliminating discharges of pollution in the areas of greatest need.

Ecology strives for full and fair participation by all potentially affected communities through our public permit development process. To comply with Title VI nondiscrimination obligations, and to promote environmental justice best practices for meaningful community engagement, Ecology is working to improve effective communication and outreach to address linguistic, cultural, literacy, technology, and accessibility barriers. Ecology maintains a contract for 24/7 interpretation services and, if requested, Ecology will translate written information into the appropriate languages for potentially affected communities.

Other Collateral Connections

Puget Sound Recovery:

This request supports Puget Sound Action Agenda implementation through the following:

- Vital Signs - Toxics in Aquatic Life, Orcas, Salmon, Economic Vitality, Good Governance, Sound Stewardship
- Strategy - 10 - Stormwater Runoff and Legacy Contamination
- Desired Outcomes - 2.1 Reduce toxic chemicals entering Puget Sound and connected waters, including from contaminated sediments and industrial lands.
- Actions - 33 - Incentivize redevelopment in areas associated with high loads of toxic chemicals
- Ongoing Program - OGP_ECY34: Water Quality - Control Stormwater and Wastewater Pollution
- Orca Task Force Recommendation – 31. Reduce stormwater threats and accelerate clean-up of toxics harmful to orcas.

State Workforce Impacts:

N/A

Intergovernmental:

Businesses, ports, and local governments are responsible for cleaning up contaminated sites, and redeveloping these sites is a common economic driver for counties and cities. Project proponents are eager to start construction and support improved turnaround times and consistency in authorizations to discharge to surface waters from contaminated construction sites.

Stakeholder Response:

Ecology collaborates with private developers, property owners, technical professionals, and others working to address toxics contamination from past industrial practices and accidental spills. Ecology expects partners will support this request to help expedite stormwater discharge permitting actions related to toxics cleanup efforts.

State Facilities Impacts:

N/A

Changes from Current Law:

N/A

Legal or Administrative Mandates:

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
	2024	2025	2023-25	2026	2027	2025-27
Obj. A	\$383	\$383	\$766	\$383	\$383	\$766
Obj. B	\$140	\$140	\$280	\$140	\$140	\$280
Obj. E	\$24	\$24	\$48	\$24	\$24	\$48
Obj. G	\$11	\$11	\$22	\$11	\$11	\$22
Obj. J	\$6	\$6	\$12	\$6	\$6	\$12
Obj. T	\$151	\$151	\$302	\$151	\$151	\$302

Agency Contact Information

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Agency Recommendation Summary

Nonpoint sources of water pollution, such as runoff from streets, farms, forestlands and other sources, continue to pollute Washington’s waters and now represent the largest remaining challenges to achieving clean water in our state. Key to addressing this challenge is having focused nonpoint specialists in the field to implement the state’s Nonpoint Source Pollution Program by identifying pollution sources and working with partners to get fixes on the ground. Ecology is requesting funding to support additional nonpoint water quality positions needed to work with landowners and local governments to promote voluntary compliance, implement best management practices, and support the implementation of water quality cleanup plans. 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
	2024	2025	2023-25	2026	2027	2025-27
Staffing						
FTEs	10.4	10.4	10.4	10.4	10.4	10.4
Operating Expenditures						
Fund 23P - 1	\$1,128	\$1,128	\$2,256	\$1,128	\$1,128	\$2,256
Total Expenditures	\$1,128	\$1,128	\$2,256	\$1,128	\$1,128	\$2,256

Decision Package Description

Nonpoint source pollution is the leading remaining cause of water quality problems in states across the country, and Washington is no different (<https://www.epa.gov/nps/basic-information-about-nonpoint-source-nps-pollution>). It is caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and human-made pollutants, finally depositing them into lakes, rivers, wetlands, coastal waters and ground waters. This runoff contributes a large variety of pollutants that cause problems across the state, and is one of the most difficult pollution sources to address because, unlike pollution from industrial and sewage treatment plants, nonpoint source pollution comes from many diffuse sources.

Nonpoint source pollution can affect water quality in a number ways. Lack of riparian habitat causes many streams throughout the state to become too warm in the summer, making them unsuitable to support healthy populations of cold-water fish such as salmon and trout. Pollutants, ranging from excess nutrients to toxics, are affecting the food web in the Puget Sound and other waterways. Sediment can carry other pollutants into the water and fill salmon spawning gravel beds. Southern Resident Orcas are in danger of extinction because of toxics in the water and prey availability. Bacteria and other pathogens from livestock manure, pet waste, and failing septic systems have caused shellfish closures and can cause illness to people swimming in the water or eating contaminated shellfish.

By almost any measure (impaired waterways, salmon habitat, shellfish bed closures, water quality cleanup plan implementation), the pace of implementing practices to address nonpoint pollution has lagged behind what is needed to meet water quality standards, recover salmon and shellfish, and support Orca recovery. Ecology needs additional capacity, and flexibility, to respond to and address a larger area of the state, and better meet the scope of this challenge.

Ecology’s Nonpoint Source Pollution (NSP) Program uses a combination of public education, technical assistance, financial assistance, and regulatory tools to help residents understand and comply with state and federal water quality laws and regulations. Ecology’s strategy for addressing nonpoint source pollution focuses on:

- Cleaning up impaired watersheds.
- Completing watershed evaluations to identify nonpoint source pollution issues.
- Implementing best management practices (BMPs) to address identified pollution sources and ensure compliance with water quality standards.

Ecology uses the following tools to guide and promote this strategy:

1. Water quality cleanup plans – Also known as Total Maximum Daily Loads (TMDLs), which are plans for restoring impaired waters, as required by the federal Clean Water Act.
2. Watershed based efforts focused on the implementation of on-the-ground BMPs to achieve compliance with state water quality law using Ecology’s state nonpoint authority (known as Straight to Implementation or STIs).
3. Grant and loan programs.
4. Inspection and technical assistance.
5. Education, outreach, and voluntary programs.
6. Partnerships.

Watershed Cleanup plans (Total Maximum Daily Load and Straight to Implementation)

Under the federal Clean Water Act, all states are required to address known polluted waterbodies. Washington residents expect Ecology to clean up polluted water to ensure they have cool, clean water available for them and to support the natural resources they value, such as salmon and orca.

Here is a brief overview of the process defined in federal law for bringing water bodies into compliance.

1. A lake, river, or stream segment is identified as being out of compliance with water quality standards.
2. Ecology takes steps to reduce pollution.
 - a. In a primarily rural watershed with few permitted facilities and known nonpoint sources of pollution, Ecology works with Conservation Districts and landowners to implement BMPs to address those known sources of pollution (Straight to Implementation).
 - b. In a primarily urban or industrial watershed with several permitted facilities, or in a watershed where the pollution problems are not obvious, Ecology develops Total Maximum Daily Loads (TMDL).
3. TMDLs use water quality sampling and modeling to determine sources of pollution and the reductions needed to restore water quality. Models describe existing conditions, root causes, and help quantify what reductions are needed to meet water quality standards. The TMDL sets the overall pollution load that can be discharged to a waterbody and still meet standards, and then allocates that load between different sources.
4. When Ecology updates water quality permits, data from the TMDL is used to reduce the allowable discharges of pollutants. For nonpoint sources, the TMDL helps identify sources of pollution and quantifies necessary reductions.

However, dedicated nonpoint specialists are needed to work with partners and landowners that have identified pollution problems and get BMPs implemented. Without dedicated resources, TMDLs and other nonpoint plans will largely sit on a shelf and there will be no significant improvements in water quality.

5. As landowners and permittees take steps to reduce the pollution, water quality improves.

In 2021-23, the Legislature provided ongoing funding for Ecology to address a critical bottleneck around the science supporting the development of TMDLs (Step 3, TMDL research, and analysis). That budget add provided technical resources needed to produce the science required to develop these cleanup plans. This new request for 2023-25 complements that previous funding, and focuses on Step 2(a), Straight to Implementation (STI) projects, and Step 4, on the-ground implementation of these projects.

Key Terms and Relationships for TMDLs, Cleanup Plans, and Impairments

TMDLs are the daily limits for specific pollutants to keep water quality within standards. A water quality cleanup plan will cover an entire watershed and provide limits (TMDLs) for one or more pollutants across many river segments or water bodies. A single, water quality cleanup plan typically addresses dozens – sometimes more than 100 – of known exceedances or impairments through its TMDLs. An impairment is a violation of water quality standards in a specific stretch of water.

Current State of Polluted Water Bodies and Implementation Work

Washington has over 4,500 rivers, lakes, and streams that are polluted and not meeting state water quality standards. Since 1998, Ecology has worked to address these polluted waters through water quality cleanup plans, however many of these impairments still do not have a completed plan.

Some of these impairments are complicated situations that can involve a number of discharge permits that need TMDLs, and the rigorous science to accurately inform future permit requirements and nonpoint cleanup efforts. Others are simpler, where pollution sources and fixes are well known and we can move straight to implementation. The latter is now where additional resource are needed, and is the focus of this budget request.

Below are two links to Ecology's Water Quality Atlas website:

This first image shows the water bodies that do not meet water quality standards today (impairments):

[https://fortress.wa.gov/ecy/waterqualityatlas/map.aspx?](https://fortress.wa.gov/ecy/waterqualityatlas/map.aspx?CustomMap=y&RT=0&Layers=23,27,29&Filters=y,n,n,n&F1.4=n,n,n,n,y&BBox=14338616,5395963,12562831,6503994)

[CustomMap=y&RT=0&Layers=23,27,29&Filters=y,n,n,n&F1.4=n,n,n,n,y&BBox=14338616,5395963,12562831,6503994](https://fortress.wa.gov/ecy/waterqualityatlas/map.aspx?CustomMap=y&RT=0&Layers=23,27,29&Filters=y,n,n,n&F1.4=n,n,n,n,y&BBox=14338616,5395963,12562831,6503994)

This image shows where we have completed or are presently conducting TMDLs or STIs:

[https://fortress.wa.gov/ecy/waterqualityatlas/map.aspx?](https://fortress.wa.gov/ecy/waterqualityatlas/map.aspx?CustomMap=y&RT=3&Layers=25&Filters=n,n,n,n&BBox=14338616,5395963,12562831,6503994)

[CustomMap=y&RT=3&Layers=25&Filters=n,n,n,n&BBox=14338616,5395963,12562831,6503994](https://fortress.wa.gov/ecy/waterqualityatlas/map.aspx?CustomMap=y&RT=3&Layers=25&Filters=n,n,n,n&BBox=14338616,5395963,12562831,6503994)

Since 2000, Ecology has written 90 TMDLs that have been approved by the Environmental Protection Agency (EPA). That number will continue to grow as new TMDLs are written and approved in the upcoming years. However, more resources are needed to increase progress in implementing those approved TMDLs, and STI work required to address some of the 4,000-plus impaired waters across the state.

Currently, Ecology has 13 nonpoint specialists working to help implement 23 of the 90 approved TMDLs, along with 10 existing STI projects. These staff also provide support to several shellfish recovery efforts. While this represents a significant amount of work, it is only a fraction of the work that needs to be done.

Legal Obligations and Risks

EPA was sued in 1991, and again in 2019, due to the lack of TMDLs that Washington State produced to address polluted water listings. The 2019 lawsuit calls for EPA to develop federal water quality cleanup plans/TMDLs, since the state has not produced enough of them. If the pace of this work is not accelerated, it is very possible that EPA will be forced to regulate the waters of Washington State, rather than Ecology. This can result in loss of local control of the process, such as having EPA set new permit limits with minimal stakeholder engagement.

The funding Ecology received in 2021-23 is helping the state address more polluted waters and develop the needed TMDLs, which will lower this legal risk over time. However, as we produce more TMDLs there will be an increased need to follow through on implementation on those plans. While there is no bright line test on how many TMDLs we need to complete each year, courts are more likely to defer to Ecology if the state can demonstrate a robust program that produces *and implements* TMDLs.

Request for Increased Capacity

Key to the NSP Program's success, and ability to implement TMDLs, is having implementation-focused nonpoint specialists in the field to carry out the on-the-ground work to clean up watersheds. These positions must cover wide areas across the state and be able to address the full spectrum of potential nonpoint source pollution issues. Nonpoint specialists find sources of pollution, make individual landowner contacts, provide landowners with technical assistance, and connect landowners with funding opportunities to help them implement best management practices that can both prevent pollution from being generated and treat it before it enters waterways.

This request includes resources for two key areas of Ecology's nonpoint work:

- Increase resources in the Southwest, Central, and Eastern regions to implement water quality cleanup plans, including TMDLs and STIs.
- Maintain existing project positions in the Bellingham Field Office (BFO), Southwest Region (SWRO), and Headquarters (HQ) to identify and address nonpoint pollution sources that support shellfish recovery efforts. Specialists work with landowners to implement nonpoint pollution prevention best management practices that protect water quality with a focus on watersheds that drain to shellfish growing areas and other impaired waterbodies.

Increase Capacity to Implement Water Quality Cleanup Projects

This request will increase capacity to implement cleanup plans (TMDLs and STIs) in areas of the state critical to salmon, shellfish, and orca recovery, as well as protecting people recreating in those waters. In watersheds where Ecology currently has nonpoint specialists dedicated to implementing TMDLs and STIs, meaningful progress is made.

The five FTEs requested to support this part of the budget request will play a vital role in implementing Ecology's NSP Program by working with landowners and local governments to promote voluntary compliance, implement BMPs, and support the completion of cleanup plans. Building a strong, enduring NSP Program requires a tremendous amount of relationship building within local communities. Working out of Ecology's Central, Eastern and Southwest regional offices, these nonpoint specialists will use a watershed evaluation process to identify pollution problems, contact landowners and producers, work with them and other watershed stakeholders to implement recommended BMPs that prevent discharges of pollutants, and provide a regulatory backstop when voluntary efforts do not address pollutions sources.

This work will support:

- Salmon Recovery - Salmon need clean and cool water. Implementing temperature-focused water quality cleanup plans are an important piece of supporting salmon recovery. To date, the pace of implementing the nonpoint portion of these cleanup plans has lagged. This request will help fill the gap in resources dedicated to implementing these cleanup plans.
- Orca Recovery - The Governor's Executive Order 18-02, designed to protect Washington's Southern Resident Orca and Chinook salmon populations, focuses on 1) prey availability and 2) toxics. Orcas rely on Chinook salmon as a key source of food. Additionally, toxins entering the Puget Sound effect Orcas. This request will help implement the initiative by addressing pollution sources that threaten salmon survival along our coastline and the Columbia River watershed. This will complement the work already underway in the Puget Sound watershed.
- Columbia and Lower Snake Rivers Temperature TMDL – Over the next year, Ecology will be writing the implementation plan for the Columbia and Lower Snake Rivers Temperature TMDL. Restoration of riparian habitat in the tributaries will be necessary to achieve compliance with water quality standards and provide cold-water refuges for salmon migrating up the system. This request will help carry out the implementation plan and riparian restoration in key tributaries.

Maintain Shellfish Recovery Nonpoint Specialists

The second part of this budget request will provide ongoing funding for four existing nonpoint specialist project positions. Since 2017, Ecology

has relied on National Estuary Program (NEP) grants from the Shellfish Strategic Initiative, administered by the Department of Health (DOH), to fund four nonpoint specialist project positions in the following geographic areas to address bacteria pollution affecting shellfish growing areas. These project positions are vital to conducting doing nonpoint source control work in watersheds that flow to important shellfish beds across Puget Sound.

- Southwest Region
 - Key Peninsula (Filucy Bay, Vaughn Bay, Rocky Bay, Burley Lagoon, Henderson Bay)
 - Eld Inlet (Mclane Creek, Perry Creek)
 - Henderson Inlet and tributaries
- Bellingham Field Office
 - Drayton Harbor
 - Lummi Bay
 - Portage Bay
 - Samish Bay
 - Padilla Bay
 - Skagit Bay South

Shellfish work conducted by these project positions includes watershed assessments, water quality monitoring, education and outreach, identifying landowners needing technical assistance, providing technical assistance, helping to secure funding for best management practice installation, and progressing to formal enforcement in the egregious areas where voluntary efforts have not proven effective. This work also includes close coordination with local, state, federal, and Tribal partners through established Pollution Identification and Correction (PIC) programs and other local efforts to address water pollution. This request maintains the existing coordination efforts with local PIC and shellfish protection districts, provides a regulatory backstop for implementing these programs, and continues support for the Governor's Washington Shellfish Initiative (<https://www.governor.wa.gov/issues/issues/energy-environment/shellfish>).

In just the last two years, these nonpoint specialists have:

- Completed 17 watershed assessments,
- Evaluated over 300 properties and identified 113 sites as high priorities,
- Followed up with 18 of the high priority sites, and
- Referred another 75 sites to partners for follow-up.

Ecology's current NEP funding for these four positions ends in June 2023, and ongoing state funding is needed to continue the work done by these positions moving forward. The next solicitation for NEP shellfish funding will take place this fall, and while Ecology plans to apply for new funding to extend these positions into future years, there is no guarantee that funding will be awarded past June 2023.

Without ongoing funding, Ecology will lose over 20 percent of its existing nonpoint specialists beginning in 2023-25, which would significantly affect our ability to support several shellfish recovery efforts. Furthermore, progress made on the Clean Samish Initiative, the Whatcom Clean Water Program (Portage Bay and Drayton Harbor shellfish recovery efforts), Oakland Bay shellfish recovery efforts, and Key Peninsula shellfish recovery efforts will cease.

It is also important to note that while Ecology will pursue new one-time federal funding through the NEP to continue these project positions next biennium, if secured, that funding could only be used to address nonpoint issues affecting shellfish protection. While shellfish protection is important, and Ecology will continue to focus on the protection of this resource, regardless of future fund source, a shift to state funding will allow Ecology to also address the broader array of nonpoint issues (salmon protection, temperature, toxics, and nutrients) within these and adjoining watersheds.

Please note, Ecology will provide an update to the Office of Financial Management (OFM) and Legislature on the outcome of NEP funding decisions for the 2023-25 biennium, which should be made by the end of calendar year 2022. If our four project positions are again funded through the NEP Shellfish Initiative beginning next biennium, Ecology would provide an update to this budget request.

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. This request will address temperature, pathogens, dissolved oxygen, nutrient, and toxic pollution that threaten the cool, clean water that Washington residents rely on.

Water quality improvement projects can be broad in scope and geography. For any individual TMDL, the impacted population are the people who live and work in the watershed.

Even with support for this request, there will remain a significant backlog of projects that will need implementation support. This request will put

Ecology on track to start addressing the implementation backlog for the existing TMDLs and water impairments. Ecology will work with stakeholders to identify and focus on implementing important TMDLs and address critical impairments, while looking for innovative ways to address the remaining impairments with other tools. This request will increase efforts to specifically address key nonpoint pollutants, such as temperature, pathogens, bacteria, nutrients, sediments, and toxics. Addressing these types of pollutants are critical for fish and aquatic life to survive and protecting human health.

Alternatives Explored:

One alternative explored to this request was to stop doing the nonpoint source control work upstream of shellfish growing areas once the NEP shellfish funding ends July 30, 2023. This alternative is not acceptable because it could result in increased shellfish-growing area closures and a reversal of progress made.

Another alternative explored was shifting existing internal resources from other activities to complete this work within existing funding. However, in order to operate a successful nonpoint source pollution program, Ecology must be able to implement all aspects of the program:

1. Water quality cleanup plans - TMDLs, which are plans for restoring impaired waters, as required by the federal Clean Water Act.
2. Straight to Implementation (STI) projects, which implement BMPs to achieve compliance with state water quality law using Ecology's state nonpoint authority.
3. Grant and loan programs.
4. Inspection and technical assistance.
5. Education, outreach, and voluntary programs.
6. Partnerships.

Where possible, Ecology has already started redeploying its resources in a more systematic way by aligning the TMDL and nonpoint source pollution programs. This has helped leverage an array of expertise and orient programmatic efforts toward cleaning up impaired watersheds. However, these efforts only get us so far, because not all staff can be redirected to implementation. Doing this would make Ecology less effective in the vacated areas and could increase our litigation risk. For example, redirecting resources dedicated to TMDL development to TMDL implementation would likely affect our production numbers and increase Ecology's litigation risk. To effectively implement all aspects of the NSP Program, Ecology needs additional ongoing funding support.

Consequences of Not Funding This Request:

If this request is not funded, Ecology would not have the resources needed to address nonpoint pollution issues that affect water quality and shellfish beds. That would likely result in shellfish areas downgraded more often and fewer water quality cleanup plans being implemented.

Ecology's ability to provide technical assistance and conduct compliance efforts in the field would continue to lag behind what is needed to meet water quality standards, recover salmon and shellfish, and support Orca recovery. Relationships with local governments, citizens, and other partners would be harder to establish and maintain, as Ecology would not have the resources to engage in joint efforts with these entities.

Specifically, not funding this request means Ecology would not have the increased capacity needed to more effectively:

- Respond to environmental complaints,
- Implement currently approved and future water quality cleanup plans or conduct other watershed cleanup efforts,
- Improve water and habitat quality for salmon, including endangered species,
- Prevent backsliding in areas where water quality improvements have been made,
- Support local Pollution Identification and Correction programs and shellfish protection districts and
- Respond to threatened or downgraded shellfish growing areas and achieve shellfish recovery goals.

Assumptions and Calculations

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

This request maintains the current level of work in Activity A006 - Clean Up Polluted Waters by providing ongoing state funding to support four existing FTEs that are currently funded by a federal National Estuary Program grant that expires in June 2023 (if the NEP funding ends as anticipated).

This request also expands Activity A049 – Reduce Nonpoint – Source Water Pollution by providing additional staff to help identify, prevent and mitigate nonpoint source pollution discharges. These staff will also support local PIC programs and other watershed-based efforts to improve water quality, including working with landowners and local governments to promote voluntary compliance, implement BMPs, and support the implemental of water quality cleanup plans.

Below is a summary of the 2019-21 and 2021-23 base funding and FTEs for these activities. Administrative Overhead related to this activity is also in the agency's Administration Activity A002, but not shown in the totals below.

A006 – Clean Up Polluted Waters		
	2019-21	2021-23
FTEs Total	35.45	27.20
001-1 General Fund – State	\$571,000	\$0
001-2 General Fund - Federal	\$3,689,000	\$2,459,000
176-1 Water Quality Permit	\$546,000	\$0
23-P Model Toxics Control Operating	\$4,786,000	\$6,681,000
TOTAL	\$9,592,000	\$9,140,000

A049 – Reduce Nonpoint Source Water Pollution		
	2019-21	2021-23
FTEs Total	33.40	37.75
001-1 General Fund – State	\$689,000	\$1,927,000
001-2 General Fund - Federal	\$4,000,000	\$2,595,000
027-1 Reclamation	\$1,242,000	\$1,251,000
23-P Model Toxics Control Operating	\$2,151,000	\$2,254,000
TOTAL	\$8,082,000	\$8,027,000

Detailed Assumptions and Calculations:

Beginning July 1, 2023 and ongoing, the following positions and resources are needed to implement this request.

- 3.0 FTEs Environmental Specialist 3 (ES3) and 3.0 FTEs ES4 to lead water quality cleanup actions – one in the Southwest Region, two in the Bellingham Field Office, two in the Central Region and one in the Eastern Region. These positions will conduct watershed evaluations and other source identification work with landowners and local governments to promote voluntary compliance, respond to complaints and referrals, contact landowners and producers that are pollution sources, work with them and other watershed stakeholders to implement recommended BMPs that prevent and treat discharges of pollutants, provide a regulatory backstop when voluntary efforts do not address pollutions sources, and take other actions to support the implementation of water quality cleanup plans.
- 1.0 FTE ES4 at Headquarters to assist in coordinating Ecology’s nonpoint source correction program. This position will help coordinate planning efforts, help develop program guidance materials, review communications and other outreach materials, coordinate the nonpoint workgroup and help coordinate nonpoint specialist training.
- 1.0 FTE ES1 and 1.0 FTE ES2 – one in Southwest Region and one in Eastern Region – to conduct watershed cleanup (TMDL and STI) outreach to landowners. Outreach specialists will create an education and outreach strategy focused on social based marketing, accessibility updates for existing documents, and environmental justice screening tools, in order to reach a wider audience in priority watersheds. Specific tools for greater outreach may include story maps, interactive surveys, videos, and interpreting technical information for residents.
- Ecology also requires \$40,000 per biennium to support laboratory analysis costs of nonpoint samples.

Workforce Assumptions:

Expenditures by Object		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
A	Salaries and Wages	588,179	588,179	588,179	588,179	588,179	588,179
B	Employee Benefits	214,686	214,686	214,686	214,686	214,686	214,686
E	Goods and Services	63,506	63,506	63,506	63,506	63,506	63,506
G	Travel	20,106	20,106	20,106	20,106	20,106	20,106
J	Capital Outlays	11,070	11,070	11,070	11,070	11,070	11,070
T	Intra-Agency Reimbursements	230,826	230,826	230,826	230,826	230,826	230,826
	Total Objects	1,128,373	1,128,373	1,128,373	1,128,373	1,128,373	1,128,373

Staffing

Job Class	Salary	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
ENVIRONMENTAL SPECIALIST 3	63,214	3.00	3.00	3.00	3.00	3.00	3.00
ENVIRONMENTAL SPECIALIST 4	73,262	4.00	4.00	4.00	4.00	4.00	4.00
ENVIRONMENTAL SPECIALIST 1	48,160	1.00	1.00	1.00	1.00	1.00	1.00
ENVIRONMENTAL SPECIALIST 2	57,329	1.00	1.00	1.00	1.00	1.00	1.00
FISCAL ANALYST 2		0.90	0.90	0.90	0.90	0.90	0.90
IT APP DEVELOPMENT-JOURNEY		0.45	0.45	0.45	0.45	0.45	0.45
Total FTEs		10.35	10.35	10.35	10.35	10.35	10.35

Explanation of costs by object:

Salary estimates are current biennium actual rates at Step L.
 Benefits are the agency average of 36.5% of salaries.
 Goods and Services are the agency average of \$4,834 per direct program FTE and \$20,000 per fiscal year for laboratory analysis.
 Travel is the agency average of \$2,234 per direct program FTE.
 Equipment is the agency average of \$1,230 per direct program FTE.
 Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 28.75% 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.

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 3: Prevent and Reduce Toxic Threats and Pollution, and Goal 4: Protect and Manage our State’s Waters because it will provide long term funding for vital positions that help land owners reduce toxins in watersheds that flow to important shellfish beds. This request will also make it possible to increase customer service in the Southwest, Central and Eastern Regions because it will fund positions that provide technical assistance to land owners in those areas of the state.

This request is essential to achieving the Governor’s Results Washington Goal 4: Healthy and Safe Communities because it will reduce human health risks from contaminated shellfish. It will also increase Ecology’s outreach to land owners, community members and the public on TMDL work and lead to timelier water quality assessment reports.

This request is essential to supporting the Governor’s Statewide Salmon Strategy Update to protect and restore vital salmon habitat and build climate resiliency because improving riparian habitat and reducing high temperatures in watersheds are key elements for salmon recovery.

This request is essential to supporting the Governor’s Orca Recovery Task Force recommendation #40 - Better align existing nonpoint programs with nutrient reduction activities and explore new ways to achieve the necessary nonpoint source nutrient reductions because it will allow the currently NEP funded positions expand and look at all nonpoint source pollution problems. Right now, the NEP grant focus on bacteria and shellfish only. There will be more flexibility for Ecology to respond to and address all occurrences of nonpoint source pollution including nutrient and temperature sources. This will help us address Orca and salmon recovery in addition to shellfish recovery.

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. Improves stormwater management

Performance Outcomes:

The outcome of this request will be an increase in implementation of Ecology's nonpoint source pollution program. Nonpoint specialist positions play a vital role in:

- Helping to prevent and mitigate nonpoint source pollution discharges.
- Supporting locally led Pollution Identification and Correction programs and other watershed-based efforts.
- Working with landowners and local governments throughout the Puget Sound to:
 - Promote voluntary compliance.
 - Implement BMPs that prevent discharges of pollutants.
 - Support the completion of water quality cleanup plans.
- The outcome of this request will allow Ecology to implement cleanup plans for the highest priority watersheds in Washington. With support from last biennium's new funding, Ecology is ramping up to work to complete TMDLs, which will then require an increase in capacity to implement water quality cleanup plans. It takes years and often decades to fully implement plans. Ecology will be able to work on implement an additional 5-10 cleanup plans and an ongoing basis.
- The request also directly help implement achieving targets in the Puget Sound Partnership's Shellfish Vital Sign to open 500 acres of shellfish beds a year.

Equity Impacts

Community outreach and engagement:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Disproportional Impact Considerations:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Target Populations or Communities:

Access to cool, clean water is a basic human right. Water quality cleanup plans aim to protect and restore waters to meet water quality standards to benefit diverse demographic and geographic communities. To meet this goal, Ecology considers environmental justice (EJ) in planning and prioritizing how to conduct business. The recommendations in the water quality cleanup plans rely heavily on feedback received from businesses, environmental groups, local governments, tribes, and Washington residents.

Ecology will include EJ considerations when prioritizing water quality cleanup plans. This includes using EJ screening tools to identify communities with the highest water quality needs and those that have EJ considerations, as well as potential impacts of the water quality cleanup plan prioritization process on communities of color, low-income populations, and indigenous communities.

As a means to directly involve residents in development and implementation of water quality cleanup plans, Ecology convenes watershed-based stakeholder groups, including local residents and Tribes, to guide nonpoint implementation plans. With the passage of Second Substitute Senate Bill 5793, these groups will likely be eligible as "class one" groups as defined in RCW 43.03.220. Residents representing overburdened or low-income populations may be eligible to receive a stipend if they participate in the water quality cleanup plan groups. Ecology will work to encourage participation of residents affected by poor water quality so they have a stronger voice in the water quality cleanup plan process.

Protecting shellfish beds will benefit overburdened communities that harvest and consume shellfish, especially Tribes. In Washington State, Tribes are significant shellfish harvesters and consumers, and protecting shellfish beds from pollution helps protect treaty rights.

Other Collateral Connections

Puget Sound Recovery:

This request supports the following strategies, outcomes, and actions in the 2022-2026 Puget Sound Action Agenda:

- Vital Signs – Toxics in Aquatic Life and Shellfish Beds
- Strategies
 - 9. Source Identification and Correction
 - 10. Stormwater Runoff and Legacy Contamination
 - 11. Wastewater Systems
 - 12. Working Lands Runoff
- Desired Outcomes

- 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.
 - 2.3.2. On-site septic systems (OSS) are inventoried, inspected, maintained, and operational.
 - 2.3.4. Disease-causing (pathogenic) bacteria and viruses in stormwater runoff from residential and commercial lands reduced.
 - 2.3.5. Disease-causing (pathogenic) bacteria and viruses in runoff from agricultural lands reduced.
 - 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
 - 8. Strengthen and implement authorities and programs that prevent fecal pollution from agricultural lands.
 - 9. Fund, develop, and implement effective local and tribal nations pollution identification and correction (PIC) programs.
 - 10. Support watershed cleanup implementation and the development of cleanup plans such as Total Maximum Daily Loads (TMDLs) and other strategies to limit fecal pollution.
 - 39. Implement priority upgrades of municipal and industrial wastewater facilities in urban and urbanizing areas to reduce disease-causing bacteria and viruses and their effect on Puget Sound.
 - 41. Find and fix toxic hotspots.

State Workforce Impacts:

N/A

Intergovernmental:

Implementing nonpoint best management practices includes close coordination with counties, cities, conservation districts, state agencies (especially Department of Health), federal agencies, and Tribal partners through established Pollution Identification and Correction (PIC) programs. These agencies support Ecology having sufficient resources to carry out its mission.

This request supports a number of cross-agency and intra-governmental relationships. In 2014, Ecology created the Agriculture and Water Quality Advisory Committee. This committee includes a broad array of agricultural interests. The committee discusses issues and provides advice and guidance associated with the work Ecology does to prevent agricultural pollution, including issues related to the implementation of the nonpoint source pollution program. The purpose of the committee is to provide an open forum for producers and stakeholders to meet with Ecology, learn about our work, and provide guidance as we tackle the challenge of ensuring water quality protection and a healthy agricultural community.

Local governments and special purpose districts are the on-the-ground implementers of many Nonpoint source pollution control activities. Ecology relies heavily on the continued commitment of energy and resources by these entities. Additionally, local governments can often play an important role in monitoring and correcting nonpoint source pollution.

Other state agencies also play a key role in implementing authorities that can help in preventing and controlling nonpoint source pollution. No single state agency has all the tools to solve nonpoint source pollution problems. These other agencies include Department of Health, the Puget Sound Partnership, the Recreation and Conservation Office, the State Conservation Commission, Department of Agriculture, Department of Fish and Wildlife, Department of Commerce, and the Washington State University Stormwater Center in Puyallup.

Stakeholder Response:

Commercial and recreational shellfish harvesters are highly supportive of Ecology's efforts to protect shellfish beds. When one-time NEP grant funding was originally provided to support Ecology's nonpoint field work, support was unanimous during the public outreach process because Ecology's efforts were vital to the success of local PIC program implementation and the Washington Shellfish Initiative.

Ecology also expects support from tribal partners for adding these positions and allowing Ecology to broaden its work focus beyond just shellfish recovery efforts. For the last several years, tribes have communicated the need to do more to address temperature impairments and support salmon recovery through more riparian restoration.

State Facilities Impacts:

N/A

Changes from Current Law:

N/A

Legal or Administrative Mandates:

Implementing an effective NSP Program is a requirement of the Coastal Zone Act Reauthorization Amendments (CZARA). CZARA augments Clean Water Act Section 319 NPS pollution programs in the coastal zone area. In Washington, this includes 17 counties in Western Washington: Clallam, Island, Jefferson, King, Kitsap, Mason, Pierce, San Juan, Skagit, Snohomish, Thurston, and Whatcom in the Puget Sound region and Grays Harbor, Lewis, Pacific, Wahkiakum, and Cowlitz along the Pacific Coast/Columbia River. At the heart of the program is the requirement that states develop BMPs necessary to ensure attainment of water quality standards. Further, states must also have enforceable policies and mechanisms to implement the program, including the management measures.

An effective NPS pollution program is also a requirement of the Clean Water Act section 319, and the Water Pollution Control Act (Chapter 90.48 RCW) and is necessary to establish and implement water quality standards for the state under Chapter 173-201A WAC.

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
	2024	2025	2023-25	2026	2027	2025-27
Obj. A	\$588	\$588	\$1,176	\$588	\$588	\$1,176
Obj. B	\$215	\$215	\$430	\$215	\$215	\$430
Obj. E	\$63	\$63	\$126	\$63	\$63	\$126
Obj. G	\$20	\$20	\$40	\$20	\$20	\$40
Obj. J	\$11	\$11	\$22	\$11	\$11	\$22
Obj. T	\$231	\$231	\$462	\$231	\$231	\$462

Agency Contact Information

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Agency Recommendation Summary

The Sumas-Blaine Aquifer is an international transboundary aquifer jointly managed by British Columbia and Washington State. It is the principal drinking water source for 40,000-45,000 area residents, and over 20 percent of the private drinking water wells exceed the safe drinking water standards for nitrate. For 25 years, Ecology has monitored the aquifer’s health using domestic water supply wells that residents have allowed us to access. Ecology is now requesting funding to install and monitor 30 additional dedicated wells over the next six years to reduce our dependency on access to private domestic wells, and improve our ability to monitor the aquifer. A dedicated groundwater well network is necessary to provide continued water quality and quantity information on this valuable resource, which will result in cool, clean groundwater critical to the health of our communities, agricultural economy, and salmon. (Model Toxics Control Operating Account)

Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
Staffing						
FTEs	2.3	2.3	2.3	2.3	2.3	2.3
Operating Expenditures						
Fund 23P - 1	\$324	\$397	\$721	\$325	\$397	\$722
Total Expenditures	\$324	\$397	\$721	\$325	\$397	\$722

Decision Package Description

Background

Cool, clean groundwater is critical to the health of our communities, agricultural economy, and salmon. In recent years, Ecology’s water programs (Environmental Assessment, Water Resources, and Water Quality) have embarked on an ambitious effort to assemble, document, evaluate, and make available Ecology’s legacy groundwater quality and water level information. Collectively, these efforts led to a number of important advancements, including:

- Developing and supporting an enterprise groundwater database that assembles groundwater quality, water level, and related publications/reports in a single, readily accessible location.
- Groundwater-specific monitoring Standard Operating Procedures (SOPs).
- Agency groundwater monitoring data attribute standards.
- Procedures and resources to capture and archive groundwater data collected through Ecology grant funded projects.
- Participation and funding for Ecology groundwater projects through the National Groundwater Monitoring Network that is administered and operated by the United States Geological Survey (USGS).

Ecology is requesting funding to continue building on these efforts by developing a dedicated groundwater-monitoring network that will provide information on groundwater quality and quantity in vulnerable aquifers and areas of the state, such as the Sumas-Blaine Aquifer.

The Sumas-Blaine Aquifer (SBA) is an international transboundary aquifer that is an important drinking water source jointly managed by British Columbia and Washington State. The SBA in northern Whatcom County is the primary drinking water source for 40,000-45,000 residents. The aquifer is shallow and highly vulnerable to contamination from overlying agricultural land uses and residential development.

Monitoring conducted between 1990 and 2018 indicates that approximately 25 percent of sampled SBA domestic wells exceeded the drinking water standard for nitrate, putting the health of the local community at risk. Drinking water high in nitrates is a potential health risk for infants, pregnant women, and people with compromised immune systems. The Washington State Department of Health (DOH) has warned that drinking water high in nitrate concentrations can lead to a serious condition that reduces oxygen to red blood cells.

Ecology has been monitoring the aquifer’s health using domestic water supply wells that local residents have granted us access to since 1990. A 1997 aquifer-wide survey of nitrate concentrations was conducted to provide a baseline for future monitoring needs. The survey showed that nitrate concentrations appeared to be highest in the central and northeast parts of the SBA and a subset of 35 wells in that area were chosen for a long-term monitoring program. Ecology has continued to sample this subset of wells since 2003. However, the opportunistic nature of the well locations has not always provided consistent data, particularly when ownership changes. Today we have consistent annual monitoring data for 23 of the 35 domestic wells. Ecology conducted a second aquifer-wide nitrate monitoring in 2018 and nitrate concentration distributions were similar to the 1997 study (<https://apps.ecology.wa.gov/publications/documents/1703013.pdf>).

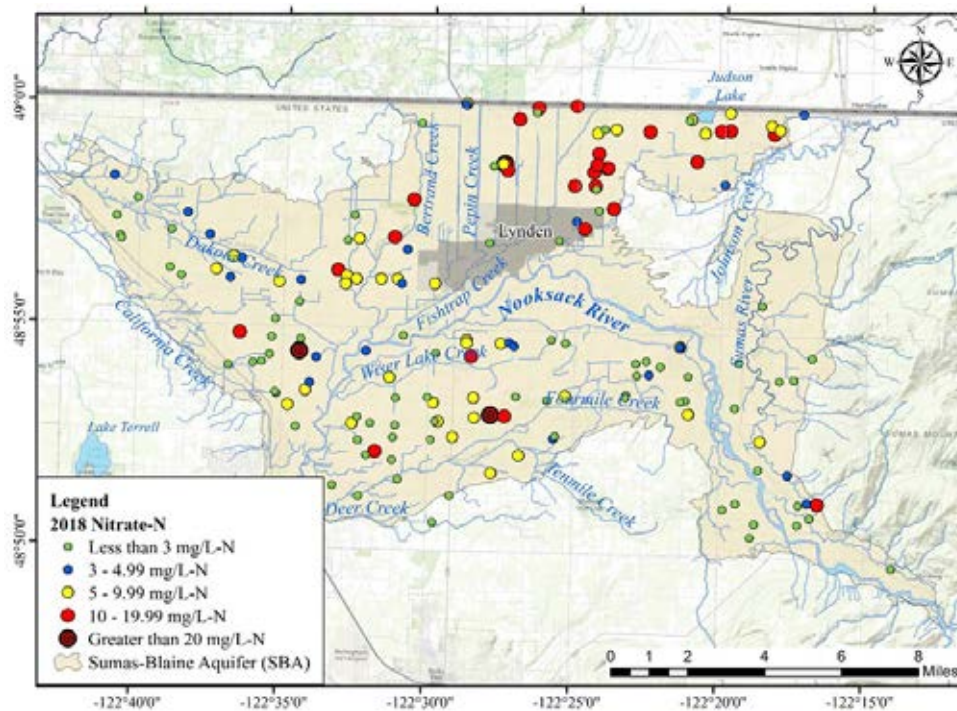


Figure 1. Map of nitrate-N concentrations in wells sampled in 2018.

To expand our ability to monitor the SBA, Ecology used one-time grant funding provided through the USGS under the National Groundwater Monitoring Network (NGWMN) program to install six dedicated monitoring wells along the U.S.-Canadian border. The wells were installed in 2021 and are arranged along a six-mile east-to-west transect within 1.5 miles of the border. The well locations were selected to provide water level and water quality data for the U.S. portion of the aquifer and to replace data from a Canadian monitoring program that was discontinued in 2018. The new wells were added to Ecology's long-term SBA nitrate monitoring program, and are sampled annually every spring.

The USGS provided these grant funds specifically to install wells along the shared U.S.-Canadian border to monitor nitrate. Future funds for well installation in the SBA are not available through the NGWMN program.

Project Request

This request will provide funding to install and monitor 10 additional wells per biennium over the next six years to establish a network of 30 dedicated wells in the central and northeast parts of the SBA that have elevated nitrates. This will allow Ecology, Department of Agriculture (WSDA), DOH, and the local community to better assess groundwater levels and nitrate concentrations and sources over time. The addition of 30 dedicated monitoring wells will begin to reduce our dependence on access to private domestic wells and allow us to place wells in areas where there are no wells available to sample.

If most current private wells remain in the network, we will have a monitoring network of around 50 wells in this area of concern. However, over time we have experienced attrition in the number of private wells we have been allowed to sample and expect that trend to continue, which necessitates the need to reduce reliance on access to private wells. This request will provide a stable foundation of at least 30 wells, which, based on previous studies, is the minimum number of wells needed to provide reliable information on the condition of this area.

This request will fund the following activities:

- Developing a core groundwater-monitoring network for the SBA consisting of 30 purpose-built monitoring wells over the next six years to monitor the aquifer's water quality and quantity.
- Purchasing and installing transducers and baro-loggers for the new monitoring wells.
- Annual nitrate sampling for the 30 new SBA wells in our long-term monitoring network.
- Data quality assurance reviews and upload to Ecology's Environmental Information Management database (EIM).
- Biennial reporting of monitoring results in a published report.

Establishing reliable, well-supported groundwater monitoring network and formal data collection/reporting protocol for the SBA will provide certainty and consistency for Ecology, WSDA, DOH, and local communities in our collective efforts to understand, protect, and improve Washington's groundwater resources (both quality and quantity).

The experience Ecology gained by installing the NGWMN wells indicates that 10 wells is a reasonable number to install during a two-year

period, given the amount of planning and logistics involved. This request will provide funding needed to install 10 new wells each biennium, over the next three biennia, focused on known areas of elevated nitrate concentrations within the SBA. In the future, should Ecology determine a need to expand to an aquifer-wide monitoring network in the SBA, we would submit a future budget request to address those needs.

Impacts on Population Served:

Groundwater supplies 60 percent of Washington's drinking water, but many areas of the state struggle with declining water levels and elevated nitrate concentrations, putting the health of our communities at risk. Washington residents who depend on the SBA for drinking water deserve a reliable, clean, and safe supply.

The SBA is a principal drinking water source for 40,000-45,000 area residents, and over 20 percent of the private drinking water wells exceed the safe drinking water standards (10 mg/L) for nitrate. This request is essential for Ecology to be able to provide baseline and trend water level and nitrate data through groundwater monitoring. These data can be used to evaluate the effectiveness of land management strategies that ultimately may reduce nitrate concentrations in the Sumas-Blaine area groundwater.

In addition to the SBA work described above, Ecology will continue to coordinate with WSDA and DOH to identify and prioritize additional nitrate and groundwater level monitoring efforts in areas of significant groundwater importance or vulnerability. Because groundwater and surface water are often inseparably linked, the water quality and groundwater level information collected through this request will complement ongoing efforts to understand and reduce the impacts of nutrients and other contaminants carried from discharging groundwater into Washington's salmon-critical freshwater streams and marine environments. (<https://apps.ecology.wa.gov/publications/SummaryPages/99327.html>). Such efforts are underway in the Nooksack River Basin, where studies looking at nitrogen sources reaching Puget Sound show that, proportional to its area, the Nooksack River puts more nitrogen into the Sound than any other river (<https://pubs.usgs.gov/sir/2014/5221/pdf/sir2014-5221.pdf>).

Alternatives Explored:

Groundwater monitoring is important to Ecology's mission. It is an essential element to support regulatory and land use decisions. Groundwater monitoring helps us know the impacts of land use or benefits of new management strategies.

Several years ago, Ecology was able to obtain funding through the USGS NGWMN program to install six dedicated monitoring wells in the SBA. However, this funding was specifically to install wells along the U.S.-Canadian border. Future funds for well installation in the SBA are not available through the NGWMN program and we have been unable to locate alternative sources of federal funding for this work.

An alternative would be to scale the request back to funding only the installation of 10 wells during the 2023-25 biennium. This alternative is not preferable because it would continue our dependence on receiving permission from homeowners to access their private wells in order to collect sufficient data to reliably characterize water quality and groundwater level conditions in the SBA. It would also require us to submit additional budget requests over the next two biennia to maintain these new wells and continue building towards our overall goal of 30 dedicated groundwater-monitoring wells. It is better to secure funding for the entire project now in order to allow for more effective planning and implementation of the fully scoped project. It is also more effective and efficient to recruit candidates to support the entire project, rather than trying to hire them for only two years at a time.

Consequences of Not Funding This Request:

If this request is not funded, the following risks would result:

- Ongoing public health risks due to ingestion of nitrate-contaminated drinking water sourced from the SBA.
- Ongoing impacts to Puget Sound from nitrate-contaminated groundwater that discharges to the Nooksack River and/or tributaries.
- Lack of available information to assess and understand long-term groundwater trends related to ongoing/emergent groundwater storage deficits associated with excess groundwater use or future climate change impacts.

Assumptions and Calculations

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

This request expands activity A007 Conduct Environmental Studies for Pollution Source Identification and Control by adding staff and funding to expand groundwater monitoring to help reduce nitrate contamination in the SBA. Below is a summary of the 2019-21 and 2021-23 base funding and FTEs for this activity. Administrative Overhead related to this activity is in the agency's Administration Activity A002, and is not included in the totals below.

A007 Conduct Environmental Studies for Pollution Source Identification and Control		
	2019-21	2021-23
FTEs Total	66.75	86.4
001-1 General Fund-State	\$65,000	\$2,063,000
001-2 General Fund-Federal	\$4,569,000	\$4,615,000
176-1 Water Quality Permit Account	\$5,589,000	\$5,668,000
207-1 Hazardous Waste Assistance Account	\$11,000	\$0
23P-1 Model Toxics Control Account-Operating	\$9,159,000	\$17,087,000
TOTAL	\$19,393,000	\$29,433,000

Detailed Assumptions and Calculations:

From July 1, 2023 through June 30, 2029, Ecology requires salaries, benefits, and associated staff costs for:

- 1.0 FTE Hydrogeologist 4 (HG4) to serve as the licensed hydrogeologist and project manager. This position will be responsible for finding suitable well locations, coordinating with local property owners to secure access, contracting with well drillers, and overseeing drilling and well installation/completion. They will also lead field monitoring work, including maintaining the dedicated monitoring well locations, conducting water quality sampling, and providing active Quality Assurance/Quality Control (QA/QC) assessments of collected data and prepare biennial monitoring results reports.
- 1.0 FTE HG2 to provide project support. This position will assist the senior Hydrogeologist in finding suitable well locations, coordinating well access, and helping with drilling/well installation oversight. They will also be responsible for purchasing all field supplies, preparing for field monitoring, assisting with water quality sampling, and helping to maintain dedicated monitoring well locations. For the safety of our staff, two-person teams typically conduct this type of field work.
- Beginning in fiscal year 2030 and ongoing, after the 30 new monitoring wells are installed, a reduced level of staffing (0.2 FTE HG4 and 0.5 FTE HG2) will be required to conduct monitoring, oversee and carry out well maintenance, analyze collected data, write reports, and enter data into Ecology's Environmental Information Management database (EIM).

Contracts

Drilling contracts will be required to install the 10 new monitoring wells each biennium over the next six years. If the wells are located along road right-of-ways, contracting of a special vector-truck may also be required to avoid damaging underground utilities. Vector truck technology is commonly used to physically remove sediments from the surface to up to 8' in depth. Based on previous experience installing new monitoring wells, this cost is estimated at \$61,000 each biennium for the 10 wells installed.

Equipment

Each of the monitoring wells will require a pressure transducer and baro-logger in order to collect continuous water level data. A logger shuttle kit to download the data is also required. The estimated cost for these items is \$11,300 for the 10 wells installed each biennium.

Laboratory Analytical Costs

Beginning July 1, 2025 and ongoing, Ecology will require funding to sample the new monitoring wells annually. The estimated cost for this work is \$100 per well per year. For the 2025-27 biennium, these costs will be \$1,000 for the first 10 wells, and then increase by \$1,000 in each subsequent biennia as the next set of 10 wells are installed and enter their monitoring phase.

Workforce Assumptions:

Expenditures by Object		<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
A	Salaries and Wages	175,059	175,059	175,059	175,059	175,059	175,059
B	Employee Benefits Personal Service	63,897	63,897	63,897	63,897	63,897	63,897
C	Contract		61,000		61,000		61,000
E	Goods and Services	9,668	9,668	10,168	10,168	10,668	10,668
G	Travel	4,468	4,468	4,468	4,468	4,468	4,468
J	Capital Outlays Intra-Agency	2,460	13,760	2,460	13,760	2,460	13,760
T	Reimbursements	68,700	68,700	68,700	68,700	68,700	68,700
	Total Objects	324,252	396,552	324,752	397,052	325,252	397,552

Staffing

Job Class	Salary	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
HYDROGEOLOGIST 4	96,159	1.00	1.00	1.00	1.00	1.00	1.00
HYDROGEOLOGIST 2	78,900	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
	Total FTEs	2.30	2.30	2.30	2.30	2.30	2.30

Explanation of costs by object:

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 36.5% of salaries.

Contracts is \$61,000 for well drilling to install 10 groundwater monitoring wells each biennium.

Goods and Services are the agency average of \$4,834 per direct program FTE, and \$1,000 per year for laboratory analysis of groundwater samples for every 10 wells installed beginning in fiscal year 2025.

Travel is the agency average of \$2,234 per direct program FTE.

Equipment is the agency average of \$1,230 per direct program FTE, and \$11,300 per biennium for data collection equipment beginning in fiscal year 2025.

Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 28.75% 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.

Strategic and Performance Outcomes

Strategic Framework:

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

- Goal 2: Prosperous Economy because it will fund the resources Ecology needs to maintain:
 - A healthy aquatic environment.
 - Our state's agricultural economy.
 - The health of our community drinking water.
- Goal 3: Sustainable Energy and a Clean Environment and Goal 4: Healthy and Safe Communities because it will give us the baseline and trend nitrate data we need to evaluate the effectiveness of land management strategies used with the intent to decrease nitrate concentrations in the Sumas-Blaine area groundwater. Lower levels of nitrate will benefit the people, fish, and other aquatic animals who rely on a clean and safe source of water.

This request is essential to achieving the following Ecology goals:

- Goal 3: Prevent and Reduce Toxic Threats and Pollution because it will establish a groundwater monitoring network to collect baseline and trend nitrate data we need to help identify and mitigate groundwater contamination. Along with the groundwater work in the Lower Yakima Valley, this new monitoring network could be a pilot for expanding groundwater monitoring into other aquifers. This request will also help reduce the toxic health threats to the community by decreasing nitrate concentrations in their drinking water.
- Goal 4: Protect and Manage our State's Waters because it will provide reliable, long-term information on the Sumas-Blaine groundwater nitrate concentrations. The Sumas-Blaine Aquifer is a principal drinking water source for 40,000-45,000 residents in the area, yet over 20 percent of the private drinking water wells do not meet the safe drinking water standards (10 mg/L) for nitrate, putting the community's health at risk. This request will also support the work we are doing to better understand and reduce the impacts of contaminated groundwater that is connected to streams and rivers; and eventually ends up in Puget Sound. Elevated nitrate in marine water can increase algae production and decrease dissolved oxygen, which harms fish and other aquatic animals.

Performance Outcomes:

The outcome of this request will be to expand our network of dedicated groundwater monitoring wells in the SBA used to collect the scientific data we need to ensure the aquifer is a clean and reliable water source. These wells will help reduce our dependency on access to domestic water supply wells and will be a reliable long-term monitoring network we can use to assess trends in groundwater levels in the aquifer.

Equity Impacts

Community outreach and engagement:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Disproportional Impact Considerations:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Target Populations or Communities:

This proposal addresses two key equity concerns for rural communities in Whatcom County – reliability of an adequate water supply and assurance of water quality standards. The area of Whatcom County where well installations are planned is primarily engaged in agricultural activities, such as berry farms and dairies. These activities are noted in the professional literature to contribute to elevated nitrate concentrations in groundwater, which pose a risk to human health. Groundwater is also a major source of drinking water for the local communities in the area. Failure to monitor and protect the area water resource can have a detrimental impact on the 40,000-45,000 residents. The improvements in monitoring from this proposal would help ensure water quality standards and quantity supports both the area community members and the local agricultural economy.

Other Collateral Connections

Puget Sound Recovery:

This request is indirectly related to the Puget Sound recovery efforts, but not directly tied to the 2022-26 Action Agenda. Because surface water and groundwater are hydraulically linked, this request directly complements Ecology's ongoing efforts to better understand and reduce the impacts of groundwater sourced nutrients and other contaminants on Washington's salmon critical freshwater streams and marine environments. Groundwater contributes to the flow of surface waters in the Nooksack River Basin. Nitrate in groundwater is transported to streams, rivers, and eventually ends up in Puget Sound. Elevated nitrate in surface water and marine water can increase the production of algae and decrease dissolved oxygen, which in turn harms fish and other aquatic animals

State Workforce Impacts:

N/A

Intergovernmental:

Ecology is actively working with representatives from Environment Canada, Western Washington University, the University of Washington, and stakeholders from the local agricultural community to develop a nitrogen budget for the greater Sumas-Blaine Aquifer. The proposed wells and ongoing monitoring will provide consistent, reliable, and up-to-date information about water quality conditions in the SBA.

The information collected through this request will also complement ongoing efforts by Ecology, DOH, and WSDA to better understand the sources, distribution, and temporal trends in groundwater nitrate levels that have impacted the SBA. This information will help Ecology studies in the Nooksack River basin that are looking at nitrogen sources reaching Puget Sound. The additional wells supported by this request will also serve as reliable long-term monitoring points to assess trends in groundwater levels.

Stakeholder Response:

Education and public outreach continue to be important components of Ecology's work. Ecology has been conducting studies in the SBA area since the 1990s. Our efforts have relied on private residents who have allowed access to their property and private wells, and Ecology staff continue to engage with the homeowners. In cooperation with the Whatcom County Health Department, homeowners are notified of their wells water quality results. Over the years, Ecology has also coordinated project activities with Whatcom Family Farmers in our collective efforts to understand, protect, and improve the quality of the Sumas-Blaine area groundwater.

We anticipate support from both private homeowners who have allowed access to their wells as well as those who have not allowed access to their wells as this request will allow us to install our own dedicated wells and collect additional groundwater data without requiring access to their own private wells.

State Facilities Impacts:

N/A

Changes from Current Law:

N/A

Legal or Administrative Mandates:

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
	2024	2025	2023-25	2026	2027	2025-27
Obj. A	\$175	\$175	\$350	\$175	\$175	\$350
Obj. B	\$64	\$64	\$128	\$64	\$64	\$128
Obj. C	\$0	\$61	\$61	\$0	\$61	\$61
Obj. E	\$10	\$10	\$20	\$10	\$10	\$20
Obj. G	\$4	\$4	\$8	\$5	\$4	\$9
Obj. J	\$2	\$14	\$16	\$2	\$14	\$16
Obj. T	\$69	\$69	\$138	\$69	\$69	\$138

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Agency Recommendation Summary

Each year, Washington waters see over 5,000 cargo and passenger vessel transits and more than 10 billion gallons of oil moved through over 12,000 oil transfers. These activities create a risk for oil spills that are toxic and pose a significant risk to Washington’s environment, economy, public health, and historical and cultural resources. Ecology regulates and inspects vessels and transfers to prevent spills, but we are currently only able to inspect approximately 13 percent of high-risk vessels and 4.2 percent of oil transfers per year. This request will allow Ecology to conduct approximately 150 additional vessel inspections and 300 more oil transfer inspections per year, which will reduce the risk of spills and related negative impacts. This request is related to Puget Sound Action Agenda Implementation. (Model Toxics Control Operating Account and Oil Spill Prevention Account)

Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
Staffing						
FTEs	2.3	2.3	2.3	2.3	2.3	2.3
Operating Expenditures						
Fund 217 - 1	\$119	\$118	\$237	\$118	\$118	\$236
Fund 23P - 1	\$278	\$274	\$552	\$274	\$274	\$548
Total Expenditures	\$397	\$392	\$789	\$392	\$392	\$784

Decision Package Description

Background

Washington State’s strategic location makes it a center for domestic and international trade and our maritime sector is a cornerstone of the state’s economy. Large deep-draft vessels transit Puget Sound, Grays Harbor, the Columbia River, and the outer coast, carrying goods into and out of ports in Washington, British Columbia, and Oregon. Over 5,000 cargo and passenger vessels transit these waters annually, and more than 10 billion gallons of oil is moved through over 12,000 transfers each year.

Both vessels and oil transfers increase the risk for oil spills to Washington waters, which can pose a significant threat to the environment, public health, and economy. RCWs 88.46.050 and 90.56.050 authorize Ecology to screen vessels for potential oil spill risk and inspect cargo and passenger vessels for compliance with state, federal, and international standards, rules, and regulations.

Vessel Inspections

As part of our vessel oil spill prevention strategy, Ecology inspectors board vessels to ensure that state specific regulations and concerns are addressed, and that the Accepted Industry Standards for specific vessels are understood and implemented. These standards were developed in partnership with industry and are based on industry best practices, international conventions, and federal regulations. For more information on these standards, please see:

- Cargo and Passenger Vessels: <https://apps.ecology.wa.gov/publications/summarypages/1108007.html>
- Fishing Vessels: <https://apps.ecology.wa.gov/publications/summarypages/0608008.html>

Our inspections are conducted under Chapter 317-31 WAC to determine if a vessel poses a substantial risk of harm to public health and safety, or to the environment. Ecology partners with regional maritime organizations to receive information about vessels arriving in Washington waters. We import details about these vessels into the Spills Program Integrated Information System (SPIIS), our web-based application for program data. An algorithm coded into SPIIS evaluates arriving vessels based on risk factors, and assigns a risk score to each vessel.

Risk scores are categorized as Extremely High, Very High, High, Moderate, or Low. Vessels with a risk score in the Extremely High, Very High, and High categories are considered high-risk vessels. Inspectors use the vessel arrival information and risk scores to identify potential vessel inspection targets. If there are multiple vessel inspection options, we prioritize vessels for inspection based on whether they are high-risk, their previous history in Washington waters, and any reports of previous spills, casualties, or violations.

Once onboard a vessel, inspectors use a checklist developed by Ecology, based on the Accepted Industry Standards for that vessel type. Inspectors review emergency procedures, training and drill programs, voyage plans, and other variables to assess the risk of an oil spill to Washington waters. A vessel is a substantial risk when it falls below Accepted Industry Standards to a degree that there is a serious threat to public health, safety, or the environment. By boarding vessels and interacting with vessel crew members, our inspectors are able to identify deficiencies and recommend improvements. These conversations help bring safety and oil spill prevention to the forefront of the vessel crew’s minds during their transit through Washington waters.

Inspectors coordinate with the United States Coast Guard (USCG) under a memorandum of understanding (MOU) in support of our joint goal to prevent oil spills. We also work with Oregon's Department of Environmental Quality and have an interstate agreement with them to build a cooperative partnership to promote maritime safety.

Boarding vessels and conducting inspections to see firsthand if a vessel is meeting our Accepted Industry Standards is the foundation of our vessel oil spill prevention program. This hands-on approach allows our inspectors to use their knowledge and maritime expertise to ensure adequate safety and spill prevention policies are in place. Ecology vessel inspections fill a critical role in ensuring marine safety and protecting Washington waters. If serious omissions or violations of U.S. or international regulations are found during an inspection, we immediately share this information with the USCG.

Oil Transfer Inspections

Oil transfers involve moving oil to or from vessels over water and are a high risk for a spill. Transfers to and from vessels can occur at regulated facilities, between vessels at anchor, or between vessels at a pier. Ecology monitors and inspects oil transfers to ensure compliance with oil handling regulations (Chapters 173-180, 173-184, and 317-40 WAC). Our inspectors work where and when oil transfers happen, which includes visiting oil refineries and large oil handling terminals, docks where tanker trucks transfer oil to vessels, and vessels at anchor.

Our first priority is preventing spills from occurring. Oil Transfer Inspectors prevent spills from occurring by verifying that oil transfer personnel are not overtired and are within their work hour limits; oil transfer procedures are prepared and followed during each transfer; and, proper communications are in place so that the transfer can be quickly stopped in an emergency.

Pre-booming oil transfers is the state's first line of defense after a spill. Inspectors enforce requirements to pre-boom oil transfers, ensure that the boom is in good condition, and properly deployed for maximum containment around the oil transfer area.

Vessel and oil transfer inspectors also support spill response operations, with up to two inspectors on call during workdays, and one on call after hours, including weekends and holidays. When spills from vessels and regulated facilities happen, prevention inspectors frequently travel to the scene to provide technical expertise to response efforts and lead investigations. Our investigations routinely identify measures that can be implemented to prevent similar spills from occurring in the future.

For more information about our vessel and transfer inspection work, please visit: <https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Guidance-for-oil-industry/Vessel-information>.

Problem

Our current Office of Financial Management (OFM) performance measure goals are to inspect 20 percent of high-risk vessels and six percent of oil transfers. Each inspection can take several hours to complete. During this time, the vessel crew members we are working with cannot be doing other work or resting. By inspecting at least one in five high-risk vessels entering Washington's waters, we are seeking to maximize the prevention benefits while limiting the burden on vessels.

The number of inspections an inspector can complete each year varies, but on average inspectors complete around 75 vessel and 150 oil transfer inspections each year. With our current staffing resources, Ecology cannot meet our OFM performance measure goals, and are only able to inspect about 13 percent of high-risk vessels and 4.2 percent of oil transfers each year.

The impact of this is an increased risk of oil spills to Washington waters. In recent years we have sent follow up letters with spill prevention recommendations to between three and five percent of high-risk vessels. The spill prevention material and Washington-specific requirements that we share with individual vessels is often shared with their international operating companies and distributed to numerous vessels fleet-wide. Inspecting 20 percent of high-risk vessels, and providing prevention recommendations to 10 percent, will result in safer vessel operations.

Our oil transfer inspections monitor oil transfers from vessel and facility fuel deliverers based in Washington State. Being able to periodically inspect transfers from these delivering companies throughout the year allows us to continuously work with them to identify potential deficiencies and to ensure continued compliance. Ecology needs additional inspectors so that we can increase the number of these inspections we can conduct each year and help ensure the continued protection of the state's waters.

In addition to not being able to inspect a sufficient number of high-risk vessels and oil transfers, Ecology is also not able to conduct regular inspections of commercial fishing vessels. Based on current staffing levels, we have to prioritize inspections on large, high-risk vessels, which have a greater potential impact on the environment in the event of a spill. However, this results in our staff conducting very few inspections on fishing vessels each year, which is a risk area because these vessels are subject to less federal regulation and oversight than other types of vessels. Each year, approximately 75 individual fishing vessels (>300 GT) transit through Washington waters, and since 2019, Ecology was only able to conduct one in-person fishing vessel inspection.

Solution

To address these issues, Ecology is requesting additional staff to increase the number of vessel and oil transfer inspections we can perform. Due

to the wide geographic area that Ecology regulates, we need to place our inspectors strategically in our different offices. Currently, Ecology has six vessel and oil transfer inspectors; one in the Bellingham Field Office, one in the Vancouver Field Office, three at Headquarters, who cover our Southwest Regional Office (SWRO), and one at the Northwest Regional Office (NWRO), who covers the extremely active Ports of Seattle and Everett.

The requested positions will be stationed out of NWRO. Between January 2020 and January 2022, there were over 14,400 reported oil transfers and over 2,500 vessel arrivals in the Northwest Region. This volume of activity places strain on the capacity we have in this area, and we are frequently challenged with conducting inspections, as well as providing support to spill response operations and investigations. If the NWRO inspector is unavailable, we do not have good options to provide needed expertise, and in many cases have to send an inspector from another region, which delays support and increases costs.

By adding two inspectors in NWRO, we will reduce the risk of spills in the region by completing approximately 150 vessel inspections and 300 oil transfer inspections each year, while also inspecting more commercial fishing vessels, and building investigative capacity within the region.

Impacts on Population Served:

These inspections will benefit all residents of Washington State by providing enhanced protection of Washington waters from the damaging impacts of vessel accident and oil spills. According to the National Oceanic and Atmospheric Administration, 4.7 million people live in the coastal portions of our state, and the coastal economy employs 2.4 million people and contributes \$419 billion toward the gross domestic product. Oil spills not only impact coastal areas and waterways; they also impact the health of marine life and contribute toward accumulation of toxic compounds in fish and shellfish. This request supports increased prevention activities, protecting the people, natural resources, and economic production that depend on healthy waters.

Alternatives Explored:

- Continue to conduct vessel and oil transfer inspections with existing inspection staff. This alternative is not preferred since we are not able to meet our goals of inspecting 20 percent of high-risk vessels and six percent of oil transfers a year with existing resources.
- Reprioritize staff currently assigned maritime risk analysis responsibilities to focus on conducting inspections. This alternative is not feasible. Ecology has legislatively mandated risk analysis deliverable with strict deadlines and ongoing analysis needs that could not be met if any staff were reprioritized.

Consequences of Not Funding This Request:

The consequence of not funding this request is a higher risk of oil spills to Washington waters. Vessel inspections allow Ecology to identify potential oil spill risks and provide recommendations to vessel crews and operating companies to improve their procedures, which lowers the risk of a spill to Washington waters. Oil transfer inspections focus on inherently risky operations – transferring oil between two vessels, or between a vessel and a facility on shore. Our work helps prevent pollution to waters throughout the state, and is an element of protecting the Puget Sound, which sees thousands of commercial vessel transits and oil transfers each year.

The number of vessels arriving in Washington ports and the number of oil transfers decreased during 2020 due to the COVID pandemic, but it has since largely recovered. If this request is not approved, we would continue to experience understaffing issues in regards to the volume of inspections needed to meet our performance measures, which are designed to decrease the risk of spills to Washington 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 by adding additional inspectors, but it will not change the scope or nature of the activity. Below is a summary of the 2019-21 and 2021-23 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.

A033 - Prevent Oil Spills from Vessels and Oil Handling Facilities		
	2019-21	2021-23
FTEs Total	25.75	25.75
001-7 General Fund - Private/Local	\$112,000	\$112,000
217-1 Oil Spill Prevention	\$4,071,000	\$2,971,000
23P-1 Model Toxics Control Operating - State	\$5,950,000	\$6,296,000
TOTAL	\$10,133,000	\$9,379,000

Detailed Assumptions and Calculations:

Beginning July 1, 2023 and ongoing, Ecology requires salary, benefits, and associated staff costs for 2.0 Marine Transportation Safety Specialist 3 FTEs. These positions will be stationed out of the NWRO and conduct vessel and oil transfer inspections, provide technical assistance to the regulated community, and complete incident investigations identify opportunities to strengthen spill prevention in the future.

Workforce Assumptions:

Expenditures by Object		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
A	Salaries and Wages	213,762	213,762	213,762	213,762	213,762	213,762
B	Employee Benefits	78,023	78,023	78,023	78,023	78,023	78,023
E	Goods and Services	14,668	9,668	9,668	9,668	9,668	9,668
G	Travel	4,468	4,468	4,468	4,468	4,468	4,468
J	Capital Outlays	2,460	2,460	2,460	2,460	2,460	2,460
T	Intra-Agency Reimbursements	83,889	83,889	83,889	83,889	83,889	83,889
	Total Objects	397,270	392,270	392,270	392,270	392,270	392,270

Staffing

Job Class	Salary	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
KING CO - MARINE TRANSPORTATION SAFETY SPEC 3	106,881	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
Total FTEs		2.30	2.30	2.30	2.30	2.30	2.30

Explanation of costs by object:

Salary estimates are current biennium actual rates at Step L.
 Benefits are the agency average of 36.5% of salaries.
 Goods and Services are the agency average of \$4,834 per direct program FTE.
 Travel is the agency average of \$2,234 per direct program FTE.
 Equipment is the agency average of \$1,230 per direct program FTE. Additional \$700 one-time for 40 hours of Hazardous Waste Operations and Emergency Response (HAZWOPER) training and \$1,800 one-time for specialized safety and inspection equipment.
 Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 28.75% 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.

Strategic and Performance Outcomes

Strategic Framework:

This request is essential to implementing the following goals in Ecology's strategic plan:

- Goal 3: Prevent and reduce toxic threats and pollution.
- Goal 4: Protect and manage our state's waters.

Increasing both the amount of inspections and the range of vessels inspected will strengthen the state's oil spill prevention posture, providing improved protection of Washington's waters and helping to minimize the impacts of spills that do occur.

This request provides essential support to the following Governor's Results Washington Goals:

- Goal 2: Prosperous Economy
- Goal 3: Sustainable Energy and a Clean Environment
- Goal 4: Healthy and Safe Communities

Increasing the amount and range of inspections minimizes the risk of oil spills and reduces the severity and length of economic impacts associated with spills, as well as the toxic threat posed to the environment and sustainable resources of Washington.

Performance Measures	Incremental Changes 2024	Incremental Changes 2025	Incremental Changes 2026	Incremental Changes 2027
001477 - Percentage of unique potential high-risk vessels inspected	8%	13%	0%	0%
001480 - Percentage of unique regulated over-water oil transfer operations inspected	1%	1%	0%	0%

Performance Outcomes:

The outcome of this request will be reduced risk of oil spills to Washington waters through completing approximately 150 additional vessel inspections and 300 more oil transfer inspections per year.

Equity Impacts

Community outreach and engagement:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Disproportional Impact Considerations:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Target Populations or Communities:

Port facilities and marine fuel terminals are typically located in heavily industrialized areas, which are often near or within communities with environmental justice concerns and disproportionately affected by environmental pollution and health impacts. Further, the waters that commercial vessels operate on are within the usual and accustomed fishing areas of several Washington Tribes. This request will help Ecology reduce the risk of spills potentially affecting Tribes and local communities.

Other Collateral Connections

Puget Sound Recovery:

This request supports Puget Sound Action Agenda implementation through Ongoing Program: OGP_ECY26: Spill Prevention, Strategy 13: Oil Spills, and Desired Outcome 2.4.1: Risk and potential harm of spills of oil and hazardous substances to waterways reduced, by increasing the number of vessel and oil transfer inspections each year. These inspections ensure industry compliance with state and federal regulation to minimize the risk of oil spills.

State Workforce Impacts:

N/A

Intergovernmental:

USCG and EPA are expected to support this request, since they share responsibility with Ecology to manage spill response in both marine and inland areas. Both the USCG and EPA are members of the Northwest Area Committee that works on policy for northwest states oil spill preparedness and response. Local governments should also support this request as it will help ensure that vessels and oil transfers are adhering to the necessary regulations and procedures, which minimizes the risk of economic impacts to communities that depend on healthy waterways.

Stakeholder Response:

The regulated community will benefit from this request because the additional inspectors will increase availability for technical assistance, allow the inspectors to become more familiar with their operations and build positive relationships, and allow inspectors to be more expedient in plan reviews and scheduling visits. Environmental non-governmental organizations are likely to support this request. Tribes will likely be neutral or support this request because of the oil spill risk reduction benefits associated with higher inspection rates.

The petroleum industry may be neutral or opposed to this request, because Ecology receives funding through the Oil Spill Prevention Account, which gets revenue from the barrel tax on the receipt of oil. However, the regulated community will benefit from this request due to the oil spill risk reduction benefits from higher inspection rates.

State Facilities Impacts:

N/A

Changes from Current Law:

N/A

Legal or Administrative Mandates:

N/A

Reference Documents

[Inspecting Vessels for Substantial Risk 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
	2024	2025	2023-25	2026	2027	2025-27
Obj. A	\$214	\$214	\$428	\$214	\$214	\$428
Obj. B	\$78	\$78	\$156	\$78	\$78	\$156
Obj. E	\$15	\$10	\$25	\$10	\$10	\$20
Obj. G	\$4	\$4	\$8	\$4	\$4	\$8
Obj. J	\$2	\$2	\$4	\$2	\$2	\$4
Obj. T	\$84	\$84	\$168	\$84	\$84	\$168

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Agency Recommendation Summary

In 2019, the Legislature passed ESHB 1578, which included a portfolio of projects aimed at preventing a catastrophic oil spill in Puget Sound by closing safety gaps related to vessels carrying oil in bulk. The law directs the Board of Pilot Commissioners (BPC), in consultation with Ecology, to adopt rules for tug escorts by December 31, 2025. These rules will govern the use of tug escorts for specific vessel types and sizes in the Rosario Strait and Puget Sound. Under an interagency agreement with BPC, Ecology will lead the rulemaking process to update BPC's tug escort rules. To support this rulemaking, Ecology is requesting funding to conduct an environmental assessment of the impacts of tug escort requirements as required under the State Environmental Policy Act. 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
	2024	2025	2023-25	2026	2027	2025-27
Staffing						
FTEs	1.2	1.2	1.2	0.6	0.0	0.3
Operating Expenditures						
Fund 23P - 1	\$928	\$178	\$1,106	\$89	\$0	\$89
Total Expenditures	\$928	\$178	\$1,106	\$89	\$0	\$89

Decision Package Description

Background

In 2019, the Legislature passed the *Reducing Threats to Southern Resident Killer Whales by Improving the Safety of Oil Transportation Act* (ESHB 1578), which included a portfolio of projects aimed at preventing a catastrophic oil spill in Puget Sound by closing safety gaps related to vessels carrying oil in bulk. The Act requires tug escorts for specific vessel types and sizes in the Rosario Strait and connected water to the east. RCW 88.16.260 directs the Board of Pilot Commissioners (BPC), in consultation with Ecology, to adopt rules for these tug escorts by December 31, 2025. The rules will apply to:

- Oil tankers between 5,000 and 40,000 deadweight tons.
- Articulated tug barges and towed waterborne vessels or barges that are: (A) Designed to transport oil in bulk internal to the hull; and (B) greater than five thousand deadweight tons.

These rules will cover vessels and barges operating in the waters east of the line extending from Discovery Island lighthouse south to New Dungeness lighthouse and all points in the Puget Sound area. The rulemaking, which will amend Chapter 363-116 WAC, must address the tug escort requirements applicable to Rosario Strait and connected waterways to the east established in RCW 88.16.190(2)(a)(ii).

An escort tug is used to help ensure a vessel or barge doesn't become compromised, stuck, or grounded. Often tugs are used in confined spaces where large ships can fit, but may not be able to navigate easily. When a tanker ship is compromised, a possible oil spill has the potential to be environmentally devastating. Using an escort tug can help minimize this risk.

Risk Modeling and Rulemaking

To inform this rulemaking, the Legislature directed BPC to conduct a risk analysis of tug escort requirements, and enter into an interagency agreement (IAA) with Ecology to assist with conducting the analysis and developing the rules. The risk analysis, which is currently underway, uses Ecology's Oil Spill Risk Modeling Framework to analyze tug escort requirements for oil tankers, articulated tug barges, and towed oil barges in Washington waters of the Salish Sea. The analysis will evaluate potential changes to escort requirements for their effects on oil spill risk, and a report of the analysis will be submitted to the Legislature by September 1, 2023.

BPC has authority to regulate tug escorts, and the rulemaking will amend Chapter 363-116 WAC, Pilotage Rules. However, BPC does not have adequate resources or the expertise to undertake a tug escort rulemaking. Under the signed IAA, Ecology will manage the rulemaking process, and the BPC will make the final decisions on the tug escort requirements adopted. As part of that rulemaking process, Ecology will also conduct the regulatory analysis required by the Administrative Procedure Act (APA), State Environmental Policy Act (SEPA), and the Regulatory Fairness Act (RFA).

Problem and Proposed Solution

Ecology received funding in the 2019-21 operating budget to support the rulemaking and required analyses under the APA and RFA, consistent with our final fiscal note for ESHB 1578. However, at that time, the need for an environmental assessment under SEPA to inform the tug escort

rulemaking was indeterminate. Ecology stated in that fiscal note that should we determine that a detailed assessment would be needed, we would submit a future budget request.

For most rulemakings at Ecology, reviewing environmental impacts of the proposed rules can be done without a detailed assessment, since most rules do not *require* an action to be taken. While tug escorts are intended to reduce oil spill risk, an increase in transits by these vessels will result in impacts to the environment, including air emissions and increased underwater noise, which is driving the additional environmental assessment above what is typically needed.

Under SEPA, the environmental assessment will need to consider the impact of the rulemaking on air quality, underwater noise as it concerns Southern Resident Killer Whales and other endangered species, historic and cultural fishing rights, and other environmental elements that may be adversely impacted. It is critical that these impacts are considered and analyzed as rules are developed.

The results of the environmental assessment will help determine if a Determination of Non-Significance or a Determination of Significance is appropriate for the rulemaking. If it is determined that the proposed rule is likely to have significant adverse impacts to the environment, an Environmental Impact Statement (EIS) will be required. In that case, the results of the environmental assessment will be used to produce the EIS with no additional funding needed.

Because completion of the environmental assessment must happen concurrent with rule language development, Ecology needs additional resources to support this work in 2023-25. This request includes funding to hire a contractor to complete the environmental assessment and one FTE to manage the agreement, oversee the SEPA process and assessment, and conduct research to support the contracted work.

Impacts on Population Served:

A thorough environmental assessment of these new rules will help ensure that any impacts have been properly considered during the rulemaking process. Tribes, environmental organizations, and the public will want to ensure the highest level of protection possible from the impacts of oil spills and will want to understand the impacts that new tug escort requirements have on the environment. The regulated community will want to ensure Ecology is following state law and fully analyzing impacts to the environment.

Alternatives Explored:

Ecology looked at the following alternatives to this budget request:

- 1. Conducting the SEPA Analysis within Existing Resources:** All proposed rules require consideration of environmental impacts under SEPA. Typically, SEPA evaluation for rulemakings at Ecology is conducted using existing resources. However, this rulemaking may increase in vessel traffic in Puget Sound, resulting in the potential for significant adverse impacts to the environment. To determine these impacts, assessment of specific environmental elements, including air emissions and noise, must be conducted. Ecology does not have the expertise or resources to conduct a detailed assessment to determine the impacts of the rule on the environment. An in-house assessment of these elements would not provide the information needed to determine the extent of environmental impacts resulting from the rule, which could lead to a SEPA determination that would not be fully supported by data.
- 2. Delay Requesting Resources:** Ecology considered waiting to request funding until the 2024 supplemental budget, but that alternative was not feasible given the required timeline for rulemaking, and the need to complete the SEPA process concurrently with the rulemaking process. Based on the required timeline for rulemaking, Ecology intends to issue a SEPA Determination of Significance scoping notice and hold a comment period before July 2023. Then, beginning in July 2023, contract for the assessment of environmental elements so the contract work can be completed by April 2025. Waiting to request funding for the environmental assessment until the 2024 supplemental budget would not provide enough time to complete the work by April 2025, which is needed to ensure the rule can be adopted by December 2025.

Consequences of Not Funding This Request:

Without conducting the necessary environmental assessment, there would be an insufficient understanding of the environmental impacts of tug escorts for BPC's rulemaking. Tug escorts are a tool that can be used to protect the environment from vessel accidents and oil spills. However, the escorts themselves can adversely impact other elements of the environment. Under SEPA, the rulemaking required by ESHB 1578 must consider the potential for significant adverse impacts on the environment. Without the resources requested, we would be unable to complete the assessment of these impacts and adopt the rules directed by the Legislature. If we move forward with the rulemaking without this work, we would not only be out of compliance with SEPA, but we would also put BPC in the position of taking rulemaking action without sufficient understanding of the environmental impacts of the new tug escort requirements.

Assumptions and Calculations

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

This request provides one-time funding through December 31, 2025 to complete environmental assessment under SEPA, in support of the rulemaking process required under RCW 88.16.260. It does not expand or alter any Ecology program or service on an ongoing basis.

Detailed Assumptions and Calculations:

Beginning July 1, 2023 through December 31, 2025, Ecology requires salaries, benefits, and associated staff costs for 1.0 FTE Environmental Planner 4 to:

- Manage the SEPA process for the rulemaking and coordinate with rule lead on overall project management.
- Manage procurement and contract for the needed environmental assessment.
- Coordinate stakeholder outreach and feedback associated with SEPA.
- Draft reports or other documents related to SEPA.
- Complete EIS, if one is determined to be required.

Ecology also requires \$750,000 in 2023-25 to contract for environmental assessment of elements of the proposed tug escort rules that may have significant adverse environmental impacts, including increases in air emissions and underwater noise as a result of an increase in vessel traffic. This will require new research and data analyses that cannot be conducted using in-house resources.

Because of the unique nature of this rulemaking, comparable analyses were not available for comparison. The estimated amount for the contracted work was determined through conversations with those at Ecology who had prior experience in SEPA analyses.

Workforce Assumptions:

Expenditures by Object		<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
A	Salaries and Wages	96,807	96,807	48,404			
B	Employee Benefits	35,335	35,335	17,667			
	Personal Service						
C	Contract	750,000					
E	Goods and Services	4,834	4,834	2,417			
G	Travel	2,234	2,234	1,117			
J	Capital Outlays	1,230	1,230	615			
	Intra-Agency						
T	Reimbursements	37,991	37,991	18,995			
	Total Objects	928,431	178,431	89,215	0	0	0

Staffing

Job Class	Salary	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
KING CO - ENVIRONMENTAL PLANNER 4	96,807	1.00	1.00	0.50			
FISCAL ANALYST 2		0.10	0.10	0.05			
IT APP DEVELOPMENT-JOURNEY		0.05	0.05	0.03			
Total FTEs		1.15	1.15	0.58	0.00	0.00	0.00

Explanation of costs by object:

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 36.5% of salaries.

Goods and Services are the agency average of \$4,834 per direct program FTE.

Contracts are included of \$750,000 in fiscal year 2024 for environmental assessment.

Travel is the agency average of \$2,234 per direct program FTE.

Equipment is the agency average of \$1,230 per direct program FTE.

Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 28.75% 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.

Strategic and Performance Outcomes

Strategic Framework:

This request is essential to achieving the Governor's *Goal of Sustainable Energy and a Clean Environment* because the SEPA review process identifies and analyzes environmental impacts associated with governmental decisions, and for this rulemaking, will help us understand the impacts of tug escorts on the waters of Washington State.

This request is essential to achieving Ecology's *Goal to Prevent and Reduce Toxic Threats and Pollution* because it will strengthen the state's oil spill prevention effort, improve protection of Washington's waters, and minimize the impacts of spills that do occur. This request will support the rulemaking by allowing us to assess environmental impacts of the rule.

Performance Outcomes:

The outcome of this request will be an assessment of the impacts of tug escorts on the environment, which will inform the tug escort rulemaking and ensure the impacts on air quality, Southern Resident Killer Whales and other endangered species, historic and cultural fishing rights, and other environmental elements are understood. This assessment will address SEPA requirements for the rulemaking and reduce the potential for a SEPA determination that is not legally defensible. The assessment will also be used to produce an EIS if one is determined to be required.

Equity Impacts

Community outreach and engagement:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Disproportional Impact Considerations:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Target Populations or Communities:

The tug escort rulemaking could result in a change in the number of tug transits in Washington waters. The waters that tugs and commercial vessels operate on are within the usual and accustomed fishing areas of Washington Tribes. In addition, ports and maritime facilities are typically located in heavily industrialized areas, which are often near or within communities that have experienced disproportionate environmental burdens. The work funded by this request will provide a necessary assessment of the environmental impacts of this rulemaking.

Other Collateral Connections

Puget Sound Recovery:

This request supports Puget Sound Action Agenda implementation through Ongoing Program: OGP_ECY26: Spill Prevention and the following Strategy, Desired Outcomes, Action, and Orca Task Force Recommendation:

Strategy 13: Oil Spills

Desired Outcome

- 2.4.1: Risk and potential harm of spills of oil and hazardous substances to waterways reduced by increasing.
- 3.1.1: Ambient noise and disturbance of Southern Resident Orca (from vessels, jets, etc.) reduced, by analyzing the environmental impact of tug escort rules to ensure that rule writers have the information to balance prevention of oil spills and the reduction of the environmental impact of additional vessels in the water.

Action 64: Analyze the cumulative risk and consequences of oil spills, assess the effectiveness and feasibility of mitigation measures, and target additional spill prevention efforts. 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:

This request has been shared with the Executive Director of BPC. Ecology is working closely with BPC to prepare for rulemaking and will be working closely throughout the rulemaking process. BPC supports our work to lead the rulemaking process. A letter of support for this request is attached.

Stakeholder Response:

Vessels transporting oil in bulk on or over waters of the state will be impacted by the rulemaking, and the regulated community will be interested in the associated SEPA review. There are multiple associations and organizations representing the regulated community that will be interested in this request, including the Washington Oil Marketers Association (WOMA), American Waterways Operators (AWO), Pacific Merchant Shipping Association (PMSA), Western States Petroleum Association (WSPA), and Washington Public Ports Association (WPPA). Tribes and environmental advocacy organizations, including Friends of the San Juan's and Washington Environmental Council, will also be interested in this work. Other interested parties may include:

- Ports, local governments, and counties.
- Local Emergency Planning Committees (LEPCs).
- Emergency management.
- Public.

Ecology anticipates support for the overall rulemaking by Tribes and environmental advocacy organizations, and we expect opposition to potential requirements by the regulated community. We expect a high level of interest in the SEPA review from each of these groups. Tribes and environmental groups will be interested in the environmental impacts of the new requirements. The regulated community undergoes SEPA review for their proposed projects that increase vessel traffic in the Salish Sea, and will likely expect similar level of analysis for this rulemaking.

State Facilities Impacts:

N/A

Changes from Current Law:

N/A

Legal or Administrative Mandates:

ESHB 1578 (codified in RCW 88.16.260) directs BPC, in consultation with Ecology, to adopt tug escort rules by December 31, 2025. This request will provide necessary resources to analyze the environmental impacts of the rulemaking prior to rule adoption.

Reference Documents

[Tug Escort Environmental Analysis 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
	2024	2025	2023-25	2026	2027	2025-27
Obj. A	\$97	\$97	\$194	\$48	\$0	\$48
Obj. B	\$35	\$35	\$70	\$18	\$0	\$18
Obj. C	\$750	\$0	\$750	\$0	\$0	\$0
Obj. E	\$5	\$5	\$10	\$2	\$0	\$2
Obj. G	\$2	\$2	\$4	\$1	\$0	\$1
Obj. J	\$1	\$1	\$2	\$1	\$0	\$1
Obj. T	\$38	\$38	\$76	\$19	\$0	\$19

Agency Contact Information

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STATE OF WASHINGTON
BOARD OF PILOTAGE COMMISSIONERS

2901 Third Avenue, Suite 500 | Seattle, Washington 98121 | (206) 515-3904 | www.pilotage.wa.gov

July 18, 2022

Laura Watson, Director
Washington State Department of Ecology
300 Desmond Drive SE
Lacey, WA 98504

Dear Ms. Watson,

ESHB 1578 directs the Board of Pilotage Commissioners (BPC), in consultation with Ecology, to adopt tug escort rules by December 31, 2025. The BPC and Ecology developed and entered into an Interagency Agreement for Ecology's assistance with several of the deliverables, including leading the rulemaking process as well as the regulatory analysis required by the APA, RFA, and SEPA.

Ecology received funding to support the rulemaking and required analyses under the APA and RFA, but did not receive funding for the environmental analysis under SEPA. Ecology's 2019 fiscal note for ESHB 1578 stated that Ecology would request funding if detailed SEPA environmental analysis was needed. Because this rulemaking is expected to result in an increase in the number of vessel transits, detailed environmental analysis is needed to determine environmental impacts of the rule and must take place concurrent to the rulemaking process. Without the funding for Ecology to conduct this needed analysis, the BPC would be unable to complete the rulemaking process under the current legislative deadline of December 2025. The BPC supports Ecology's 2023-2025 budget request for \$1,107,000 and 1.15 FTE's.

The work outlined in the Interagency Agreement between the BPC and Ecology successfully continues with each deliverable milestone. The BPC is grateful for and enjoys working with the outstanding Spills Program team.

Please contact us if you have any questions.

Sincerely,

Sheri J. Tonn
Chair

Jaimie C. Bever
Executive Director

Cc Carlos Clements, Spill Program Manager, Ecology
Brian Kirk, Prevention Section Manager, Ecology
Nhi Irwin, Resources Section Manager, Ecology
Kim Morley, Rule and Process Coordinator, Ecology
Ryan Olson, Budget Manager, Ecology

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Agency Recommendation Summary

State law (Chapter 86.26 RCW) created the Flood Control Assistance Account (FCAA) and established the FCAA Program. This program funds flood risk reduction activities, including grants and technical assistance to local governments that are used to develop comprehensive flood control management plans and/or invest in small-scale flood damage reduction projects. This request will provide \$800,000 for additional floodplain management grants for the 2023-25 and 2025-27 biennia so our local partners can fully utilize a fund balance of \$1.6 million to help reduce a 12-year backlog of floodplain management plan updates. Related to Puget Sound Action Agenda Implementation. (Flood Control Assistance Account)

Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
Operating Expenditures						
Fund 02P - 1	\$400	\$400	\$800	\$400	\$400	\$800
Total Expenditures	\$400	\$400	\$800	\$400	\$400	\$800

Decision Package Description

Flooding is Washington’s most frequent and costly natural hazard, causing more than \$2 billion in damages to the state since 1980. In addition, climate change will cause more intense and frequent flooding. Mitigating flood risks requires a sustained, integrated effort that includes:

- Stakeholder and government collaboration.
- Investments in studies to better understand risk and vulnerability.
- Modern comprehensive planning to identify capital projects, land use controls, and other risk reduction strategies.
- Capital investment programs supporting landscape or site scale projects.

State law created the FCAA and established the FCAA Program. The law requires \$4 million be transferred from the state General Fund to the FCAA each biennium to pay for flood-risk reduction activities, including grants and technical assistance to local governments to help prepare new (or update existing) comprehensive flood control management plans and/or invest in small-scale flood damage reduction projects. For several biennia the full \$4 M was not transferred/retained in the FCCA or otherwise available for this work. In the 2021-23 biennium and ongoing, the Legislature fully restore the FCAA program. This request will provide \$800,000 for additional floodplain management grants for the 2023-25 and 2025-27 biennia so our local partners can fully utilize a fund balance of \$1.6 million to help reduce a 12-year backlog of floodplain management plan updates.

Modern Comprehensive Planning

Comprehensive flood hazard management planning is critical for reducing community flood risks. Local partners use a variety of flood hazard management strategies, including acquiring flood-sensitive areas, adopting land-use zoning and site development standards, managing stormwater, and developing carefully designed flood control projects. Flood hazard planning also provides local partners an opportunity to identify largescale floodplain restoration strategies that reduce flood risks, improve aquatic habitat, bolster salmon recovery, and protect agricultural lands. These strategies can also be used to help compete for Floodplains by Design (FbD) capital funding.

In 1984, the Washington Legislature amended state law (Chapter 86.26 RCW) to establish the Flood Control Assistance Account Program (FCAAP) to fund flood risk reduction activities. In 1986, lawmakers amended the statute again to specifically authorize comprehensive flood hazard management planning as an activity eligible for FCAAP funding.

Many communities have basic plans, but most have not been updated since the 1990s. Successful flood hazard planning involves combining scientific and technical analysis (including current climate change data and forecasts), building public consensus, and intergovernmental coordination. These activities are difficult, complex, and costly. Unfortunately, many Washington communities – particularly those in rural areas – generally lack resources to adequately plan for reducing flood risks. A 2019 legislative report recommended the Legislature provide adequate grant funding to support local floodplain planning <https://apps.ecology.wa.gov/publications/SummaryPages/1906004.html>.

Flood hazard management plans allow communities to:

- Conduct risk assessments and studies to better understand local flood risks and identify mitigation strategies.
- Develop or update flood hazard plans that outline strategies and projects to reduce flood risks and address other benefits, such as climate resiliency, salmon habitat restoration, protecting agriculture, and other locally defined benefits.
- Provide a pipeline for FbD capital projects.
- Review and update zoning and land use options to keep people and infrastructure out of flood hazard areas.
- Raise community flood hazard awareness.

Reducing flood risks protects property, saves lives, and supports economic prosperity. FCAAP funding offers an incentive to local communities to begin work on or improve their existing flood resiliency, potentially saving Washington millions of dollars in damages when a flood occurs. Creating up to date plans that identify multi-benefit flood hazard reduction strategies will also put communities in a better position to compete for FbD grants and other state and federal funding, including the new federal Infrastructure Investment and Jobs Act.

Problem

The FCAAP supports floodplain management efforts and directs \$4 million be transferred from the state General Fund to the FCAA each biennium. Between 1984 and 2009, approximately \$2 million was provided each biennium in the form of grants to local and Tribal governments, and \$2 million supported Ecology's flood management work. From July 1, 2009, through June 30, 2021, FCAAP appropriations for grants were not funded due to revenue being utilized differently in enacted budgets, and the required resources not being available. The funding only allowed Ecology to provide basic staff support for floodplain management activities, but left no funding for local flood control grants, other than limited funding for emergency flood response. During the 2021-23 biennium, the Legislature allocated \$1.529 million for local grant funding. Right now, there is a \$1.6 million fund balance available in the FCAA. Staff supported from the FCAA has remained constant at eight FTE for several biennia. However, employee compensation/costs have increased over time such that today, these same eight FTE cost \$2.35 million. This increase coupled with the legislative increase in the emergency fund to \$250,000 per biennium means that available grant dollars with the fully restored program is \$1.4 million. With use of the one-time available fund balance capacity, the new grant amount for the next two biennia will be \$2.2 million.

Because the grant program was on hiatus for 12 years, many community flood hazard management plans now need to be updated. In addition, many communities without plans would like to develop them, but lack the resources. Finally, flood hazard planning grants may be used for small projects, like levee maintenance, tide gates, or warning systems, that can help reduce or avoid the risk of expensive flooding impacts.

There is a demonstrated need for additional funding. During the 2021-23 biennium, we wanted to ensure we delivered services in an equitable way. Ecology prioritized funding to local governments wanting to create new or update existing flood hazard plans for underserved communities. Although the maximum allowable award is \$500,000 a biennium, we kept individual awards at less than \$250,000 to stretch funding as far as we could. Although FCAAP guidelines allow for smaller flood control projects and cost-match for federal feasibility studies, Ecology did not approve funding for these project types, because we wanted to ensure funds were first available for underserved communities. Even so, Ecology received requests for \$220,000 more than we had funding to provide.

For the 2023-25 biennium and beyond, we plan to invite proposals for all grant types, not just for comprehensive flood hazard management planning, as we did in the last biennium. Moving forward, we will also consider small flood control projects and federal feasibility study match.

Due to inflation, funding does not go nearly as far. Before the 12-year pause in grant funding, Ecology had approximately \$2 million each biennium for flood hazard management grants. This request will result in \$2.2 million for two biennia. Twelve years ago, community demand outstripped available funds. Since funding demands are even higher now, we do not anticipate any issues spending these funds, especially since we intend to consider funding flood control projects in addition to comprehensive flood hazard management planning activities, and these type of projects are generally more expensive than planning efforts.

Proposed Solution

Ecology requests using the available FCAA fund balance to continue supporting our local partners in making headway in creating new plans, updating plans, and undertaking flood management projects and related feasibility studies in the 2023-25 and 2025-27 biennia.

For the 2021-23 biennium, the Legislature authorized \$1.529 million in flood hazard management grants. After carry forward level adjustments, there is \$1.4 million for grants in the 2023-25 biennium and each subsequent biennia. Ecology requests an additional \$800,000 appropriation for the 2023-25 and 2025-27 biennia. These appropriations will allow Ecology to boost the competitive grant program for a total of \$2.2 million for these two biennia. This will help 10 more local and Tribal governments complete measurable flood planning actions and projects over two biennia.

Impacts on Population Served:

Local and Tribal governments lead flood hazard reduction efforts in their communities. Flood hazard management planning benefits individual residents living in or near hazard areas. These activities also help make public infrastructure such as roads, bridges, and utilities less at-risk from flooding. Both efforts help protect public investments and public and private property values. In addition, communities completing flood hazard management plans will be in a better position to compete for other federal and state funding to complete the flood resiliency projects necessary to implement the plans.

Alternatives Explored:

Ecology reviewed other programs designed to reduce community flood hazards. Most federal grants are for emergency response, including federal disaster declarations, and they are available only after costly damages have already occurred. Our FbD grant program requires flood risk reduction activities be combined with ecosystem restoration work, which results in large-scale projects. FbD funding is generally not available for small-scale projects and generally cannot be used to fund planning efforts because funding comes from the capital budget/Bonds. This means FCAAP is the logical funding source for flood hazard management planning in particular; but may also provide an important source of modest

funding for smaller scale projects that may not compete well in other grant programs, but will be critical pieces of work that is often multi-phased.

Ecology also considered the possibility of requesting the entire \$1.6 million for just the 2023-25 biennium rather than across two biennia. We ultimately decided to request the fund balance over two biennia so we can quickly address the needs of our local partners and balance the workload for our staff.

Please note, should available Flood Control Assistance Account funds decrease in the future, or if there is a desire to add additional funding for FCAAP, the new Natural Climate Solutions Account (NCSA), created under 70A.65.270, to support this program. Funds in this account can be used to “reduce flood risk and restore floodplains” around the state, one of the main goals of the FCAA grant program. Most FCAAP projects also restore and protect fisheries habitat, including fish passage. Appropriation from this account would be eligible to support FCAAP grants, however, under current law, revenue from the cap and trade program allowance auctions under the Climate Commitment Act (Chapter 70A.65) won’t be available in the account until the start of fiscal year 2025.

Consequences of Not Funding This Request:

If this request is not funded, fewer communities will be able to develop flood hazard management plans and projects in a timely manner. In addition, the effects of having no fund increases in more than 15 years to address inflation costs will not be mitigated. Community flood risks are going to continue to increase, particularly in smaller rural communities lacking the resources to identify local risks and vulnerabilities and develop plans and projects specifically focused on addressing those challenges. For example, comprehensive plans defining flood mitigation projects such as levee setbacks will not be completed; and communities will not have robust plans for flood warning systems, leaving the public ill informed about local flood hazards.

Without adequate planning, emergency response actions would be required more often, at a cost four to seven times higher than investing in preventative measures. Ecosystems would be harmed or destroyed, leading to costly corrections later. Salmon recovery and other habitat restoration efforts would be compromised, and actions requiring longer-term discussions and strategies would be left undone.

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. A summary of the 2019-21 and 2021-23 base funding and FTEs for this activity is below. Administrative Overhead related to this activity is also in the agency’s Administration Activity A002.

The table below includes approximately \$2 million per biennia for Ecology staff who:

- Provide technical support to communities regarding flood hazard reduction planning and projects.
- Carry out the state’s role in administering the National Flood Insurance Program.
- Review local flood ordinances and assist communities to implement their local regulations.
- Conduct training and outreach to local floodplain managers.
- Provide engineering review and assistance on proposed flood hazard reduction projects.
- Review channel migration zone assessments.
- Coordinate with the Washington Military Department’s Emergency Management Division regarding grant programs, state and federal flood hazard policy proposals, and emergency response.

The table below also includes \$250,000 for emergency flood response, directed under RCW 86.26.060, which requires that “funds will be on hand to meet unusual, unforeseeable and emergent flood conditions.” The table below includes \$1.529 million in floodplain management grants issued by Ecology to local and Tribal governments in 2021-23.

A040: Provide Technical and Financial Assistance to Local Governments to Reduce Flood Hazards		
	2019-21	2021-23
FTEs Total	8.0	8.0
001-1 General Fund-State	\$0	\$1,090,000
001-2 General Fund Federal	\$521,000	\$546,000
02P-1 Flood Control Assistance Account	\$2,242,000	\$3,828,000
TOTAL	\$2,763,000	\$5,464,000

Detailed Assumptions and Calculations:

For the 2023-25 and 2025-27 biennia, Ecology requests \$800,000 in FCAAP appropriation for each biennium for pass through Floodplain Management grants for local and Tribal governments, shown in object N.

Workforce Assumptions:

Expenditures by Object		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
N	Grants, Benefits, and Client Services	400,000	400,000	400,000	400,000		
	Total Objects	400,000	400,000	400,000	400,000	0	0

Staffing			FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Job Class	Salary							
	Total FTEs		0.00	0.00	0.00	0.00	0.00	0.00

Strategic and Performance Outcomes

Strategic Framework:

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

Goal 2 - Prosperous Economy because it will reduce flood hazards and prevent:

- o Costly property damage.
- o Transportation disruptions.
- o Business closures.

In addition, when communities have updated comprehensive flood hazard management plans, they are in a better position to compete for a Floodplains by Design grant to help fund their projects.

Goal 4 - Healthy and Safe Communities because it will help communities focus limited resources on projects that help mitigate and prevent flood risks to protect community health and safety.

Goal 5 - Efficient, Effective, and Accountable Government because it will invest in the prevention and mitigation of flood hazards. According to a 2019 report from the National Institute of Building Sciences, *Natural Hazards Mitigation Saves*, every \$1 invested has a return of \$5 to \$8. (<https://www.nibs.org/projects/natural-hazard-mitigation-saves-2019-report>).

This request is essential to achieving the following Ecology goals:

Goal 1 - Support and Engage our Communities, Customers, and Employees because it will restore a funding source that is critical for local communities who need emergency response and flood risk reduction plans. Appropriate funding will reduce the disproportionate impact on economically distressed rural communities who need help with this kind of planning.

Goal 2 - Reduce and Prepare for Climate Impacts because it will help flood prone communities develop strategic Floodplain by Design projects that will prepare them for the worst effects of climate change.

Goal 4 - Protect and Manage our State’s Water because it will ensure flood hazard mitigation efforts are compatible with activities such as salmon recovery, irrigation water delivery, transportation, and other floodplain management activities.

This request also broadly 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: 1a. Enforce and expand land use regulatory protection

Performance Measures	Incremental Changes 2024	Incremental Changes 2025	Incremental Changes 2026	Incremental Changes 2027
001455 - Number of flood-prone communities that receive support on flood hazard reduction and regulations	5	0	5	0

Performance Outcomes:

The outcome of this request will be the prevention and mitigation of the impacts of flooding on individuals and communities. For the 2023-25 and 2025-27 biennia, Ecology anticipates this request will fund 10 additional flood hazard plans or critical studies to inform planning development and/or updates, such as vulnerability assessments and project feasibility studies for communities and Tribes.

Equity Impacts

Community outreach and engagement:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Disproportional Impact Considerations:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Target Populations or Communities:

This budget request will authorize Ecology to spend a fund balance of \$1.6 million to make more headway on flood risk reduction planning funding for local and Tribal governments. It will also allow Ecology to fund small-scale floodplain management projects and provide cost share match for federal projects. Ecology's funding guidelines for FCAAP grants incorporate explicit consideration to prioritize funding for communities with the highest local needs, such as disproportionately impacted and economically distressed rural communities, which often have little capacity to conduct this kind of planning.

According to recent research, communities with higher proportions of Hispanic and Native American residents are more vulnerable to flood hazards. For example, research estimates that Hispanic populations make up eight percent of Washington's total population, but they comprise 16 percent of the population in flood zones. Tribal communities occupying flood risk areas will directly benefit from FCAAP flood planning. In addition, updated flood plans that help sustain and enhance salmon habitat also help ensure Tribal treaty rights. (Messenger, M.L.; Ettinger, A.K.; Murphy-Williams, M.; Levin, P.S., Applied Geography, Volume 133, August 2021, 102492 Fine scale assessment of inequities in riverine flood vulnerability.) <https://pubag.nal.usda.gov/catalog/7437033>.

Other Collateral Connections

Puget Sound Recovery:

This request supports Puget Sound Action Agenda implementation through Ongoing Program: OGP_ECY13: Shorelands - Floodplains by Design (Department of Ecology), the Governor’s Orca Task Force through 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, and a number of Vital Signs, Strategies, Desired Outcomes, and Actions included in the 2022-26 Action Agenda. See attachment A for a complete list of linkages between this request and the agenda.

State Workforce Impacts:

N/A

Intergovernmental:

Ecology launched the restored grant program at the start of the 2021-23 biennium with \$1.529 million, which funded 10 grant agreements. Grant requests exceeded available funds. This requested appropriation authority will provide an additional \$800,000 in funding for the 2023-25 and 2025-27 biennia so we can support and engage approximately 10 more communities and Tribes.

There is broad support from communities for renewed funding for this work, as expressed through surveys used to inform the “Five Year Strategy for Integrated Floodplain Management in Washington.” We are not aware of anyone opposing this proposal. Our communities and Tribal partners are highly supportive of the grant program.

Improving floodplain management planning by local and Tribal governments will also help the Washington Military Department’s Emergency Management Division (EMD) write and implement the statewide hazard mitigation plan, since an individual jurisdiction’s comprehensive flood hazard management plan helps link local and Tribal government flood planning to state natural hazards planning.

Stakeholder Response:

Nongovernmental stakeholders include all residents at risk of flood hazards and business and private property owners, the agricultural community, and recreational interests (e.g., boating and fishing). All these entities prefer an integrated approach to managing flood hazards, and we do not know of any opposition.

State Facilities Impacts:

N/A

Changes from Current Law:

N/A

Legal or Administrative Mandates:

N/A

Reference Documents

[Floodplain Management Grants-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
	2024	2025	2023-25	2026	2027	2025-27
Obj. N	\$400	\$400	\$800	\$400	\$400	\$800

Agency Contact Information

Scott McKinney

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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: Floodplain Management Grants

Vital Signs

- Streams and Floodplains

Strategies

- 5. Floodplains and Estuaries

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.
- 1.1.3. Future fragmentation of rivers, floodplains, and estuaries by structural barriers prevented.
- 1.2.1. Conversion of agricultural lands and working forests to more intensive land uses (residential and commercial development) prevented.
- 1.3.1. Levees, floodgates, tidegates, roads, existing development, and other barriers in floodplains and estuaries removed or their management altered.
- 1.3.2. Armor on estuaries, lakes, and marine shorelines removed or softened.
- 1.3.3. Culverts, dams, and other infrastructure removed, retrofitted, or managed to ensure fish passage and functional downstream habitat.
- 1.4.1. In-stream and riparian areas of rivers and streams restored.
- 1.4.2. Floodplains, tidal wetlands, and estuaries restored.

Actions

- 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).
- 20. Prioritize, design, and implement reach-scale restoration and protection projects within a river basin or watershed.

- 24. Implement habitat protection and restoration projects that restore or maintain natural nutrient attenuation functions and sediment processes in watersheds, estuaries, and tidal wetlands.



Agency Recommendation Summary

The Wetlands Mitigation Banking Act (Chapter 90.84 RCW), passed in 1988, identified wetland mitigation banking as an important regulatory tool for providing compensatory mitigation for unavoidable impacts to wetlands, and directed Ecology to establish a statewide certification process. These banks provide the option of purchasing credits to offset the unavoidable impacts of a project, and have the potential to increase ecological benefits, save money for project applicants, and make application and permitting processes more efficient. Over the last decade, the number of banks in operation across Washington have doubled, from just seven in 2009-11, to 15 this biennium, while the number of transactions and complexity associated with these banks has also increased. Ecology is unable to keep up with this growing workload, and requests additional staff to improve the monitoring and oversight needed to ensure these banks are successful. 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
	2024	2025	2023-25	2026	2027	2025-27
Staffing						
FTEs	2.3	2.3	2.3	2.3	2.3	2.3
Operating Expenditures						
Fund 23P - 1	\$274	\$274	\$548	\$274	\$274	\$548
Total Expenditures	\$274	\$274	\$548	\$274	\$274	\$548

Decision Package Description

Background

In 1988, the Legislature passed the Wetlands Mitigation Banking Act (Chapter 90.84 RCW), which identified wetland mitigation banking as an important regulatory tool for providing compensatory mitigation for unavoidable impacts to wetlands and declared it the policy of the state to support banking. The law directed Ecology to establish a statewide process for certifying these banks and Chapter 173-700 WAC provides the criteria necessary for implementing and operating an environmentally sound banking system in Washington.

A wetland mitigation bank is a site where wetlands are restored, created, enhanced, or in exceptional circumstances preserved, for the express purpose of providing compensatory mitigation in advance of unavoidable impacts to wetlands or other aquatic resources. Banks typically involve consolidating many small wetland mitigation projects into a larger site that potentially has more ecological value. Consolidation encourages the growth of more diverse habitat and wetland functions, while helping to create more sustainable ecosystems.

These banks provide the option of purchasing credits to offset the unavoidable impacts of a project, and since they are built before damage occurs to another wetland site, they are often more likely to succeed than permittee-responsible mitigation projects. Permittees with a development project within the service area of a wetland mitigation bank may propose to offset unavoidable impacts to wetlands by purchasing credits from an approved bank. This approach can save money for project applicants, make application and permitting processes more efficient, and create an economic incentive for restoring, creating, enhancing and/or preserving the state's wetlands.

Applying

Ecology works in partnership with the U.S. Army Corps of Engineers (Corps) to certify and regulate wetland mitigation banks in Washington. Public or private entities interested in applying to become a bank sponsor must submit a completed prospectus (application) to both Ecology and the Corps, which provides a conceptual plan for the proposed bank project. The prospectus is used to notify the public, Tribes, and the local government of the proposed bank project, and begin a dialogue between those potentially impacted. Ecology uses the prospectus, and comments received during the public notice period, to make an initial determination on whether there are critical issues that may affect the ability of the bank to be certified.

If Ecology determines that the proposed bank is ecologically appropriate and has potential for providing appropriate compensatory mitigation, the sponsor is notified that they may proceed with preparation of the draft instrument, which details all of the physical characteristics, legal obligations, operational procedures, monitoring, and maintenance requirements for the proposed bank. At the same time, Ecology convenes an interagency review team (IRT), which includes representatives from federal and state regulatory and resource agencies, the local jurisdiction(s) where the proposed bank site is located, and affected Tribes to participate in negotiations with the sponsor on the terms and conditions of the proposed instrument.

Once this process is complete, Ecology approves the final instrument, which must include a mitigation plan, appropriate real estate protections, and financial assurances for a bank. Ecology also requires that the bank attain performance standards before earned credits can be used.

Ecology receives about two wetland bank applications each biennium, and the average number of applications under review at any given time is

typically around five. Cost reimbursement agreements with the bank applicants pay for the Ecology staff time to complete the review process described above.

Monitoring and Oversight

Once a bank is certified, the sponsor begins the monitoring and oversight phase of the bank's operational life cycle. This operational cycle usually lasts a minimum of 10 years, or until all of the available credits have been exhausted and the bank is determined to be functionally mature and self-sustaining to the degree specified in the instrument. However, some banks can require monitoring and oversight beyond 10 years if monitoring shows that the site is not meeting its performance standards or there are still credits left to sell.

During this operational life cycle, Ecology staff must perform a number of duties to help ensure the success of these banks over time. These include, but not limited to:

1. **Verifying required monitoring and maintenance reports** – As part of the certification process, Ecology determines a monitoring schedule for each bank, which is designed to demonstrate that the bank is progressing toward ecological success and a sustainable condition. Ongoing maintenance activities are also required during the operational life of a bank, including control of invasive species, irrigation, and maintenance of a water control structure.
2. **Authorizing and documenting the release of credits and associated ledger information** – Once a bank has met required performance standards, the sponsor must petition Ecology on order to obtain the release of generated credits. Ecology staff conduct onsite inspections, to verify that standards have been met. Sponsors are required to maintain separate ledgers for each bank, and must submit a copy of these to Ecology annually, or after any credits have been received, sold, or debited. As part of this process, Ecology must maintain a master ledger for each bank and staff must cross check the sponsor's annual ledger against the master ledger.
3. **Conduct audits and site reviews** – Ecology staff conduct random audits and site visits during the operational life of a bank, as needed, to determine appropriate actions if sites are failing to meet standards.
4. **Process requested modifications** – Over the operational life of a bank, Ecology staff must review and approve submitted contingency actions, amendments to approved instruments, including adjusting financial assurances as banks meet specific performance standards.
5. **Provide technical assistance** – Ecology staff provide technical assistance to bank sponsors, the public, and local governments regarding the use and certification of wetland mitigation banks.

Problem

Over the last decade, the number of banks in this monitoring and oversight phase have doubled, from just seven in 2009-11, to 15 in this biennium, while the number of transactions and complexity associated with these banks has also increased. Since the 2009-11 biennium, Ecology has had only one FTE to complete application reviews and oversee banks, and we have struggled to keep up with the increasing workload. Bank oversight, unlike the application phase, is not supported through cost reimbursement.

This has impacted our ability to effectively manage these operational banks in a number of areas, including the timely processing of requested credit releases. Banks need Ecology to release credits before they can be sold, so delays in this area can result in costly delays or lost sales for these sponsors.

Bank sponsors are also required to post financial assurances once credits are released. A bank cannot operate and sell credits if they do not have a financial assurance in place. The amount of these financial assurances can be quite large because they include costs for construction, monitoring, and managing the bank site. As more sites reach performance standards, bank sponsors can – and do – ask for reductions in their financial assurances, which reduces their costs. Unfortunately, due to current workload, these authorities have experienced delays.

Ecology has also struggled to conduct consistent and timely site visits to ensure sites are progressing as intended. In fiscal year 2022, Ecology staff were only able to perform minimal oversight for seven of the 15 operational banks in the state, while the remaining eight received no monitoring. Failure to confirm monitoring results for these banks can result in an inaccurate representation of conditions at the site. Staff have also been unable to effectively follow up with recommend changes for these banks, or take action on sites that are out of compliance with their approved instruments.

Solution

To address these issues, Ecology is requesting additional staff to improve the monitoring and oversight of wetland mitigation banks in operation across the state. Improved monitoring and oversight of these banks will ensure released credits are more timely and meet permit requirements for compensatory wetland mitigation, that required maintenance is performed as needed at these sites, and that performance benchmarks are

successfully met.

Wetlands throughout Washington support stream base flows, improve flood storage and attenuation, cleanse stormwater runoff, and provide fish and wildlife habitat. It is important that wetland losses are adequately offset with successful and well-established systems, such as wetland mitigation banks. These request positions will help ensure effective implementation of these banks, protect our state's natural resources, and support economic development by streamlining the permitting process for developers, local governments, and the state.

Furthermore, these staff will help increase public awareness of these banks and their benefits. Currently, many local governments are unclear about how to use banks, and sponsors have asked that we reach to provide information to help educate them. Being within an established wetland bank service area means that local jurisdictions have the ability to offer permit applicants the option to write a check for unavoidable wetland impacts, as opposed to requiring them to purchase land and construct their own mitigation. Using banks can streamline permit review for local governments because the mitigation is already established, and local governments know Ecology is overseeing the bank to ensure it is successful.

Please note, this request represents a conservative estimate of the staff effort that may be required to provide effective, efficient oversight and monitoring of these sites into the future. Should the workload associated with the monitoring and oversight of these banks continue to outpace resources, Ecology may need to make additional budget requests in the future.

Impacts on Population Served:

This request will impact all Washingtonians by helping to ensure that wetland mitigation banks are successfully implemented and operated. When mitigation banks are successful, society benefits from the functions provided by wetlands and habitats at the bank sites. These banks are designed and located based on watershed needs and objectives. In this way, bank benefits extend to a larger population than an individual site isolated from large aquatic networks. When located in urban areas, mitigation banks can provide a greenspace to help offset heat island effects. For example, Renton's Springbrook Mitigation Bank, located in the city's industrial area and adjacent to disadvantaged communities, includes a trail system with interpretive signage that benefits the local community. The bank provides recreational opportunities, respite from the heat, and habitat for urban-dwelling wildlife. The site's dense vegetation helps filter the air and reduce noise and light intrusions so that wildlife can use the area. The bank site offers a real refuge from the noise and pollution of the industrial area.

Alternatives Explored:

The alternative to this request is that we continue operating as we are, with only minimal oversight for just a portion of certified wetland mitigation banks in the state. This is not a viable alternative, as it would increase the risk of failure at bank sites, and could erode trust in this approach, which has proven to be more successful than the individual concurrent mitigation site approach. Wetland banks provide a more cost-effective option for people impacting wetlands, as permit applicants can purchase wetland credits in lieu of purchasing land, constructing wetlands, and then monitoring the mitigation site themselves.

Consequences of Not Funding This Request:

If this request is not funded, we would continue to see significant delays in following up with approved wetland mitigation banks. If bank sponsors see longer delays in the release of their credits, they would suffer economic losses due to the loss of sales where the purchaser needs their mitigation in time to submit their development application, and the banker is still waiting on Ecology to release of credits. If Ecology is unable to provide active oversight, we run the risk of large-scale failures. For example, active oversight early in the process of establishing a large bank enabled us to catch and correct an invasive plant problem so contingency actions could be implemented. These actions allowed the wetland to successfully develop. Without staff to oversee that site, the infestation would have moved further, jeopardizing the site's development.

Wetland mitigation banking is an effective strategy for addressing wetland losses due to development. While individual mitigation sites are not always successful, Washington has not had any certified wetland mitigation banks fail. However, if we are unable to adequately follow up on certified banks, it increases the likelihood we would see less active bank site management and commensurate reductions in successfully developing banks.

If we continue to experience a lack of capacity to oversee mitigation banks and process certification applications due to understaffing, there would be longer delays in certifications. The result would be fewer available mitigation banks to use. Fewer banks means more individual mitigation sites with a lower success rate compared to a mitigation bank. If wetland impacts are not adequately offset, there would be reductions in water quality and habitat and alterations to water flows adversely affecting Puget Sound.

Assumptions and Calculations

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

This request expands Activity A038 – Protect, Restore, and Manage Wetlands by adding additional staff to improve the oversight and monitoring of operational wetland mitigation banks across the state. A summary of the 2019-21 and 2021-23 base funding and FTEs for this activity is below. Administrative Overhead is also in the agency’s Administration Activity A002.

A038: Protect, Restore, and Manage Wetlands		
	2019-21	2021-23
FTEs Total	29.15	31.75
001-2 General Fund Federal	\$19,687,000	\$9,629,000
001-7 General Fund Private Local	\$200,000	\$200,000
23P-1 Model Toxics Control Operating	\$4,431,000	\$5,141,000
TOTAL	\$24,318,000	\$14,970,000

Detailed Assumptions and Calculations:

Beginning July 1, 2023, Ecology requires salaries, benefits, and associated staff costs for 2.0 FTE Environmental Specialist 4 positions to improve the oversight and monitoring of operational wetland mitigation banks across the state. These positions will verify required monitoring and maintenance reports, authorize and document the release of available credits, process amendments, and provide technical assistance to bank sponsors, the public, and local governments regarding the use and certification of wetland mitigation banks.

Workforce Assumptions:

Expenditures by Object		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
A	Salaries and Wages	146,524	146,524	146,524	146,524	146,524	146,524
B	Employee Benefits	53,481	53,481	53,481	53,481	53,481	53,481
E	Goods and Services	9,668	9,668	9,668	9,668	9,668	9,668
G	Travel	4,468	4,468	4,468	4,468	4,468	4,468
J	Capital Outlays	2,460	2,460	2,460	2,460	2,460	2,460
T	Intra-Agency Reimbursements	57,502	57,502	57,502	57,502	57,502	57,502
	Total Objects	274,103	274,103	274,103	274,103	274,103	274,103

Staffing

Job Class	Salary	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Environmental Specialist 4	73,262	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
Total FTEs		2.30	2.30	2.30	2.30	2.30	2.30

Explanation of costs by object:

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 36.5% of salaries.

Goods and Services are the agency average of \$4,834 per direct program FTE.

Travel is the agency average of \$2,234 per direct program FTE.

Equipment is the agency average of \$1,230 per direct program FTE.

Agency Administrative Overhead is calculated at the federally-approved agency indirect rate of 28.75% 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.

Strategic and Performance Outcomes

Strategic Framework:

This request is essential to achieving the Governor’s Results Washington Goal 5: Efficient, Effective, and Accountable Government and Goal 2: Prosperous Economy because it will support the resources we need to monitor and oversee the Wetland Bank Certification Program. Delays in our process effect bank sponsor’s ability to sell credits. This can cause them to lose customers and incur increased costs due to maintaining a larger amounts of credit for a longer time. Without sufficient, efficient, and effective monitoring and oversight, the entire wetland mitigation bank program is at risk of failing.

This request is also essential to achieving the Governor’s Results Washington Goal 3: Sustainable Energy and a Clean Environment, Goal 4: Healthy and Safe Communities and Ecology’s Goal 4: Protect and Manage our State’s Waters because wetlands provide critical functions such as:

- Providing habitat for fish and wildlife.
- Cleaning the water.
- Attenuating flood flows.
- Providing commercial and recreational benefits.

Performance Measures	Incremental Changes 2024	Incremental Changes 2025	Incremental Changes 2026	Incremental Changes 2027
001468 - Percentage of wetland banking certification documents reviewed within 30 days of receipt	50%	75%	0%	0%

Performance Outcomes:

The outcome of this request will be more resources for Ecology to monitor and oversee the growing number of certified banks so we can meet expectations, requirements, and deadlines.

Equity Impacts

Community outreach and engagement:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Disproportional Impact Considerations:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Target Populations or Communities:

This funding will not contribute to direct, strategic measures to reduce disparities, but supporting Ecology’s wetland banking program with increased FTE and staff attention will have several benefits to overburdened communities and vulnerable populations across our state. As mentioned above, the current staff level does not allow us to meet the basic needs of the program. With increased focus on equity and environmental justice through the HEAL Act, we need increased staff time to continue to develop and advance equity in this program.

For instance, wetland mitigation banks are often located in ex-urban rural lands, predominantly on former agricultural lands, which reduces the available land base for farming. In Washington, according to the U.S. Census Bureau’s Quarterly Workforce Indicators for quarter 3 in 2021, 41.3 percent of the agriculture industry is Hispanic/Latino. To ensure the farming community has an opportunity to provide input on proposed banks and the loss of active farmland, we require bank sponsors to contact their local conservation district to help with outreach to the affected farming community.

Another environmental justice aspect of wetland banking is their location in urban overburdened communities and vulnerable populations. For example, the city of Renton and the Washington State Department of Transportation developed a wetland bank in an industrial area of the city and added a trail system with interpretive signage. According to data drawn from the Washington Health Disparities Map (<https://doh.wa.gov/data-and-statistical-reports/washington-tracking-network-wtn/washington-environmental-health-disparities-map>), nearby residential areas contain 61 percent people of color, and the area ranks a 7 for populations living in poverty. The area ranks a 10 for environmental exposures, particularly diesel emissions and particulate matter. The wetland bank site provides recreational opportunities and a green refuge from the surrounding industrial area and helps filter pollutants from the air and water.

Increased staff capacity is essential for our program to meet the basic needs of wetland banking in the state and increase our implementation of equity and environmental justice in this work.

Other Collateral Connections

Puget Sound Recovery:

This request will support Puget Sound protection and restoration by ensuring there are ecologically successful wetland mitigation banks offering an effective source of compensatory mitigation to offset wetland losses. The restoration of wetland functions provides several benefits to Puget Sound. Restored habitats on wetland bank sites improves the available space and structure for fish and wildlife species. Banks are often large sites, with several encompassing more than 200 acres, and they offer suitable habitat for a wide range of species. One Snohomish County mitigation bank has been used as a sampling location by a local birding group. The group conducts surveys for wetland birds that avoid human contact, also known as “secretive species.” The group found this bank was providing habitat for four different species of secretive birds in an urbanizing area where they otherwise would not be found. Another mitigation bank is restoring estuarine wetlands in the Snohomish estuary and providing critical habitat for salmonids as they migrate out to the Sound and forage along the coast.

Wetland banks provide important water quantity and quality functions by storing floodwaters and filtering the water before it reaches the Sound. One bank located along the Skykomish River provides additional flood storage, which helps attenuate flood waters. Wetland banks can provide groundwater recharge, supporting summer base flows in stream, which in turn supports salmonids spawning and rearing. Southern Resident orcas rely on salmon as their primary food source. Mitigation banks provide necessary restored wetlands needed to offset wetland impacts, which moves the dial toward no net loss of wetland area and function. Wetland banks also increase habitat health, which is essential for supporting Tribal treaty rights.

This request supports Puget Sound Action Agenda implementation through Ongoing Program OGP_ECY9: Shorelands-Wetland Mitigation Banking Program and a number of Vital Signs, Strategies, Desired Outcomes, Actions, and Orca Task Force Recommendations included in the 2022-26 Action Agenda. See Attachment A for a complete list of linkages between this request and the agenda.

State Workforce Impacts:

N/A

Intergovernmental:

Ecology works closely with the Corps and other regulatory agencies, Tribes, and local governments to review and certify wetland mitigation banks. When a bank is certified and is in the operational stage, Ecology keeps the IRT for the site advised regarding bank activities.

Local governments may or may not be active on the IRT. Smaller jurisdictions often want to be informed of bank activities but may not be actively involved on the review team. Likewise, other state agencies may or may not participate on any individual bank’s IRT, depending on the resource and regulations involved. For example, the Washington Department of Fish and Wildlife is most interested in banks promoting fish resources or habitat for threatened and endangered species, and the Washington Department of Natural Resources’ interests usually center on use of state-owned aquatic lands for banking.

As members of the IRT, Tribes are alerted to any bank actions affecting the performance or implementation of the banks. Tribes benefit from wetland banks supporting various life stages of salmonids and important cultural and subsistence resources. Tribes are invested in the success of wetland mitigation banks, and most banks have a Tribe involved in their certification and operation. It is important for Ecology to be transparent in its work with Tribes and operation of mitigation banks.

The Washington State Department of Transportation (WSDOT) benefits from wetland mitigation banks. They are able to streamline their permitting and avoid adding another parcel of land to their inventory (that needs to be managed in perpetuity) by purchasing wetland credits. Wetland banks in WSDOT’s Northwest Region are particularly helpful because suitable mitigation sites are limited.

Stakeholder Response:

Bank sponsors have let us know they support efforts to secure more staffing for the program. One sponsor offered to meet with legislative staff to offer support.

We have let the Corps know we are requesting additional staff to address program delays. The Corps is also short-staffed. They are hiring another staff to assist with banking and are currently in recruitment. The Port of Seattle has indicated they will be advocating for Corps funding at the federal level to support more staff resources.

State Facilities Impacts:

N/A

Changes from Current Law:

N/A

Legal or Administrative Mandates:

N/A

Reference Documents

[Wetland Mitigation Banking Oversight-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
	2024	2025	2023-25	2026	2027	2025-27
Obj. A	\$147	\$147	\$294	\$147	\$147	\$294
Obj. B	\$53	\$53	\$106	\$53	\$53	\$106
Obj. E	\$10	\$10	\$20	\$10	\$10	\$20
Obj. G	\$4	\$4	\$8	\$4	\$4	\$8
Obj. J	\$2	\$2	\$4	\$2	\$2	\$4
Obj. T	\$58	\$58	\$116	\$58	\$58	\$116

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: Wetland Mitigation Banking Oversight

Vital Signs

- Freshwater
- Streams and Floodplains
- Estuaries
- Forests and Wetlands
- Economic Vitality

Strategies

- 4. Riparian Areas
- 5. Floodplains and Estuaries
- 25. Natural Resource Industries

Desired Outcomes

- 1.1.1. Ecologically important lands (including beaches, estuaries, forests and wetlands, streams and floodplains) protected from development.
- 1.3.1. Levees, floodgates, tidegates, 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.
- 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.
- 5.4.1. Natural resources sector jobs and production opportunities are supported.
- 5.4.2. Innovative techniques that promote a healthy natural environment and achieve growth in natural resources industries are encouraged.

Actions

- 3. Conduct watershed-scale planning and land use planning to protect and restore water quality.
- 12. Increase the number and accelerate implementation of habitat acquisition and restoration projects as prioritized in salmon and watershed recovery plans.

- 24. Implement habitat protection and restoration projects that restore or maintain natural nutrient attenuation functions and sediment processes in watersheds, estuaries, and tidal wetlands.
- 89. Restore and enhance native fish, shellfish, game, and plant populations consistent with species recovery efforts.
- 151. Re-green urban spaces.
- 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).
- 194. Support the expansion of market mechanisms to increase long-term viability and reduce conversion pressure for working lands.
- 195. Increase and improve floodplain and estuary regulation implementation, compliance, enforcement, incentives, and communication.
- 196. Facilitate the increased use or performance of best management practices, including increasing riparian restoration, to reduce stream temperatures.
- 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.

Orca Task Force Recommendation

- 1. Significantly increase investment in restoration and acquisition of habitat in areas where Chinook stocks most benefit Southern Resident orcas.
- 3. Apply and enforce laws that protect habitat.

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Agency Recommendation Summary

In support of the Governor’s 2021 salmon strategy update, the 2022 supplemental operating budget included a number of budget provisos that directed state agencies to begin working on several discrete but interrelated initiatives to support riparian protection and restoration. As part of that work, Ecology was tasked with identifying a preferred channel migration zone mapping methodology before the end of the 2021-23 biennium. Ecology is now requesting ongoing funding, beginning next biennium, 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. This request directly implements priority recommendations and actions in the 2021 Governor’s salmon strategy update, 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
	2024	2025	2023-25	2026	2027	2025-27
Staffing						
FTEs	1.2	1.2	1.2	1.2	1.2	1.2
Operating Expenditures						
Fund 001 - 1	\$177	\$177	\$354	\$177	\$177	\$354
Total Expenditures	\$177	\$177	\$354	\$177	\$177	\$354

Decision Package Description

Background

The federal Endangered Species Act and state law require development of plans detailing how Washington will reverse the decline of the state’s salmon runs. Most of these plans are quite complex, which reflect both the nature of salmon’s anadromous life cycle, and the fact that salmon in Washington face many different threats at nearly every life stage. Tribal, public, private, and nonprofit partners have been working across the state for decades to address the suite of issues, from improving the quality of our water bodies to removing culverts and other barriers that slow or prevent salmon from migrating to spawning grounds. These efforts are paying off in some parts of Washington but challenges remain in other areas.

The upland areas adjacent to many of the state’s water bodies, from small streams down to Puget Sound, are also very important components of salmon habitat. For example, these riparian areas filter pollution, contribute food and other nutrients, and provide cooling shade. As a result, the state has promoted protecting and restoring riparian habitat as a key salmon recovery strategy. Until recently, however, we lacked information to help guide that work more consistently across the state and in a more measurable way.

In 2018, the Washington Department of Fish and Wildlife (WDFW) published a study [[Riparian Ecosystems, Volume 1: Science Synthesis and Management Implications \(Quinn et al. 2018, updated 2020\)](#)] on this topic. The publication, often referred to as Riparian Volume 1, is the state’s primary source of best available science about how riparian ecosystems support salmon. It outlines five habitat functions and explains that a specific area can be delineated alongside rivers and streams within which salmon’s needs for all five of these habitat functions can typically be met. This area is equal to the width of one 200-year Site-Potential Tree Height (SPTH₂₀₀). At the 2019 Centennial Accord, Governor Inslee made a commitment to Tribes to use SPTH₂₀₀ as the basis for establishing riparian areas needing protection or restoration.

In 2020, WDFW published a companion study to Riparian Volume 1 [[PHS Riparian Ecosystems, Volume 2: Management Recommendations \(Rentz et al, 2020\)](#)], which provides guidance on how to apply the science. In this report (Riparian Volume 2) WDFW recommends using SPTH₂₀₀ to establish areas along streams and rivers referred to as riparian management zones, which should be protected (and restored, if necessary.) WDFW also advises using the edge of the water body’s channel migration zone (CMZ) as the starting point for measuring the width of the riparian management zone. The Governor supports other state agencies seeking to follow this guidance.

State/Tribal Riparian Protection & Restoration Workgroup

Riparian zones (the areas along streams, rivers, and other waterbodies) play a significant role in supporting water quality, along with the health and diversity of aquatic and terrestrial species throughout Washington. Transforming the state’s riparian protection and restoration policies is essential to our rivers, streams and shorelines, as well as to sustain salmon and orcas, tribal treaty rights, and our quality of life.

As acknowledged by Governor Inslee and tribal leaders at the November 2019 Annual Centennial Accord Meeting, growing and protecting mature trees along the lengths of the state’s rivers and streams safeguards our water and builds resilience for our communities. Coming out the Centennial Accord, the Governor directed his office to convene the state agencies before the end of 2019, and then to work with the tribes to establish a State/Tribal Riparian Protection & Restoration Workgroup to develop recommendations for leadership before the next Centennial Accord.

In 2020 - 2021, the state and tribal partnership worked to identify both the challenges and opportunities around riparian protection and restoration and developed recommendations on bold actions to advance, and result in, fully functioning riparian ecosystems statewide. The State/Tribal Riparian Protection & Restoration Workgroup included five Pathway Teams:

- Pathway 1 - Use of Existing Authorities.
- Pathway 2 - Need for New Authorities.
- Pathway 3 - Monitoring and Adaptive Management.
- Pathway 4 - Need for Meaningful Incentive Programs.
- Pathway 5 - Need for Adequate and Sustainable Funding.

The Pathway 3 (PW3) Team developed a Monitoring and Adaptive Management framework, which identified information needs and data gaps that are hindering the state from effectively delineating riparian management zones. One of those gaps is a lack of CMZ maps suitable for this purpose.

Problem

CMZs are the areas in a floodplain where a stream or river channel is expected to move naturally over time in response to gravity and topography. Some of the state's CMZs were mapped in the past, yet those efforts were largely piecemeal, and the maps were not all created for the same purpose.

Further, not all of the existing CMZs in Washington were developed using the same mapping methodology. In fact, there are multiple CMZ mapping methodologies that have been used in our state. For example, some local governments developed CMZ maps to help them complete the shoreline inventory and characterization portion of their Shoreline Master Programs.

Other CMZ mapping efforts supported natural hazard risk assessments, which focused on identifying areas where homes, businesses, roads, and other infrastructure may be vulnerable to flooding and erosion. Still a third type of mapping, usually examining a smaller area, has been used to determine whether a home or other structure is within a CMZ as part of local permitting processes. What these three methodologies do have in common is that none has been used specifically for delineating riparian management zones.

The Pathway 3 Team recommended that, ultimately, CMZs be mapped throughout the state in support of establishing riparian management zones statewide. As a first step, the Team identified the need for developing a suitable and agreed-upon standard mapping methodology. The 2022 supplemental operating budget provided one-time funding through a proviso to develop this standard mapping methodology by June 30, 2023. Those funds support one hydrogeologist to lead the effort for one year. However, there is no funding to continue the next phase of this work into the 2023-25 biennium, which would get the state closer to producing needed CMZ maps.

Solution

Once Ecology identifies its CMZ mapping methodology, we will need staff and resources to:

- Validate the mapping methodology.
- Develop a statewide mapping implementation plan in partnership with WDFW, Tribal governments, and other stakeholders.
- Provide technical assistance to Tribal and local governments with implementing the plan.

The scale and scope of mapping Washington's CMZs has yet to be determined, but Ecology will need to maintain current staff efforts for consistency, collaboration, and eventually to lead or support actual mapping efforts. Ecology assumes:

- Statewide CMZs maps are the eventual, long-term expected outcome.
- All work must be developed in collaboration with local, state, and Tribal partners.
- The work is technical and has significant policy implications.
- It is not certain that Ecology will be tasked to do the actual mapping, but we expect this would be fleshed out further as part of the statewide mapping implementation plan development.

This request will provide Ecology the ability to continue its CMZ mapping efforts into the 2023-25 biennium and beyond. Ecology requests ongoing funding for 1.0 FTE (Hydrogeologist 4) to ensure CMZ maps are developed and maintained to meet state salmon protection and recovery commitments. Please note, depending on the standard methodology developed in fiscal year 2023, Ecology could need additional resources in the future to map the state: If that is the case, we would submit future budget requests to address those needs once they are known.

Impacts on Population Served:

As outlined in the State of Salmon in Watersheds 2020 report (<https://stateofsalmon.wa.gov/executive-summary/why-recover-salmon/>), 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 salmon and steelhead runs in Washington at-risk of extinction. Regional organizations across the state are developing and implementing recovery plans.

Washington State has a responsibility on behalf of the United States to uphold treaty-reserved fishing rights for Indian Tribes, and a duty to ensure salmon are sustainably managed, restored, and available for harvest. Treaty Indian Tribes are co-stewards of our environment and co-managers of the salmon species populations and fisheries with state agencies. Through treaties with the federal government, treaty Indian Tribes ceded portions of their lands in exchange for perpetual rights and access to those lands and natural resources. Salmon are a fundamental component to indigenous cultures and 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. Per Report’s Executive Summary:

- 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 having more salmon to eat.
- Prioritizing salmon recovery prioritizes the livelihoods, experiences, and voices of diverse communities.

Alternatives Explored:

Ecology considered delaying this request until the 2024 supplemental budget. However, waiting would mean the standardized mapping methodology would sit untested for a year; neither would Ecology and key stakeholders make any progress towards developing a needed statewide mapping implementation plan during that time. Given the importance of meeting the Governor’s, Tribes’, and other communities’ expectations, a delay is not advisable.

Consequences of Not Funding This Request:

The majority of Washington’s salmonid populations are not trending positively, and degraded riparian habitats are limiting recovery in many watersheds. Tribes have been conveying a message that we are running out of time to reverse salmon declines in Washington, and, consequently, are urging the state to move quicker to make more substantial progress towards improving the state’s riparian habitats.

This has been described as an “all hands on deck” situation that will require the very best efforts from all stakeholders if we as a state are going to be successful at recovering our salmon. Therefore, if Ecology does not receive funding in 2023-25 to continue the CMZ mapping work, it will take the state longer to designate accurately where the riparian habitats are that need to be protected and perhaps restored. Delays on Ecology’s side could also exacerbate the speed and/or effectiveness of related riparian habitat protection/restoration projects led by other state agencies. In the meantime, some of those riparian areas not accurately designated are likely to become even further degraded, if not lost permanently, leaving salmon at even greater risk.

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 one-time basis in the 2022 supplemental operating budget to develop a standard mapping methodology, and help to develop these maps statewide in the future.

Detailed Assumptions and Calculations:

Beginning July 1, 2023, Ecology requires salaries, benefits, and associated staff costs for 1.0 FTE Hydrogeologist 4 to lead Ecology's efforts to:

- Validate Ecology's CMZ mapping methodology.
- Provide continuity to local and Tribal governments and state and federal agencies.
- Offer technical mapping assistance.

This type of undertaking has not been attempted before and Ecology may encounter problems or unpredicted delays. As Ecology moves forward, it is likely to identify additional resource requirements that may need budget resources.

Workforce Assumptions:

Expenditures by Object		<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
A	Salaries and Wages	96,159	96,159	96,159	96,159	96,159	96,159
B	Employee Benefits	35,098	35,098	35,098	35,098	35,098	35,098
E	Goods and Services	4,834	4,834	4,834	4,834	4,834	4,834
G	Travel	2,234	2,234	2,234	2,234	2,234	2,234
J	Capital Outlays	1,230	1,230	1,230	1,230	1,230	1,230
T	Intra-Agency Reimbursements	37,736	37,736	37,736	37,736	37,736	37,736
	Total Objects	177,291	177,291	177,291	177,291	177,291	177,291

Staffing

Job Class	Salary	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
Hydrogeologist 4	96,159	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
	Total FTEs	1.15	1.15	1.15	1.15	1.15	1.15

Explanation of costs by object:

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 36.5% of salaries.

Goods and Services are the agency average of \$4,834 per direct program FTE.

Travel is the agency average of \$2,234 per direct program FTE.

Equipment is the agency average of \$1,230 per direct program FTE.

Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 28.75% 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.

Strategic and Performance Outcomes

Strategic Framework:

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

- Goal 2: Prosperous Economy because mapping will help support protection and restoration of the riparian habitat areas necessary for maintaining the viable salmon populations that are critical to Washington's economy.
- Goal 5: Efficient, Effective, and Accountable Government because mapping will support establishing a riparian monitoring and adaptive management program at state and local levels, improving the state's ability to assess and communicate about salmon recovery progress.

This request is essential to achieve 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: Riparian ecosystems are especially valuable in a changing climate for multiple reasons, including the fact that they do not experience as extreme temperature changes as the surrounding landscapes do. As such, they provide important places of refuge for temperature-sensitive species, including but not limited to salmon. CMZ maps aimed at determining accurate riparian areas for protecting and restoring will help boost the resiliency of Washington's riparian areas and the vitality of the species that depend on them.
- Goal 4: Protect and Manage our State's Waters: State laws require planning efforts and development regulations undertaken by local governments be compatible with activities such as salmon recovery, irrigation water delivery, transportation, and other floodplain activities.

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
- 1b. Establishes statewide approach for fully functioning riparian habitat

Performance Outcomes:

This request will support

- Ongoing mapping efforts, and provide funding necessary to validate a CMZ mapping methodology.
- Help develop a statewide mapping implementation plan in collaboration with WDFW, Tribal partners, and other stakeholders.
- Provide technical assistance to local government and Tribal partners.

Equity Impacts

Community outreach and engagement:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Disproportional Impact Considerations:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Target Populations or Communities:

The significance of salmon to communities in Washington varies, but for most of the state's Tribes, the importance of salmon cannot be overstated. As noted above, Tribes are co-managers of the state's fisheries, and we have legal and moral obligations to fulfill. As such, Tribes have continued urging 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 of a statewide mapping effort needed to address, meaningfully, 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, which is statewide CMZ maps.

Other Collateral Connections

Puget Sound Recovery:

The 2022-26 Puget Sound Action Agenda establishes Strategy 4 for Riparian Areas: Protect and restore riparian areas by improving regulatory frameworks and incentives and increasing funding. This request helps provide information to implement science-based riparian protection, restoration, and management policies at local and state-levels by recognizing the areas on the landscape prone to channel migration. This is an important part of maintaining full riparian function (Action ID #11) and will contribute to the Desired Outcomes 1.1.1 (Ecologically important lands protected from development), and 1.4.1 (In-stream and riparian areas of rivers and streams restored).

This request also supports the Puget Sound Action Agenda through 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:

Ecology will consult with WDFW regarding additional guidance. We also will 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.

Stakeholder Response:

Members of the Governor’s workgroup have emphasized it is essential the recommended mapping methodology is feasible and supported by key stakeholder groups, including the agricultural community. There is the potential for any property owner, public or private, to be impacted by future CMZ mapping, but we don’t yet know how the riparian management zones that will be based on the CMZ maps will be managed. The work completed, both in fiscal year 2023, and beginning in 2023-25, supported by this request, will help identify the stakeholders that will be involved in the process to analyze and make recommendations about how to move forward.

State Facilities Impacts:

N/A

Changes from Current Law:

N/A

Legal or Administrative Mandates:

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
	2024	2025	2023-25	2026	2027	2025-27
Obj. A	\$96	\$96	\$192	\$96	\$96	\$192
Obj. B	\$35	\$35	\$70	\$35	\$35	\$70
Obj. E	\$5	\$5	\$10	\$5	\$5	\$10
Obj. G	\$2	\$2	\$4	\$2	\$2	\$4
Obj. J	\$1	\$1	\$2	\$1	\$1	\$2
Obj. T	\$38	\$38	\$76	\$38	\$38	\$76

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Agency Recommendation Summary

Ecology’s Water Quality (WQ) Program manages two fee databases and a loan tracking system that all require ongoing maintenance and integration with our agency-wide invoicing system, eHub. The Operator Certification Database tracks fees for Wastewater Treatment Plant Operator Certifications, the Aquarius Database tracks fees for water quality permits, and the eHub loan module calculates invoices for loans. Current WQ Information Technology (IT) staffing and resources are insufficient to maintain the three systems properly causing a risk that invoicing is inaccurate or delayed. This request will provide additional WQ IT staff and contract support to maintain these necessary systems. (Water Quality Permit Account, Wastewater Treatment Plant Operator Certification Account, Water Pollution Control Revolving Administration Account)

Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
Staffing						
FTEs	1.2	1.2	1.2	1.2	1.2	1.2
Operating Expenditures						
Fund 176 - 1	\$92	\$92	\$184	\$92	\$92	\$184
Fund 21H - 1	\$92	\$92	\$184	\$92	\$92	\$184
Fund 564 - 1	\$50	\$50	\$100	\$50	\$50	\$100
Total Expenditures	\$234	\$234	\$468	\$234	\$234	\$468

Decision Package Description

Background on eHub

In 2020, Ecology launched a new highly integrated financial system, eHub, for many of the agency’s revenue management functions, such as fee invoicing, loan portfolio management, and cash receipting. eHub is built on Microsoft’s Dynamics 365 (D365 platform). Dynamics 365 is a cloud-based software-as-a-service (SAAS) that receives regular updates, which delivers new features, functionality, along with security and compliance updates.

In preparation for the implementation of eHub, Ecology’s Water Quality (WQ) Program modified select loan and fee business processes so that Water Quality systems could integrate with eHub. Due to the recurring release of updates and enhancements from Microsoft, Water Quality and other environmental programs participate in regression testing every 2-3 months to validate integrations and other system functionality with the latest updates.

WQ Information Technical (IT) Unit uses existing resources to provide application developer support for WQ system integration with eHub. This level of support is able to provide emergency fixes, critical updates, and some ongoing scheduled maintenance. However, these staffing resources are not sufficient to complete all scheduled maintenance or develop improvements needed to keep systems up to date and accessible to customers. All three of these systems need dedicated resources for maintenance, updates, accessibility, and additional functionality to automate tasks to improve customer service, and relieve Ecology staff of manual data processing tasks.

Operator Certification (OpCert) Database

Chapter 70A.212 RCW requires Ecology to issue certifications to wastewater treatment plant operators and establish annual fees to support the program. Wastewater treatment plants (WWTPs) serve an essential function to protect public health and the environment, including Washington’s rivers, lakes, streams, and Puget Sound. Certifying WWTP operators helps ensure they are knowledgeable and WWTPs are properly operated and maintained. New operators must apply for certification, and current operators must renew certifications annually. Professional growth training is required to maintain certification and ensure operators stay up to date on the latest technologies.

The OpCert Database tracks WWTP operator certifications and assigns the appropriate fees based on the fee schedule in Chapter 173-230 WAC. The OpCert Database is outdated and needs upgrades and connections to eHub specifically related to transferring and providing digital invoice data.

The OpCert Database is a Structured Query Language (SQL) server database that sends invoice data to eHub for invoicing. A limited number of data is viewable to operators and their employers through a Secure Access Washington (SAW) accounts. Ecology staff spend a significant amount of time reconciling information between the OpCert database, SAW, and eHub, designing workarounds to process invoices and on-demand application fees, and manually fulfilling documentation requests from operators and employers. New and existing operators experience delays and inconsistency when submitting their applications because the OpCert database, eHub, and SAW do not work together. It takes us significant amounts of time to manually fulfill requests to provide documents. We also experience manual data entry errors, have provided inconsistent or invalid information to operators and their employers, and are at risk of inaccurate data reporting and potential for audit findings.

This request will fix these issues by allowing us to hire an IT application developer to improve the connections between the OpCert Database, eHub, and SAW. One of the main tasks the new developer will complete is to build functionality so that new and existing operators can apply online through their SAW accounts, which will trigger an invoice in eHub to be automatically generated, allowing the operators to pay their invoice online when they apply. Operators will then be able to see their receipt of payment in SAW. The OpCert database will be populated with the application information and both eHub and the OpCert database will record the invoice payment dates. The goal is for this process to happen without manual data entry and workarounds. We also anticipate the IT application developer to make improvements for our annual billing (renewal) process and by making operators' certificates, validation cards, annual invoices, and other documents available through SAW to the operators and their employers.

Aquarius Database

RCW 90.48.465 requires Ecology to establish annual fees to support the wastewater and stormwater permit programs. The Aquarius database tracks fees for over 7,000 water quality discharge permits annually. Each permit is assessed a fee based on the fee schedule in Chapter 173-224 WAC. The fee schedule is a complicated structure with tiers and optional reduced fees based on criteria set also in the WAC.

Ecology uses Aquarius to track permits and assign the appropriate annual permit fees. Aquarius generates approximately 10,000 invoices each year, which are mailed or emailed to permittees for payment. Aquarius invoice data is also sent to eHub to create the official record of the receivable in the statewide accounting system. It is critical for the data transfer from Aquarius to eHub be accurate and timely to avoid disruptions in sending out invoices to permittees and accurately track receivables.

Many water quality permittees have multiple permits (some have as many as 50 or more permits with separate fees), so they make a wide variety of payments annually. Permittees have expressed frustration because they would like to receive bulk emailing of invoices for permittees with multiple permits. Some of the larger county and city governments have asked for a permittee portal to allow them to better reconcile invoices and payments themselves to reduce the need to contact Ecology for information. They express frustration that there is not a way for them to review their permit payment data and retrieve basic information themselves.

The Aquarius database is also a SQL server database that sends data directly to eHub for invoicing. There is no way for permittees to view their water quality permit fee data. Staff manually create excel spreadsheets to communicate with permittees how payments have been applied to their invoices. This is a time consuming effort for the small WQ Permit Fee Unit staff.

This request will fix these issues by allowing us to hire an IT application developer to improve the connections between the Aquarius and eHub ensuring accurate invoicing data is transmitted. In addition, the new developer will add new functionality for permittees to create a permittee portal to access their fee data and see what invoices were paid and which are pending. The proposed portal will also make invoices available for download and alert permittees when a new invoice is available in eHub. Additionally, the portal will be also send periodic alerts regarding unpaid invoices and reduce the number of unpaid invoices sent to collections.

Due to other WQ IT business needs, WQ IT staff are not able to meet the needs to maintain and improve these two databases. This request includes a dedicated IT Application Developer to focus on maintaining and improving the existing OpCert and Aquarius databases. The developer will write SQL code to integrate the databases with the eHub application software and add new functionality to them. This will allow Ecology to improve customer service and better meet fiscal requirements related to invoicing. It also will provide dedicated IT resources to maintain existing systems and continue to move invoicing systems to a digital format, which began during the pandemic, but has not reached its full potential.

eHub Loan Module

The third system in need of additional support is an application software module added on to eHub system that processes loan invoices for the Clean Water State Revolving Fund (CWSRF) loan program. The eHub loan module is Ecology's loan tracking system and critical to loan program management, accountability, and Environmental Protection Agency (EPA) reporting. This module replaced an older loan tracking system and implemented new functionality and system integration needed to manage and report on loans made through the CWSRF and any other future Ecology loan programs. Without it, Ecology would not be able to generate repayment schedules, make disbursements for loan-funded projects, generate repayment notices, receive repayment receivables, or generate reports needed to track the \$2.5 billion dollar loan portfolio for CWSRF and other Ecology loans.

This module was built by our eHub vendor as an add-on to Dynamics 365 to allow Ecology to use the system for loan creation, payables, and receivables. eHub is integrated with Ecology's Grant and Loan (EAGL) system and Ecology needs contractor support to ensure EAGL integration with eHub continues to function as designed, and to test during quarterly Dynamics 365 platform update testing. Since implementation, numerous issues have been identified that require contractor support to be resolved. Many issues are regarding inaccurate data and reports, particularly after the release of software updates, which requires the loan module to be reconciled between EAGL and eHub. Examples of issues include loan reports needing to be reworked, reconciling eHub with the state accounting system (AFRS), inaccurate loan data and calculations, and reworking repayments schedules. All these issues affect our ability to generate accurate amortization schedules and repayment notices.

This request includes funding support for the eHub vendor to make modifications to the loan module as needed to fix and maintain functionality during regular eHub software updates.

Impacts on Population Served:

Operator Certification Database

There are approximately 300 permitted WWTPs in Washington State required to employ certified operators. These WWTPs are owned by cities, counties, homeowner associations, and others. The OpCert Database tracks the qualifications and certifications for approximately 2,000 WWTP operators and hundreds of applicants in Washington.

Each year, Ecology requires operators to pay a renewal fee to renew their certifications and, every three years, Ecology requires operators to meet professional growth requirements to maintain their certifications. All of this information is tracked in the OpCert Database. Ecology staff also work with a large number of training providers to review and track about 1,400 approved courses and assign them continuing educational credits. This request will fund improvements that will provide operators and their employers with automatic, digital access to certifications, validation cards, transcripts, and fee invoices.

Digitizing this work and making these items automatically available online will improve customer service and significantly reduce the manual workload for Ecology staff. Ecology plans to allow operators to apply and pay for certifications online instead of through our manual paper process.

Aquarius Database

For Aquarius, there will be benefits to both the permittees and Ecology. Aquarius was developed to assess water quality permit fees as outlined in Chapter 173-224 WAC. There are approximately 60 different fee categories, many of which are tiered, covering approximately 7,000 permits. Data is collected from approximately 3,000 permittees annually to assess fees, and then the data is manually entered into Aquarius. Ecology relies on the funds from invoiced fees for all water quality permit oversight work, so the funds are critical for protecting water quality. Aquarius is a robust system that can be further developed to improve efficiencies and communicate with other Ecology databases, such as PARIS and Web portal to collect and import data.

To improve customer service, this request includes dedicated resources to enhance Aquarius to automate much of the data collection and create a portal to allow permittees to see invoices, review how payments were applied, and eventually be able to download invoices.

eHub Loan Module

Provided by the federal Clean Water Act (CWA), the CWSRF loan program is funded through an annual EPA capitalization grant, state matching funds, and principal and interest repayments on past program loans. The CWSRF program provides low-interest and forgivable principal loan funding for wastewater treatment construction projects, eligible nonpoint source pollution control projects, and eligible "green" projects. The management of complex CWSRF loan agreements is a partnership with the recipient to achieve water quality and public health outcomes. Funding recipients rely on timely and accurate loan invoices to stay up to date on their payment schedules. This request will ensure that we can provide payment schedules in a timelier manner to meet the needs of the communities that request and receive loans through the CWSRF.

Alternatives Explored:

The only alternative is to maintain the status quo. Ecology will continue a manual and labor intensive process for water quality permit fees and wastewater operator certifications fees. Maintaining these two databases will continue to compete with other WQ IT priorities, which does not allow time for system improvements. It is no longer feasible or efficient to continue all of the manual processes historically used by WQ program staff, which will be better served by improving the existing databases. Ecology needs to improve its technology to better serve permittees and operators and help mitigate the high impact to existing WQ IT staff, which prevents other priority work in the WQ program like process improvements from being accomplished.

There is no other alternative for contractor support for the eHub loan module. Ecology requires maintaining this software to process all Clean Water State Revolving Fund loans, and this is a contractor-supported system.

Consequences of Not Funding This Request:

If this request is not approved, Ecology would continue to rely on current WQ IT staff to address critical fixes, maintenance, and improvements to OpCert and Aquarius databases. Right now, critical fixes for other Water Quality Program IT needs take most of their time, which limits the amount of maintenance and improvements on these important databases.

In addition, Ecology would continue to spend a significant amount of time reconciling information in the databases with eHub and designing workarounds in the databases to process invoices with eHub. The databases would not be improved which could result in inaccurate data reporting and a potential for audit findings. Lastly, the drain on existing WQ IT staff means other water quality IT systems suffer, including public-facing systems that provide information on water quality permits.

Without funding for this request, Ecology's WQ staff would continue to spend valuable staff time on manual processes that will be much more efficient if digitized. These manual processes limit the time Ecology staff have to spend on other activities like validating applications, completing

in-person investigations into operators' qualifications / experience, promoting the program to new potential operators, and providing more focused assistance to existing operators.

Lastly, inaccurate data between fee and loan tracking systems and eHub has the potential to over or under collect receivables due to erroneous data coming from WQ IT systems and causes unnecessary errors disruptive to customers.

Assumptions and Calculations

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

Maintaining and improving the Aquarius and OpCert databases expands activity A032 Prevent Point Source Water Pollution in the Water Quality Permit Account and Wastewater Treatment Plant Operator Certification Account to make changes needed to improve Ecology's ability to issue invoices for water quality permits and wastewater operator certifications. Below is a summary of the 2019-21 and 2021-23 base funding and FTEs for this activity. Administrative Overhead related to this activity is in the agency's Administration Activity A002, and is not included in the totals below.

A032 – Prevent Point Source Water Pollution		
	2019-21	2021-23
FTEs Total	92.85	101.7
001-1 General Fund - State	\$1,160,000	\$943,000
001-2 General Fund - Federal	\$1,070,000	\$307,000
001-7 General Fund – Private/Local	\$878,000	\$0
176-1 Water Quality Permit	\$21,909,000	\$22,256,000
21H-1 Wastewater Treatment Plant Op Cert	\$0	\$512,000
23P-1 Model Toxics Control Operating	\$1,369,000	\$1,253,000
TOTAL	\$26,386,000	\$25,271,000

This request also expands activity A043 – Provide Water Quality Financial Assistance to make changes needed to improve Ecology's ability to issue invoices for water quality loans for infrastructure improvements. Below is a summary of the 2019-21 and 2021-23 base funding and FTEs for these activities. Administrative Overhead related to this activity is also in the agency's Administration Activity A002, but not shown in the totals below.

A043 Provide Water Quality Financial Assistance		
	2019-21	2021-23
FTEs Total	49.85	54.8
001-1 General Fund - State	\$0	\$596,000
001-2 General Fund – Federal	\$22,027,000	\$25,506,000
10A-1 Aquatic Algae Control	\$518,000	\$0
222-1 Freshwater Aquatic Weeds	\$1,180,000	\$0
23P-1 Model Toxics Control Operating	\$13,453,000	\$9,218,000
23R-1 MTCA Stormwater-State	\$	\$8,491,000
564-1 Water Pollution Control Revolving Administration	\$3,835,000	\$4,981,000
TOTAL	\$41,013,000	\$48,792,000

Detailed Assumptions and Calculations:

Beginning July 1, 2023, Ecology requires salaries, benefits, and associated staff costs for 1.0 FTE of an IT Application Developer dedicated to the Aquarius and the OpCert databases to interface with the eHub system. This position will write code to fix breaks that occur with the eHub software updates, maintain system functionality, and program new features into the existing databases.

Ecology also requires \$50,000 each fiscal year in goods and services to contract with the eHub vendor to maintain the loan interface with the eHub billing system. This estimate is based on the current billable hours and estimated number of hours of work needed each fiscal year.

Workforce Assumptions:

Expenditures by Object		<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
A	Salaries and Wages	100,038	100,038	100,038	100,038	100,038	100,038
B	Employee Benefits	36,514	36,514	36,514	36,514	36,514	36,514
E	Goods and Services	54,834	54,834	54,834	54,834	54,834	54,834
G	Travel	2,234	2,234	2,234	2,234	2,234	2,234
J	Capital Outlays	1,230	1,230	1,230	1,230	1,230	1,230
T	Intra-Agency Reimbursements	39,260	39,260	39,260	39,260	39,260	39,260
	Total Objects	234,110	234,110	234,110	234,110	234,110	234,110

Staffing

Job Class	Salary	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
IT APP DEVELOPMENT-JOURNEY	100,037	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
	Total FTEs	1.15	1.15	1.15	1.15	1.15	1.15

Explanation of costs by object:

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 36.5% of salaries.

Goods and Services are the agency average of \$4,834 per direct program FTE, and \$50,000 each fiscal year for contractor costs to maintain the loan interface with eHub billing system.

Travel is the agency average of \$2,234 per direct program FTE.

Equipment is the agency average of \$1,230 per direct program FTE.

Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 28.75% 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.

Strategic and Performance Outcomes

Strategic Framework:

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

- Goal 2 - Prosperous Economy because it will fund the resources Ecology needs to:
 - Administer efficient and transparent certification and permit programs that affect about 7,000 governments, businesses, and industries each year.
 - Provide loan support to communities in need.
- Goal 3 - Sustainable Energy and a Clean Environment because it will fund the resources Ecology needs to issue certifications, permits and award loans that protect state waters from pollution discharges that will negatively impact our natural resources and wildlife.
- Goal 4 - Healthy and Safe Communities because it will fund the resources Ecology needs to implement the state's water quality standards that protect human health and the environment by ensuring safe drinking water and safe access to water for recreation and commerce.
- Goal 5 - Efficient, Effective, and Accountable Government because it will fund the resources Ecology needs to upgrade and maintain database systems to reduce data errors and staff time spent on workarounds when issues arise. This request will also support accurate recordkeeping thereby improving fiscal accountability and compliance with audit requirements.

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 improve customer service by maintaining our fiscal applications so we can:
 - Provide accurate invoices to operators, permittees, and loan recipients.
 - Provide transparency on billing and payment history.
 - Reduce the time it takes to change our application systems when the eHub developer modifies the software.
- Goal 4 - Protect and Manage our State Waters because it will fund the resources Ecology needs to administer our key regulatory tools to protect our state waters.
 - The Wastewater Treatment Plant Operator Certification Program ensures those responsible for managing municipal wastewater treatment plants have the training and experience to do the job.
 - Water Quality Permits ensure wastewater and stormwater discharge permits meet state and federal laws and do not violate water quality standards.
 - Water quality loans that are vital to improving water quality and helping permittees meet their permit requirements.

Performance Outcomes:

The outcome of this request will be:

- Reduced risk of audit findings because we will have data that are more accurate.
- Improved customer service because staff will have more time to review new operator applications and professional growth classes.

Equity Impacts

Community outreach and engagement:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Disproportional Impact Considerations:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Target Populations or Communities:

Improvements to Ecology's water quality focused fee and loan tracking systems will improve invoice delivery to operators and permittees across the state and provide permittees and operators with some means to access their fee data. Some improvements will also reduce staff time by transforming current manual processes into automated processes. By reducing staff time on data entry and correcting data errors, more resources will be available to provide support to operators advancing in their careers through certification and increase efficiency in providing general customer service. Educational requirements for wastewater operators include a high school diploma or GED. Experience is allowed to substitute for formal education so this work supports living wage employment opportunities for those with lower educational attainment.

Other Collateral Connections

Puget Sound Recovery:

N/A

State Workforce Impacts:

N/A

Intergovernmental:

Many water quality permittees have multiple permits, so they make a wide variety of payments annually. Some of the larger county and city governments have asked for a portal in Aquarius to allow them to better reconcile invoices and payments themselves rather than needing to contact Ecology for information. Improvements to Aquarius increase customer service for water quality permittees who have been asking for a portal to access their water quality permit fee data themselves.

Ecology provides support for Tribal WWTP operator programs and provides certification for a number of Tribal wastewater operators. Ecology also certifies operators who are employed at federal WWTPs in Washington State. There are approximately 300 WWTPs in Washington State required to employ certified operators, many of which are operated by county and city governments. We also work with the Department of Corrections and certify several incarcerated operators. Improvements to the databases will increase customer service for certified operators and their employers. Certified operators and their employers have been asking for many of the improvements in this request.

Stakeholder Response:

The OpCert database tracks qualifications and certifications for approximately 2,000 WWTP operators and hundreds of applicants within Washington State. Many operators are employed by homeowner associations and contracting businesses. Certified operators and their employers have been requesting many of the improvements that this request will fund. Improvements to the OpCert Database will increase our customer service for our certified operators and their employers.

State Facilities Impacts:

N/A

Changes from Current Law:

N/A

Legal or Administrative Mandates:

N/A

Reference Documents

[WQP Fiscal Integration with eHub-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
	2024	2025	2023-25	2026	2027	2025-27
Obj. A	\$100	\$100	\$200	\$100	\$100	\$200
Obj. B	\$37	\$37	\$74	\$37	\$37	\$74
Obj. E	\$55	\$55	\$110	\$55	\$55	\$110
Obj. G	\$2	\$2	\$4	\$2	\$2	\$4
Obj. J	\$1	\$1	\$2	\$1	\$1	\$2
Obj. T	\$39	\$39	\$78	\$39	\$39	\$78

Agency Contact Information

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2023-25 IT ADDENDUM

Only use this addendum if your decision package includes IT costs

Part 1: Itemized IT costs

Complete the [2023-25 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).



eHub

2023-25PrioritizationV

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 122 - administrative and financial system investment approval](#) ? Yes No
- C. If **Yes** to question B, has this decision package obtained OCIO and OFM Administrative and Financial System review approval? Yes No
- o If **Yes**, attach the approval letter.
 - o If **No**, the decision package should not be submitted. Recommendation will be “Do Not Fund.”
- 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:

(Project name published on the [IT Dashboard](#))

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.

In 2020, Ecology launched a new highly integrated financial system, eHub, for many of the agency's revenue management functions, such as fee invoicing, loan portfolio management, and cash receipting. The Water Quality Program has two fee databases and a loan tracking system that all require ongoing maintenance and integration with our agency-wide invoicing system, eHub. eHub is built on Microsoft's Dynamics 365 (D365 platform). Dynamics 365 is a cloud-based software-as-a-service (SAAS) that receives regular updates, which delivers new features, functionality, along with security and compliance updates.

In preparation for the implementation of eHub, Ecology's Water Quality (WQ) Program modified select loan and fee business processes so that Water Quality systems could integrate with eHub. Due to the recurring release of updates and enhancements from Microsoft, Water Quality and other environmental programs participate in regression testing every 2-3 months to validate integrations and other system functionality with the latest updates.

The Water Quality (WQ) Program determined the need for additional IT staff to support its Water Quality fee and loan tracking systems based on the response time currently available with existing staff to response to bugs, fixes, maintenance issues, and application improvements. The WQ Program has a list of current enhancements needed to these systems which continues to grow with each quarterly update to the eHub application.

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.

WQ IT applications are managed by the WQ IT unit. The new IT Application Developer will reside in this unit and take direction from the IT Manager assigned to the Water Quality Program.

The contract for updates to the Loan Module will be managed by the Fiscal Office as part of the existing contract for eHub.

The project will follow agile project management best practices per the Project Management Body of Knowledge (PMBOK). The WQ IT Unit Scrum Master will manage the engagement, with oversight by the Deputy Director of the Water Quality Program. The Water Quality IT unit has a record of accomplishment of successful agile implementation and of executing work on time, on budget, and in scope. The team uses a four-week long sprint, and has completed over 35 successful sprints. The project will run within the existing agile framework that the team uses for all WQ IT development projects.

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 project will be implemented immediately as the eHub maintenance list is already created and continues to be added to and prioritized each month.

The project will use an established agile project methodology. The Water Quality IT Unit will have oversight of this project, and will integrate it into its normal sprint process. The team has prior experience of integrating contract developers into their agile process. Ecology has a well-established Project Management Office, and the PMBOK artifacts have been incorporated into agency templates. Though the engagement will be agile in nature, a project management plan that includes a charter, a communications plan, and organizational change management plan (using the ADKAR model) will be developed. Progress will be measured by the incremental delivery of functionality up to and beyond the delivery of the minimal viable product. Monthly sprint meetings will inform business requirements and managed prioritized work items. Quality assurance will be managed within the existing agile framework, and by the monthly delivery of incremental functionality improvements.

Technical alignment

Strategic and technical alignment. Using specific examples, describe how this investment aligns with strategic and technical elements of the [Enterprise Technology Strategic Plan](#). Examples of strategic principles that tie back to tenets of the strategic plan include, but are not limited to, advance digital government, support use of common and shared technologies across agencies, improve the Washington customer experience across digital channels, strengthen privacy capacity in state and local government. Examples of technical principles that tie back to tenets of the strategic

plan include but are not limited to; adoption of modern cloud-hosted technologies, provide proactive cybersecurity capabilities, reduce technical debt, expand integration between systems.

This request addresses Goal #1 Efficient and Effective Government by improving customer experience by moving from a paper to paperless process. This request will also improve efficiencies by ensuring the WQ fees are properly tracked and interface with the agency's invoicing system thereby ensuring that fee revenue is collected timely .

This request addresses Goal #2 Accountable IT Management because the additional IT resources dedicated to enhancing and maintaining the WQ systems and interfaces will reduce and prevent technical debt.

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? If the solution is a new proposal, will it allow for such principles in the future? Provide specific examples.

This request uses existing database applications (eHub, Aquarius, and Operator Certifications) and improves interactions between them. This investment will make improvements to these systems thereby leveraging already existing digital platforms to expand functionality.

Business alignment

Business driven technology. What are the business problems to be addressed by the proposed investment? These business problems should provide the basis for the outcome discussion below. Describe how end users (internal and external) will be involved in governance and implementation activities.

The business problem addressed is the need to ensure that WQ fees are efficiently tracked and that fee revenue is collected timely. This request provides the needed resources to perform ongoing maintenance of WQ fee systems and the interface with eHub, the agency's system of record for accounts receivable and fee billing. Aquarius, Operator Certification Database, and the Loan Module all require quarterly maintenance to maintain the interface with the eHub application. In addition, this request addresses the business problem of an inefficient paper process. A system enhancement will be to move from a paper-based application submittal to an online submittal, which improves the customer experience and improves accountability.

Measurable business outcome. Describe and quantify the specific performance outcomes you expect from this funding request. Provide specific examples of business outcomes in use within your agency, and how those outcomes will be improved because of this technology investment. Does the response align with the measurable business outcomes identified in the Strategic and Performance Outcomes in [Chapter 2](#) of the 2023-25 budget instructions? What outcomes and results, either positive or negative will occur? Identify all Lean initiatives and their expected outcomes. Include incremental performance metrics.

The performance outcome of this request will be more efficient and reliable fee and loan tracking systems that ensure that fees and loan payments are efficiently tracked and receivables are collected timely. This request will also increase customer service by eliminating a paper process and moving to an online solution.

Decision package urgency

During the evaluation and ranking process, the OCIO will take into consideration, the urgency of the decision package request. Describe the urgency of implementing the technology investment in this cycle and the impacts to business if it does not proceed as planned.

If this request is not approved, Ecology would continue to rely on current WQ IT staff to address critical fixes, maintenance, and improvements to OpCert and Aquarius. Right now, critical fixes take most of their time, which limits the amount of maintenance and improvements on these important databases. In addition, Ecology would continue to spend significant amount of time reconciling information in the databases with eHub and designing work a-rounds in the databases to process invoices with eHub. The databases would not be improved which could result in inaccurate data reporting and a potential for audit findings. Lastly, the drain on existing WQ IT staff mean all other water quality IT systems suffer, including public-facing systems that provide information of water quality permits.

Without funding for this request, Ecology's WQ staff would continue to spend valuable staff time on manual processes that will be much more efficient if digitized. These manual processes limit the time Ecology staff have to spend on other activities like validating applications, completing in-person investigations into operators' qualifications / experience, promoting the program to new potential operators, and providing more focused assistance to existing operators.

Lastly, inaccurate data between financial fee and loan tracking systems and eHub has the potential to over or under collect receivables due to erroneous data coming from WQ IT systems and causes unnecessary errors disruptive to customers



Agency Recommendation Summary

The Padilla Bay National Estuarine Research Reserve is one of 30 federally designated coastal reserves and the only one in Washington. Ecology owns and operates the 12,000-acre reserve, which includes the Breazeale Environmental Education and Interpretive Center, touch pool and aquarium, and research laboratories, through a cooperative agreement with the National Oceanic and Atmospheric Administration. The Padilla Bay Reserve is a regional leader in coastal ecosystem research and monitoring (including a focus on eelgrass and shellfish). The Reserve works on the front line of invasive species management and control (including green crab) and provides technical assistance and training for hundreds of coastal zone management practitioners across the state. It also provides valuable educational and outdoor experiences for more than 10,000 public visitors and K-12 students who come to the Reserve each year. Ecology is requesting staff resources to provide essential support for maintaining a safe and accessible facility for the public and K-12 communities; assist in controlling invasive species; support environmental and climate education programs and research; and maintain the state facility, grounds, and aquariums in a safe and operable manner. 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
	2024	2025	2023-25	2026	2027	2025-27
Staffing						
FTEs	2.3	2.3	2.3	2.3	2.3	2.3
Operating Expenditures						
Fund 23P - 1	\$223	\$223	\$446	\$223	\$223	\$446
Total Expenditures	\$223	\$223	\$446	\$223	\$223	\$446

Decision Package Description

The Padilla Bay Reserve was established and designated in 1980 through an agreement between Ecology and the National Oceanic and Atmospheric Administration (NOAA).

Over the years and through various state and federal funding opportunities, Ecology has been able to expand Reserve facilities, educational and research infrastructure, and various programs to better serve the needs of scientists, resource managers, educators, students, families, and public audiences in Washington. This growth has focused, in a large part, on expanding facilities and using the Reserve property. This includes a new laboratory and research facility, dormitory with capacity for 16 guests, multiple solar panel arrays, 5,000 square-foot boat and vehicle garage, one-mile nature trail through the Reserve uplands, and public boat launch. Most recently, the Breazeale Interpretive Center and aquarium were expanded to include an interactive touch pool facility to support hands-on environmental educational programs.

The upkeep, maintenance, and care necessary to keep the Reserve buildings, facilities, and grounds safe, accessible, and professionally maintained for all users has grown – while the resources necessary to support this work have not. Ecology requests additional staff to ensure we can continue to maintain, operate, and protect the Padilla Bay Reserve and associated facilities according to federal and state agreements.

Full Time Aquarist (1.0 FTE Environmental Specialist 4): The Padilla Bay Reserve expanded the Breazeale Interpretive Center and aquarium in 2019 with installation of a 300-gallon touch pool that features numerous marine intertidal creatures from Padilla Bay and the greater Puget Sound. The touch pool has become an exciting part of the hands-on educational experiences at the Reserve, where teachers, students, families, and children are able to interact with the living marine creatures as they learn about environmental stewardship, marine ecology, and the value of preserving state waters.

The touch pool, along with the five other large aquaria in the interpretive center, are maintained with complex life-support systems, extensive plumbing, and filtration networks. These systems require constant monitoring to ensure the organisms are in a safe and healthy environment. Ecology has been fortunate to have a certified aquarist on staff at Padilla Bay who has the specialized knowledge to maintain these complex systems and keep the organisms alive and healthy. However, the aquarist's official appointment is as the Reserve Facilities Manager, and they are primarily responsible for the upkeep and maintenance of Reserve buildings, grounds, and facilities. These duties have also expanded substantially over the past decade and, as a result, pairing the aquarist and facilities management duties into a single position is no longer a sustainable solution to meet the expanding needs at the Reserve.

Establishing a full-time aquarist is needed to be able to maintaining these complex aquarium systems and the organisms they support and work to expand the public and K-12 educational opportunities the aquarium supported by the touch pool facility. Creating a full-time aquarist position will shift these duties away from the facilities manager position, allowing that person to dedicate the time and effort necessary to keep the Reserve buildings, grounds, and facilities safe and operable for Ecology staff and public visitors.

Full Time Park Aide: Over the past 15 years, the Reserve almost doubled the amount of building infrastructure and greatly increased public

access to 40 acres of upland habitat through a new trail system. The vegetated habitats on the Reserve are also maturing, requiring an increase in the work needed to maintain trees, meadows, and public greenspaces. During the pandemic, the Reserve saw a dramatic increase in the number of visitors to its public outdoor spaces, and this increase in visitors has only grown with the re-opening of the interpretive center and public meeting spaces. This expanded use has been accompanied by increased vandalism, graffiti, littering, vehicle break-ins, and other incidents that require staff time and effort (see attached photos). As a result, responsibilities related to facilities maintenance, upkeep, landscaping, and grounds keeping have continued to grow. During the 2021-23 biennium, we met the expanded workload by using one-time vacancy savings to hire a seasonal park aide. This solution, however, is not sustainable. The addition of a full-time park aide will allow the Reserve to keep the grounds clean, secure, and beautiful for all to enjoy and ensure a safe and accessible experience for those using this treasured resource.

WCC Invasive Species Removal, Grounds and Trail Maintenance: There is growing concern and responsibility to control invasive species in the lands and waters of Washington. Invasive species, such as European green crab and *Spartina* marsh grass, have continued to expand into the Reserve. As an Ecology facility and NOAA Reserve, Padilla Bay has a commitment to control and eradicate invasive species on state lands and serve as an example to other landowners for proper and effective management of invasive species. In spring 2019, the Reserve used one-time vacancy savings to hire a Washington Conservation Corps (WCC) crew for a week. They removed acres of reed canary grass, poison hemlock, and Himalayan blackberry. They assisted with European green crab trapping, helped establish a native plants nursery, assisted with downed tree removal from trails, and planted numerous native trees in Reserve uplands. We are requesting ongoing support for a WCC crew that will come twice a year for one week to remove invasive species and support ongoing trail maintenance, tree removal, and other public land management needs.

Impacts on Population Served:

The Padilla Bay Reserve serves multiple populations that will benefit from this request. Thousands of K-12 students, teachers, and public visitors come to the Breazeale Interpretive Center each year and take part in public education programs that rely on a healthy and fully functioning touch pool and aquarium facility. They deserve a safe, inviting, and aesthetically pleasing learning experience. Local community members who use the upland trails for recreation, hiking, birding, and dog walking will experience safe passage through trails systems unencumbered by downed trees, rough terrain, and paths overgrown with invasive species. Visiting researchers and collaborating scientists who rely on a safe and accessible facility for their work will benefit, and professional organizations (including other state agencies) that use the Reserve's meeting rooms, guesthouse, and Stevens Center conference facility will also be well served.

Alternatives Explored:

Other options explored include outsourcing much of the grounds keeping, landscaping, and other routine maintenance to private sub-contractors. This is a cost-prohibitive approach, given the limited facilities and maintenance budget allotted to Padilla Bay. Maintaining a full-time park aide is a much more cost-effective approach to meet the diverse needs at Padilla Bay, and to provide appropriate visitor support and information. Another alternative is closing or drastically limiting hours the Reserve, Interpretive Center, meeting rooms and conference center are available to the public. However, this would interfere with the broader mission of serving the public education needs of state residents.

Consequences of Not Funding This Request:

The Padilla Bay Reserve has an obligation, through federal agreements and Ecology priorities, to maintain the safety of its facilities, aquaria, and grounds; to control invasive species on state lands; to deliver world-class education programs; and to provide a safe, accessible, and inviting experience for thousands of visitors annually. Without additional support, the Reserve's ability to carry out this obligation would be severely compromised.

With the expansion of the Reserve's aquarium and touch pool facilities, it is not sustainable for a single person to provide ongoing support of facility maintenance and aquarium operations. Without a position dedicated strictly to aquarium operations and related educational programs, we would be unable to meet the growing needs of state residents, educators, and visitors to Padilla Bay and unable to delivery world-class educational experiences. Without a dedicated and trained aquarist, the health and safety of the hundreds of organisms that live in the Reserve aquaria and touch pool would be at risk. It takes a unique combination of credentials and experience to provide this critical support for Reserve operations, which is beyond the capacity of facility maintenance personnel. Without a dedicated aquarist/educator, either the facility or the aquarium would suffer.

Invasive species continue to expand into the lands and waters of Washington State, and the staff at Padilla Bay are working hard to respond to and mitigate these growing invasive populations. This work requires ongoing monitoring and eradication efforts that can only be addressed by staff time and effort. Without the work of the park aide and WCC crews, the Reserve would not be able to effectively control the expansion of invasive plants and animals in the Reserve and into adjacent lands and waters.

Although an increase in visitors and public use of the Reserve has been a welcomed change, it comes with a cost of cumulative effects on buildings and grounds. There has also been a commensurate increase in theft, vandalism, and graffiti in recent years. Without a full-time park aide to help maintain landscaping, grounds, buildings, and assist with facility maintenance needs, the Reserve would have limited ability to fulfill state and federal obligations to provide a safe, accessible, and inviting visitor experience, and may ultimately be unable to operate the Reserve according to federal expectations.

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. A summary of the 2019-21 and 2021-23 base funding and FTEs for this activity is below. Administrative Overhead related to this activity is also in the agency’s Administration Activity A002.

The table below includes resources for Ecology staff who:

- Design, coordinate, and deliver professional development workshops and classes for approximately 800 participants a year, providing technical assistance and training related to coastal zone management and Puget Sound recovery.
- Provide environmental, coastal, and climate science education experiences for thousands of K-12 students annually.
- Deliver professional learning workshops for K-12 science teachers.
- Provide hands-on and interpretive learning experiences for thousands of visitors to the Breazeale Interpretive Center, touch pool, and aquarium.
- Support the Reserve’s contribution to the National Estuarine Research Reserve System Wide Monitoring Program (SWMP) by conducting continuous monitoring of several sites throughout Padilla Bay and contributing these data to be available through SWMP’s real-time data portal.
- Conduct research and monitoring in Padilla Bay’s 8,000 acres of eelgrass habitat and advance eelgrass restoration science.
- Monitor, control, and eradicate invasive species within the 12,000-acre reserve and restore native plant communities and habitats.
- Provide regional-scale leadership in invasive species monitoring and removal (including European Green Crab and Spartina) and collaborate with Tribal and business communities on removal efforts and strategies.
- Maintain public trails and manage forest and meadow habitats on approximately 100 acres of Reserve uplands.
- Maintain Padilla Bay grounds and facilities to ensure a safe, accessible, and fully functional experience for visiting researchers, students, public visitors, teachers, public organizations, Ecology staff, and other collaborators with the Reserve.
- Coordinate Northwest Straits Commission staff to provide support and guidance for seven coastal counties of northern Puget Sound.

The table also includes \$910,000 in General Fund-State for marine resource committee grants. Federal funds are from the annual Coastal Zone Management grant awarded by NOAA. A 30 percent match is provided out of the Model Toxics Control Operating Account.

A042: Provide Technical Training, Education, and Research through Padilla Bay Estuarine Reserve		
	2019-21	2021-23
FTEs Total	17.45	17.45
001-1 General Fund State	\$910,000	\$1,886,000
001-2 General Fund Federal	\$2,350,000	\$2,366,000
001-7 General Fund Private Local	\$201,000	\$220,000
23P-1 Model Toxics Control Operating	\$1,812,000	\$1,916,000
TOTAL	\$5,273,000	\$6,388,000

Detailed Assumptions and Calculations:

Ecology requests appropriation to cover the costs of 1.0 FTE Environmental Specialist 4, 1.0 FTE Park Aide, and a WCC crew for two weeks per year.

Workforce Assumptions:

Expenditures by Object		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
A	Salaries and Wages	113,108	113,108	113,108	113,108	113,108	113,108
B	Employee Benefits Personal Service	41,285	41,285	41,285	41,285	41,285	41,285
C	Contract	8,000	8,000	8,000	8,000	8,000	8,000
E	Goods and Services	9,668	9,668	9,668	9,668	9,668	9,668
G	Travel	4,468	4,468	4,468	4,468	4,468	4,468
J	Capital Outlays Intra-Agency	2,460	2,460	2,460	2,460	2,460	2,460
T	Reimbursements	44,388	44,388	44,388	44,388	44,388	44,388
Total Objects		223,377	223,377	223,377	223,377	223,377	223,377

Staffing

Job Class	Salary	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Environmental Specialist 4	73,262	1.00	1.00	1.00	1.00	1.00	1.00
PARK AIDE	39,846	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
Total FTEs		2.30	2.30	2.30	2.30	2.30	2.30

Explanation of costs by object:

- Salary estimates are current biennium actual rates at Step L.
- Benefits are the agency average of 36.5 percent of salaries.
- Contracts include \$8,000 a year for a WCC crew for 2 weeks.
- Goods and services are the agency average of \$4,834 per direct program FTE.
- Travel is the agency average of \$2,234 per direct program FTE.
- Equipment is the agency average of \$1,230 per direct program FTE.
- Agency administrative overhead is calculated at the federally approved agency indirect rate of 28.75 percent 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.

Strategic and Performance Outcomes

Strategic Framework:

This request plays an important role supporting the following Ecology goals:

- Goal 1: Support and engage our communities, customers, and employees.
- Goal 2: Reduce and prepare for climate impacts.
- Goal 4: Protect and manage our state's waters.

Supporting the aquarium, public facility, and Reserve grounds will engage tens of thousands of public visitors to the Reserve, support outdoor recreation, and learning needs, and, in doing so, support our local communities and families and provide training and environmental education for thousands of Washington students and teachers. Teacher professional development workshops, which serve hundreds of teachers each year, take place at the Reserve and Interpretive Center and provide teaching tools and science curriculum specifically tailored to build awareness about and preparation for climate change impacts. The experience of Reserve visitors will help boost appreciation of the Puget Sound natural ecosystems and help them make informed decisions and lifestyle changes to reduce their environmental impact and improve stewardship of valuable marine resources and ecosystems. Monitoring and removing invasive species and maintaining facilities contributes to and supports ecological research related to restoration of Puget Sound waters and lands.

This request provides essential support to the following Governor's Results Washington goals:

- Goal 1: World Class Education
- Goal 4: Healthy and Safe Communities

By providing high quality educational and outreach programs for thousands of public visitors and K-12 students, the Reserve offers learning and training opportunities focused on climate and environmental education. Padilla Bay's educational programs are nationally recognized and support students in Washington and across the nation. The Padilla Bay Reserve provides over 40 acres of upland forested and meadow habitat with miles of trails and 8,000 acres of eelgrass habitat to support outdoor recreational needs. Safe and easy access to outdoor spaces is a critical piece for the health and well-being of families and communities.

Performance Outcomes:

The outcome of this request will be adequate staff resources to continue responsible stewardship and maintenance of the Padilla Bay Reserve and meeting state and federal performance goals.

1. Maintain a safe and accessible facility for the public and K-12 communities: A full time Aquarist will maintain and improve care for the touch pool and aquarium, which are an indispensable part of the programs offered at Padilla Bay.
2. Control invasive species: A full time Park Aide and the WCC crews will increase the number of invasive species removed, and increase the acreage at the Reserve that supports native healthy forests and intertidal communities.
3. Support environmental and climate education programs and research: With adequate resources the wide range of users who conduct work at Padilla Bay to help meet Ecology and NOAA business needs and goals, will have access to a better-maintained facility they can rely on.
4. Maintain the state facility, grounds, and aquariums in safe and operable manner: With adequate resources, the Reserve can increase the numbers of safe and accessible trails for public visitors, decrease vandalism and litter, and reduce complaints from the local community about the condition of the grounds and facility at the Reserve.

Equity Impacts

Community outreach and engagement:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Disproportional Impact Considerations:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Target Populations or Communities:

This request focuses on maintaining key services of the Reserve, which will yield both direct and indirect improvements in how equity, inclusion, accessibility, and diversity are addressed at Padilla Bay. The staff supported by this request will support inclusion of differently abled persons by ensuring the Padilla Bay uplands trails and Breazeale Interpretive Center facilities meet ADA standards for all spaces. During the COVID-19 pandemic, Padilla Bay staff quickly developed educational programs to include virtual learning experiences (such as virtual touch pool “quick dips”), where participants of all ages and abilities were able to experience “eyes-on” exploration of the touch pool and aquaria. The full-time educator/aquarist supported by this request will expand and improve upon these virtual programs, providing new levels of accessibility for virtual visitors who might not otherwise be able to experience the touch pool and aquaria at Padilla Bay.

We recognize that significant racial and income divides exist in access to green spaces and environmental education, and staff at the Reserve have prioritized engagement with underserved communities. The local population in Skagit County is 18 percent LatinX and that proportion of students is met – if not exceeded – through the public education programs at Padilla Bay. This is in part due to work of the education team, along with the Padilla Bay Foundation, who have ongoing relationships with several community organizations that work closely with Latinx communities, including local school districts, Community Action of Skagit County, Washington Migrant Council, and Emerson Academy alternative high school. Expanding education staff resources at the Reserve will allow us to further leverage these relationships to identify and recruit students to participate in STEM learning programs. The Reserve also works closely with a board member of the Padilla Bay Foundation who is faculty at Skagit Valley College and a mentor in the Latino Leadership Initiative and Latinos in Science Club, and who will help play a leadership role in recruiting community college students to participate in STEM learning projects at Padilla Bay.

Students from local Tribal communities participate in Padilla Bay education programs, including Swinomish Tribal Community, Samish Indian Nation, Upper Skagit Indian Tribe, Lummi Nation, and Tulalip Tribes. Padilla Bay educators currently work with the Swinomish Tribal Community on a collaborative STEM educational program called “Between Two Worlds” that brings together Indigenous and Western knowledge to provide a more culturally relevant STEM learning experience for middle school Tribal students. The Reserve’s ability to participate in and expand this collaboration will be greatly enhanced by the addition of a full-time educator/aquarist.

Language and signage at the Reserve is an important part of providing a more welcoming sense of place and belonging and providing a more culturally inclusive learning experience. To this end, the Reserve has been working with local Tribal partners (i.e. Samish, Swinomish, Lummi) and partners in the LatinX community to expand signage and interpretive center displays to create a more accessible and inclusive visitor experience. Part of this is including a display honoring the indigenous people who were the first stewards of the lands and waters of Padilla Bay, and updating signage to include Spanish and original (indigenous) names in the touch pool and aquarium. The full-time aquarist will be responsible for continued expansion of the language accessibility effort. Through additional support of the Breazeale Interpretive Center and aquarium, thousands of individuals and families will experience an inclusive, accessible, and, for many, a new culturally relevant learning and visitor experience.

Finally, recruitment efforts to fill the park aide and aquarist positions described in this request will seek to draw from a culturally and/or ethnically diverse candidate pool. Recruitment documentation will be shared with career development staff and other contacts at Skagit Valley Community College, Samish Indian Nation, Swinomish Tribal Community, and other professional networks.

Other Collateral Connections

Puget Sound Recovery:

This request supports Puget Sound Action Agenda implementation through Ongoing Program: OGP_ECY16: Shorelands - Padilla Bay National Estuarine Research Reserve (Department of Ecology), and the following Vital Signs, Strategies, Desired Outcomes, Actions, and Orca Task Force Recommendations:

Vital Signs

- The research conducted at the Reserve, which relies heavily on a fully and safely functioning facility and research infrastructure, provides the science underlying multiple vital signs, such as Marine Water, Marine Vegetation, Estuaries, and Zooplankton.
- The Padilla Bay Reserve and Interpretive Center programs, through their existence alone, help support other vital signs, including Cultural Wellbeing, Sense of Place, and Sound Stewardship.

Strategies

- Work at the Reserve described in this request will directly support several Puget Sound Strategies including Invasive Species, Eelgrass, Kelp, and Other Vegetation, Sense of Place, Recreation and Stewardship, and Cultural Practices. Other strategies that are core priorities at the Reserve and indirectly supported by this request include Protect Working Lands, Riparian Areas, Floodplains and Estuaries, Fish Passage Barriers, Stormwater Runoff, and Working Lands Runoff.

Desired Outcomes

- 1.1.1. Ecologically important lands (including beaches, estuaries, forests and wetlands, streams and floodplains) protected from development.
- 1.4.1. In-stream and riparian areas of rivers and streams restored.
- 1.5.2. Infiltration and water holding capacity of upland areas (developed lands, agricultural lands and working forests, and natural lands) increased.
- 3.2.1. Programmatic ability to respond to emerging outbreaks and ongoing impacts of invasive species increased.
- 4.1.1. Better understand and communicate the effects of climate change on Puget Sound.
- 5.1. Senses of place of Puget Sound residents are respected and enhanced.
- 5.2.4. Trust is increased by including and communicating directly and effectively with new and diverse audiences.
- 5.4.1. Natural resources sector jobs and production opportunities are supported.
- 5.5. Participation in outdoor recreational and stewardship activities is enhanced.

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.
- 59. Target public outreach and education to foster community stewardship, individual responsibility, and collective action to benefit eelgrass and kelp conservation and recovery.
- 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.
- 89. Restore and enhance native fish, shellfish, game, and plant populations consistent with species recovery efforts.
- 91. Improve appropriate access opportunities for harvesting local foods and other culturally significant materials on public lands and shorelines.
- 125. Cultivate broad-scale stewardship practices and behaviors among Puget Sound residents that benefit Puget Sound.
- 126. Build issue awareness and understanding to increase public support and engagement in recovery actions.
- 127. Build social and institutional infrastructure that supports stewardship behaviors and removes barriers.
- 132. Empower residents, visitors, climate migrants, and youth to be advocates for climate action.
- 157. Ensure place attachments among all residents of Puget Sound are recognized, understood, and respected.
- 164. Support natural resources sector jobs and production opportunities.
- 187. Communicate science findings clearly and to the appropriate audiences.
- 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.
- 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.
- 204. Reduce displacement, competition, and predation of imperiled native species caused by native or invasive species.

Orca Task Force Recommendations:

- 5. Develop incentives to encourage voluntary actions to protect habitat.
- 41. Collect high-quality nutrient data in watersheds to fill key knowledge gaps of baseline conditions.

State Workforce Impacts:

N/A

Intergovernmental:

N/A

Stakeholder Response:

This request is intended to ensure that Ecology takes care of the education and facility resources that we have and preserves them for generations to come. We are not aware of any stakeholders that would object to this proposal.

State Facilities Impacts:

N/A

Changes from Current Law:

N/A

Legal or Administrative Mandates:

N/A

Reference Documents

[Padilla Bay Reserve Stewardship 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
	2024	2025	2023-25	2026	2027	2025-27
Obj. A	\$113	\$113	\$226	\$113	\$113	\$226
Obj. B	\$41	\$41	\$82	\$41	\$41	\$82
Obj. C	\$8	\$8	\$16	\$8	\$8	\$16
Obj. E	\$10	\$10	\$20	\$10	\$10	\$20
Obj. G	\$5	\$5	\$10	\$5	\$5	\$10
Obj. J	\$2	\$2	\$4	\$2	\$2	\$4
Obj. T	\$44	\$44	\$88	\$44	\$44	\$88

Agency Contact Information

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Each year, thousands of visitors come to Padilla Bay Reserve and engage in exciting hands-on environmental and marine science learning experiences.

The organisms and water quality in the Padilla Bay touch pool and aquaria are maintained by a complex life-support system and network of circulation pumps, plumbing, and filtration systems. Maintenance and upkeep of this infrastructure requires extensive and advanced knowledge of marine organisms and aquarium life support systems.



With thousands of visitors each year, the upland trail at Padilla receives a tremendous amount of foot traffic. One stretch of forest had exposed roots (bottom right), which created a tripping hazard and threatened the health of cedars lining the trail. Using mulch and wood chips from downed trees, the Park Aide and other staff repaired the trail and created an interpretive educational station.



before

after

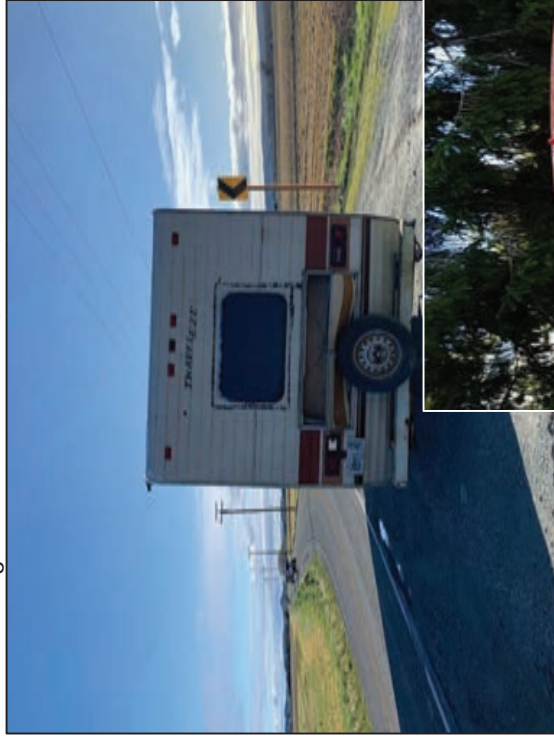
Downed trees, including large Douglas firs, are becoming more common during winter storms. Repairing trails for safe passage often requires extensive trail maintenance and bridge building (below left). A native tree nursery has been established (lower right) to support this work.



The Park Aide and Washington Conservation Corps (WCC) have historically played an important role in these efforts and will continue to do so as part of this budget request.



Over the past few years, Padilla Bay has seen an exciting increase in visitors, but also an increase in vandalism and other negative impacts on the Reserve that require staff time and effort. Gang graffiti is becoming common on the overlook access trail (top left) and at the near the beach access (lower left). There have been multiple abandoned vehicles (including RVs, below) on the Reserve property, building break-ins and theft, and an increase in vehicle vandalism (bottom right). The additional facilities support from the Park Aide will allow the Reserve to maintain a safe and welcoming visitor experience, and also maintain the facilities in a well cared for manner that will discourage future vandalism, litter, etc.



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**Department of Ecology
2023-2025 Operating Budget**

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Department of Ecology
2023-25 Regular Budget Session
Policy Level - QD - EAGL Modernization

Agency Recommendation Summary

About seventy percent of Ecology’s overall current biennial budget (operating and capital) is passed through to local governments, tribes and communities as grants, loans or contracts for priority environmental and public health projects. The majority of these funds, and all Ecology grants and loans, are managed in Ecology’s Administration of Grants and Loans (EAGL) system. EAGL resides in the Ecology Data Center, which does not comply with RCW 43.105.375 or the Office of Chief Information Officer (OCIO) Policy 184. This request will move EAGL to the private cloud environment hosted by the vendor that supports EAGL. This will bring Ecology into compliance with state law and policy, and give us an opportunity to upgrade EAGL to the vendor’s new version of the electronic grants management system. The new version comes with out-of-the-box enhancements that will improve both internal and external end-user experience. (Multiple Funds)

Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
Staffing						
FTEs	9.7	4.7	7.2	0.0	0.0	0.0
Operating Expenditures						
Fund 001 - 1	\$321	\$164	\$485	\$10	\$10	\$20
Fund 027 - 1	\$18	\$9	\$27	\$1	\$1	\$2
Fund 02P - 1	\$13	\$6	\$19	\$0	\$0	\$0
Fund 044 - 1	\$86	\$45	\$131	\$3	\$3	\$6
Fund 163 - 1	\$10	\$5	\$15	\$0	\$0	\$0
Fund 176 - 1	\$282	\$145	\$427	\$8	\$8	\$16
Fund 182 - 1	\$25	\$13	\$38	\$1	\$1	\$2
Fund 199 - 1	\$15	\$8	\$23	\$0	\$0	\$0
Fund 207 - 1	\$46	\$24	\$70	\$1	\$1	\$2
Fund 20R - 1	\$125	\$64	\$189	\$4	\$4	\$8
Fund 216 - 1	\$18	\$9	\$27	\$1	\$1	\$2
Fund 217 - 1	\$36	\$18	\$54	\$1	\$1	\$2
Fund 219 - 1	\$25	\$13	\$38	\$1	\$1	\$2
Fund 23P - 1	\$1,392	\$714	\$2,106	\$41	\$41	\$82
Fund 25T - 1	\$13	\$6	\$19	\$0	\$0	\$0
Fund 26B - 1	\$87	\$44	\$131	\$2	\$2	\$4
Fund 564 - 1	\$33	\$17	\$50	\$1	\$1	\$2
Total Expenditures	\$2,545	\$1,304	\$3,849	\$75	\$75	\$150
Revenue						
20R - 0294	\$125	\$64	\$189	\$4	\$4	\$8
Total Revenue	\$125	\$64	\$189	\$4	\$4	\$8

Decision Package Description

Ecology’s Administration of Grants and Loans (EAGL) system is critical to supporting key components of Ecology’s mission. About seventy percent of Ecology’s current budget (operating and capital) is passed through to local governments, tribes and communities to do environmental and public health work, and the majority of that is passed through using the EAGL system. All Ecology grants and loans are managed in the EAGL system (over \$1 billion dollars). Eligible entities use EAGL to apply for these funding opportunities, and Ecology works with the recipients to manage the grant or loan for the life of the award.

EAGL is a Software as a Solution (SaaS) Intelligrants product provided through Agate Software. The system currently resides in the Ecology Data Center, which does not comply with RCW 43.105.375 or OCIO Policy 184 – Data Center Investments. EAGL is currently operating from the Data Center under an OICO-approved waiver, but that will end December 31, 2024. Agate has notified Ecology that, as of December 2024, they will no longer support the version of the system Ecology uses.

If Ecology does not upgrade to the latest version by December 2024, the vendor will no longer support the version we are currently using, and the system will be vulnerable to failure. If EAGL fails, grant and loan management for Ecology and our recipients would revert to manual, paper applications, awards, payment requests, and progress reports.

In 2018 and 2019, Ecology staff made several attempts to move the EAGL database to the new Washington State Data Center (SDC). The Intelligrants software contains some architectural elements that do not work well with the state’s architecture, and each attempt failed, putting functionality at risk and impacting thousands of grant recipients. Here are some of the challenges we faced attempting the move to the SDC:

- Documents associated with grants and loans are stored in the file system on the web server rather than in a database. These documents

need to be visible to both internal and external users but, for security purposes, inward- and outward-facing applications should be on servers in different sub-nets. Ecology tried for many months to find means to keep the documents current on both inward- and outward-facing servers at the SDC, but we were unsuccessful.

- Ecology has tightly integrated Geographic Information System (GIS) tools within the EAGL SaaS, running in the Ecology Data Center (EDC). These tools call for resources from multiple servers in and out of the SGN. We do not have functionality for users to cross firewalls between internal and external servers or share a server without logging in and out numerous times.

In 2020, the SaaS vendor, Agate Software, informed Ecology they are moving on from the software version we currently use, and they will not invest resources toward modifying their product to work in our SDC environment. They instead want us to upgrade the version of Intelligrants we use to the IGX and run EAGL on their servers.

Ecology now has until December 2024 to resolve both the vendor issue and for compliance with OCIO policy. Due to the time sensitive nature of the project, Ecology will begin project planning in spring 2023 to move EAGL to the vendor's cloud, and the project will officially begin July 2023. In late summer 2023, Ecology will begin procurement for an external quality assurance contractor and organizational change management resource to support the project. We will recruit to backfill current Ecology positions needed to support the project. The contracted project manager will work with the software vendor and Ecology business team to develop a final implementation schedule.

By upgrading to the vendor's latest version of the electronic grants management system, which is cloud hosted, Ecology will be upgraded to the vendor's new IGX platform of Intelligrants. The new IGX platform will allow Ecology to incorporate standard functionality enhancements, and the upgraded system will have simplified updates, make application development easier, and use new reporting functionality. IGX provides a modern user interface that takes advantage of improvements like mobile capability and includes several upgrades that will improve the internal and external users' experience. Historical forms and templates will be migrated to the new platform.

The vendor recently demonstrated new Intelligrants version functionality available to Ecology if we move to the cloud IGX platform. Ecology staff who attended support the move to the cloud and associated system upgrades. They agree the new functionality will be useful to Ecology and allow EAGL System Administrators to create the funding opportunities, forms, and reports needed. In addition, creating grant and loan funding opportunities in the new version will be easier and less time consuming because it will use Hyper Text Markup Language (HTML), which will allow print version of application forms to be created dynamically. This means when we pay for applications development, we will not have to pay additional hours for print versions to be created. The upgrade to the new IGX platform includes training for Ecology staff and our external partners who use EAGL to apply for and manage grants and loans.

Based on the preliminary OCIO project assessment tool, Ecology's ranking indicated the project would require OCIO oversight. We plan to acquire specialized resources for this project to reduce risk and increase the opportunity for success. This includes the following:

- Organizational Change Management (OCM) – the OCM plan will be developed and executed with contracted resources to ensure the “people side” of the transition is successful.
- Project Management – contracted project management resources will deliver the project. These resources will have extensive experience working with the state of Washington. This will escalate the onboarding time and ensure the highest level of confidence in the delivery of this project.
- External Project Quality Assurance – contracted external quality assurance resources will be procured to ensure this transformative project has a healthy start with appropriate planning and governance, ongoing assessments, and practical guidance to stay on track and meet deployment goals.
- Backfill grant managers – non-permanent staff will be hired to provide support and daily workload relief so Ecology subject matter experts can dedicate their time to project work assignments.

Impacts on Population Served:

The EAGL system supports 1,522 organizations, 3,600 external registered users, and approximately 1,500 active agreements. Recipient organizations rely on pass-through funds for critical projects that protect the environmental and public health, create jobs, and promote economic development. These projects are often in communities that are disproportionately affected by environmental and public health issues.

Many of Ecology's grant and loan recipients are local and quasi-governmental organizations and Tribes. Ecology surveyed our customers in 2019; funding this request will address survey feedback in the following ways:

- The new version has mobility, giving users the ability to do work from their phone.
- Americans with Disabilities Act (ADA) compliance, which will allow us to reach additional populations because they can use modern browsers to change language, and displays will be compatible with screen readers.
- Improved user navigation with a customizable dashboard and application sidebar. Our customers will be able to find what matters to them more quickly and efficiently in a modern software solution.

- Document and subdocument access will be one step as opposed to five additional steps.
- Expanded permissions will allow users to be assigned to more than one role, eliminating the need to track down an Authorized Official or Fund Coordinator for a role change.
- The IGX platform enables the front end technology to move into an HTML environment. This eliminates scrolling and enables full screen viewing, dynamic form creation, and a mobile friendly interface.
- Organizations can be configured to multiple categories to expand application availability viewing. Expanded profiles allow for uploads and extra fields to collect additional qualifying information like organization structure and financial assurance documents.
- Public Reporting Tool will allow Ecology to create high-level reports and make them available to the public.
- With the Public Portal, all grant and loan documents managed in EAGL will be made publicly available. Anyone will be able to anonymously complete searches with the Public Portal searching tool, with no log in required. This will reduce the need for Ecology and recipients to complete onerous grant and loan public records requests.

Alternatives Explored:

In 2019, Ecology looked into GrantsVantage, another grant management SaaS product, and it was significantly more expensive and requires individual licenses for all internal and external users. The system would need to be customized to allow documents to be uploaded. We don't have the IT resources to take on a large SaaS implementation.

Ecology also considered using the One Washington enterprise-wide transformation program focused on replacing 1960's-era technology with a cloud-based solution for finance, procurement, budget, HR, and payroll. We confirmed with One Washington that grants payable functionality is not in scope or available in the Workday solution; so this alternative is not viable.

Consequences of Not Funding This Request:

As of December 2024, Ecology's EAGL system, currently located in the Ecology data center, will no longer be supported by the vendor. If this request is not funded, about 1,500 Ecology grants and loans would revert to paper applications, awards, and payment requests. This would impact our ability to timely award and distribute funding and would negatively impact our local partners. Before EAGL was implemented, when we processed grants and loans in paper format, it took 45 additional days to negotiate a grant agreement, 20 additional days to process payment requests, and two additional days to prepare reports. By implementing EAGL, we have reduced our carbon footprint of grants and loans by eliminating mail delivery and paper use.

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 or service. This request will fund the transition of Ecology's EAGL system to a new cloud-based version of the SaaS solution and bring Ecology into compliance with RCW 43.105.375 and OCIO Policy 184 – Data Center Investments.

Detailed Assumptions and Calculations:

From July 1, 2023 through December 31, 2024, Ecology requires salaries, benefits, and associated staff costs for the following project positions:

- 7.0 FTEs Environmental Specialist 3 (ES3): These positions will support work in the environmental programs to make subject matter experts available for the project to make business decisions, test, validate documents and forms, and develop training materials. This represents 7.0 FTEs for 12 months in fiscal year 2024 and six months in fiscal year 2025.
- 0.2 FTE Application Developer Senior Specialist – This position will support the current version of EAGL, receive technical training from vendor on the new version, test and validate data, and assure proper data integrations between EAGL and Ecology's integrated revenue system (eHub). This represents 0.2 FTE for 12 months in fiscal year 2024 and six months in fiscal year 2025.
- 1.0 FTE Application Developer Journey – This position will provide backup and assist with support for the current version of EAGL, receive technical training from vendor on the new version, test and validate data, and assure proper data integrations between EAGL and eHub. This represents 1.0 FTE for 12 months in fiscal year 2024 and six months in fiscal year 2025.
- 0.25 FTE System Administrator Journey – This position will collaborate with the vendor and Ecology Developer and Program staff to support the migration of data from the on-premise EAGL SQL DBMS to the IGX platform, assist in the transition of local web services to the vendor cloud and ensure that user accounts supported by the state's authentication provider (SAW) are properly migrated. This position will also work with ITSO/ITSS to facilitate any firewall changes necessary to support the migration. This represents 0.25 FTE for

12 months in fiscal year 2024 and six months in fiscal year 2025.

Ecology also requires funding to support contract vendor costs for transitioning the current EAGL system to the new version, configuration, user sign-on and security, integrations, testing, and training.

The contract with the vendor will include the following:

- IGX Standard Upgrade Package and product software license – one-time cost.
- Configuration of templates, forms, and management reports – one-time cost
- Internal and external sign on interface and security – one-time cost.
- Integrations with other Ecology systems – one-time cost.
- Data Migration and data quality assurance – one-time cost
- Training material development and end user training delivery for both internal and external users – one-time cost.
- Annual hosting in the vendor cloud – ongoing: \$75,000/year starting in fiscal year 2025.

Ecology will also require funding to contract for the following services associated with the project:

- Project Management – The contracted project management resources will develop the project timeline and manage implementation of the new software version. These resources will have extensive experience working with the state of Washington. This will escalate the onboarding time and ensure the highest level of confidence in the delivery of this project.
- Quality Assurance – The contracted external quality assurance resources will be procured to provide independent review and ongoing assessments of project implementation, provide management with areas of risk, ensure appropriate planning and governance, and practical guidance to stay on track and meet deployment goals.
- Organizational Change Management (OCM) – The OCM plan will be developed and executed with contracted resources to ensure the “people side” of the transition is successful. These resources will assist users in the transition to a new version of the software. These resources will coordinate and assist staff with developing training materials and communications to internal and external users.

Estimated non-staff costs were determined based on formal quote from our Agate Software vendor after their review of our current version and customizations.

Estimated Project Budget

Cost Element	23-25 Biennium		Total
	FY 2024	FY 2025	Biennium
Agate (system vendor)	480,000	224,300	704,300
Project Management (40 hrs week * 185)	384,800	192,400	577,200
Quality Assurance (7,000/mo)	84,000	42,000	126,000
Organizational Change Management (16 hrs week * 185)	153,920	76,960	230,880
Upload Enhancement	0	14,375	14,375
Payment Request Enhancement	0	28,750	28,750
Backfill ES3 x 7	835,749	417,875	1,253,624
Application Dev Sr Spec	42,370	21,183	63,553
Application Dev Journey	184,107	92,055	276,162
System Administrator Journey	48,232	24,115	72,347
Subtotal	2,213,178	1,134,013	3,347,191
Contingency 15%	331,977	170,102	502,079
TOTAL	2,545,155	1,304,115	3,849,270

Workforce Assumptions:

Expenditures by Object		<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
A	Salaries and Wages	591,963	295,982				
B	Employee Benefits Personal Service	216,067	108,033				
C	Contract	622,720	311,360				
E	Goods and Services	852,825	457,950	75,000	75,000	75,000	75,000
G	Travel	18,878	9,438				
J	Capital Outlays Intra-Agency	10,394	5,197				
T	Reimbursements	232,308	116,155				
	Total Objects	2,545,155	1,304,115	75,000	75,000	75,000	75,000

Staffing

Job Class	Salary	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
ENVIRONMENTAL SPECIALIST 3	63,214	7.00	3.50				
IT APP DEVELOPMENT-JOURNEY	100,037	1.00	0.50				
IT APP DEVELOPMENT-SR/SPECIALIST	115,822	0.20	0.10				
IT SYSTEM ADMINISTRATION-JOURNEY	105,055	0.25	0.13				
FISCAL ANALYST 2		0.84	0.42				
IT APP DEVELOPMENT-JOURNEY		0.43	0.21				
	Total FTEs	9.72	4.86	0.00	0.00	0.00	0.00

Explanation of costs by object:

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 36.5% of salaries.

Contracts of \$622,720 in fiscal year 2024 and \$311,360 in fiscal year 2025 are for Intelligrants Vendor to upgrade version, product software and license, configuration of templates, forms, and management reports, internal and external sign on interface and security, integrations with other Ecology systems, training material development, end user training, Quality Assurance, and Organizational Change Management.

Goods and Services are the agency average of \$4,834 per direct program FTE and \$480,000 in fiscal year 2024 and \$224,300 in fiscal year 2025 for Agate (System Vendor) enhancements, and contingencies of \$331,977 in fiscal year 2024 and \$170,102 in fiscal year 2025; the Agate costs include an annual hosting service of \$75,000 per year starting in fiscal year 2025.

Travel is the agency average of \$2,234 per direct program FTE.

Equipment is the agency average of \$1,230 per direct program FTE.

Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 28.75% 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.

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 Clean Environment, Goal 4: Healthy and Safe Community, and Goal 5-Efficient, Effective, and Accountable Government and Ecology’s Goal 1: Support and Engage our Communities, Customers, and Employees because it will provide a modern ADA compliant grant and loan database. The cross-platform access enables communities to apply for grants and loans to protect, preserve, and enhance Washington’s environment. These projects provide jobs and address community environmental issues and health and safety concerns for all Washingtonians.

Performance Outcomes:

The outcome of this request will be:

- Compliance with state law and policy.
- More time for staff to focus on EAGL application development and integration with other Ecology systems.
- Faster and more efficient database support.
- Potential cost savings from cancelling DocuSign memberships.
- Better communication with applicants through an expanded communication tool.
- Fewer public records requests.
- More transparency with stakeholders and the public.

Equity Impacts

Community outreach and engagement:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Disproportional Impact Considerations:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Target Populations or Communities:

Updating EAGL to the newest version and moving to the cloud will assist non-profit organizations that represent or work with communities disproportionately impacted by the environmental issues the grant and loan programs address.

Specific aspects of the updated version that elevate equity include:

- The new version is more user friendly and quicker for users to navigate through the system. For example, it will have a modern browser to allow organizations to create a customized dashboard. This will reduce the administrative burden for the organization completing their forms.
- This version will offer new language access options by enabling users to change the language. This will increase the ability of different non-profits to access grants and loans, make the system more approachable, and make these users more comfortable reading the application forms.
- The updated EAGL will also increase ADA compliance through tools to assist users who use screen readers.

Our strategy for outreach to communities will be to coordinate with our communications team and send out a newsletter summarizing the benefits and logistic of the new version changes to our grant and loan community.

Other Collateral Connections

Puget Sound Recovery:

N/A

State Workforce Impacts:

N/A

Intergovernmental:

Many of Ecology's grant and loan recipients are local and quasi-governmental organizations and Tribes. Ecology surveyed our customers in 2019; funding this request will address survey feedback in the following ways:

- The new version has mobility, giving users the ability to do work from their phone.
- ADA compliance, which will allow us to reach additional population because they can use modern browsers to change language, and displays will be compatible with screen readers.
- Improved user navigation with a customizable dashboard and application sidebar. Our customers will be able to find what matters to them more quickly and efficiently in a modern software solution.
- Document and subdocument access will be one step as opposed to five additional steps.
- Expanded permissions will allow users to be assigned to more than one role, eliminating the need to track down an Authorized Official or Fund Coordinator for a role change.
- The IGX platform enables the front end technology to move into an HTML environment. This eliminates scrolling and enables full screen viewing, dynamic form creation, and a mobile friendly interface.
- Organizations can be configured to multiple categories to expand application availability viewing. Expanded profiles allow for uploads and extra fields to collect additional qualifying information like organization structure and financial assurance documents.
- Public Reporting Tool will allow Ecology to create high-level reports and make them available to the public.
- With the Public Portal, all grant and loan documents managed in EAGL will be made publicly available. Anyone will be able to anonymously complete searches with the Public Portal searching tool, with no log in required. This will reduce the need for Ecology and the recipients to complete onerous grant and loan public records requests.

Stakeholder Response:

Same as Intergovernmental response.

A small percentage of Ecology grants and loans are available to nonprofit organizations, and less than one percent to private entities. These groups will benefit from the modern interface, and we expect their support for this request.

State Facilities Impacts:

N/A

Changes from Current Law:

N/A

Legal or Administrative Mandates:

This funding is needed for Ecology to comply with the following:

- RCW 43.105.375 – State agencies shall locate all existing and new information or telecommunications investment in the state data center or within third party, commercial cloud computing services.
- Office of Chief Information Officer (OCIO) Policy 184 – All physical servers and related equipment owned or leased by agencies must be housed in the state data center. Agencies that have not yet migrated to the state data center must complete migration by no later than June 30, 2019. Note: Ecology received a waiver to this requirement, which is in effect through December 2024.

Reference Documents

[EAGL Modernization-IT Addendum.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
	2024	2025	2023-25	2026	2027	2025-27
Obj. A	\$592	\$296	\$888	\$0	\$0	\$0
Obj. B	\$216	\$108	\$324	\$0	\$0	\$0
Obj. C	\$623	\$311	\$934	\$0	\$0	\$0
Obj. E	\$853	\$458	\$1,311	\$75	\$75	\$150
Obj. G	\$19	\$10	\$29	\$0	\$0	\$0
Obj. J	\$10	\$5	\$15	\$0	\$0	\$0
Obj. T	\$232	\$116	\$348	\$0	\$0	\$0

Agency Contact Information

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2023-25 IT ADDENDUM

Only use this addendum if your decision package includes IT costs

Part 1: Itemized IT costs

Complete the [2023-25 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).



ITaddendum2023-25.
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 122 - administrative and financial system investment approval](#) ? Yes No
- C. If **Yes** to question B, has this decision package obtained OCIO and OFM Administrative and Financial System review approval? Yes No
- o If **Yes**, attach the approval letter.
 - o If **No**, the decision package should not be submitted. Recommendation will be “Do Not Fund.”
- 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:

(Project name published on the [IT Dashboard](#))

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.

Ecology has explored several options for modernizing our EAGL system. We considered a custom built application but a custom built solution is not in alignment with the State or Ecology's strategic direction. We explored other purchased software solutions and did not find any cost effective viable solutions.

In 2019 Ecology looked into GrantsVantage, another grant management SaaS product and it was significantly more expensive and requires individual licenses for all internal and external users. The system would need to be customized to allow documents to be uploaded.

Also, shifting from one vendor solution to another would introduce additional startup costs that would not be encountered if we stay with our current vendor. Our research and analysis led to the solution put forth in this request.

Ecology confirmed with One Washington that Grants Payable is not in scope or available in Workday, Therefore, we need to keep EAGL to manage our grants and loans.

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. A member of Ecology's Executive Leadership team with experience sponsoring major projects will be the Executive Sponsor. A steering committee consisting of Executive and Program

leaders 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 Ecology 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 hire dedicated staff for this effort. A Project Manager will be hired to manage the project. An Organizational Change Management Specialist will be acquired to drive solutions that address the human factors associated with changing processes. An application developer will be hired to perform the development work and work directly with the vendor on system configuration. We are also seeking funds to backfill the business subject matter experts so the experts have the ability to dedicate time to this project.

This budget request includes costs associated with independent quality assurance to provide project readiness assessment and monitoring of project if it is determined that the project is under gated funding or OCIO oversight.

Technical alignment

Strategic and technical alignment. Using specific examples, describe how this investment aligns with strategic and technical elements of the [Enterprise Technology Strategic Plan](#). Examples of strategic principles that tie back to tenets of the strategic plan include, but are not limited to, advance digital government, support use of common and shared technologies across agencies, improve the Washington customer experience across digital channels, strengthen privacy capacity in state and local government. Examples of technical principles that tie back to tenets of the strategic plan include but are not limited to; adoption of modern cloud-hosted technologies, provide proactive cybersecurity capabilities, reduce technical debt, expand integration between systems.

This request is essential to achieving the Governor's Results Washington Goal 2- Prosperous Economy, Goal 3- Sustainable Energy and Clean Environment, Goal 4- Healthy and Safe Community, and Goal 5-Efficient, Effective, and Accountable Government and Ecology's Goal 1- Support and engage our communities, customers, and employees by providing a modern, ADA compliant, grant and loan database. The cross-platform access enables communities to apply for grants and loans to protect, preserve, and enhance Washington's environment. These projects provide jobs, address community environmental issues, and health and safety concerns for all Washingtonians.

This proposal adopts a modern cloud-hosted technologies. The proposal reduces technical debt by moving from an outdated on-premise solution to modern and supported solution.

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? If the solution is a new proposal, will it allow for such principles in the future? Provide specific examples.

This proposal reuses an existing vendor and solution and is primarily a hosting and modernization effort. The IGX solutions is used by many organizations around the country for grant payable functionality.

Business alignment

Business driven technology. What are the business problems to be addressed by the proposed investment? These business problems should provide the basis for the outcome discussion below. Describe how end users (internal and external) will be involved in governance and implementation activities.

Ecology's Administration of Grants and Loans (EAGL) system currently is a Software as a Solution (SaaS) solution hosted by Ecology. The vendor will no longer support the version of the product that Ecology uses as of December 31, 2024. Additionally, the current solution is hosted on servers in the Ecology Data Center because attempts to move the solution to the State Data Center (SDC) failed. Ecology currently has a waiver for Office of Chief Information Officer (OCIO) Policy 184 – Data Center Investments. The OCIO waiver expires December 31, 2024. This request will move the EAGL system to the private cloud environment hosted by the vendor that supports EAGL. Moving the system to the vendor-hosted cloud will bring Ecology into compliance with state law and policy and give Ecology an opportunity to upgrade the EAGL system to the vendor's new version of the electronic grants management system. The new version of the EAGL system comes with out-of-the-box enhancements that will improve both internal and external end-user experience.

Both internal and external end users will be involved in all aspects of the project from requirements gathering, planning through testing.

Measurable business outcome. Describe and quantify the specific performance outcomes you expect from this funding request. Provide specific examples of business outcomes in use within your agency, and how those outcomes will be improved because of this technology investment. Does the response align with the measurable business outcomes identified in the Strategic and Performance Outcomes in [Chapter 2](#) of the 2023-25 budget instructions? What outcomes and results, either positive or negative will occur? Identify all Lean initiatives and their expected outcomes. Include incremental performance metrics.

The outcome of this request will be:

- Cost and time savings for application configuration as the print versions are currently built separately, with HTML they will be created dynamically.
- The Vendor will be able to resolve issues faster with all environments being hosted in the vendor cloud.
- Ecology's EAGL support staff will no longer be responsible for deployments, system updates and bug fixes. These will be maintained by the vendor.
- Ecology's EAGL support staff will be able to focus on application development and support other integrations that are not currently fully supported (EAGL Reporting System datamart).
- Intelligrants has electronic signature capabilities that meet the Federal Government Standards. This will save programs money if they are able to cancel their membership for DocuSign.
- Expanded Communication Tool will allow Ecology staff to schedule announcements and messages and track read receipts.
- Reduce EAGL grant and loan public records requests. The Public Portal functionality will be moved to the Cloud and public facing. With HTML and the conversion of the remaining application forms to print version we can phase in all program documents, subdocuments and uploads into the portal.

Decision package urgency

During the evaluation and ranking process, the OCIO will take into consideration, the urgency of the decision package request. Describe the urgency of implementing the technology investment in this cycle and the impacts to business if it does not proceed as planned.

As of December 2024, Ecology's EAGL system, currently located in the Ecology data center, will no longer be supported by the vendor. Approximately 1,500 Ecology's grants and loans (70 percent of Ecology's budget just over \$1 billion) would revert to paper applications, awards, and payment requests. This would impact our ability to timely award and distribute funds and would negatively impact our local partners. When we processed grants and loans in paper format it took 45 additional days to negotiate a grant agreement, 20 additional days to process payment requests, 2 additional days to prepare reports. By going to electronic we have reduced the carbon footprint of grants and loans by eliminating mail delivery, and the use of paper.



Agency Recommendation Summary

In 2021, Ecology completed a legislatively funded Enterprise Content Management (ECM) feasibility study, which determined that Ecology could implement a comprehensive ECM solution using Microsoft 365 (M365). The study recommended a broad and intensive three-year, \$8 million, and 20 FTE effort implementation strategy. This budget request supports a more incremental approach to implementing ECM at Ecology. The primary focus of this request will be to build the foundation for Ecology's Data Governance Model through first working through our large archive of digital information. Ecology can then begin working on the digitization of its large paper library, which is not included in this decision package. Step one will make progress in a way that is immediately tangible with broad benefits: integrate M365 tools and M365 machine learning to develop efficient storage and retrieval of administrative or environmental information; reduce time to complete records requests; avoid compliance penalties; and, build core expertise in Data Management and Governance at Ecology. Ecology will begin with the Human Resources Department to develop core expertise, and as the team learns and refines its processes, progress through each program within Ecology, prioritizing those that have the largest records requests. We will use information and experience to address other administrative and environmental content management areas in the future. (Multiple Funds)

Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
Staffing						
FTEs	6.9	6.9	6.9	6.9	6.9	6.9
Operating Expenditures						
Fund 001 - 1	\$150	\$150	\$300	\$150	\$150	\$300
Fund 027 - 1	\$8	\$8	\$16	\$8	\$8	\$16
Fund 02P - 1	\$6	\$6	\$12	\$6	\$6	\$12
Fund 044 - 1	\$41	\$41	\$82	\$41	\$41	\$82
Fund 163 - 1	\$5	\$5	\$10	\$5	\$5	\$10
Fund 176 - 1	\$132	\$132	\$264	\$132	\$132	\$264
Fund 182 - 1	\$12	\$12	\$24	\$12	\$12	\$24
Fund 199 - 1	\$7	\$7	\$14	\$7	\$7	\$14
Fund 207 - 1	\$21	\$21	\$42	\$21	\$21	\$42
Fund 20R - 1	\$58	\$58	\$116	\$58	\$58	\$116
Fund 216 - 1	\$8	\$8	\$16	\$8	\$8	\$16
Fund 217 - 1	\$17	\$17	\$34	\$17	\$17	\$34
Fund 219 - 1	\$12	\$12	\$24	\$12	\$12	\$24
Fund 23P - 1	\$653	\$653	\$1,306	\$653	\$653	\$1,306
Fund 25T - 1	\$6	\$6	\$12	\$6	\$6	\$12
Fund 26B - 1	\$41	\$41	\$82	\$41	\$41	\$82
Fund 564 - 1	\$16	\$16	\$32	\$16	\$16	\$32
Total Expenditures	\$1,193	\$1,193	\$2,386	\$1,193	\$1,193	\$2,386
Revenue						
20R - 0294	\$58	\$58	\$116	\$58	\$58	\$116
Total Revenue	\$58	\$58	\$116	\$58	\$58	\$116

Decision Package Description

Background and Context

The Washington State Public Records Act (PRA) (RCW 42.56.100) requires Ecology to properly preserve records and make them available upon request. We have experienced exponential growth of unstructured electronic content (files) that are not being managed according to a standardized and comprehensive file plan and taxonomy, which has been accelerated by the move to a mobile and remote based workforce. Ecology currently has over 74 million e-mails and 7.5 million unstructured digital files, representing 75 terabytes of content, and reliance on modern chat, voice/video, and document sharing collaboration tools, has accelerated this digital growth even further.

In addition, Ecology has almost 25,000 linear feet in its headquarters and regional offices devoted to storing paper files, and these numbers rise each year. We receive in excess of 5,100 public disclosure requests each year, at a cost of \$2.1 million to fulfill. The lack of standardization and structure of both digital and paper content results in demonstrable financial and compliance risks, including fines and penalties.

Compliance risks can be substantial. The PRA contains significant monetary penalties for agencies rooted in failure to manage and retrieve

information. The Act provides penalties up to \$100 per record, per day. It is not uncommon for Ecology to annually pay six figures in costs associated with PRA lawsuits, including penalties and attorney fees.

Enterprise Content Management (ECM) is designed to address these problems. ECM is a set of defined and optimized business processes that allow an organization to natively create electronic records/documents, route those records/documents using automated workflow, collect and store digital records in a searchable, digital “filing cabinet,” and minimize duplicate records.

ECM Feasibility Study and Microsoft 365

Ecology has been considering the requirements for ECM since the early 2000’s. We prepared a budget request for implementation that was included in the Governor’s 2019-21 budget proposal. The request was for over \$9 million dollars over a six-year period, and it included staff and contractor support to construct an ECM system for Ecology. The final enacted budget provided \$250,000 for Ecology to determine the feasibility of implementing an ECM system.

In 2020, Ecology started the process of adopting M365 for business operations. M365 includes Office 365, which is a set of cloud-based business applications including Exchange, Office Applications, SharePoint, and OneDrive. All state agencies were required to transition to M365 by the Office of the Chief Information Officer (OCIO) and implemented by WaTech.

As part of the M365 transition, Ecology decided to use the feasibility study funding to establish whether M365 could be used to implement an ECM system. The study, completed in the spring of 2021, established that M365 can be used as the basis to implement ECM and that M365 would meet Ecology’s ECM goals and objectives. These objectives included:

- Mitigating risk to Ecology by improving statutory compliance and reducing liability associated with proper and timely records retention and disposition actions;
- Improving customer satisfaction through quicker access to information, reduced duplication and increased transparency, and;
- Simplifying and speeding up responses to public records and discovery requests.

This Feasibility Study built on a process and methodology for Ecology to migrate all unstructured content to the WaTech M365 Enterprise Shared Tenant, putting Ecology on a path to managing all digital records within a single platform.

The Feasibility Study also concluded that investing in staff training and organizational change management (OCM) was an essential element for the successful transition into ECM. Finally, it concluded that the timing for this transition is well aligned with statewide investments in the M365 platform.

To accomplish this ECM transition, the Feasibility Study recommended an intensive, nearly three year, 20 FTE (six permanent and 14 contract) process. This included contract funds for training and organizational change management. The proposed staffing plan included a project manager and supervisor, business analysts to do workflow mapping and file structure classification, software application developers to create unique applications to support the ECM transition, specialists in information governance, and training staff.

The Feasibility Study concluded that a core staff of six FTEs be retained after initial implementation. This on-going staff would be needed to ensure programmatic compliance, provide ongoing training, and support needs along with supporting changes within the M365 environment as it continues to mature and add new feature sets

Budget Request Focus Areas

The way Ecology conducts its work has been significantly impacted by the public health response to the COVID 19 pandemic. As a result, Ecology considered the recommendations in the Feasibility Study and decided to adopt a slower and more deliberate approach to ECM implementation for two reasons:

1. Changes to the work patterns and nature of the workforce is still evolving, and;
2. Organizational familiarity with M365 tools is still maturing.

Due to the two factors listed above, Ecology will approach this work in rotation, cycling through programs within Ecology. First, developing and demonstrating proficiency in M365 tools and techniques, then focusing on those areas with the highest records request. As ECM will be a new program within the agency, it was decided to start in our Human Resources Department. This will provide the team a tactical starting point that not only incorporates a large digital repository of data, but a department in need of streamlining workflows. Ecology will assemble a team to accomplish the following:

- Evaluating and streamlining the Human Resources (HR) business process for initiating recruitment and approving hiring decisions and appointments and creating digital forms and workflow to allow more efficient and timely approvals.
 - In fiscal year 2022, Ecology conducted 526 recruitments using email to route electronic versions of paper forms and documentation for approval. This is an antiquated and inefficient process that results in a proliferation of emails and attachments,

causing delays in recruiting and lags in approving hiring decisions. For example, a typical recruitment and hiring process using email and Microsoft Word attachments would result in at least 10 unique emails with attachments. Once the core recruitment and hiring/approval processes are improved and implemented into the modern M365 platform, work will continue to improve, standardize, and automate additional workforce management processes with a goal of reducing the number of paper records.

- Digital forms and workflow for recruiting and hiring is intended to eliminate all email attachment routing. We expect to use the digital workflow to anticipate recruitment requests coming so we can plan and manage the work to reduce overall cycle time for both recruiting for a position and initiating an appointment action following a hiring decision.

As business analysts complete collecting data from the Human Resources team, and hand this data to the implementation team, the business analysts will move to working with the Water Resources Team (a high records request program) to accomplish:

- Evaluating and streamlining the core water rights documentation processes with a goal of reducing the number of paper records, improving consistency, and increasing the efficiency of retrieving information.
 - Water right documents and supporting documentation are maintained by the Water Resources Program. The Water Right Tracking System (WRTS) database has 275,745 individual records. A record refers to a unique water right number (not a document). Of these records, 227,791 are “active.” Active and inactive entries have associated documents with retention value. There are over 700,000 image files associated with WRTS – some of which contain multiple documents that have been scanned as one image, so the 700,000 number is not representative of the total number of documents associated with records.
 - Of the 227,791 active files, we estimate 12,000 that likely have a hardcopy file in a regional office (some scanned into WRTS, and some not). Some water right records require annual submittals of information that needs to be preserved and attached to the record (e.g., metering data, chloride data). This information is often stored in a separate database that is linked to the record or water right number, but not always linked to WRTS.
 - Historically, records related to permitting decisions were paper-based and stored in multiple locations. More recently, the program has started relying on more electronic documentation, which has increased the number of locations where supporting records may be stored (resource mailboxes, SharePoint, shared drives, etc.). Currently, electronic and physical files are managed and stored using inconsistent processes in the regions, where the decisions are made. This has led to challenges locating records and determining whether a file is complete and to creating duplicate records in multiple locations.
 - The improvements in classification, storage, and retrieval of water rights information will create significant efficiencies for both the public and Ecology decision makers. It will allow us to meet public information requests for the near future with current staffing levels. Any subsequent growth needs will be the result of overall records growth as opposed to inefficiencies in retrieving water rights information.

We expect the business analysis will need up to twelve months within each department to accurately capture workflow and processes and to set up a proper cataloging and storage system for digital records that is easy to understand and follows retention policies.

As mentioned above, Ecology will work through our ECM strategy by rotating through each of its ten core businesses, and its four administrative departments. During year one, the BA’s will focus on collection of data from Human Resources and then handing this off to the M365 development team to complete during year two. As the BA’s are collecting data during year one, the M365 development team will spend the first year setting up the M365 environment for successful ECM integration. In year two, the M365 development team will work to complete the Human Resource processes captured by the BA’s during year one, and the BA’s will turn their focus to Water Resources during year two.

First analysis by the Information Governance Division, based on records requests volumes by program, revealed that our resources would be best used as follows (this is subject to change should new information be revealed):

1. Year One: Business Analysts to focus on Human Resources; M365 developers focused on setting up environment.
2. Year Two: M365 Developers process HR stream; BA’s work with Water Resources to gather data.
3. Year Three: M365 Developers process Water Resources; BA’s work with TCP to gather data.
4. Year Four: M365 Developers process TCP; BA’s work with HWTR to gather data.
5. Year Five: M365 Developers process HWTR; BA’s work with WQ to gather data.
6. Year Six: M365 Developers process WQ; BA’s work with SWM to gather data.

Ecology will continue this process of rotating through departments until such time as each department is completed. Ecology’s goal is to complete six divisions within the first six years. After proving its success, it is possible Ecology will require further funding to complete phasing in

of the remaining programs and administrative divisions.

The first phase of ECM does not address the large library of paper records that will need to be digitized in the near future. With a well built Data Governance Model and ECM, digitizing these records will be less daunting as we can program machine learning to recognize scanned documents and assist with the proper filing within the ECM library.

The Feasibility Study essentially had a “surge approach” to the transition. That is, hire 20 FTE (14 contract and 6 permanent) and spend \$8 million dollars in approximately two and half years. It also retained a residual staffing level of six permanent FTEs. The rotation approach envisioned in this budget request utilizes the permanent core staff identified as initially needed in the Feasibility study. It reduces the initial cost by utilizing the assumed on-going cost by lengthening the time to implement. This will better align with the implementation of the M365 platform and the functionality of its tools.

Long-Term ECM Plan

Ecology’s reliance on electronic data is going to increase across the digital front. As its processes mature, and its reliance on legacy tool sets are replaced with mobile tools, it will be easier for surveyors, researchers, scientists, and other data gatherers to quickly accumulate electronic data from forms to images taken on a mobile device.

Our data is kept for long periods of time due to its environmental focus. This data is often used in lawsuits, discoveries, and long reaching scientific research, from water rights to air quality. This data is available to rotating staff, as people retire or pursue other opportunities and is often very difficult to discover and find due to our current weak data management.

Ecology is comprised of ten different environmental program areas, each collecting and storing large amounts of data. Ecology understands this project to be a multi-tiered, multi-year project, which will in the end, not only include the ten programs, but the operational side supporting these departments. Upon completion, we will have a better structured data governance model, supported by a robust ECM, that uses current M365 tools to streamline records and workflow.

Future work within the ECM environment will include:

1. Continue inclusion of each department until all ten business units and the remaining three administrative units are fully integrated into the ECM. In order to complete this work, it is possible Ecology will need to request further funding. This will not be known until the agency gets closer to its six year, phase one completion.
2. Once all of Ecology’s data management and work flows are documented and development is completed, Ecology will need to request additional funding to complete the digitization of all paper documents within the agency.
3. As M365 matures and continues to refine, the agency will use the refined and new tool sets to constantly keep its ECM modernized.
4. Build accountability around proper document management within the agency.
5. Move away from paper processes and take advantage of digital solutions such as Microsoft Forms, Flow, PowerBI and DocuSign to drastically reduce our dependency on paper, which is environmentally sound.

The ECM will also be a powerful tool for those who have special needs. All documents will be accessible through word readers, braille interpreters and other accessibility sets within M365.

Upon completion of this project, Department of Ecology will have a completed Enterprise Content Management program that is not just focused on document storage and retrieval, but the automation of processes and workflows and the simplification of record management using a tool-set already approved at the State level, without the need to contract a significantly more complex and costly system.

Impacts on Population Served:

1. Better accessibility to records and process improvements to workflows for all staff within Ecology, allowing staff to focus on important research and scientific work instead of searching for data in a library that has no strong filing system. This project will turn a warehouse of data into a searchable library that is easier to access.
2. Better accessible documents for those with special needs through using accessibility tools within the M365 environment.
3. Reduced time to collect data for records requests which will reduce fines.
4. Reduced stress on records managers as data will be accessible through a single records management tool, eDiscovery, without having to search through multiple data file sets or asking staff to manually search their files.
5. Faster access to data from outside research facilities and universities, a more open data share agreement based on location of data and access to the data.
6. Reduce the agencies dependency on paper, which not only helps the environment but also reduces costs and inventory.

Alternatives Explored:

M365 is the OCIO mandated software platform to be used by all state agencies. Consequently, no other software platforms could be considered for the implementation of ECM.

Consequences of Not Funding This Request:

If this request is not funded, Ecology would continue to use an archaic mix of paper records, physical images, digital records, and images. This mixture of record keeping and media would continue to degrade our ability to quickly retrieve information, process administrative actions, and provide timely services to the public. It would work against the objective of efficient and cost-effective government.

Other consequences include hindering our ability to move forward with an ECM framework for data governance, continued modernization of antiquated processes and reliance on legacy applications within Ecology. It would continue to be saddled with increasingly cumbersome workflow processes and a chaotic record management environment. This in turn would continue to degrade agency workplace efficiencies and further impede Ecology's responsiveness for public records.

The most significant impact of not moving forward with an ECM solution will be the continued restraints on records managers to meet strict, timely records requests as the digital and traditional paper divide grows at a rapid rate, potentially costing the agency and the State heavy penalties and fees.

Assumptions and Calculations

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

Ecology does not have, within the Information Governance (IG) Section of ASD a group solely devoted to establishing filing classification systems for individual environmental programs or administrative divisions. The IG sections current responsibility is to work with individual programs to ensure record retention policies are met. Additionally, the IG Section works with programs to process public disclosure requests and assists in searches related to discovery requests.

This request expands the responsibility of the IG section into the new role of working with programs to create uniform filing classifications and definitions across the Agency. ASD has approximately 30 FTEs, 10 of which are in the IG Section. The remaining ASD staff are devoted to staff services and facilities management. The IG section does not have the technical expertise or staff capacity to expand into anew area and establish filing classification systems agency wide.

Added capacity would allow ASD, in coordination with ITSO, to leverage the capabilities of the M365 platform. It will improve organization and retrieval of agency records.

Detailed Assumptions and Calculations:

This request is designed to simultaneously take on:

(1) automating HR workflows; (2) standardizing WR records inputs and retrieval from the water rights tracking system; (3) identifying and structuring subsequent ECM projects within environmental programs, and (4) building ongoing, long-term expertise in the ECM arena. It will also provide capacity to bring on an organizational change management (OCM) support contractor to advance acceptance of ECM structures, as projects are completed and ready for implementation.

Our initial schedule is as follows:

1. Year One: Business Analysts (BA's) focus on Human Resources; M365 Developers focus on setting up environment.
2. Year Two: M365 Developers process HR stream; BA's work with Water Resources to gather data.
3. Year Three: M365 Developers process Water Resources; BA's work with TCP to gather data.
4. Year Four: M365 Developers process TCP; BA's work with HWTR to gather data.
5. Year Five: M365 Developers process HWTR; BA's work with WQ to gather data.
6. Year Six: M365 Developers process WQ; BA's work with SWM to gather data.

Initial funding does not include the digitization of Ecology's vast paper document libraries. A further request may be made after the foundational ECM is setup, and our growing digital records are properly catalogued.

The requested on-going staffing will be assigned to the Administrative Services Division (ASD). Requested staff will work in close coordination with ITSO. Their roles and responsibilities, as identified in the Feasibility Study, are listed below:

- 1.0 FTE ECM Unit Supervisor: Management Analyst 5. This position is responsible for the day-to-day performance of this ECM unit.

They set the teams goals and ensure staff understand those goals. They hire staff, ensure staff have the resources they need to succeed and manage performance.

- 1.0 FTE Project Manager: IT Project Management Journey. Responsible for overall ECM project organization and work activities. This position is responsible for planning, organizing, and directing the completion of this project.
- 2.0 FTEs Business Analyst: IT Business Analyst Journey. Responsible for leading workflow mapping activities for selected administrative or programmatic ECM transition processes. These position drives digital process improvement in the HR and WR business areas. They will lead workgroup sessions focused on business process definition as-is and to-be improved. They initiate, plan, and manage business process reengineering workgroup sessions.
- 1.0 FTE Applications Developer: Application Developer Journey. Responsible for developing unique applications related to ECM transition. This position converts business requirements into technical requirements. They create applications and flows using the M365 Power Automate platform.
- 1.0 FTE Information Governance Specialist: Management Analyst 4. Responsible for supporting workflow mapping and file classification as well as development of overall ECM governance policies. This position provides leadership and ensures the resulting solution adheres with state records requirements. They will be responsible for taxonomy, file plans, and retention/disposition schedules.
- OCM Contractor Support: \$250,000 per biennium. Responsible for organizational change management (OCM) and training support for ECM transition. This contractor develops and maintains internal and external change management plans. They develop OCM strategies that increase the probability of project success. They lead OCM activities.

Funds are included to acquire contractual organizational change management to support the ECM implementation process.

Workforce Assumptions:

Expenditures by Object		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
A	Salaries and Wages	579,592	579,592	579,592	579,592	579,592	579,592
B	Employee Benefits	211,552	211,552	211,552	211,552	211,552	211,552
	Personal Service						
C	Contract	125,000	125,000	125,000	125,000	125,000	125,000
E	Goods and Services	29,004	29,004	29,004	29,004	29,004	29,004
G	Travel	13,404	13,404	13,404	13,404	13,404	13,404
J	Capital Outlays	7,380	7,380	7,380	7,380	7,380	7,380
	Intra-Agency						
T	Reimbursements	227,453	227,453	227,453	227,453	227,453	227,453
	Total Objects	1,193,385	1,193,385	1,193,385	1,193,385	1,193,385	1,193,385

Staffing

Job Class	Salary	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
MANAGEMENT ANALYST 5	91,525	1.00	1.00	1.00	1.00	1.00	1.00
IT PROJECT MANAGEMENT-JOURNEY	105,055	1.00	1.00	1.00	1.00	1.00	1.00
IT BUSINESS ANALYST-JOURNEY	100,037	2.00	2.00	2.00	2.00	2.00	2.00
IT APP DEVELOPMENT-JOURNEY	100,037	1.00	1.00	1.00	1.00	1.00	1.00
MANAGEMENT ANALYST 4	82,901	1.00	1.00	1.00	1.00	1.00	1.00
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
	Total FTEs	6.90	6.90	6.90	6.90	6.90	6.90

Explanation of costs by object:

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 36.5% of salaries.

Contracts include \$125,000 each fiscal year for OCM Contractor Support who is responsible for organizational change management (OCM) and training support for ECM transition.

Goods and Services are the agency average of \$4,834 per direct program FTE.

Travel is the agency average of \$2,234 per direct program FTE.

Equipment is the agency average of \$1,230 per direct program FTE.

Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 28.75% 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.

Strategic and Performance Outcomes

Strategic Framework:

Our Governors Results Washington goal 5 is an efficient, effective, and accountable government. Ecology works hard to meet this goal, but as data continues to grow, old processes and a reliance on paper and legacy systems impact our work in this area. Each day staff are receiving thousands of emails, hundreds of documents, accumulating research, and scientific data, with weak data management and governance due to a lack of proper ECM. Data is filed, but many times misfiled, or misplaced in data vaults only the current staff person is aware of. Ecology finds itself recreating the wheel over and over as staff move on or retire, as data is incredibly difficult to locate.

Ecology's Goal 1: Support and Engage our Communities, Customers and Employees because it will provide the resources Ecology needs to improve our recordkeeping and records retrieval processes.

Ease of retrieval for both internal and external users of information will make the agency more responsive to the workforce and the public at large. The key to responsive, transparent, and open government is the ability to search records thoroughly and completely and produce them in a timely fashion. Implementing a comprehensive ECM system will help achieve that objective.

Performance Outcomes:

A strong, well-built ECM will increase productivity and performance. A few examples of performance outcomes:

- A well-structured, well organized, well documented data governance and data management system will reduce records management data gathering as all data will be located within an agency accepted ECM.
- A reduction in fines and liabilities due to either delayed records gathering or the inability to locate data for a records request.
- Staff who can quickly and easily find filed data and reduce search times.
- Reduced re-creation of work, as agency staff move to other agencies or retire. Staff can locate pertinent data from their predecessors and use already well-established processes.
- Drastically reduce email.
- Increase productivity through well thought out and planned work flows and simplified work processes.
- Less reliance on paper, more reliance on modernized tools like Microsoft Forms or PowerApps to complete work cycles.
- Faster communication without side parties and citizens regarding research data and access to that data.
- An easily searchable archive not unlike the Library of Congress where accessibility to data is as simple as a search bar, and an idea of what you need.

In addition, this mapping and workflow automation can help with standardizing the file terminology. This will promote faster recovery of information for internal use or in response to public records requests. Ecology generates records, principally around environmental decision-making, at both its Headquarters and regional offices. There is a tendency for these locations to create their own tracking and record keeping terminology. Moreover, some regulatory authorities (e.g. water quality permitting) is not only conducted by the Water Quality Program but other programs as well like Solid Waste Management or the Nuclear Waste Program. Standardization of file classification across programs will also promote efficiency and responsiveness.

Equity Impacts

Community outreach and engagement:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Disproportional Impact Considerations:

See "Target Populations or Communities" section for combined answer to Equity Impacts questions.

Target Populations or Communities:

This proposal is focused on internal administrative business practices that when improved, will provide a number of benefits which support the equity goals in the state. Improving the ease and timeliness of information retrieval for the public enhances the transparency and responsiveness of government.

- Provides digitized records that are accessible to all staff and constituents within the state. Gives those with special needs the ability to take a document and use Microsoft Accessibility features to locate, read, edit and file documents.
- Simplified library that is easier to search, less reliant on memory of location, more on the technology of discovery.
- Faster response to records or informational requests so decisions can be made at a quicker pace.
- In the future will provide citizens the ability to navigate research data without having to request information and wait for it to be sent.

Other Collateral Connections

Puget Sound Recovery:

N/A

State Workforce Impacts:

N/A

Intergovernmental:

Implementing an ECM system will move Ecology toward parity with other agencies and governmental units in terms of records management. Increases in efficiency and ease of retrieval of agency records are objectives clearly supported by other governmental units.

Stakeholder Response:

The public in general and specific interest groups will benefit from improved responsiveness and completeness to records requests.

State Facilities Impacts:

N/A

Changes from Current Law:

N/A

Legal or Administrative Mandates:

N/A

Reference Documents

- [Enterprise Content Management Attachment.pdf](#)
- [Enterprise Content Management IT Addendum.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
	2024	2025	2023-25	2026	2027	2025-27
Obj. A	\$580	\$580	\$1,160	\$580	\$580	\$1,160
Obj. B	\$212	\$212	\$424	\$212	\$212	\$424
Obj. C	\$125	\$125	\$250	\$125	\$125	\$250
Obj. E	\$29	\$29	\$58	\$29	\$29	\$58
Obj. G	\$13	\$13	\$26	\$13	\$13	\$26
Obj. J	\$7	\$7	\$14	\$7	\$7	\$14
Obj. T	\$227	\$227	\$454	\$227	\$227	\$454

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Washington State Department of Ecology

M365 Enterprise Content Management (ECM)
Feasibility Study

Deliverable 6 – Feasibility Report

May 13, 2021

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Revision History

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Notices:

This document was developed by Integrated Solutions Group on behalf of the State of Washington, Department of Ecology.

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1. Executive Summary

1.1 Introduction

The Department of Ecology (ECY), working with various vendors and consultants, began investigating Enterprise Content Management as an agency wide initiative in 2005. The Washington State Public Records Act (PRA) RCW 42.56.100 requires the agency to properly preserve records and make them available upon request. The agency has experienced exponential growth of unstructured electronic content (files) that are not being managed according to a standardized and comprehensive file plan and taxonomy. Ecology currently has over 75TB of content and receives in excess of 5,100 public disclosure requests each year at a cost of \$2.1MM to fulfill. These numbers continue to rise each year. The lack of standardization and structure of content has introduced financial and compliance risks that are directly correlated to a lack of comprehensive records retention, disposition and eDiscovery. There are too many content silos that consume too much time to adequately manage these risks given the current software tools. Ecology has incurred significant PRA penalties in nine different legal matters over the last ten years. When untimely and incomplete records fulfillment occurs, Ecology assumes a financial risk that is uninsurable.

In efforts to determine a path forward, ECY initiated a Feasibility Study in February of 2020, and Integrated Solutions Group (ISG) was retained to carry out the Feasibility on behalf of ECY.

ISG, in partnership with ECY, has developed the following Feasibility Study in regard to ECY utilizing Microsoft 365 (M365) platform in the Washington Technology Services (WaTech) Shared Tenant to meet its Enterprise Content Management (ECM) requirements.

This report aligns with OCIO Policy 121 regarding Feasibility Study Report form and is intended to provide stakeholders with an assessment of both the feasibility and requirements for achieving a successful ECM initiative within this environment.

For the purposes of this Study, ECM is defined as an inclusive framework for building systematic processes that increase efficiency and reduce risk by aligning work procedures that conform with and compliment operational policies and compliance requirements that are specific to unstructured content, document management and communications data being managed as records.

1.2 Ecology M365 ECM Project

The ECY ECM Initiative as envisioned in this report is the effort to develop and implement an entirely new technical and business environment for ECM. While there are parts of the current technical and business environments that reflect elements of the new initiative, in its whole, it is comprehensively new. The Feasibility Study treats the initiative in this manner, the resources described both in terms of contracted and State Staff are additional or new positions. Where a current State Staff position is described,

the study accounts for backfill of that position for the purposes of carrying out the project.

In parallel with the conclusion of this feasibility study, ECY has begun moving forward with the implementation of M365 Teams by rolling it out only for messaging capabilities and the planned migration of mail services to Exchange Online. It is important to understand that early rollout of Teams with file sharing and storage enabled has a significant potential to create additional migration tasks and future mitigation of user adopted practices that result in content sprawl and will most likely work against the approach and methods ISG outlined in the Usage Report. In order to mitigate negative outcomes ECY should immediately engage in drafting Teams usage policies that align with Information Architecture (IA) and ECM best practices ISG has recommended.

A fully enabled Teams and OneDrive deployment will result in similar outcomes experienced by standing up early versions of SharePoint and letting users and groups create team sites without proper planning and information governance. In nearly every case, and the vast majority of SharePoint projects where this occurred, the result was SharePoint site sprawl that fed negative user adoption and in the long term created poor opinions of SharePoint.

For the purposes of the study, the following set of outcomes and goals of an ECM solution were assessed:

- Consolidation of legacy file storage and content management systems into a single cloud native platform.
- Consistent records management across diverse programs
- Improving the effectiveness of electronic discovery (eDiscovery)
- Supporting modern remote work environments
- Simplifying reporting, auditing, and metrics to enable nimble decision making

[Governance and Leadership](#)

The study also accounts for the project having complexity and risks associated that will require excellent leadership and decision making. ISG believes the agency is in an extraordinary position to meet the challenge and be exceptional public sector stewards in managing, discovering and sharing electronic records in a collaborative and comprehensive manner. Change is a constant and as future technology shifts occur, ECY will be in a strategically better position to adapt to this change by moving forward with M365 as their ECM solution. In today's market there is not an equal competitor that provides a single comprehensive approach the way Microsoft does. With respect to electronic discovery (eDiscovery), ISG suggests that third party technologies may be required to support the eDiscovery processes that are necessary to effectively meet the needs of public disclosure activities. Specifically, the process, review and analysis segments of the [Electronic Discovery Reference Model](#). ECY currently manages the record request intake and fulfillment portions of the process

utilizing third party software, however the software does not effectively address the document review process, including redactions, after a search has been performed.

Organizational Change and Business Transformation

The study accounts for this initiative requiring diplomacy and teamwork to overcome resistive elements of changes that will come as a result of the project. These changes will have near term impacts to individual contributors and programs as they will require heavy lifting and cooperation to achieve the most beneficial results.

This report includes a description of the current business environment and the opportunities, goals and statutory requirements for the project. There will be impacts both internally and externally that are important to consider as they will require adjustments to staffing from both a technical skill and assignment perspective. By embracing these changes as the project moves forward the agency will be well prepared to manage the impacts and changes to work processes across programs, departments and workgroups.

Organizational Change Management (OCM) and risks associated with the project are covered in section five and twelve respectively. Highlights include the following key considerations for executive summary purposes.

- The project is in essence not a technology project, but a business transformation project. The magnitude as highlighted in section five is significant and will touch every function and role within the agency. As a result, this study anticipates and projects OCM resources at an appropriate level to carry out re-engineering the culture of ECY around communication and document management tools designed to support the future of work.
- Some changes are simple enough to solve with training. For instance, when a user downloads a file from SharePoint and subsequently uploads it to Teams the file is duplicated. A small shift can have a big impact, proper usage helps bend the curve of storage costs and supports better eDiscovery and Public Disclosure.
- Cloud transformation projects have a history of delivering simplified and more efficient results and are featured as Lean initiatives that are submitted, reviewed and published by Results Washington.

1.3 Feasibility Study Methodology and Approach

ISG began work on the Feasibility Study process in April 2020, and it culminates with this report. Our approach was phased beginning with documentation of ECM requirements and a Gap Analysis against M365. Initial analysis work was done with the intention of evaluating various methods of managing content in the Enterprise Shared Tenant versus a commercial private tenant by Microsoft.

During the last year, the parameters have changed drastically, and all state Agencies are now required to join the Enterprise Shared Tenant and use Compliance Center to support records management and eDiscovery. During the analysis phase the project

team conducted interviews, including the State of Michigan and City of Tacoma amongst others. Interviews conducted did not include a direct match for the ECM project scope outlined in this report, we did not find a comparably implemented M365 ECM solution. ISG consultants relied on past experience implementing ECM solutions to determine best practices and approaches that have succeeded previously on a variety of platforms, including SharePoint.

In order to document technical gaps and the need for third party software, the project team developed a set of testing criteria to perform research and functional testing of features in the Enterprise Shared Tenant. The testing was conducted in the pre-production environment, per WaTech policy. Building on this work ISG produced a **Usage Report** to document the outcomes of the previous research and incorporated previous experience to determine the best practices and methods to be used for configuring the Enterprise Shared Tenant to align with a comprehensive Information Architecture (IA) model to support both the agency as a whole and distinct program areas.

1.4 Viable Alternatives

The scope of the Feasibility Study did not include research conducted that would identify alternative approaches to implementing an ECM project. As stated earlier, when the feasibility project initially started ECY was evaluating various M365 hosting environments, but OCIO has since directed all Agencies must use the Enterprise Shared Tenant, using M365 Government – GCC, with G5 licensing. Consequently, we ended up focusing solely on whether or not M365 in the Shared Tenant Environment could work for ECY. As stated earlier, M365 does not have a qualified peer that provides equal or greater functionality across content management, collaboration and compliance. The alternative could be to source from multiple vendors to achieve an integrated approach to match the single cloud platform approach offered in M365.

During the feasibility study, ISG did consider the use of third-party software to meet certain records management functions that would have been needed prior to the inclusion and deployment of Compliance Center (CC) in the Enterprise Shared Tenant. WaTech has since made licensing CC an available standard for agencies. This also aligns with recommendations ISG received during gap analysis interviews conducted with agencies outside the State of Washington.

1.5 Staffing Model

As described in detail in Section 9 of the Feasibility Study report, the project will require a substantial level of resources and an estimated twenty-five (25) month duration to complete a full agency transition. Areas specific to the M365 platform, ECM modernization and OCM are described and costed from the perspective that the resources would need to be contracted staff.

This factor does add to the estimated costs of the project; however, it is ISG's position that at this time, some of the critical skill areas to complete the project are not

attainable through state staffed positions. Additional details can be found in Section 9 to the roles and responsibilities of positions projected in the following staff chart, however the following chart provides an overview of new staffing and backfilling the existing positions required for supporting the project.

Role	Level of Effort
Project Manager	1.75 FTE
Business Analyst	1.00 FTE
Contract Manager	.75 FTE
Records Manager SME	1.00 FTE
Public Records Officer SME	.75 FTE
Regions Champion	2.00 FTE
Content Champion (Program Lead)	.75 FTE
Ecology Internally Staffed Positions	8.00 FTE's
Organizational Change Manager	1.00 FTE
Business Analyst (Workflow)	1.00 FTE
ECM Business Analyst	1.00 FTE
Taxonomist (Ontology)	1.00 FTE
M365 Compliance Center SME	2.00 FTE
M365 SharePoint Online SME	2.00 FTE
M365 Integration SME (Developer)	1.00 FTE
UAT Testing Lead	1.00 FTE
M365 Teams SME	1.00 FTE
M365 Trainer	1.00 FTE
Project Contracted Resources	12.00 FTE's
Total	20.00 FTE

1.6 Implementation Strategy

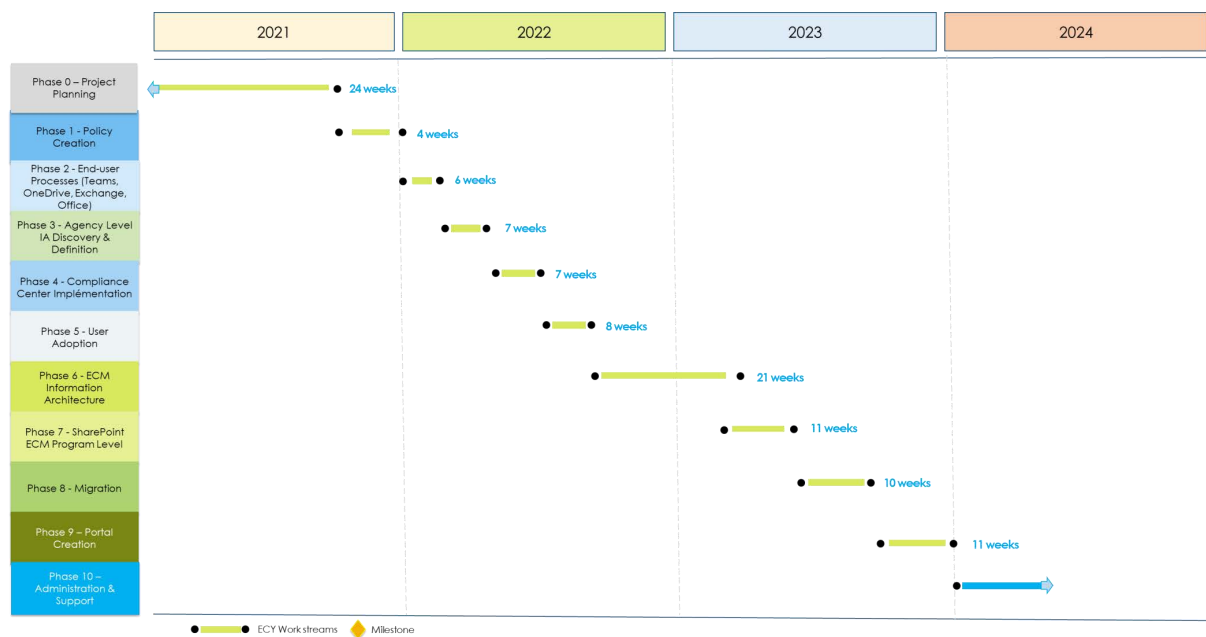
This report outlines a proposed solution that includes high level details for specific work products, technical tools and skills needed to support the solution. Major required functionality was tested in the pre-production environment and provided ISG subject matter experts with the confidence to recommend a proven method for planning, configuring and deploying M365 in a manner that will be most successful.

ISG reviewed relevant agency IT standards and concluded that M365 conforms to both ECY and Statewide information technology plans 19-21.

Project Management will be a critical element that supports the short, near and long-term success of the ECM project. The report includes roles and responsibilities for the

project team and recommends a decision-making process to be used throughout the project duration. Qualifications of individuals assigned to the project are included in the report as well as the need for quality assurance roles provided by an outside vendor.

The estimated timeframe of the project spans twenty-five (25) months and the report includes a visual representation of the project work effort that is broken down into eleven distinct phases. ISG incorporated a maturity description to help the agency envision where the agency will be as the project moves from cloud transformation to M365 digital native work processes.



ISG conducted a Cost Benefit Analysis (CBA) showing a total budget of \$7.97MM over twenty-five (25) months that covers both internal and external vendor investments.

1.7 Risk Management

ISG has identified nineteen specific phased and task-based risks to the modernization project at this point in the planning process. The project is a high risk, long term business process transformation project that will require experienced project management, reliable governance and decision making, cooperative program perspective and receptive agency staff. ISG believes with an experienced project team, the risk can be anticipated, managed, and ultimately lead to the modernization of the ECY ECM and collaboration environment.

1.8 Maintenance and Support

The Enterprise Shared Tenant will present some changes to the traditional model of maintenance and support. ISG is recommending a dedicated ECM Team to support the platform and user adoption long term. In Section 4.1 we highlight WaTech roles and responsibilities as Global Administrator and ECY's roles as the customer. ECY is placing

significant reliance on WaTech roles that would traditionally be managed by the ECY Information Technology Services Office (ITSO). The relationship and communications between ECY and WaTech should be fostered and managed in a Business to Consumer (B2C) model to help mitigate the risk posed as it would with any managed service provider relationship. The opportunity it provides ECY is to foster a greater focus on the business process and digital transformation efforts both during and after the project.

Post project the ECM Team will provide stewardship activities that are specific to all ECY program staff and the constituencies they serve. We have projected a total of six full time resources dedicated to this effort post project.

The ECM Team will provide ongoing stability for the platform. As with any software solution of this size and user community, ongoing change and improvements will be likely and the ECM Team will be responsible for managing changes in order to facilitate a resilient system.

Role	Level of Effort
ECM Business Analyst	2.00 FTE
Content Champion (Program Lead)	2.00 FTE
Records Manager SME	1.00 FTE
Public Records Officer SME	1.00 FTE
State Staffed Resources (FTE's)	6.00 FTE's
Total	6.00 FTE

In addition to the ECM Support Team ongoing M365 licensing, third party software and storage allocations will need to be funded annually. At the time of this report, ECY had over 75TB of unstructured data.

1.9 Conclusion

Through this Feasibility Study Report process, ISG recommends and concludes that the Microsoft M365 Shared Tenant environment will meet the agency's ECM goals and objectives. This Feasibility Study is built on a process and methodology for Ecology to migrate all unstructured content to the WaTech M365 Enterprise Shared Tenant.

While successfully completing this project will not resolve the time intensive process of producing paper records, it will put the agency on a path to managing all digital records within a single platform. A physical records conversion of 21,000 linear feet devoted to storage of paper files at Ecology Headquarters should be managed not by scanning all records but rather a pull and convert approach over time, leaving fewer relevant records to reach disposition in their current physical form.

This Feasibility Study Report represents an enterprise level business transformation

initiative. The costs both in resources and in time are significant. This investment however is not based in the technology, rather in the need to create new, unified business processes around digital communication and information management. As stated in this study in several areas, initiating business transformation projects like this one is often based on the right timing to initiate the transformation. The timing for this initiative is well aligned to statewide investments in the M365 platform. This platform will enable the supporting technology and in addition, the agency recently confirmed its ability to make an enterprise transformation with the success of its administrative systems (eTime and eHUB) projects. Both key timing factors support the next two biennium window being a target for the agency to make the investment in this business transformation.

By moving forward with this initiative, ISG, through this Feasibility Study, believes Ecology can accomplish its long-term goals:

- Mitigate the risk to Ecology, improve statutory compliance, and reduce liability associated with proper timely records retention and disposition actions.
- Improve customer satisfaction through quicker access to information, reduced duplication, and increased transparency.
- Simplify and speed up responses to public records and discovery requests by reducing staff time spent searching for and reviewing records.

ISG concludes through this extensive Feasibility Study that ECY can successfully carry out the ECY ECM M365 migration project.

2. Background and Needs Assessment

2.1 Business Environment

The State of Washington Department of Ecology (ECY) has been researching electronic document management for a long time and over the course of many years the agency has implemented a variety of siloed solutions to address the management of digital content. While these point solutions have proved useful, there now exists a strategic opportunity to simplify and enhance the tools currently used to a single holistic approach and software platform.

The current environment provides several imperatives in terms of time for the opportunity to establish a cloud first approach to content authoring, records keeping and dissemination of public information throughout the agency. These imperatives are driven from three key elements, and the time to act has never been more urgent and beneficial.

1. Washington State has been moving toward enablement of the Microsoft 365 suite. Because of the Covid-19 pandemic and remote work conditions for all agency staff, that effort has been dramatically accelerated. ECY staff, as well as other agency staff, are working remotely. WaTech has enabled the Microsoft 365 (M365) suite of tools and collaboration platform which support remote workers. This rollout of a cloud-based platform provides ECY, as well as other agencies, the option to consider cloud-based migration in an accelerated manner. Impacts resulting from the pandemic and current work from home policies will continue to require knowledge workers to be productive while working remotely.
2. WaTech is implementing and maturing the M365 shared tenant environment so that it will be a viable platform that meets agency needs. Previous deliverables within the ECM ECY Feasibility Study project thoroughly examined the viability of the M365 platform in a WaTech Shared Tenant pre-prod environment and validated its ability to meet ECY business needs. During the project additional prototyping of program related ECM repositories and content publication requirements of content stored in the WaTech Shared Tenant environment will need to be done to leverage M365 as an ECM in production.
3. The M365 platform establishes an enterprise-wide content management platform that integrates with browser, mobile, and desktop productivity tools and will reduce risks and the complexity associated with operating and managing legacy document management applications. This platform can support ECY efforts to meet its goals and agency mission statement.

The offering of M365 in the Shared Tenant is maturing. While WaTech is focused on collaborating with both Microsoft and Agency staff, there remains significant work to prepare for a fully functioning state-wide production environment of M365. This study was completed by ISG replicating testing of ECY ECM requirements in the Shared

Tenant pre-prod environment. There were acknowledged permission limitations to the testing that was completed, and this report will outline risks associated to ECY in regard to an initiative to solve for ECM requirements by migration to the WaTech Shared Tenant Environment.

2.2 Business Needs

The business needs for ECM span all of ECY's programs and administrative departments that are striving to equitably deliver the agency's services. ECY has the opportunity to embrace the Shared Tenant as an innovative cloud transformation project that will help to improve performance and accountability by deploying a single platform that is ubiquitous to all users.

WaTech provides ECY with operational support and administrative management within the Shared Tenant. This may replace, to a certain degree, ECY's internal infrastructure management and agency centered resource requirements. Establishing core administrative functions that mirror the methods used by other agencies will provide alignment and resource allocation opportunities that are closer to each Ecology program and the daily usage of content that both drives and supports the strategic goals of the agency.

Within ECY, there are significant resource commitments to address the records management requirements of the Office of Secretary of State and public disclosure requirements under the Washington State Public Records Act (RCW 42.56). Ecology stores 7.5 million unstructured digital files, consuming more than 75TB of storage. This is growing each biennium. The agency receives more than 5,100 public disclosure requests each year, which cost \$2.1million to process.

ECY has incurred significant Public Records Act (PRA) penalties in nine different legal matters over the last 10 years. This is a primary driver of the business need associated with migration to the Shared Tenant to enable the comprehensive management of content across all methods of storage, communications and work processes.

The following table provides high level overview of functional and technical areas that span this initiative and their associated requirements.

- | | |
|---|--|
| <ul style="list-style-type: none"> Enterprise Content Management (ECM) | <p>ECY has a critical need to consolidate content management across the agency to enable the systematic collection and organization of information to be used by its designated audiences. This includes both unstructured and semi-structured content that exists in network file shares, existing document management solutions, email clients and desktops. This is a dynamic combination of strategies, methods, and tools used to capture, manage, store, preserve, and deliver information supporting ECY organizational processes through the entire content lifecycle.</p> |
|---|--|

- Electronic Discovery Reference Model (EDRM)

ECY has statutory and operational requirements for compliance with the State of Washington Public Records Act and litigation discovery needs. Stages supporting eDiscovery are comprehensive and references are included for the Identification, Preservation, Collection, Processing, Review, Analysis, Production and Presentation of content related to a particular case or request. There are third party tools that will enhance the Process, Review and Analysis segments of the model. ISG has included ongoing costs for these tools in the cost benefit analysis.

eDiscovery Reference Model



- Communications & Collaboration

In the current era of remote work the adoption of modern and reliable chat, voice/video and document sharing within M365, utilization of collaboration tools to support management, programs and project execution is undeniable and critical to ECY's ability to operate.

- Electronic Records Management (ERM)

ECY has statutory and operational requirements to manage physical and digital records in compliance with applicable Revised Code of Washington (RCW), Washington Administrative Code (WAC) and Washington Secretary of State policies and best practices.

- Email Archive

Ecology is scheduled by WaTech to migrate all email archives to M365 Exchange Online and Vault in January 2022. M365 is uniquely positioned to meet these requirements and consolidates ECY's email archiving needs onto a single platform.

- Public Disclosure

ECY has incurred significant PRA penalties and maintains a

growing number 7.5 million unstructured digital files, consuming more than 75TB of storage. The agency receives more than 5,100 public disclosure requests each year, which cost \$2.1 million to process.

- Nuclear Waste Program**

The program participated as a stakeholder in the project and currently operates and maintains an on-premise Microsoft SharePoint document management solution that is used to store and publish documents that are publicly accessible. Staff from the program were regularly involved in document review, project meetings and work sessions. <https://fortress.wa.gov/ecy/nwp/permitting/index.html>
- Toxics Cleanup Program**

The program participated as a stakeholder in the project and currently operates and maintains an on-premise Document Storage and Retrieval System (DSARS) as part of the ECY SharePoint farm housed at the SDC. It stores program-specific documents in a structured database, and makes documents publicly available by linking to multiple public-facing web applications. Staff from the program were regularly involved in document review, project meetings and work sessions.

2.3 Business Opportunities

There are business opportunities in both the operational areas of each ECY program and technical leaps that will put the agency in a proactive position. To illustrate these opportunities the following table provides a framework for comparing and contrasting the current operational environment to what ECY will have an opportunity to establish should this project be approved and funded.

ECM Activities	Today	Shared Tenant
Creating Content	Users create content offline using a variety of authoring tools. This approach creates the problem of near duplicates as content reaches its final status. Duplicate files create added risk and increase costs of eDiscovery.	Users create content online allowing multiple authors to collaborate using a single source of truth. This reduces near duplicates and ultimately streamlines the entire content lifecycle.
Sharing Information	Email attachments are	M365 provide users with the

ECM Activities	Today	Shared Tenant
	<p>the primary method for sharing content and this further exacerbates the near duplicates that will be found when searching for content relevant for public disclosure.</p>	<p>ability to share files from a single source without attaching them to emails. This establishes a simpler audit trail and chain of custody.</p>
<p>Structuring Storage</p>	<p>Content stored in silos and disparate information systems create tribal knowledge of how users are required to identify and store content.</p>	<p>Establishing an enterprise information architecture allows for a standard structured approach for defining information and the storage procedures. This enables employees to be nimbler as they traverse content repositories.</p>
<p>Searching Records</p>	<p>Finding files and information relevant to a particular program or discovery action spans network shares, email inboxes, desktops and document management silos.</p>	<p>M365 provides a single pane of glass for performing relevant searches that spawn from public records requests and discovery needs. Search becomes standardized across programs.</p>
<p>Improved Productivity</p>	<p>Workforce productivity is negatively impacted when remote operations require multiple steps and various methods for accessing relevant content.</p>	<p>M365 delivers standard interfaces and authentication methods regardless of the Program area users are assigned.</p>
<p>Enhance Morale</p>	<p>Legacy applications tend to decrease employee morale and customer service.</p>	<p>M365 delivers a modern work environment and toolset that people are used to having access to in their daily lives.</p>
<p>Mobility</p>	<p>Providing mobile access</p>	<p>M365 provides mobile access</p>

ECM Activities	Today	Shared Tenant
	to employees in an asynchronous work environment is complex when managing separate document management systems.	and supports remote working in a more comprehensive and standardized fashion.
Upgrades	Siloed systems require upgrades, patching and administrative overhead across ECY program areas.	M365 provides a cloud first approach and eliminates costly individual system upgrade projects. MS Roadmap. - https://www.microsoft.com/en-us/microsoft-365/roadmap?filters=GCC
Disaster Recovery	On Premise systems managed by ECY require disaster recovery planning and exercises be established and maintained.	Cloud Software as a Service (SaaS) models provide the opportunity to manage the ECM solution by Service Level Agreement (SLA).

2.4 Business service goals

This project as proposed and outlined in the above section 2.3 will support and help the Agency meet the following goals outlined in the 2021 - 2023 ECY Strategic Plan by enabling agency staff to store, access and share content from within a common platform that is feature rich and can be accessed remotely and reliably.

- Support and engage ECY communities, customers and employees
- Reduce and prepare for climate impacts
- Prevent and reduce toxic threats and pollution
- Protect and manage Washington State's Waters
- Protect and restore Puget Sound

2.5 Statutory requirements

This project as proposed will support and help the Agency meet the following statutory requirements.

- The Public Records Act (PRA) requires that agencies be transparent with their records to best serve the public. "Records" include any recorded information

relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. Failure to comply with the PRA often results in severe penalties against agencies, including up to \$100 per day, per record, plus costs. See [RCW 42.56.550](#).

- Office of Secretary of State Archives Division provides records retention schedules authorizing the destruction/transfer of public records documenting common functions and activities of ECY.
 - [Preservation and Destruction of Public Records \(chapter 40.14 RCW\)](#)
 - [Penal Provisions \(chapter 40.16 RCW\)](#)
 - [Preservation of Electronic Records \(chapter 434-662 WAC\)](#)

3. Objectives

3.1 Problem to be solved/Opportunities to be gained

The problems of managing, accessing and maintaining storage of unstructured and semi-structured content files and email message attachments across a myriad of siloed systems can be summed up in a single phrase: "How do I know this is the file I am looking for?" Any situation where a positive confirmation of this phrase is not determined presents a risk to the agency.

Currently ECY manages content on a myriad of storage systems siloed across physical servers, systems and locations.

- Physical records stored at headquarters, regions and state archives.
- Shared network drive(s), SharePoint & Exchange email servers maintained on premise in the state data center.
- Legacy document management systems maintained on premise at State Data Center.
- Desktop workstations managed by ECY IT Staff.
- WaTech Shared Tenant
- Other SaaS solutions

The opportunity to plan, implement and complete a full migration to the Shared Tenant will provide reduced long-term operational costs and curtail the risks associated with legacy records management and information governance practices. The Shared Tenant provides the potential to reduce or eliminate fines and judgements related to public records compliance. ECY can achieve an affirmative answer more often than not when faced with a records disclosure request by working to consolidate as many of these systems and file locations under one platform. The Shared Tenant can be configured to meet ECY's ECM requirements. As part of the feasibility study, these requirements were tested in the WaTech pre-production environment. It should be noted that while the requirements were met, the eDiscovery tools provided in Compliance Center are first generation and will evolve and mature over time. The ability to provide a centralized workflow that is standardized should lead to gains in staff efficiency while at the same time reducing public records compliance risk.

Capital expenditures to support current information systems and data storage can be a significant resource expenditure for the agency. Migrating to the Shared Tenant may provide efficiencies of scale and by migrating all remaining network shares, client server information systems and legacy document management applications to this environment, those efficiencies could be realized by the agency.

3.2 Service delivery enhancements

The stakeholder groups both internal and external to ECY can expect to see an overall

improvement in productivity and responsiveness when actively engaged in projects and when responding to customer inquiries that require timely and reliable access to content files and records.

By consolidating the technologies and locations supported by the ITSO staff, ECY can expect to see improvements in reducing the overall complexity of where content is stored and managed, reduce data security risk and standardize technical skills that are focused on M365 modules. Areas for consideration include the following:

- Cybersecurity threat surface is reduced by system consolidation.
- Information conflicts and productivity lag derived from near duplicate files.
- Risk associated with employee turnover as it relates to single threaded internal knowledge of systems and administrative procedures.
- Improvements in ITSO staffing recruitment and allocation focused on a single platform. ECY will be managing an ECM solution based on skills and interfaces that are focused on a single content, records and electronic discovery platform.

People are more productive when they can collaborate with their peers and management using simple tools that leverage a common set of user interfaces. By far the most popular tool available in the Shared Tenant is Teams. Teams is an easy-to-use tool for chat, file sharing and integration of third-party applications for Business Intelligence, Project Management, Polls and more.

Additionally, the WaTech Shared Tenant offers the benefit of extended statewide support and allows ECY to focus on the utility of content versus supporting the backend platform. The Shared Tenant offers a broad set of capabilities for managing records in a centralized platform with advanced eDiscovery functionality. In addition, ECY will have opportunities to meet and improve the efficiency of programs and staff by providing functionality that aligns with their various modes of operation and records compliance requirements.

The Shared Tenant provides built in tools to automate and craft workflows without the need for complex programming. By leveraging Power Automate, there will be no need to migrate legacy workflows or processes to this new platform. These built in workflow capabilities and Power Automate no-code solutions will allow easy workflow and work process configuration by even the most moderately skilled user or administrator of SharePoint Online. Take it one step further, and these features can be extended to PowerApps for creating powerful mobile applications without writing code.

Mobile application support is handled out of the box (OOTB) with SharePoint Online. Every site, list, file, or application can be run in the SharePoint mobile app for Android, iOS, Windows, or any browser. This capability is automatically enabled. Supported via SharePoint and the SharePoint App:

- Mobile device applications.
- SharePoint Online via browser.

- PowerApps – extending SharePoint to purpose-built apps that meet specific program and agency needs.
- Alerting and Informing – Users alerted when pages, files, or any changes occur.
- Built in training, Bayesian help, Guides – this will help ECY staff to rapidly adopt the new tools and increase productivity.
- Very deep and detailed training exists for ITSO staff to become knowledgeable and highly skilled.

3.3 Response to statutory requirements

The project as proposed will provide an opportunity to make a significantly positive impact to the agency's responsiveness when managing and responding to Public Disclosure Requests. Additionally, the implementation of the Shared Tenant information governance features found in Compliance Center can meet and should exceed ECY's requirements for the management of records and eDiscovery identification, preservation and collection processes that support the disclosure of responsive records that can then be identified and properly prepared. As previously mentioned in this report, third party software tools will be required to support the legal review and processing stages of eDiscovery. In addition, until the eDiscovery functionality in Compliance Center matures and stabilizes, manual processes (including additional staff) may be required for record collection, review and production processes.

As part of ISG's recommendations coming from the Usage Report, one of the primary activities is to complete an agency wide definition of how content is stored, identified and categorized in an Information Architecture (IA) design document. This is a foundational exercise that provides the following benefits for meeting statutory requirements and statewide rules for managing records:

- Consistency in the manner in which records are created and managed throughout the information lifecycle.
- Transparency of records regardless of physical form or characteristics.
- Reliability of work processes for preservation and disposition of records.

Statutory requirements for records management of public records are contained in [RCW 40.14](#). The Shared Tenant environment provides the functionality to comply with records management retention, transfer and disposition.

Compliance requires that technology and people work in concert to achieve the Electronic Discovery Records Model workflow controls. In order to comply with the Public Records Act RCW 42.56, the agency must incorporate the reference model to support discovery, review, redaction and tracking using a standardized and repeatable process.

4. Impacts

Implementation of an agency wide ECM platform in the Statewide Shared Tenant will have impacts on both the internal organization and external entities. Stakeholder groups include ECY Environmental Programs, Offices and Groups. ITSO will need to work with WaTech, Office of Chief Information Officer (OCIO) and the Cloud Enablement Advisory (CEAC) committees to complete agency on boarding. There will also be occasions when the ECY ECM Team will need to work with the Washington Records & Information Management (WARIM) committee. Finally, it is highly recommended that external vendor resources are engaged in order to facilitate key elements of the project, i.e. Change Management, etc.

4.1 Inter-agency

As an agency wide effort, the project will require significant project planning and implementation resources that include a core ECM team augmented with subject matter experts sourced from a qualified vendor. The team will work collaboratively to develop the following recommended implementation work streams:

- Project Management
- Information Architecture work sessions for the agency as a whole and individual program areas. The IA is the foundation for building a standardized structure for storing records and content.
- Integration Model that will be used to support the eventual migration of existing ECY solutions used by programs that access and share documents with customers.
- Review of document and content related processes to determine new efficiencies
- Records management & public disclosure process improvements
- Content Migration to M365 Platform
- Administrative and end user Training
- Operations & Support

4.2 Intra-agency

WaTech as a service provider will be responsible for configuration of the following elements. Resources from WaTech will need to provide attentive and timely responses to ECY's project team and vendor resources.

- Authentication and Security Scoping
- Discovery Boundaries
- Retention and Sensitivity Labels

- Ongoing maintenance and support

Records that require expansion of the predefined statewide labels will require that ECY work with WARIM to evaluate requests for these additional labels.

4.3 Program(s)

The following is an overview of the programs, offices and administrative departments that compose the environment impacted by this initiative.

Program Areas	Offices and Groups
<ul style="list-style-type: none"> • Environmental Programs • AQ - Air Quality Program • SWMP - Solid Waste Management Program • HWTR - Hazardous Waste & Toxic Resources Program • WQ - Water Quality Program • NWP - Nuclear Waste Program • WR - Water Resources Program • EAP - Environmental Assessment Program • SEA- Shorelines & Environmental Assistance Program • SPPR - Spill Prevention, Preparedness, Response Program • TCP - Toxics Cleanup Program 	<ul style="list-style-type: none"> • Information Technology Services Office • Administrative Services • Financial Services • Human Resources • Office of Columbia River • Office of Chehalis Basin • Government Relations • Central Regional Office • Eastern Regional Office • Southwest Regional Office • Northwest Regional Office • Communications

The department is made up of some 1700 employees and interacts with a number of other federal, state and local constituents, to include the general public of the State of Washington.

4.4 Customers of Agency Activities

For the ECY ECM M365 initiative, there is an aspect of document management that includes serving the agency's constituents and stakeholders. ECY programs listed above and the staff that operate those programs supply document-based services on a regular basis to Washington State Businesses, State, County, local and Federal Level Partners, as well as the general public. External agency constituents' needs in terms of document services will be a critically important part of the planning and ultimately the implementation of the ECM services within the ECM M365 initiative.

5. Organizational Effects

The decision to move forward with implementation of the ECM project will have impacts throughout ECY. The following section discusses the impact to current work processes, training needs, impacts to organization structure and identified risks.

5.1 Impact on work processes

Primary impacts to current work process are expected. These impacts will be felt agency wide as a result of new software user interfaces that are used daily by program staff, records managers, public records officers and administration users.

Traditional administrative functions performed by ITSO will require a shift related to accessing high level administrative functions of the Shared Tenant managed by WaTech. ECY should expect general user changes in the following areas:

- Naming and storing unstructured content, records and files
- Finding records
- Sharing and collaborating
- Public Disclosure
- Records Management

5.2 Training needs

Significant attention to education and training of users, administrators and the program staff will ensure that the adoption of the Shared Tenant is familiar. We recommend the core ECM project team as well as program area champions complete training paths offered by [Microsoft](#) that focus on proper adoption and rollout. [Documentation](#) resources are provided online for reference by Microsoft. In addition, more in-depth technical training is offered as [Microsoft Learning Paths](#). A student can create a customized learning path using materials and curriculum provided by Microsoft. Third party options for training will also be useful and include information management best practices offered by the [Association for Intelligent Information Management](#) (AIIM) and eLearning offered by [Municipal Research and Services Center](#) (MRSC).

Role	Training Program
ECM Administrator	M365 Learning Path + Continuing education courses offered by AIIM.
Records Manager	M365 Learning Path + Continuing education courses offered by AIIM.
Public Records Officer	M365 Learning Path + Continuing education options offered by MRSC.
Program Managers	M365 Adoption Champion

Program Staff	M365 Adoption Business User + Microsoft end user training
IT Administration support staff	M365 Learning Path (M365 Certification Fundamentals, and appropriate paths for support role) + knowledge transfer from ECM project team technical SMEs.

5.3 Impact on organizational structure

Administration and support of the Shared Tenant configuration is a global activity managed by WaTech in collaboration with the agency ITS0 support staff during initial onboarding. The recommended project team defined and detailed in Section 9 will be responsible for completion of all project implementation phases. Post project support and operations will be the responsibility of the ECM Team that transitions from the project as described in Section 9.5.

WaTech publishes a webpage dedicated to the [Enterprise Shared Tenant](#). The site includes their Master Services Agreement (MSA), Terms of Service (TOS), Pricing, RACI Matrix and complete onboarding requirements.

The ECM Team ultimately provides stewardship and best practices reinforcement for the user community.

- Monitor M365 roadmap and make recommendations when new modules or changes to features are enabled by WaTech.
- Provide essential stewardship of ECM best practices and policy adoption.
- Maintain technical certifications and knowledge necessary to meet the ongoing needs of ECY M365 ECM solution.
- Interact and work with WaTech to resolve technical issues as they arise.
- Provide information governance leadership and ongoing initiatives that promote a reliable and resilient ECM solution.

5.4 Organizational Change Management

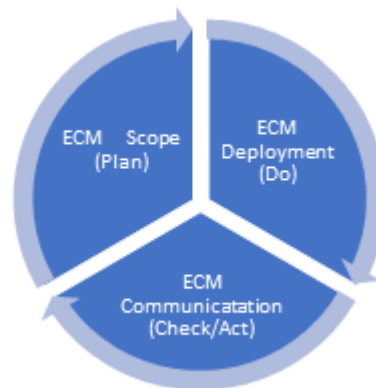
ECY's goal to improve document management (operational use of content) and records management (discovery, public disclosure, and retention/disposition of content) will require a uniform method of ECM indexing (or tagging) content, at the organizational level and for each program.

However, ECY electronic content management metadata (indexes) currently stored in shared network drives, email, team sites, and data systems are unstructured (as defined by individual users) and are semi-structured (as defined by quality control analysts). As such, content/records management can be inconsistent between different physical locations responsible for the same program, similar programs, and team sites. Proper migration towards and the day-one-forward use of M365 as an ECM system will require a well-planned change management plan.

“Unless there is a well thought out ECM change management plan, Ecology’s goals will not be met, users may resist the system, and content sprawl can occur.” ISG State of Michigan Interview conducted in July 2020.

Deployment of an M365 shared tenant without a change management plan will propagate current ECY document and record management challenges. Key to the development of an ECM change management plan is the definition, development, and communication of core change management principles:

- Why the change to ECM is necessary, who will be impacted by the change, and team members participating in the change;
- ECM implementation phases, timeline, modules required, project plan, and resources; and
- ECM communication plan including methods, measurements, and expansion considerations.



Basic elements of an ECM Change Management plan include Scope, Deployment, and Communications. These elements should be defined for ECY as a whole, and for each program (e.g., TCP, NWP, etc.) prior to implementation of M365 modules.

5.5 Scope (Plan)

Planning for ECM change management includes a definition of **project scope**, an explanation of why the change to ECM is necessary, who is impacted by the change, and team members participating in the change.

The definition of project scope for ECM includes a description of goals, current state, future state required, urgency, timeline, and COVID-19 pandemic considerations. Based upon the current ISG project and review of past ECY ECM studies, we have drafted a list of items for ECY to adjust and modify as desired.

Project Goal	Improve ECY operational document management (index, search, control, access) and records management (discovery, public disclosure, and retention/ disposition) capabilities.
Current State	Documents are stored in at least six different paper/electronic systems (email, vault, user network drive, SharePoint, data systems, and file cabinets). ECY has thousands of different shared network drive, email, and index/file areas (based on the individual preference of the user or groups). Without a proper supporting ECM system, it will be difficult for ECY to efficiently meet electronic content, document, and records management goals.
Future State	Improved collaboration in an era where working remotely is

	normalized across all ECY staff and programs. Improvements in operational access of electronic content and more fully automated records controls to manage the life-cycle of all records and documents to meet legal compliance and business needs in a single ECM solution.
Urgency	In the Washington State Department of Ecology Paperless Technology Study, published 6/30/2015 and provided to ISG by ECY, 64% of ECY section/units indicated a high urgency to implement ECM. In 2020, ECY ECM operational and records management improvements remain highly desired.
Timeline	A multiyear plan will be required.
Resistance	In a 2015 report provided to ISG by ECY, resistance to ECM was high for two ECY programs (they did not wish to use ECM), medium for 35 programs (mitigated through standard planning and participation), and low for the remainder of the programs (they are ready to implement).
Pandemic Considerations	The COVID-19 pandemic highlights the need for ECY to provide improved electronic content access, search, disclosure, and control. Given potential COVID-19 budget implications for the State of Washington, the need for ECY to reduce operational costs through deployment of ECM may become paramount.

Why is the ECM change necessary, including reason, impact, and need for agreement?

Reason	Current ECY electronic document/record management systems are not integrated, provide inconsistent capture, index, search, backup, and retention/disposition capabilities; and are at risk of not meeting regulatory, litigation, public disclosure, and audit requirements. Electronic content schedules, disposition, retention, policies, and procedures are not enforced consistently throughout ECY due to lack of a mature enterprise-wide content management platform. In addition, the convergence of collaboration, content management and compliance for records management using the M365 platform provides ECY with a comprehensive and complete solution.
Impact	Advantages (Benefits) include increased user productivity, improved operational access, and improved records controls to manage the life-cycle of all records and documents to meet legal compliance needs. Disadvantages (challenges) include users may resist indexing (metadata) of content to support organizational, program, and records management requirements.

Agreement	As operational and records management improvement is required by ECY as a whole and by individual programs, agreement and sign-off by sponsors at both levels are essential.
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Who will be **impacted by the change**, including internal and external stakeholders, and what changes in behavior will be necessary to support an ECM system?

Internal Stakeholders	<p>Have open discussions with internal stakeholders regarding the additional time required to index electronic content (metadata). Before implementation, see if simplification/normalization of metadata can occur to reduce user efforts, and identify how M365 automation can reduce time to index (or tag) content.</p> <p>ECY programs that currently store program-specific documents in web applications will need planning and implementation guidance to integrate and migrate these databases with the proposed ECM solution.</p>
External Stakeholders	<p>External Stakeholders should experience improved tracking and faster response for public disclosure and discovery requests. Discuss with external stakeholders filling out online request forms to assist with faster ECY processing.</p> <p>External stakeholders will expect ECY programs to continue to supply established document-based services on a regular basis. For example, programs currently make documents accessible to the general public through public-facing web applications. Since the proposed ECM solution is by default not publicly accessible, it is critical that this external stakeholder need is addressed in the planning and implementation of the ECM M365 initiative.</p>
Communication	A well-developed communication plan is required.
Technical Training	Subject Matter Experts (SME's) should attend training for specific roles, M365 modules, and expertise.

The **change team** should include sponsors, project team, stakeholders, and applicable third-party resources contracted through competitive procurement or other existing statewide contracting vehicles.

Sponsor(s)	Project sponsors should be affirmed at the organizational level and for each ECY program.
Project Team	Change management project team members should be defined at the organizational level and within each program. At the program level, team members need to include operational SME with the credibility to direct and influence other team members.

Stakeholders	Establish an implementation steering committee to discuss ECM goals, concerns and progress. Provide updates to stakeholders as to the progress and the completion of the project.
Third Party Resources	Engage third party change management experts to provide organization and programs with change management direction, tools, and assistance. The third-party change management organization selected should have extensive experience with the implementation of ECM systems and knowledge of M365 abilities and challenges.

5.6 Deployment (Do)

Successful deployment of ECM will require properly defined phases, timeline, technology modules required, project plan, and resources. Although many of these are TBD, basic elements are as follows for ECY.

Phases	Phases include goals design, configure, test, migrate, test, acceptance, and usage. Communication is key for all phases.
Timeline	Project timeline should support ECY ECM operational and governance goals and urgency. If timelines do not support these goals, M365 ECM sprawl can occur, and project goals may not be met.
Technology Modules Required	Match operational goals with M365 and required third party modules/tools.
Project Plan	The project plan should include charter, goals, scope, milestones, major deliverables, work breakdown structure (task level), staffing plan, change management mitigation plan, and a communication plan.
Resources Required	Resources required include project management, technical SME, ECM design SME, ECM change management SME, user groups, testing, vendor, and others as outlined in this document to ensure appropriate staffing levels for a successful implementation.
Agreement	Agreement will need to occur at the organizational level and for each program; both should include phases, timeline, modules required, project plan, and resources required.
Education/Training	Education/Training should include required technical and end user classes and workshops. Customized documentation for the organization and each program should be developed.
Resistance	Measurement and reporting of resistance through all phases of

	implementation, including mitigation and the involvement of organizational and program sponsors, is important.
Migration	M365 and third-party migration tools should be identified in the design and configure stage. Change management should evaluate how the user experience will be changed through the deployment of M365, and how education and training can be used to mitigate resistance.
Implementation Date	At both the organizational and program level.
Acceptance (Sign Off)	Expand upon overall sponsor agreement and sign off to include sign off for testing and acceptance for phase and program automated.
Monitoring	See communication plan, below.

5.7 Communication (Check/Act)

A communication plan defines communication methods, project measurement, wins, and expansion. This will allow ECY to check the progress of ECM implementation and expand implementation, program by program (Act).

Communication methods include bulletins, policies, procedures, and platforms. The frequency of communication should be discussed and agreed to, as well as the platform used to communicate (how communication will be distributed and where it will be stored). Although implementation elements are TBD at this time, basic communication elements for ECY consideration are listed below. Communication can be distributed as a push (distributed), pull (as requested), or interactive (real-time when an immediate response is required).

Bulletins	Bulletins typically are dispatched weekly and focused on project status updates (see bulletin communication below). Bulletins can also be focused at the stakeholder/user level to describe project progress, accomplishments, and success stories. They can provide a measurement of ECY overall and program key project goals, resources, and outcomes, including budget, schedule, scope, resources, roadblocks, changes required, wins, trends, and continued expansion.
Policies	Policies include goals, rules, standards, reason, and a glossary of terms.
Procedures	Procedures describe how a policy is to be accomplished. The procedure should explain each work step, who performs the work, and how work will be completed. Procedures can be documented in a checklist or in a Standard Operating Procedure (SOP).

Budget	Budget communication should include budget established, actual, roadblocks, target (over/under), and if required, adjustment sponsor approval.
Schedule	Schedule communication should include schedule anticipated, actual, roadblocks/resistance, projected, and if adjustments require sponsor approval.
Scope	Scope communication should include projected and actual roadblocks/resistance, mitigation, and, if changes, sponsor approval.
Resources	Resource communication should include resources required, assigned, performance (exceed/match/under), roadblocks/resistance, and if it changes, sponsor approval.
Wins and Trends	Communicate wins and trends to support continued expansion.

5.8 Risks for Implementation

M365 is a constantly evolving (evergreen) platform. ECY should expect changes on a more regular basis than it is accustomed too. [Microsoft publishes a roadmap](#) that is publicly accessible, however we caution ECY that roadmaps are subject to change and may not include unexpected alterations by the vendor. Additionally, the Shared Tenant will trail publicly released functionality because the Shared Tenant is a government (GCC) version. In addition, WaTech may need time to evaluate impacts and timing for enabling new functionality that could have impacts at a statewide level.

Compliance Center is managed by WaTech and as such ECY will need to engage in a high-touch model to complete configuration tasks. ECY does not have direct control over these configurations, and testing of Compliance Center cannot be conducted in the production environment. Compliance Center is a new product and there is risk that certain functionality may be altered or deprecated as the lifecycle of the product evolves.

ECY will need to conform to a globally pre-defined set of retention policies that WaTech controls. While there are benefits to the state as a whole, this may present some inflexibility or limitations in terms of how a feature's configuration impacts the global Shared Tenant environment. As an example, labels that are defined globally are accessible in the Shared Tenant environment and used by all agencies.

6. Proposed Solution

The project should be considered as much a cloud transformation as it is a solution implementation. Transformation implies that the final solution will be both tooling and changes to the operation of the agency. As a result, each phase of implementation will include transformation elements such as evaluating and enhancing existing processes, strategy such as user adoption artifacts, and technologies including specific product functionality.

That is a significant effort for any organization to disrupt the technology used to work as well as the ways in which work is done. Because of this the approach to the final solution should be iterative leveraging agile project management approaches.

It is best to look at transformation in distinct maturity phases. Each maturity phase will represent a specific work product, outcome, and measurable result. Evaluating the maturity of implementation as it progresses will ensure that there is demonstrable success along the way, opportunities for improvement, and challenges can be exposed early in the process of moving to the Shared Tenant. ISG has identified these maturity phases as Cloud Enabled, Refactor, and M365 Native.

Each iteration of the implementation will include strategy development, content preparation, feature and information architecture implementation, migration, adoption training, and acceptance testing and validation.

6.1 Specific work products

Below are the work products of each maturity phase:

Cloud Enabled: This is the point when primary validation of compliance center, and user adoption is established. It is focused on the implementation of global eDiscovery, governance and records policies that are based on high transaction non-program level content. The primary implementation effort is done in Compliance Center and Teams. The primary outcome is extensive user adoption of Teams for collaboration and individual content such that local file shares are no longer used. It also marks the point where compliance center is used for discovery and retention for all email (Exchange) and collaboration content (Teams and OneDrive). Program level content discovery will be a separate process in each database. This phase will represent a large shift in user operation, but not in content.

- **Fully configured Compliance Center:** All labels, retention policies are established.
- **Fully configured Teams:** Appropriate channels, and access will be given in Teams and all end-users will lean on Teams as the primary source for exchanging messages and sharing collaboration content.
- **Migration of Individual and Collaboration content to Teams and OneDrive:** All individual and one to many collaboration files are migrated to individual OneDrive accounts and Teams sites.

Refactor: The refactor stage is where existing information architectures and workflows are transformed to better utilize M365 environments. Implementation of SharePoint Online will

happen at this point, and final Compliance Center configuration to support high-resolution discovery will be applied to all content in the environment.

- [SharePoint Online information architecture artifacts](#): This includes Excel files which establish the entire SharePoint information architecture from site collection down to all managed meta-data services and content types. These artifacts are not one-time tools for implementation. They will serve as the documentation, be leveraged as the foundation for any future changes, as well as a map for testing and validation of records management on content stored in SharePoint Online.
- [Complete auto-labeling established](#): Auto-labeling rules created in Compliance Center that leverage the new metadata attributes for content in SharePoint Online.
- [Crowd sourced cleanup of shared drive and program content](#): End-user clean-up activities of existing Program and shared drive unstructured content to match the above information architecture artifacts.
- [Newly defined and documented workflows](#): Transformed and documented workflow processes with their technical implementation details configured in PowerApps.
- [Fully configured SharePoint Online](#): Following the information architecture artifacts implementation of SharePoint Online.
- [Fully configured PowerApps workflows](#): Following the documented workflow processes implementation of PowerApps workflows and wired up to SharePoint Online.

[M365 Native](#): The final phase of solution maturity is the native phase where all new documents are created and managed natively in the O365 environment. It will also be the final stage of testing and validation.

In order to augment the internal collaboration, discovery and records functionality of M365, there will also be work products associated with the public disclosure requirement. This will include:

- Additional resource on ecology.wa.gov which is un-gated and has search functionality to provide a publicly available subset of documents produced proactively.
- Process and Automation from Compliance Center, third party tools used to support the time intensive legal review process, and the public disclosure management processes that support intake and fulfillment (5-day letter, redaction, legal review).

6.2 Technical tools used to support the solution

There are a lot of strategic elements associated with the implementation of this solution. Implementation tools are as follows:

- [Excel](#): The majority of information architecture elements will be documented in Excel, in hierarchical form.

- [Migration Tools](#): While automated migration will not be possible for 100% of existing content, migration tools facilitate discovery and clean up as well. Via migration tools or other discovery tools, there will be a need for tooling to crawl and export files that represent existing file shares, and program database schemas. Automated cleanup of content to better support migration and the addition of metadata should also be leveraged. It is possible that these tools are commercially available, but the agency should be prepared for custom tool development to accelerate the process.
- [Project management](#): A project management tool that supports agile practices and regular small iterations on the project referred to as sprints.

The infrastructure, and overall system health and maintenance is the responsibility of WaTech and Microsoft. ECY will not be responsible for the operational server management traditionally associated with deployment on premises or at the SDC. ECY will instead focus its energy and responsibilities on user adoption and content organization and maintenance. The user maintenance of the solution will be largely conducted directly inside of M365 via Compliance Center and M365 usage statistics. At the program level, SharePoint Site Collection administrative functionality may be leveraged to better understand and validate proper SharePoint Online usage. In addition to the out-of-the-box tooling, it would be preferable to have functional testing capabilities as well leveraging custom or commercial functional testing tools such [LeapWork](#). These tools are helpful for automating regular testing of a standard library of use cases particularly at the program level.

6.3 Major functions to be provided

The Shared Tenant project gives ECY the opportunity to deploy a platform that provides ECM, RM, eDiscovery and Collaboration Communications. During the Feasibility Project, ISG conducted testing of elements in the pre-production environment that included key functionality collaboratively determined with the ECY Feasibility Study project team. The Compliance Center testing confirmed the availability of the required functions and is the primary difference between G3 & G5 licenses.

[Compliance Center](#): An agency wide simple source for records management and compliance. This includes:

- Rules based application of retention schedules
- Intelligent discovery of content across all O365 applications
- Increased threat and data protection

[Enhanced Collaboration](#): With fully integrated Teams and SharePoint, collaboration across agency employees will be more convenient, and by making content governance a global activity, the requirements for records management and discovery will be less intrusive on daily work activities.

[Enhanced Program Level Content Management](#): Via SharePoint Online enhanced content management that fully integrates into the eDiscovery and records management function.

- Leveraging metadata for more accurate records and discovery
- Better integrated program to collaboration processes
- Greater metadata level navigation of content

Streamlined processes: With the implementation of PowerApps and transformation of existing processes to support cloud environments and integrated productivity tools, the agency will benefit from more streamlined and improved processes with greater automation of them.

6.4 New organizational structures and processes

Organization structures for communications and working with records are impacted in a cloud transformation project. In addition to configured tools, the output of the project will be the establishment of new processes and operational models. The agency can expect to have new, changed, or modified processes for:

- 1.) one-to-one internal communication
- 2.) one-to-many internal communication
- 3.) public disclosure processes
- 4.) discovery and records management
- 5.) program level content management

The agency can expect diminished adoption of email as the primary form of collaboration, a more centralized approach to compliance and records management, and a similar but modified process for contributing, adding, consuming, and modifying program level content.

In addition to changes in processes, the functions used to ensure the success of the project and proper adoption will have a new approach. Below are recommended new functional resources or modification to existing resources.

- Global records management: Because the information architecture is in the service of high-resolution label application and better interaction with program level content, it will not be an ongoing activity. Traditionally records management efforts would be regularly focused on the storage aspects of content. In the final solution, records management will be largely focused on discoverability vs content storage and information architecture. Discoverability is related to the accuracy of finding content no matter where it is stored. It will be concerned with on-going testing, metadata usage, and disambiguation of potential search criteria.
- Content resilience: The organization should consider an on-going, ideally dedicated resource to ensuring the content adoption, and content contribution processes are followed, bug free, and applicable. This resource should also be responsible for validating information architectures for Teams, and SharePoint Online. They also should serve as a steward of proper content contribution across the organization.

- [Program content management](#): Governance and records management is a global activity. There should be content management elements embedded in the program activities. How content is stored is a critical component to the success and value of the content that supports each program as it relates to ECY's organizational program objectives and compliance. Within the programs, organizational resources should be dedicated to support the proper storage of content as well as periodic validation that effective contribution by users is taking place. The records management and compliance roles should be structured to focus and specialize in compliance center capabilities. Each program should have a resource with direct oversight of SharePoint Online as it relates to their program in collaboration with IT.

7. Major Alternatives Considered

ECY engaged ISG to conduct a Feasibility Study to determine whether ECY could successfully meet its Enterprise Content Management (ECM) requirements with M365. While ECY has previously examined other solutions that could meet the agency's need for advancement of ECM environment, this report did not examine those solutions. This report is focused on the utilization of M365 as the foundation for the implementation of ECY's ECM solution. This report outlines, in alignment with OCIO Policy 121, the elements which address the viability of M365 as an ECM environment:





- 1) Assessment of M365's ability to meet ECY ECM requirements
- 2) Determine what licensing levels would be required, and finally
- 3) Determine if the WaTech Shared Tenant would be a suitable environment.

During the development of this report, the Washington State Information Technology enterprise, agreed that State Agencies would use the Shared Tenant with G5 licenses. Due to this statewide agreement in direction, this report does not address potential alternatives (such as using a private tenant in a federated model or having a mixture of G3 & G5 licensed users).

8. Conformity with Agency IT Standard

8.1 Strategic Ecology Information Technology Plans 19-21

ECY ITSO, in alignment with agency goals and objectives, has developed the following Goals and Objectives statement. ISG believes the M365 Initiative will help ECY IT realize several Objectives outlined in the [2021-2023 Goals and Objectives statement](#).

M365 Initiative	ECY Goals/Objectives
Initiative will support and Align to Agency goals	Our Information Technology Services Office is responsible for protecting, preserving, enhancing, and transforming our business processes and technology solutions to support the agency's data-driven decision making. We operate in a collaborative, transparent, and nimble fashion with our environmental and administrative program partners. We provide timely, high-quality, and partner-centric technical support services.
	<ul style="list-style-type: none"> • Preserve and protect Ecology's data and information assets by proactively improving our security practices and technologies.
	<ul style="list-style-type: none"> • Modernize and standardize agency wide business processes and business technology solutions, <ul style="list-style-type: none"> ○ Web-based information and service delivery. ○ Enterprise content management. ○ Environmental tracking systems.
	<ul style="list-style-type: none"> • Develop improved enterprise data management, business analytics, and reporting capabilities, and increase public access to data.
	<ul style="list-style-type: none"> • Develop improved enterprise data management, business analytics, and reporting capabilities, and increase public access to data.

8.2 Statewide Strategic Information Technology Plans 2017-21

While the State of Washington Technology Solutions (WaTech) Office of the Chief Information Office Statewide [Strategic Plan](#) is expansive and comprehensive; regarding the ECY M365 initiative, it is tightly aligned in support. In addition, in 2020, the State made an investment to procure Enterprise - Level Five - Licensing for all agency staff, enabling the comprehensive set of tools the ECY ECM M365 study and ultimately initiative will be based

on.

M365 Initiative	Statewide IT Goals and Objective
✓	<ul style="list-style-type: none"> • Create opportunities for operational efficiency & improve constituent access to services • Consolidate common technology & services
✓	<ul style="list-style-type: none"> • Develop accountability & transparency while managing with integrity • Improve visibility into alignment • Strengthen business driven governance • Continuously improve technology lifecycle management
✓	<ul style="list-style-type: none"> • Re-imagine management practices to foster employee empowerment & engagement • Implement mobility friendly work practices • Public facing services & information tailored to every constituent & to improve the effectiveness of staff, processes & systems
✓	<ul style="list-style-type: none"> • Identify common business practices that can be supported by shared solutions • Increase capacity to manage & share information • Modernize infrastructure and applications • Provide agencies with tools to improve privacy practices

9. Project Management and Organization

The initiative or project to transition ECY to using the M365 Platform as an Enterprise Content Management system is a significant undertaking. The agency has decades of document management workflow processes as well as diverse program requirements that will need to be accounted for within the M365 ECM Project. In addition, adoption of the M365 platform will require technology changes and transitions for staff throughout the agency, introducing organizational change that will require time and training.

The following section describes the team and resources anticipated to successfully carry out the initiative.

9.1 Roles and responsibilities

A successful implementation of the project will require all participants to have a clear definition and understanding of roles and responsibilities. The table below describes the recommended roles and responsibilities for the [project](#). The table includes full-time project participants, business area participants or Subject Matter Experts (SMEs), stakeholder roles, management roles and decision-making committees.

In the cases where an existing State Staff position is defined for the initiative, this Feasibility Study is accounting for the backfill of that position for the duration of the project.

Project Role	Project Responsibility
Steering Committee	<ul style="list-style-type: none"> • Approve project charter. • Approve project deliverables, or delegate approval as appropriate. • Identify, secure, and assign project resources. • Assist the project sponsor in shaping the project vision and objectives. • Advise the project sponsor on matters pertaining to scope and schedule. • Attend regular meetings to address policy questions, issues, risks, and concerns identified by the project. • Determine appropriate changes to organizational policy as identified by the project. • Set priorities and resolve issues as suggested by the project sponsor. • Represent the interests and concerns of stakeholders and their organizations or constituents. • Track issues that may affect stakeholders and their organizations. • Approve changes that affect project scope, schedule, budget, or quality.
Business Process Team	<ul style="list-style-type: none"> • Represent internal stakeholder and program areas. • Make decisions regarding issues, risks and change requests within their scope/limit of authority. • As a group, bring forward project recommendations to Executive Sponsor and Steering Committee. • Identify issues, risks and assist with resolution or mitigation.

Project Role	Project Responsibility
	<ul style="list-style-type: none"> • Coordinate SMEs and other contributing resources for their respective program areas. Examples include Human Resources, Public Disclosure, Permitting and Inspections. • Ensure timely response from appropriate program area resources. • Ensure transparency of project activity and direction with/from their respective program areas. • Ensure that program area project team members understand their roles and responsibilities and are fulfilling those duties satisfactorily. • Promote project collaboration and transparency.
<p style="text-align: center;">Executive Sponsor</p>	<ul style="list-style-type: none"> • Ensure funds and resources are available when the project needs them. • Generate support from internal and external stakeholders. • Approve changes that are beyond the project team's decision boundaries for political support, scope, schedule, budget, or quality. • Lead cross-department, division, and program problem resolution. • Ensure the decision-making process for escalated issues is quick and effective. • Direct project manager and steering committee as needed. • Communicate project status and importance to internal and external stakeholders. • Ensure alignment of project outcomes to strategic and business operation requirements. • Ensure the project achieves stated benefits. • Remove political barriers that may arise throughout project. • Assist Steering Committee to approve resources necessary for project success. • Resolve high-level issues related to project scope, budget, resources, or policy decisions as appropriate. • Identify issues, risks and assist with resolution or mitigation. • Recommend changes that affect project scope, schedule, budget, or quality. • Drive project policy decisions.
<p style="text-align: center;">Project Manager / Project Management Coordinator</p>	<ul style="list-style-type: none"> • Manage and direct the day-to-day tasks of the project. • Ensure that all project team members understand their roles and responsibilities and are fulfilling those duties satisfactorily. • Coordinate activities between business and technical groups. • Support development of the project charter, management plan, and work plans. • Manage project's scope and schedule. • Manage issue documentation and resolution. • Manage risk and risk mitigation strategies. • Manage the deliverable review process to ensure that deliverables meet organizational goals and objectives.

Project Role	Project Responsibility
	<ul style="list-style-type: none"> • Report project status to executive sponsor. • Monitor and report the overall project status per the communication plan. • Determine project resource requirements and enlist steering committee support to obtain these resources. • Manage project artifacts. • Ensure project compliance with state and agency policies and guidance. • Manage vendors and related contracts process and budgets. • Plan and lead team meetings. • Identify issues, risks and assist with resolution or mitigation. • Identify changes that affect project scope, schedule, budget, or quality. • Promote project collaboration and transparency. • Facilitate the escalation of high-level issues to the executive sponsor as appropriate. • Manage the project budget and spending plan.
<p style="text-align: center;">Organizational Change Manager / OCM Coordinator (OCM)</p>	<ul style="list-style-type: none"> • Develop and maintain internal and external change management plans (to include communication and training). • Ensure the PM & Sponsor are up to speed on any potential impacts to the overall success of the project as it relates to change readiness by all parties involved. • Introduce organizational change strategies to increase the probability of project success and system adoption. • Support and when necessary develop communication plans to introduce the new M365 system. • Lead the OCM training activities needed for a successful implementation. • Coach executives and middle management on their roles and responsibilities for a successful user adoption. • Support the M365 training activities as required, in collaboration w/M365 training resource.
<p style="text-align: center;">ECM Business Analyst</p>	<ul style="list-style-type: none"> • Organize, document and perform tasks in the work areas of requirements, configuration, testing and other project activities. • Support technical activities with business perspective and needs related to data conversions, interface development, data definitions, data analysis, reporting and performance testing. • Elicit input from appropriate SMEs and represent their input to project deliverables. • Ensure principles and recommendations from process improvement and new work flow initiatives are implemented in the project to full benefit. • Identify issues, risks and assist with resolution or mitigation. • Promote project collaboration and transparency. • Governance Committee Member
<p style="text-align: center;">Contract Manager</p>	<ul style="list-style-type: none"> • Manage tasks associated with procurements and resulting contracts.

Project Role	Project Responsibility
	<ul style="list-style-type: none"> Elicit input from appropriate SMEs and represent their input to project deliverables. Ensure quality of procurement and contract deliverables. Identify issues, risks and assist with resolution or mitigation. Promote project collaboration and transparency.
<p>Records Manager SME</p>	<ul style="list-style-type: none"> Certified Records Manager provides leadership and adherence to state records requirements. Primary responsibility for Taxonomy, File Plans, Retention & Disposition Schedules. Highly engaged in Information Architecture. Governance Committee Member.
<p>Taxonomist (Ontology)</p>	<ul style="list-style-type: none"> Facilitator of Information Architecture Discovery. Validator of IA best practices and architecture. Architect of final IA, Metadata Models, and Taxonomy. Depending on experience this could be merged with the Records Manager SME.
<p>Public Records Officer SME</p>	<ul style="list-style-type: none"> Designated Ecology PRO, typically has a law degree or legal background. Primary responsibility for all public records request management. Governance Committee Member.
<p>ECM Process Analyst (Workflow)</p>	<ul style="list-style-type: none"> Leadership role with at least ten years' experience with enterprise content management implementation and/or administration. Business process improvement specialist, drives digital process improvement across the agency. Lead workgroup sessions focused on business process definition as-is and to-be improved. Initiate, plan and manage BPR workgroup sessions.
<p>Content Champion (Program Lead)</p>	<ul style="list-style-type: none"> Provide example-based leadership and guidance for staff. Initiate, plan and manage internal lunch-learn sessions to reinforce best practices. Keep internal training materials and quick reference guides up to date. Set and frame user expectations on final solution adoption. On-going stewardship of healthy content practices. Help lead and organize training efforts with support of SME's. Governance Committee Member.
<p>Regions Champion</p>	<ul style="list-style-type: none"> Liaison to Regional offices, providing project updates and consolidating feedback for project management. Identify any unique business processes and practices that diverge from headquarters content management and collaboration methods. Set and frame user expectations on final solution adoption. Identify unique training needs.
<p>M365 Compliance Center SME</p>	<ul style="list-style-type: none"> Microsoft Certified in Compliance Center (CC) learning paths. Specializes in supporting Electronic Discovery configurations and is the subject matter expert for CC features and capabilities.

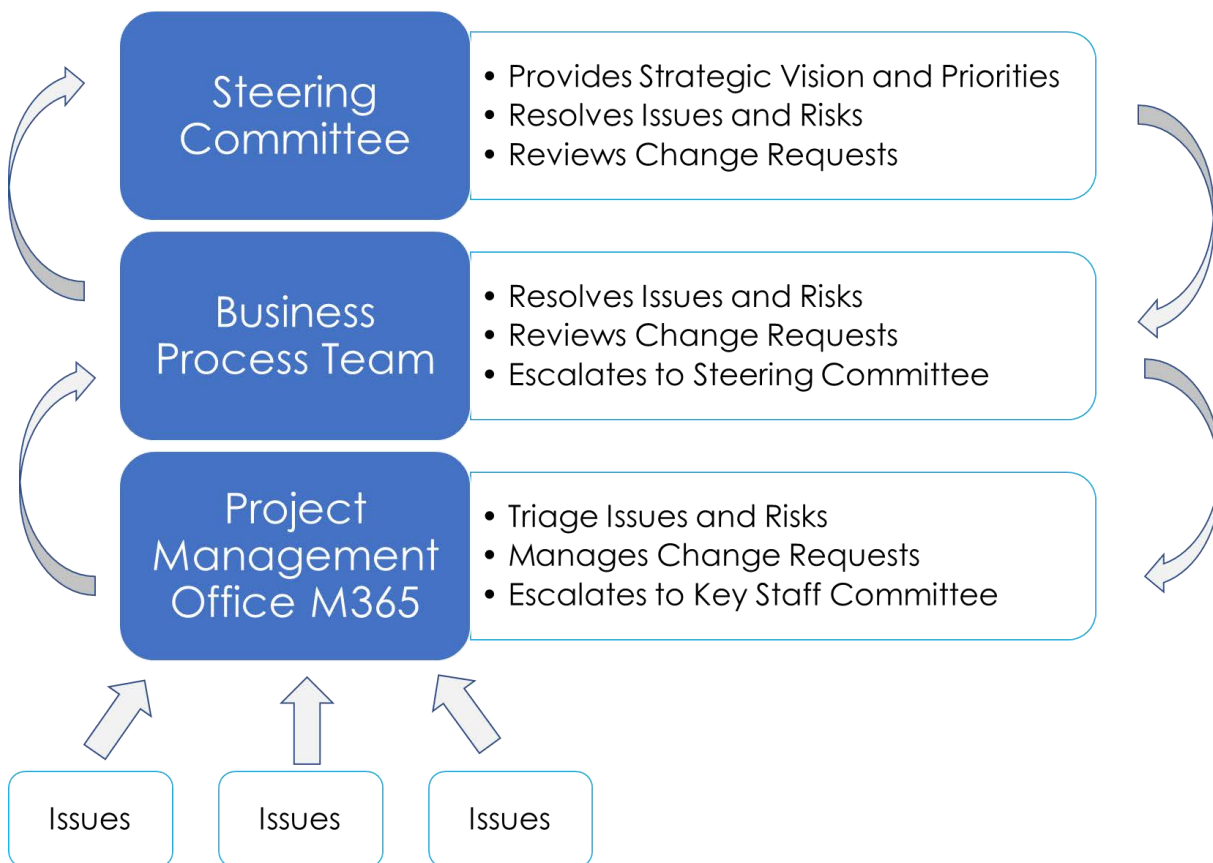
Project Role	Project Responsibility
	<ul style="list-style-type: none"> Works with ECM project team and WaTech to plan and complete CC configuration and rollout.
M365 SharePoint Online SME	<ul style="list-style-type: none"> Microsoft Certified in SharePoint / SharePoint Online. Specializes in supporting ECM design implementation and administration. Subject Matter expertise includes MMS, Site Templates, PowerApps, Content Type Hub, Content Types, Document Sets, Etc. Leads the implementation of SharePoint Online.
M365 Integration SME (Developer)	<ul style="list-style-type: none"> Microsoft Certified Developer specializing in web services and integration methods. Primary responsibility for integrating public facing content publishing sites. Involved in content migration processes as a subject matter expert.
M365 Teams SME	<ul style="list-style-type: none"> Specialist in Teams best practices, implementation, and deployment. Able to train end-users on proper Teams adoption. Able to train and document tips and tricks for Teams usage.
M365 Trainer	<ul style="list-style-type: none"> Responsible for developing training curriculum. Works with OCM and Business Analyst SME and Business Analyst Workflow SME to incorporate ECY business process changes. Conducts training workshops.
UAT Testing Lead	<ul style="list-style-type: none"> Works with program areas, administrative departments and regions to form a testing group. Manages, plans and facilitates testing across the agency prior to production go-live. Establishes test cases and real-world representative truth data.

9.2 Decision-making process

Making timely and lasting project decisions will set the pace and determine the effectiveness of the project. Each decision-making group needs to be well trained on their role, level of authority and the importance of making and sustaining enterprise-based decisions. The recommended governance framework consists of four (4) key groups as follows:

1. [Project Management Office \(PMO\)](#): The central point of contact for status, priority and governance for the project. The Project Manager is authorized to make many day-to-day decisions while executing the project plan. The PMO prepares critical discussions and considerations for the Steering Committee.
2. [Business Process Team](#): Represents all affected business areas and stakeholder groups including IS Security and Information Architecture. This group is generally seen as the working group for preventing delays to the project by minimizing the “wait” time for executive decisions. This group always has the option of escalating any decision to the Steering Committee when they foresee high business impact or political sensitivity.

3. Steering Committee: In conjunction with the Executive Sponsor, has ultimate decision-making authority for the project; but usually relies on the other groups to perform day-to-day tasks and work closely with the project issues, risks and change request processes.



9.3 Management qualifications

The M365 Teams project is currently being managed by an experienced Project Manager and Executive Sponsor. ECY plans to continue with the same level of engagement from the business areas and ITSO throughout the Planning, Procurement and Implementation phases. To give ECY and its customers the highest probability of success, the following critical skills are needed within the project organization:

- Project Management
- Procurement and Contract Management
- Business Process Design/Re-design
- Organizational Change Management
- Business Requirements Analysis
- Information Architecture
- Security
- Microsoft Compliance Center Expertise
- M365 Platform Expertise
- Records and Information Management Skills
- Electronic Discovery and Public Records Knowledge

9.4 Project team organization

The level of effort for each role is reflected in the following table. These are just estimates.

Role	Level of Effort
Project Manager	1.75 FTE
Business Analyst	1.00 FTE
Contract Manager	.75 FTE
Records Manager SME	1.00 FTE
Public Records Officer SME	.75 FTE
Regions Champion	2.00 FTE
Content Champion (Program Lead)	.75 FTE
Ecology Internally Staffed Positions (Backfill Required)	8.00 FTE's
Organizational Change Manager	1.00 FTE
Business Analyst (Workflow)	1.00 FTE
ECM Business Analyst	1.00 FTE
Taxonomist (Ontology)	1.00 FTE
M365 Compliance Center SME	2.00 FTE
M365 SharePoint Online SME	2.00 FTE
M365 Integration SME (Developer)	1.00 FTE
UAT Testing Lead	1.00 FTE
M365 Teams SME	1.00 FTE
M365 Trainer	1.00 FTE
Project Contracted Resources	12.00 FTE's
Total	20.00 FTE

9.5 Maintenance and Operations

Ecology will be best positioned by transitioning ECY FTE project resources to a dedicated ECM Team responsible for ongoing stewardship of best practices and information governance. In addition, ISG recommends that an external vendor be contracted to perform quarterly content audits to validate that M365 is being used in a consistent manner

and in accordance with ECY ECM policy. As with any software solution of this size and broad user community, ongoing reinforcement of best practices and content management policy will ultimately facilitate a resilient system and prevent content sprawl and the potential for future rework and cleanup of content not created in accordance with ECY ECM policies.

ECM Team Role	Stewardship & Responsibility
<p style="text-align: center;">ECM Business Analyst</p>	<ul style="list-style-type: none"> • Provide guidance for new ECM repositories, workflow and changes that will occur as the M365 platform continues to evolve. • Ensure principles and recommendations from process improvements implemented during the project continue to meet program needs and objectives, and new workflow initiatives are implemented in the platform following the same methods and approach established during the implementation project. • Information Governance • Specializes in supporting Electronic Discovery configurations and is the subject matter expert for CC features and capabilities. • Supports third party eDiscovery tools recommended for the Process, Review and Analysis elements of public records processing. • Works with WaTech to manage changes related to CC features and roadmap as the product matures. • Microsoft Certified in SharePoint / SharePoint Online (SPO) • Specializes in supporting implemented ECM design and administration. Microsoft Certified in Compliance Center (CC) learning paths. • Subject Matter expertise includes MMS, Site Templates, PowerApps, Content Type Hub, Content Types, Document Sets, Etc. • Monitors, plans and mitigates ongoing M365 SPO roadmaps to facilitate resiliency and manage change.
<p style="text-align: center;">Content Champion (Program Lead)</p>	<ul style="list-style-type: none"> • Provide ongoing example-based leadership and guidance for program staff. • Initiate, plan and manage internal lunch-learn sessions to reinforce best practices. • Keep internal training materials and quick reference guides up to date. • On-going stewardship of healthy content practices • Information Governance
<p style="text-align: center;">Records Manager SME</p>	<ul style="list-style-type: none"> • Certified Records Manager provides leadership and adherence to state records requirements. • Primary responsibility for Taxonomy, File Plans, Retention & Disposition Schedules • Highly engaged in Information Architecture • Information Governance
<p style="text-align: center;">Public Records Officer SME</p>	<ul style="list-style-type: none"> • Designated Ecology PRO, typically has a law degree or legal background. • Primary responsibility for all public records request management. • Information Governance

ISG recommends that content audits are performed during the first two years of full production operations. Similar to a financial or security and operations control audit a third party will be contracted to test the controls and policies put into place during implementation. This is a preventative measure that will ensure ECY maintains the highest level of operational effectiveness in line with the user adoption and training conducted during the ECM projects implementation phases.

Role	Level of Effort
ECM Business Analyst	2.00 FTE
Content Champion (Program Lead)	2.00 FTE
Records Manager SME	1.00 FTE
Public Records Officer SME	1.00 FTE
ECY FTE Resources	6.00 FTE's
Total	6.00 FTE's

9.6 Quality Assurance Strategies

The Project Sponsor and management team have selected the proven and best practice approach to contract with an outside vendor for Quality Assurance Services. External, independent QA is a best practice assuming the project is a moderate risk (Level 2) project subject to the Office of Chief Information Officer (OCIO) Policy 132.

This practice forms an independent oversight group that works very closely with the project management team. The QA team reports directly and independently to the Project Sponsor.

The Project Manager and Quality Assurance team work cooperatively and transparently to ensure the Project Sponsor and Steering Committee always have a full and accurate view of the project's progress, success and needs.

Based on the scale and complexity of the project, QA services are assumed to be no more than half-time (50%). Typical QA services include an Initial Risk Assessment, Initial Readiness Assessment, on-going monthly reports and a final Lessons Learned Assessment.

10. Estimated Timeframe and Work Plan

The M365 Shared Tenant ECM implementation project is comprised of eleven phases. Each phase builds on the work completed during the feasibility study project and is based on ISG’s experience implementing ECM projects of similar size and scope. Beginning with the development of a project charter, the agency will move on to assigning resources to the core implementation team and selecting outside vendors with specific expertise. ISG recommends vendors be procured through competitive bidding process.

Phase 0 – 3

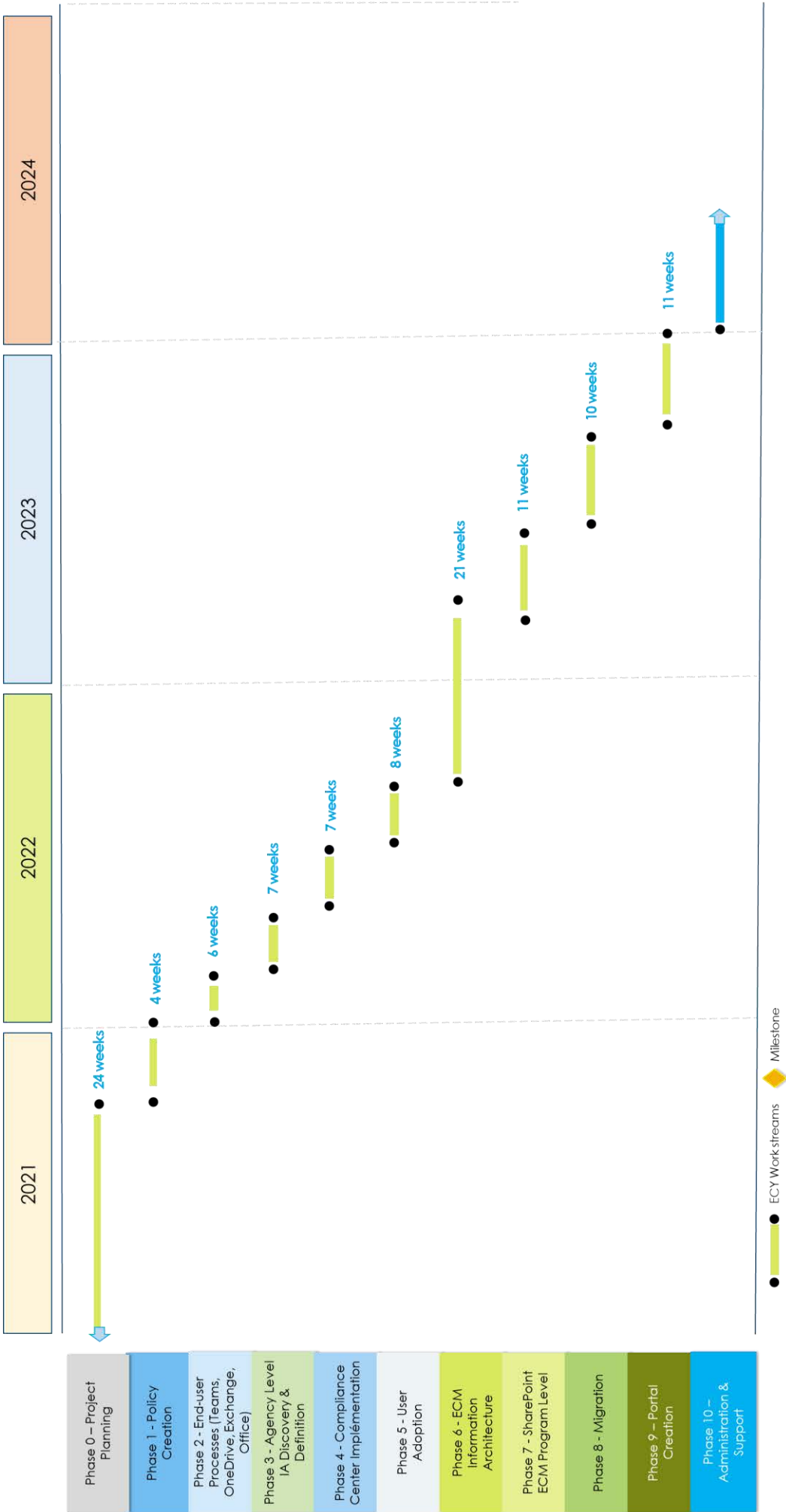
Policies that will require approval and procedural adoption agency wide are a foundational step that should occur within the first weeks of the project kick-off. The decisions made should mirror the recommendations made in the Usage and Feasibility Report as it pertains to creating, curating and storing content across the M365 tool set, ultimately enabling the core project team to complete the remaining phases.

Phase 4 – 7

Information Architecture (IA) defines the framework for configuring the Shared Tenant to match the defined implementation strategy and content usage practices. The configuration of the Shared Tenant in production will be guided by the decisions made in previous phases and provide subject matter experts with the detailed configuration outline that will be required to match the IA for communication, collaboration and enterprise content management tool sets. User adoption of the policies and content usage practices will be documented in training course creation and execution. The importance and scope of this work is why this will require the most time and resources of the grouping of phases.

Phase 8 – 10

Data migration of existing content and document management solutions are planned and executed to support current user communities both inside and outside the agency. The project will then move to a production support model managed by WaTech and ECY IT staff.



10.1 ECY M365 ECM Project Visual Timeline

ECY ECM M365 Agency Wide Deployment						
Phase 0 – Project Planning						
Task #	Task	Duration	Resource	Task Description	Task Risks	
0.1	Establish Project Charter	24 weeks	ECY + Vendor	ECM Feasibility Study project team members will utilize reports developed to draft charter		
0.2	Assign Project Manager		ECY Steering Committee	ECM Implementation Experience Required		
0.3	Funding Established		ECY Steering Committee			
0.4	Assemble Resource Pool		ECY Steering Committee	Agency PM, SME, PRO, RM's		Shifting priorities – team members leave ECY or are reallocated to accommodate other projects
0.5	Draft / Publish M365 Support Services RFP			ECY Procurement, ECY Core Team Program Champions		
0.6	Select / Contract 3 rd Party Vendor(s)			ECM Specialists (IA/CC/SPO) OCM Specialists Quality Assurance		Multiple disciplines and resource requirements over project lifecycle

Phase 1 - Policy Creation

<u>Task #</u>	<u>Task</u>	<u>Duration</u>	<u>Resource</u>	<u>Task Description</u>	<u>Task Risks</u>
1.1	Suggest Policy List	3 weeks	ECY Governance Committee, Facilitator	Define and approve policies for content creation and tool usage scenarios. Committee and resources provide stewardship of defined policies and best practices. Vendor(s) experienced in developing Enterprise Content Management and Information Architecture plans.	Policy adherence and enforcement. Precision on policy language. Having the correct stakeholder representation.
1.2	Policy Acceptance	1 week	ECY Governance Committee	New or updated policies are codified.	Acceptance without enforcement strategy

Phase 2 - End-user Processes (Teams, OneDrive, Exchange, Office)

<u>Task #</u>	<u>Task</u>	<u>Duration</u>	<u>Resource</u>	<u>Task Description</u>	<u>Task Risks</u>
2.1	User scenarios definition	3 weeks	ECY Core Team, facilitator	Build out tool usage scenarios aligned with policies and programs. Communicate to all end-users expected tool usage and its alignment to policy.	Over extended, or too limited coverage in user scenarios.
2.2	Usage Rollout Planning	1 week	ECY Core Team	Program scheduling/overlap, Training plans, rollout guides, user acceptance testing, fall back plan	
2.3	Rollout Plan Documentation	2 weeks	ECY Core Team	Document full rollout schedule and deployment staging.	

Phase 3 - Agency Level IA Discovery & Definition

Task #	Task	Duration	Resource	Task Description	Task Risks
3.1	Content Container(s) Organization	1 week	ECY Core Team	Establishment of top-level content containers and high-level organization for content in Teams, OneDrive, and Exchange.	Over extended, or too limited coverage in how content is organized in the tools.
3.2	Compliance Labels	4 weeks	Compliance Center SME, WaTech, ECY Core Project Team	Configuration and documentation of how tenant selected labels will be applied to content in Teams, OneDrive, and Exchange.	Sufficient content examples are not available to test. Existing labels do not fully cover ECY retention periods.
3.3	Teams Structure	2 weeks	Teams SME, ECY Core Project Team	Organization of channels in Teams.	Too limited discovery and pre-defined channels resulting in channel sprawl.

Phase 4 - Compliance Center Implementation

<u>Task #</u>	<u>Task</u>	<u>Duration</u>	<u>Resource</u>	<u>Task Description</u>	<u>Task Risks</u>
4.1	Implement and Configure	2 weeks	ECY Core Project Team, WaTech, Compliance Center SME	Iterative implementation of compliance center based on Phase 2 definitions. Regular testing should occur during implementation.	Rework impacts to schedule
4.2	Testing & Validation	4 weeks	ECY Core Project Team, Compliance Center SME	Iterative testing of compliance center with truth dataset of content.	Truth data is not representative of population of content.
4.3	Finalization	1 week	ECY Core Project Team	Documentation and final implementation of labels in compliance center and application to all production content.	

Phase 5 - User Adoption

<u>Task #</u>	<u>Task</u>	<u>Duration</u>	<u>Resource</u>	<u>Task Description</u>	<u>Task Risks</u>
5.1	Course Creation	4 weeks	ECY Governance Committee, Facilitator	Creation of user productivity training. The training will focus on tool adoption and policy understanding. Training will double as documentation for user adoption of the environment.	
5.2	User Training	4 weeks	ECY Governance Committee, Facilitator, All end-users	Delivery of training for each function in ECY with validation of materials via testing.	

Phase 6 - ECM Information Architecture

<u>Task #</u>	<u>Task</u>	<u>Duration</u>	<u>Resource</u>	<u>Task Description</u>	<u>Task Risks</u>
6.1	Discovery	4 weeks	User lead for each program, Taxonomist	Review of existing taxonomies in all systems used for organizing program level content.	
6.2	IA Mapping	3 weeks	Taxonomist, ECY Governance Committee	Mapping of the program level IA to SharePoint entities sites, libraries, content types, MMS.	Duplicating existing IA's for convenience
6.3	IA Testing	3 weeks	Facilitator, Taxonomist, SharePoint SME	Iterative implementations of the IA in test SharePoint online instances	Attempting to test in waterfall.
6.4	IA Implementation	2 weeks	SharePoint SME, ECY Governance Committee, WaTech	Final implementation of the IA in the Shared tenant.	
6.5	Compliance Center Update	1 week	WaTech, SharePoint SME, Compliance Center SME, WaTech	Update of label rules to include elements from the SharePoint IA in the rule logic	Under-leveraging metadata in SharePoint for label policy logic

Phase 7 - SharePoint ECM Program Level

<u>Task #</u>	<u>Task</u>	<u>Duration</u>	<u>Resource</u>	<u>Task Description</u>	<u>Task Risks</u>
7.1	User Training	4 weeks	ECY Governance Committee, Facilitator, All End Users	Delivery of training for users in each individual program.	
7.2	Course Creation	4 weeks	ECY Governance Committee, Facilitator	Creation of user program content training. The training will focus on proper methods for creating, storing, and consuming program level content.	
7.3	Usage Rollout Planning	1 week	ECY Core Project Team	Program scheduling/overlap, Training plans, rollout guides, user acceptance testing, fall back plan	
7.4	Rollout Plan Documentation	2 weeks	ECY Core Project Team	Document full rollout schedule and deployment staging.	

Phase 8 - Migration

<u>Task #</u>	<u>Task</u>	<u>Duration</u>	<u>Resource</u>	<u>Task Description</u>	<u>Task Risks</u>
8.1	Migration Plan	2 weeks	Developer, SharePoint SME, Facilitator, ECY Governance Committee	Lockdown of configuration changes to existing systems. Plan for migration including schedule and technologies required. Migration includes existing content management systems, Network shares, etc.	
8.2	Development	4 weeks	Developer, SharePoint SME, Facilitator	Building of tooling for content migration from existing systems to new.	
8.3	Testing	3 weeks	Developer, SharePoint SME, ECY Governance Committee, Program representative	Iterative testing of migration on subset content with program user validation.	Not testing on a representative set of sample content.
8.4	Final Migration	1 week	Developer, SharePoint SME, ECY Governance Committee, WaTech	Final migration of content from existing systems to shared tenant environment.	Migrating after significant changes to content structure or content added after development and testing.

Phase 9 – Portal Creation

<u>Task #</u>	<u>Task</u>	<u>Duration</u>	<u>Resource</u>	<u>Task Description</u>	<u>Task Risks</u>
9.1	Design	3 weeks	ECY Governance Committee, Facilitator, Developer, SharePoint SME, WaTech	Product management activities for public portal feature requirements. Roadmap creation	Neglecting to consider handoff from shared tenant to shared environment in design
9.2	Development	4 weeks	Developer, SharePoint SME, WaTech	Development of portal and integration of portal to Shared environment	
9.3	Testing	3 weeks	Developer, SharePoint SME, WaTech, ECY Governance Committee		
9.4	Go Live	1 week	ECY Governance Committee, WaTech	Launch of portal, creation of public documentation, public relations of new portal	
Phase 10 – Administration & Support					
<u>Task #</u>	<u>Task</u>	<u>Duration</u>	<u>Resource</u>	<u>Task Description</u>	<u>Task Risks</u>
10.1	Design	Ongoing	ECY Governance Committee, ECY IT, WaTech	Ongoing support and maintenance activities.	Staff turnover

11. Cost Benefit Analysis (CBA)

CBA forms were completed for the project to transition ECY to the M365 Shared Tenant environment. This project, as described throughout the Feasibility Study Report encompasses all aspects of modernizing and cloud enablement for ECM work processes of the agency.

11.1 CBA Summary

The CBA provides detailed cost information for the Proposed Solution. For each cost category, costs are provided for state staff and contracted resources. The State of Washington has procured the technology and resources and has built the M365 Shared Tenant environment this project is based on. There are no additional costs represented for ECY utilization of this statewide resource. (see Appendix B for the detailed CBA form).

A summary of estimated cost is provided below. The summary addresses costs for the remaining Planning Phase and then Design and Implementation phases, followed by annual cost estimates for Maintenance and Operations (M&O).

TABLE 17: SUMMARY OF PROJECT COSTS

CBA Categories	Current State	M365
Salaries and Wages		\$2,060,500.00
Employee Benefits		\$679,965.00
Personal Service Contracts		\$5,112,002.00
Communications		\$0
Hardware Rent/Lease		\$0
Hardware Maintenance		\$0
Software Rent/Lease		\$0
Software Maintenance & Upgrade		\$0
DP Goods/Services		\$0
Goods/Services Not Listed		\$0

Travel		\$0
Hardware Purchase Capitalized		\$0
Software Purchase Capitalized		\$395,225.00
Hardware Purchase - Non. Cap		\$0
Software Purchase - Non. Cap		\$0
Hardware Lease/Purchase		\$0
Software Lease/Purchase		\$0
Other (Content Audits)		\$96,000
Estimated One-Time Totals	\$0	\$8,343,692.00

TABLE 18: SUMMARY OF M&O COSTS OVER **24 MONTHS**

CBA Categories	Current State	M365
Salaries and Wages		\$1,411,104.00
Employee Benefits		\$465,664.00
Personal Service Contracts		\$0
Communications		\$0
Hardware Rent/Lease		\$0
Hardware Maintenance		\$0
Software Rent/Lease		\$0
Software Maintenance & Upgrade		\$0
DP Goods/Services		\$0
Goods/Services Not Listed		\$0

Travel		\$0
Hardware Purchase Capitalized		\$+
Software Purchase Capitalized		\$263,483.00
Hardware Purchase - Non. Cap		\$0
Software Purchase - Non. Cap		\$0
Hardware Lease/Purchase		\$0
Software Lease/Purchase		\$0
Other (Content Audits)		\$96,000
Estimated One-Time Totals	\$0	\$2,236,231.00

11.2 Benefits

The tangible and intangible benefits associated with the viable alternatives are identified below.

TABLE 19: BENEFITS OF M365 PROJECT

Tangible	Intangible
<p>Decreased Technical Infrastructure</p> <ul style="list-style-type: none"> ✔ Cloud enablement decreases the technical debt for the agency. <p>Platform Consolidation</p> <ul style="list-style-type: none"> ✔ The agency, once fully migrated will be managing all of its electronic communications under one platform. <p>Collaborative Work Environment</p> <ul style="list-style-type: none"> ✔ M365 platform offers a range of collaboration tools that will enhance staff interactions and communications. 	<p>Improves Service</p> <ul style="list-style-type: none"> ✔ M365 provides a single pane of glass for performing relevant searches that spawn from public records requests and discovery needs. Search becomes standardized across programs. <p>Increases Efficiency</p> <ul style="list-style-type: none"> ✔ Users create content online allowing multiple authors to collaborate using a single source of truth. This reduces near duplicates and ultimately streamlines the entire content lifecycle.

- ✓ Establishing an enterprise information architecture allows for a standard structured approach for defining procedures. This enables employees to be nimbler as they traverse content repositories.
- ✓ M365 delivers standard interfaces and authentication methods regardless of the Program area users are assigned.
- ✓ M365 delivers a modern work environment and toolset that people are used to having access to in their daily lives.
- ✓ M365 provides mobile access and supports remote working in a more comprehensive and standardized fashion.
- ✓ M365 provides a cloud first approach and eliminates costly individual system upgrade projects. MS Roadmap - <https://www.microsoft.com/en-us/microsoft-365/roadmap?filters=GCC>
- ✓ Cloud Software as a Service (SaaS) models provide the opportunity to manage the ECM solution by Service Level Agreement (SLA).
- ✓ M365 provide users with the ability to share files from a single source without attaching them to emails. This establishes a simpler audit trail and chain of custody.

Cost Mitigation Strategies

ECY may want to consider mitigation strategies to reduce overall costs, including the following:

1. Use the RFP process to encourage multiple vendors compete for the ECY M365 modernization and migration project.
2. Structure the RFP in a way that creates visibility into where the one-time and ongoing costs are heaviest and consider information when executing the contract.
3. Publish the maximum budget amount in the RFP so vendors are aware and size the offering accordingly.
4. Leverage the vendors' expertise in re-engineering ECM business processes to match "best practices" which in turn reduces development effort.
5. Limit historical data conversion to a minimal data set and for the fewest years possible reducing the timeline and overall costs.

12. Risk Management

Risk criteria rank investments on four dimensions - organizational impact, development effort, technology, and organizational capability. Similarly, severity criteria rank investments on the four dimensions of impact on citizens, visibility to the public and Legislature, impact on state operations, and the consequences of doing nothing. If a risk relates to a specific task in section 10.1, it is identified below. Risks without a task number are general project risks.

Task #	Task	Task Description	Risk	Organizational Impact	Technology	Development	Organizational Capacity	Mitigation Planning
0.6	Select / Contract 3 rd Party Vendor(s)	Planning Phase procurement focused.	Resources are not attainable within project budget constraints, or timelines needed	High	High	High		
1.1	Suggest Policy List	Define and approve policies for content creation and tool usage scenarios. Committee and resources provide stewardship of defined policies and best practices. Vendor(s) experienced in developing Enterprise Content Management and Information Architecture plans.	Policy process is not successfully implemented resulting in poor quality.	High		High	High	

Task #	Task	Task Description	Risk	Organizational Impact	Technology	Development	Organizational Capacity	Mitigation Planning
1.2	Policy Acceptance	New or updated policies are codified.	Ineffective policy enforcement processes lead to poor quality of content management.	High		High	High	
2.1	User scenarios definition	Build out tool usage scenarios aligned with policies and programs. Communicate to all end-users expected tool usage and its alignment to policy.	User scenarios not developed and communicated comprehensively, leading to low user adoption.	High	High	High	High	
3.1	Content Container(s) Organization	Establishment of top-level content containers and high-level organization for content in Teams, OneDrive, and Exchange.	Big bucket of content that is difficult to navigate and search. User confidence is low, content silos begin to form and eDiscovery is negatively impacted.	High	High	High	High	
3.2	Compliance Labels	Configuration and documentation of how tenant selected labels will be applied to content in Teams,	Sufficient content examples are not available to test. Existing labels do not fully cover ECY retention periods. Results in	High	High	High	High	

Task #	Task	Task Description	Risk	Organizational Impact	Technology	Development	Organizational Capacity	Mitigation Planning
3.3	Teams Structure	OneDrive, and Exchange. Organization of channels in Teams.	rework and extended project timelines Pre-defined channels are not established, user adoption is not controlled. Resulting in channel sprawl that negatively impacts eDiscovery.	High	High	High	High	
4.1	Implement and Configure Compliance Center	Iterative implementation of compliance center based on Phase 2 definitions. Regular testing of search results should occur during implementation.	Improvements in eDiscovery processes negated. Project rework and extended project timelines.	High	High	High	High	
4.2	Testing & Validation of Compliance Center	Iterative testing of compliance center with truth dataset of content.	Data sets not representative of population of production content leading to rework.	High	High	High	High	
6.2	IA Mapping	Mapping of the program level IA to SharePoint entities sites,	Duplicating existing storage structure for convenience negating gains in	High	High	High	High	

<u>Task #</u>	<u>Task</u>	<u>Task Description</u>	<u>Risk</u>	<u>Organizational Impact</u>	<u>Technology</u>	<u>Development</u>	<u>Organizational Capacity</u>	<u>Mitigation Planning</u>
		libraries, content types, MMS.	standardization base on foundational IA. Negatively impacts eDiscovery. Results in rework and impacts to project timeline.					
6.3	IA Testing	Iterative implementations of the IA in test SharePoint online instances	Incomplete testing of IA results in low user adoption and rework.	High	High	High	High	
6.5	Compliance Center Update	Update of label rules to include elements from the SharePoint IA in the rule logic	Under-leveraging metadata in SharePoint for label policy logic. Results in low user adoption and negatively impacts eDiscovery.	High	High	High	High	
8.3	Testing	Iterative testing of migration on subset content with program user validation.	Not testing on a representative set of sample content. Results in poor migration outcomes and lowers user confidence.	High	High	High	High	
8.4	Final Migration	Final migration of content from existing systems to	Migrating after significant changes to content structure	High	High	High	High	

Task #	Task	Task Description	Risk	Organizational Impact	Technology	Development	Organizational Capacity	Mitigation Planning
9.1	Public Portal	shared tenant environment. Product management activities for public portal feature requirements. Roadmap creation and maintenance.	or content added after development and testing. Neglecting to consider content handoff from shared tenant to public portal in design. Results in low user adoption and impacts project timeline.	High	High	High	High	
10.1	Maintenance and Operations	Ongoing support and maintenance activities.	Staff turnover in the ECM Team. Results in loss of momentum and lowers user confidence.	High	High	High	High	
	Records Search	MS Advanced eDiscovery tool does not produce results as expected in the Shared Tenant/GCC	Negatively impacts Public Disclosure. Resulting in ongoing or increased fines.	High	High	High	High	
	Shared Tenant production environment	The State Shared Tenant does not mimic the Production environment. Unable to validate something will	Implementation of features causing unexpected outcomes. Results in rework, negatively impacts service	High	High	High	High	

Task #	Task	Task Description	Risk	Organizational Impact	Technology	Development	Organizational Capacity	Mitigation Planning
		work in production configuration of shared tenant	provider relationship.					
	Shared Tenant Management	Many administrative activities are performed by WaTech, and not Ecology	Configuration changes may take time to implement, and slow project throughput. Some changes may require CEAC approval.	High	High	High	High	
	GCC tenant	GCC tenant version does not match commercial roadmap/enhancements	New features valuable to ECY not available. Negatively impacts ECM Team and successful user adoption.	Medium	Medium	Medium	High	
	Ecology staff knowledge	Currently Ecology staff knowledge and competence in M365 and ECM solution configuration is low.	Required staff training, along with external vendor support. The sooner internal staffing knowledge is able to expand, the less reliance Ecology will have on 3 rd party vendor expertise.	High	High	High	High	

Authorization for Deliverable Approval

The following signatures (or alternatively, electronic approval via e-mail) acknowledges the delivery and approval of the Feasibility Study Report and Cost Benefit Analysis spreadsheet (a separate file).



Thomas Boatright,
Principal, Integrated Solutions Group

06/07/2021

Date

Electronically approved by Jim Pendowski (via email)

Jim Pendowski, Project Sponsor
Administrative Services Director, Department of Ecology

06/22/2021

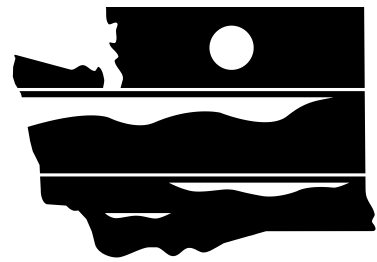
Date

Electronically approved by Rebecca Lawson (via email)

Rebecca Lawson, Project Sponsor
TCP Program Manager, Department of Ecology

06/18/2021

Date



DEPARTMENT OF
ECOLOGY
State of Washington

ECM M365 Feasibility Study

Quality Assurance Review and Evaluation
of Final Feasibility Study
Deliverable #4

June 17, 2021

SIGHTLINE

SIGHTLINE

June 17, 2021

Jim Pendowski, Director of Administrative Services
Rebecca Lawson, Program Manager, Toxic Cleanup Program
Department of Ecology
300 Desmond Dr SE
Lacey, WA 98503

RE: Deliverable #4 – Quality Assurance Review and Evaluation of Final Feasibility Study
ECM M365 Feasibility Study Project (aka Records Management Using ECM)

Dear Mr. Pendowski and Ms. Lawson,

The Department of Ecology contracted with ISG, a management consulting firm, to complete a feasibility study to assess the capability of the Microsoft 365 (M365) Enterprise Content Management (ECM) product. Sightline was contracted to provide quality assurance during the Feasibility Study phase. Deliverable #4 provides Ecology with Sightline's assessment of ISG's Feasibility Study related to the ECM M365 project.

During this phase Sightline reviewed the following materials.

- ISG Feasibility Study (several iterations) including redlined versions containing Ecology staff comments.
- ISG Proposal dated June 16, 2020.
- ISG Feasibility Study Deliverable Acceptance Document (DED) received by Sightline on June 23, 2020.

In addition, Sightline has attended project management meetings, monthly Steering Committee meetings, and a meeting with the Office of the Chief Information Officer (OCIO) oversight consultant.

Feasibility Study Approach and Plan

Beginning in April 2020, ISG was contracted to prepare a feasibility study to assess the viability of implementing a cloud-based electronic records management (ECM) system by using the state's shared tenant and Microsoft 365 (M365) platform. ISG's approach was outlined in their proposal and a Deliverable Expectation Document (DED). ISG used a standard approach and followed the OCIO's guidance for feasibility studies. One significant difference is that Ecology did not need to include a detailed alternatives analysis. Ecology completed several studies prior to submitting a decision package to the Legislature for the 2019-2021 biennium. Rather than

funding the project, the Legislature funded a study to assess the feasibility of using the M365 platform as the ECM tool. Therefore, only one alternative, implementation of M365 in the state's shared tenant, was assessed. This also impacted the cost benefit analysis as only one alternative was included.

As expected, the feasibility study answers three critical questions posed by Ecology.

- Does Microsoft's current M365 capabilities (and those that are expected in the coming months) meet Ecology's ECM requirements or is additional software required?
- Can Ecology use M365 as an ECM in the WaTech Shared Tenant environment to meet the agency's needs?
- What steps are required to better position Ecology for success with respect to ECM deployment (e.g., technical and organizational readiness activities.)

OCIO Policy Requirements and Policy Gap Analysis

OCIO's Policy No. 121: Investing in Information Technology Feasibility Study Requirements lists several items that need to be included in a Feasibility Study. Sightline conducted the following gap analysis between ISG's feasibility study and the policy requirements. Below you will find an analysis of the policy requirements mapped to ISG's study.

1. Executive Summary

The executive summary provides an overview of the feasibility study. The OCIO consultant has requires a one-page summary that can be shared with oversight and funding entities.

2. Background and Needs Assessment

The feasibility study provides an overview of the business environment, needs and opportunities for implementing an ECM in the WaTech shared tenant using the M365 platform. This section provides useful information about the implementation of M365 in the state enterprise environment, and a high-level discussion of Ecology's business needs and opportunities associated with improved ECM. However, this section could make a more compelling argument by providing a more detailed discussion of Ecology's current system and what makes it insufficient to meet today's public records demands. This would allow a clearer comparison between today's environment and the opportunities presented by moving to the state's M365 shared platform. ISG points out several times that the agency has paid substantial fines for inadequate or untimely public records disclosure over the years. It would be helpful to understand how the agency's systems contributed to the delays in responding and how those inadequacies will be addressed by a new system.

3. Primary Objectives of the Investment

The study contains a high-level explanation of the problems and opportunities to be gained. It clarifies that the main opportunity is to consolidate data and records to ensure more effective response to the public records requests. The effort required to gain efficiencies will be significant. Additionally, ISG highlights that one of the proposed tools, Compliance Center

is new and evolving which could impact Ecology's efforts to gain efficiencies quickly. The section is sufficiently detailed.

4. Impacts

The feasibility study contains a high-level description of impacts. Inter-agency impacts (although identified as intra-agency impacts) associated with WaTech (as the service provider) will be particularly critical. Decisions about which administrative activities will be reserved to WaTech as the service provider, and which will be delegated to individual agencies is likely to be the source of the largest impacts. These are not fully described in part because they are not fully known. Additionally, many of these impacts were addressed more explicitly in a separate deliverable, the Usage Report. The usage report provided a framework for adopting M365 ECM tools, suggestions for feature and tool selection and recommendations for user adoption with some caveats and suggestions for moving forward. The report also provides information related to WaTech's shared tenant which would be expected to house Ecology's ECM solution.

It is likely that additional work will be needed to define more concrete roles and responsibilities as the products and the WaTech service matures. Understanding the roles and responsibilities could impact the types and number of employees needed for maintenance and operations, thus impacting the eventual funding request submitted by Ecology.

Intra-agency impacts (those occurring within Ecology) are also addressed at a high level. For example, the study contains a list of programs and offices that will be impacted but the actual impacts to work processes are not fully known. This will require a significant work effort by an organizational change management (OCM) expert to tease out the types of impacts affecting each team and to develop strategies for managing the impacts in the future.

5. Organizational Effects

The feasibility study outlines impacts to work processes, training needs, Ecology's organizational structure, communications and implementation risks. Information is presented at a high level although the report captures the major themes that Ecology will need to consider going forward. Any resulting OCM efforts should include detailed plans to address all the identified areas of impact.

Training may also need to be further refined as the study focuses on standardized training from Microsoft and other service providers. We have found that users respond more positively to agency-specific training that is tailored to the agency's environment rather than generalized training on a tool. This lesson has been learned on other state implementations (e.g., currently with WaTech's Security Information and Event Monitoring Project) and it would be to Ecology's benefit to ensure that training is specific to its installation.

Ecology may need to detail organizational impacts further as it is likely current roles and responsibilities will change. New roles and responsibilities linked directly to the ECM will need to be assigned to organizational units with Ecology. This has not been clarified in the

feasibility study but should be confirmed before submission of the investment plan. We would typically see an organizational diagram included as part of the feasibility study which helps the agency begin to think about how it will organize to meet the challenges of a new set of tools and processes.

ISG outlines use of a potential change management approach using Deming's Plan-Do-Study-Act approach. This discussion is generic and may not match Ecology's change management philosophy. We understand Ecology has chosen the Prosci change management approach which will vary significantly from what is presented in the Feasibility Study. Any resulting work plan or investment plan should be based on Ecology's chosen methodology. This may impact the costs that were estimated for OCM work. It is not clear that these tasks will need to be outsourced or whether some can be completed with internally trained individuals. The cost will need to be refined to include an actual approach going forward.

The important thing to remember is that a structured change management strategy will be critical to Ecology's success. Implementation of an ECM results in business process changes that will need to be developed and shared with users, who may not be receptive to the changes.

6. Proposed Solution

ISG offers a recommendation to implement M365 through the WaTech shared tenant. Specifics products and software are also identified that are necessary to make the ECM a complete solution. Some of the identified tools are relatively new (e.g., Compliance Center) and will mature over time. Other tools, such as Teams are new to the agency and being implemented for other uses prior to the EMC tool. Integrating the various work products will be complicated and will require expert level project management and a detailed workplan.

The feasibility study identified several improvements related to enhanced collaboration and content management as specific outcomes of the implementation. Additional information regarding additional tools is included in ISG's previous Gap Analysis and Usage Report deliverables.

7. Major Alternatives Considered

The scope of the feasibility study was limited to understanding the feasibility of the M365 ECM platform for meeting Ecology's needs. Originally, the scope included determining whether the ECM tool should be installed in WaTech's shared tenant cloud environment or a private tenant. During the study, the state determined that all agencies would be required to use the shared tenant which reduced the scope of the study. As a result, the study did not include alternatives to the M365 ECM implementation as they were not required.

8. Conformity with Agency IT Portfolio

The study provides a summary of Ecology's strategic initiatives that ECM will support. Additionally, this section includes a cursory discussion regarding the state's strategic plan and areas that ECM will impact. The section does not include a review of the effects on the technology infrastructure as suggested in Policy 121 – Feasibility Study Requirements. This

information is included in other ISG deliverables such as the Usage Report and the Gap Analysis.

9. Project Management and Organization (including external resources)

ISG provides a thorough discussion about the roles and responsibilities that will be needed once Ecology begins the project phase. Additional roles and responsibilities for maintenance and operations are also included. The study also includes a potential decision-making process that will likely need refinements once the project begins. The identified structure is one that is most common in very large projects with large numbers of stakeholders. It establishes a “Business Process Group” that functions as a program-level advisory committee that may not be needed given the size and complexity of Ecology’s project.

The number and types of positions have been identified to illustrate an overall team structure. The number of positions is estimated as the total hours are not known at a detailed level. Additionally, it isn’t possible to extrapolate these positions to the level of effort highlighted in the cost benefit analysis. The number of positions should provide a good starting place in determining how many people will be needed to complete the work effort.

10. Estimated Timeframe and Work Plan

A high-level timeline has been included. The timeline assumes 11 phases that begin with planning and end with project closeout and transition to maintenance. This workplan is based on a traditional waterfall methodology. While this is a valid approach, it is likely that an agile-like methodology may be beneficial during the implementation stages. The products and tools being implemented are evolving quickly and may change during the implementation phase. An agile approach allows the team to respond more quickly to changes. Further, a phased on-boarding approach that brings on a few programs at a time may reduce the complexity of training large numbers of staff and programs at one time. The agency is moving forward with some of the tools in advance of the project so the use of an agile approach may allow more flexibility and time to integrate current and future functionality.

11. Cost-Benefit Analysis

A cost-benefit analysis (CBA) is required as part of the OCIO policy. The policy outlines specific instructions and a template for completing the analysis. The purpose of the CBA is to measure the benefits of implementing an ECM with the costs associated with executing the project. A CBA includes measurable financial metrics such as staff and contracted resources, and hardware and software costs that are used to drive future budget decisions. The CBA also usually includes a list of intangible benefits such as improved employee morale and customer satisfaction.

It is also typical that the CBA provides information related to the costs of several alternative strategies. Because the scope of the project was limited to only one alternative, the CBA is simplified and does not include a detailed analysis between potential alternatives.

We noted three items for Ecology's consideration.

- Assumptions used to derive the cost estimates are not clearly defined. For example, there is no documented breakdown of the software costs or position classifications used in the CBA. Since it is likely the CBA will need to be revisited and refreshed before submittal of any funding documents, it would be helpful to understand the assumptions that were used to derive the cost estimates. This would streamline the updating process during a refresh of the CBA.
- In some cases, Ecology may need to depend on current employees for a fraction of their time. There is no indication what type of work effort this may entail as the FTE estimates are focused on backfilling of full-time individuals or hiring new FTEs rather than the need to rely on current subject matter FTEs on a part-time basis. This may need further exploration as the agency moves towards project start-up.
- Although the scope of the document was limited, it is possible that Ecology will be asked to determine costs for the current services. The Office of Financial Management often likes to understand how much current activities cost so they have some type of comparison to justify the costs. These dollars have not been calculated as part of this feasibility process.

12. Risk Management Assessment

A risk analysis is included in the plan. Risks are identified in relation to the workplan and approach. It provides a good starting point for defining risks. Mitigation strategies are not included in the risk table, but several are scattered throughout the feasibility study. These can be used to define a more structured risk and mitigation approach.

In summary, the feasibility study, in combination with the previously approved gap analysis and usage report, provide good information about the use of M365 platform for ECM. The agency plans to wait to submit a decision package for funding of the entire project so the costs will likely need to be refreshed before a future submittal is done. Additionally, the products are evolving quickly which may impact the types of add-ons or tools that Ecology will need to implement a fully functioning system. Taking some time now to plan the project and complete some interim tasks will set the agency up for success in the future.

Thank you for your consideration of this deliverable. Please let me know if you have any questions or concerns.

Regards,



Kathleen Nolte, Principal
Sightline, LLC

cc: Louis Turbeville, Project Manager
Garth Johnson, OCIO Consultant

Ecology SME Review & recommendation (last updated 06/07/2021)

Deliverable 6 – Feasibility Study Report

Reviewers: Tony Anecito, Bill Falling, Chris Slaughter, Seth Long, Yesim Gilbert, Will deLuna, David Friedl, Louis Turbeville

Recommendation/Overview

We recommend the Steering Committee and Sponsors **approve** the Feasibility Study report and associated Cost Benefit Analysis (CBA) spreadsheet provided by Integrated Solutions Group (ISG), as deliverable six of the Enterprise Content Management (ECM) Feasibility Study project.

While final recommendation by ISG is that the Enterprise Shared Tenant Microsoft 365 (M365) services can be used as an ECM system, there are associated risks and processes outlined in the report that need to be highlighted as concerns (or areas we may need to revisit) when planning the implementation of M365 as an ECM system in the WaTech Shared Tenant.

Adoption of M365 as an ECM

The implementation of Office 365 and SharePoint Online (SPO) for ECM functionality relies heavily on end user compliance with best practices without technical controls in place to ensure best practices are applied. Periodic monitoring of the environment is recommended to ensure best practices are applied, but there is no pro-active way to identify non-compliance in real-time and correct it. It will be a challenge to monitor the environment to ensure compliance given the scale of the environment and volume of data. This is a high risk that needs to be considered because improper user behavior could have drastic consequences on ECM behavior.

The implementation of these tools represents a significant change to the way ECY employees communicate, produce and manage content. It is important that leadership grasp the significance of this change and the impact it will have on all users. The tools reflect a new level of complexity and will require all ECY users to learn new ways of doing very basic things like saving documents and sharing files with others. The impact will be significant, and if not fully adopted by users, may result in diminished value.

Organizational Change Management (OCM) best practices need to be fully embraced by the whole organization for this transformational change to be of value. It is recommended that we use Prosci OCM methodology as that is what most areas in Ecology are looking to adopt.

Tool Maturity

There is constant change occurring not only with Microsoft's applications, but within WaTech's tenant as well. The immature status of the tool and the environment in which ECY will be operating has the potential to result in significant re-work and/or modifications to ECY's intended configuration. These changes are beyond ECY's control.

eDiscovery and RIM

The native eDiscovery tools reflect a potential degradation in performance and productivity from the current state, because the tools are not performing as expected in the Shared Tenant. This will require re-training and potentially significant investments in resources moving forward in order to maintain a level of service and responsiveness consistent with current ECY offerings.

Project management approach

Considering an agile approach to project management may assist in providing the flexibility needed to respond to change, unknowns, and complexity throughout the lifetime of the project. It will also help to reduce resistance to change for new tools and processes by involving the end user/customer early and frequently into the implementation process.

Unknowns and expected changes

There are quite a few unknowns and expected changes in implementing this project. This raises risk levels and complexity of the effort. For example, Sightline points out more clarity is needed in identifying:

- Inter-agency impacts between WaTech and Ecology in terms of roles and responsibilities for specific activities.
- Technology changes and maturing processes at WaTech.
- Types and numbers of employees needed for maintenance and operation that will impact funding requests.
- Actual impacts to work processes within each Ecology program and how to address them.
- Changes in Ecology staff roles and responsibilities, and how to assign them within programs.
- Implications of reliance on existing staff for project implementation at least part of their time.

In-Kind Resources

The report does a good job of detailing the staff needed to centrally plan and manage this effort, with regards to project team SMEs. However, it is not yet clear how much time will be required by the various environmental and administrative program staff to integrate the ECM processes, or to change code for apps to access the ECM. We believe it will involve slightly more FTEs than currently identified for the project team.

===== END OF SME REVIEW =====

2023-25 IT ADDENDUM

Only use this addendum if your decision package includes IT costs

Part 1: Itemized IT costs

Complete the [2023-25 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).



ITaddendum2023-25.
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 122 - administrative and financial system investment approval](#) ? Yes No
- C. If **Yes** to question B, has this decision package obtained OCIO and OFM Administrative and Financial System review approval? Yes No
- o If **Yes**, attach the approval letter.
 - o If **No**, the decision package should not be submitted. Recommendation will be “Do Not Fund.”
- 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 most relevant decision package investment classification from the following list (select one)::
- 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:

(Project name published on the [IT Dashboard](#))

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.

Ecology recently completed an Enterprise Content Management (ECM) Feasibility study in 2021. The study showed that Ecology can implement a comprehensive ECM system utilizing the Microsoft 365 (M365). It also suggested a broad and intensive ECM implementation strategy. The intensive implementation proposal called for a 3 year, \$8 million, and 20 FTE effort.

It was determined that the agency does not have capacity to take on a project of that size at this time. The agency will be more successful taking an incremental approach. This proposal takes the first incremental step by identifying and optimizing some agency wide common processes and automating the storage, retention and workflow of those processes in M365.

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. A member of Ecology's Executive Leadership team with experience sponsoring major projects will be the Executive Sponsor. A steering committee consisting of Executive and Program leaders from Administrative Services, Human Resources, Information Technology

Services and the Environmental Programs 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 Ecology 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 hire dedicated staff for this effort. A Project Manager will be hired to manage the project. Several Business Analysts will be hired to analyze and optimize the common business processes using business process reengineering techniques. An Organizational Change Management Specialist will be acquired to drive solutions that address the human factors associated with changing processes. An Information Governance Specialist will be hired to provide records management expertise. An Application Developer will be hired to automate the optimized processes within the M365 Power Platform environment.

Based on the risk profile of this project, oversight is not likely so independent quality assurance costs have not been included.

Technical alignment

Strategic and technical alignment. Using specific examples, describe how this investment aligns with strategic and technical elements of the [Enterprise Technology Strategic Plan](#). Examples of strategic principles that tie back to tenets of the strategic plan include, but are not limited to, advance digital government, support use of common and shared technologies across agencies, improve the Washington customer experience across digital channels, strengthen privacy capacity in state and local government. Examples of technical principles that tie back to tenets of the strategic plan include but are not limited to; adoption of modern cloud-hosted technologies, provide proactive cybersecurity capabilities, reduce technical debt, and expand integration between systems.

This proposal supports Goal 1 of the Enterprise Technology Strategic Plan; “Efficient and Effective Government”. It promotes the efficient use of state resources. It reduces internal process inefficiencies. It allows for the rapid retrieval of information for both internal and external (public) use. It supports the value of open and responsive government.

This proposal leverages the use of M365 (a common and shared technology) for automation which aligns with the technical principle of adoption of modern cloud-hosted technologies. The proposal reduces technical debt by moving from paper to modern

automated processes. Using M365 tools along with ECM and BPM practices will result in increased security and privacy. Access to documents and workflows will be restricted so that only the individuals with appropriate rights will be allowed to access and update them. It will also assist in following proper retention and destruction schedules of records.

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? If the solution is a new proposal, will it allow for such principles in the future? Provide specific examples.

This proposal leverages the use of M365 which is an existing solution within the state. A large focus of this project will be to optimize business processes to ready them for automation. The automation will be accomplished by using standard M365 Power Platform functionality.

Business alignment

Business driven technology. What are the business problems to be addressed by the proposed investment? These business problems should provide the basis for the outcome discussion below. Describe how end users (internal and external) will be involved in governance and implementation activities.

This project is primarily a business driven project. The project's objective is to optimize agency wide common processes to prepare them for automation. The initial focus will be on Human Resources (HR) processes. HR has a critical need to move from paper to digital processes.

The project staff (Business Analysts and OCM Consultant) will work directly with end users during business process reengineering. The processes being targeted are common processes across the agency. Once the common processes are optimized they will be automated using standard M365 functionality. Nearly all agency staff will utilize the implemented optimized processes.

This project will give the Agency the opportunity to learn from the experience of optimizing, automating and managing HR records and processes and develop a model for applying the learning to future ECM efforts. We will develop the on-going skill and expertise within Ecology to continue the establishment of ECM throughout the Agency.

Measurable business outcome. Describe and quantify the specific performance outcomes you expect from this funding request. Provide specific examples of business outcomes in use within your agency, and how those outcomes will be improved because of this technology investment. Does the response align with the measurable business outcomes identified in the Strategic and Performance Outcomes in [Chapter 2](#) of the 2023-25 budget instructions? What outcomes and results, either positive or negative will occur? Identify all Lean initiatives and their expected outcomes. Include incremental performance metrics.

A strong, well-built ECM will increase productivity and performance. A few examples of performance outcomes:

- A well-structured, well organized, well documented data governance and data management system will reduce records management data gathering as all data will be located within an agency accepted ECM.
- A reduction in fines and liabilities due to either delayed records gathering or the inability to locate data for a records request.
- Staff who can quickly and easily find filed data and reduce search times.
- Reduced re-creation of work, as agency staff move to other agencies or retire. Staff can locate pertinent data from their predecessors and use already well-established processes.
- Drastically reduce email.
- Increase productivity through well thought out and planned work-flows and simplified work processes.
- Less reliance on paper, more reliance on modernized tools like Microsoft Forms or PowerApps to complete work cycles.
- Faster communication without side parties and citizens regarding research data and access to that data.
- An easily searchable archive not unlike the Library of Congress where accessibility to data is as simple as a search bar, and an idea of what you need.

In addition, this mapping and workflow automation can help with standardizing the file terminology. This will promote faster recovery of information for internal use or in response to public records requests. Ecology generates records, principally around environmental decision-making, at both its Headquarters and regional offices. There is a tendency for these locations to create their own tracking and record keeping terminology. Moreover, some regulatory authorities (e.g. water quality permitting) is not only conducted by the Water Quality Program but other programs as well like Solid Waste Management or the Nuclear Waste Program. Standardization of file classification across programs will also promote efficiency and responsiveness.

Decision package urgency

During the evaluation and ranking process, the OCIO will take into consideration, the urgency of the decision package request. Describe the urgency of implementing the technology investment in this cycle and the impacts to business if it does not proceed as planned.

If this request is not funded, Ecology will not be in position to move forward with the needed ECM framework for information management within the Agency. It will continue to be saddled with increasingly cumbersome workflow processes and chaotic record management environment. This in turn will continue to degrade Agency workplace efficiencies as well as further impede the Agency's responsiveness for public records requests.

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Agency Recommendation Summary

Ecology will increase the following authorized fees in the 2023-25 Biennium: Underground Storage Tank Fee, New Source Review Fee, and Lab Accreditation Program 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
	2024	2025	2023-25	2026	2027	2025-27
Revenue						
001 - 0299	\$0	\$170	\$170	\$170	\$170	\$340
182 - 0299	\$100	\$203	\$303	\$203	\$203	\$406
216 - 0299	\$79	\$79	\$158	\$79	\$79	\$158
Total Revenue	\$179	\$452	\$631	\$452	\$452	\$904

Decision Package Description

Ecology manages about 63 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 2023-25 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 Tax or Fee Rate: The fee for Fiscal Year 2023 is \$204.13 per tank, effective July 1, 2022. RCW 70A.355.080 gives Ecology authority to increase the tank fee according to the Fiscal Growth Factor (FGF) each year with a 15month 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, 2024, Ecology will provide notice in March 2023 to the UST owners, and publish the new fee in the Washington State Register.

3. Proposed Rate:

FY 2024: \$216.09
FY 2025: \$228.58

4. Incremental Change for Each Year:

FY 2024: FGF of 5.86 percent, or \$11.96 per tank from FY 2023 base fee
FY 2025: FGF of 5.78 percent, or \$24.45 per tank from FY 2023 base fee

5. Expected Implementation Date: July 1, 2023 for Fiscal Year 2024 and July 1, 2024 for Fiscal Year 2025.

6. Estimated Additional Revenue Generated by Increase:

FY 2024: Estimated revenue by applying the FGF to the current tank fee. ($\$204.13 \times 1.0586 = \216.09)

Ecology estimates the proposed fee increase will generate \$100,000 in new revenue for Fiscal Year 2024. The new revenue is calculated by using the projected number of tank renewals for Fiscal Year 2024. The tank renewals are based on a three fiscal year average of tank renewals. (8,323 tanks averaged during (Fiscal Years 2018-2020).

8,323 tanks x \$204.13 tank fee = \$1,699,000 rounded to thousands
8,323 tanks x \$216.09 tank fee = \$1,799,000 rounded to thousands
Estimated Revenue Increase = \$100,000

FY 2025: Estimated revenue by applying the FGF to the proposed FY 2024 tank fee: ($\$216.09 \times 1.0578 = \228.58)

Ecology estimates the proposed fee increase will generate \$203,000 in new revenue for Fiscal Year 2025.

8,323 tanks x \$204.13 tank fee = \$1,699,000 rounded to thousands
8,323 tanks x \$228.58 tank fee = \$1,902,000 rounded to thousands

Estimated Revenue Increase = \$203,000

Implementing tank fee increases of 5.86 percent in Fiscal Year 2024 and 5.78 percent in Fiscal Year 2025 will continue to keep the positive balance in the UST Account at the end of the 2023-25 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 2023-25 carryforward level would equal \$365,000.

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 70A.355.080 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.

NEW SOURCE REVIEW FEE

1. Fee Name: New Source Review Fee

2. Current Tax or Fee Rate: \$95 per hour plus flat fees for projects that cover permitting time up to a specified amount of hours depending on complexity. RCW 70A.15.2210 gives Ecology the authority to require notice of the establishment of proposed new sources of air contaminants and collect a fee to cover the cost to administer the notification. Fees are collected in the Air Pollution Control Account.

3. Proposed Rate:

FY 2024: \$119 per hour with a 25% increase to flat fees.

FY 2025: \$119 per hour with a 25% increase to flat fees.

4. Incremental Change for Each Year:

FY 2024: 25% above FY 2023 base fee

FY 2025: 25% above FY 2023 base fee

5. Expected Implementation Date: July 1, 2023 for Fiscal Year 2024 and July 1, 2024 for Fiscal Year 2025.

6. Estimated Additional Revenue Generated by Increase:

FY 2024: \$79,000 based on the hourly rate and flat fee adjustments with current workload.

FY 2025: \$79,000 based on the hourly rate and flat fee adjustments with current workload.

7. Justification: Ecology has not updated the New Source Review fee in 11 years. Currently, the fees do not cover the full cost of the program to administer notifications of proposed new sources of air contaminants. Consistent with other Air Quality fees, Ecology has statutory authority to collect fees sufficient to cover the costs to administer the program. We will adjust the New Source Review fee schedule under rule in Chapter 173-455 WAC to reflect actual program costs using a workload model and standard agency costs for staff time.

8. Changes in Who Pays: No Change

9. Changes in Methodology: No Change

10. RecSum Code: RA

11. Alternatives: The alternative is to not adjust the fee, however this is not ideal because the current program is not fully fee supported by the existing fee schedule.

12. Statutory Change Required? No statutory changes are required. Ecology has authority in RCW 70A.15.2210 to collect fees sufficient to cover the costs of administering notifications of proposed new sources of air contaminants. Ecology is proposing to adopt a new fee schedule with this fee change in rule as part of rulemaking to Chapter 173-455 WAC currently underway.

LAB ACCREDITATION PROGRAM FEE

1. Fee Name: Lab Accreditation Program Fee

2. Current Tax or Fee Rate: RCW 43.21A.230 provides Ecology authority to administer a laboratory accreditation program that evaluates environmental laboratories to determine whether they have demonstrated the capability to provide accurate, defensible data. Accreditation by the program is required for those entities that conduct tests or prepare data for submittal to the agency. Chapter 173-50-190 WAC establishes fee rates to cover the department's costs to administer the accreditation program, but the total fee amount assessed varies based on the scope of accreditation an individual laboratory requires.

Individual entities currently pay between \$300 and \$35,000 for accreditation. Ecology will begin rulemaking in 2022 to adjust the fee schedule to cover program cost increases that have arisen since fees were last adjusted. Ecology estimates rulemaking will be complete and a new fee schedule adopted by the start of Fiscal Year 2025.

3. Proposed Rate:

FY 2024: No change. Ranges from \$300 to \$35,000.

FY 2025: \$360 to \$42,000 based on current program cost and number of fee payers. This placeholder estimate does not include other potential program cost changes or potential changes to the number of fee payers. The final amount of the increase will be determined through the rulemaking process.

4. Incremental Change for Each Year:

FY 2024: No change.

FY 2025: Approximately 20% based on current program cost and number of fee payers.

5. Expected Implementation Date: July 1, 2024 for Fiscal Year 2025.

6. Estimated Additional Revenue Generated by Increase:

FY 2024: \$0

FY 2025: \$170,000 based on current program cost. This placeholder estimate does not include other potential program cost changes. The final amount of the increase will be determined through the rulemaking process.

7. Justification: Currently approximately 460 entities pay between \$300 and \$35,000 each to secure accreditation, but the total fees cover only approximately 80% of Ecology's cost to administer the program. Chapter 173-50-190 WAC that establishes laboratory accreditation fee rates has not been updated since September of 2010. Cumulative inflation rates based on the Bureau of Labor Statistics' Consumer Price Index have increased by over 30% since that time. By the end of the 2023-25 Biennium, Ecology estimates salary and other cost increases since 2010 will generate an estimated program shortfall of \$340,000 per biennium. This estimate does not include other potential program cost changes or potential changes to the number of fee payers.

8. Changes in Who Pays: No Change

9. Changes in Methodology: No Change

10. RecSum Code: RA

11. Alternatives: The alternative is to not adjust the fee schedule, however this is not ideal because the current program is not fully supported by fees collected using the existing fee schedule. Shortfalls between program costs and fee revenue essentially divert funds from other important state funded programs to cover the revenue gap instead of passing the full cost along to fee payers and ultimately their customers.

12. Statutory Change Required? No statutory changes are required. Ecology has authority in RCW 43.21A.230 to collect fees to cover the costs of accrediting environmental laboratories. Ecology is proposing to adopt a new fee schedule as part of rulemaking to Chapter 173-50 WAC set to begin during 2022.

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

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 Populations or Communities:

N/A

Other Collateral Connections

Puget Sound Recovery:

N/A

State Workforce Impacts:

N/A

Intergovernmental:

N/A

Stakeholder Response:

N/A

State Facilities Impacts:

N/A

Changes from Current Law:

N/A

Legal or Administrative Mandates:

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
2023-2025 Operating Budget**

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Dollars in
Thousands

ABS 029 Summarized Revenue by Account and Source
Department of Ecology
Agency Level
2023-25 Regular Budget Session
BI - Biennial 2023-25 Initial

	Maintenance Level		Policy Level		Annual Totals		Biennial Total
	FY2024	FY2025	FY2024	FY2025	FY2024	FY2025	
001 - General Fund							
0285 - Water Resources Fees - S							
90 - Maintenance Level Revenue	340	364	0	0			
Total - 0285 - Water Resources Fees - S	340	364	0	0	340	364	704
0299 - Other Licenses Permi - S							
90 - Maintenance Level Revenue	855	924	0	0			
RA - New or Increased Fee Requests	0	0	0	170			
Total - 0299 - Other Licenses Permi - S	855	924	0	170	855	1,094	1,949
0311 - Dept of Commerce - F							
90 - Maintenance Level Revenue	7,397	7,768	0	0			
Total - 0311 - Dept of Commerce - F	7,397	7,768	0	0	7,397	7,768	15,165
0315 - Dept of Interior - F							
90 - Maintenance Level Revenue	12,926	13,575	0	0			
AD - WCC Member Wages and Benefits	118	181	0	0			
Total - 0315 - Dept of Interior - F	13,044	13,756	0	0	13,044	13,756	26,800
0355 - Fed Rev Non-Assist - F							
90 - Maintenance Level Revenue	1,200	1,200	0	0			
Total - 0355 - Fed Rev Non-Assist - F	1,200	1,200	0	0	1,200	1,200	2,400
0366 - Environ Protection A - F							
90 - Maintenance Level Revenue	41,561	43,646	0	0			
AB - General Wage Adjustment	(25)	(24)	0	0			
Total - 0366 - Environ Protection A - F	41,536	43,622	0	0	41,536	43,622	85,158
0381 - Dept of Energy - F							
90 - Maintenance Level Revenue	4,580	4,810	0	0			
Total - 0381 - Dept of Energy - F	4,580	4,810	0	0	4,580	4,810	9,390
0397 - Homeland Security - F							
90 - Maintenance Level Revenue	718	754	0	0			
Total - 0397 - Homeland Security - F	718	754	0	0	718	754	1,472

ABS 029 Summarized Revenue by Account and Source
Department of Ecology
Agency Level
BI - Biennial 2023-25 Initial
Dollars in Thousands

	Maintenance Level		Policy Level		Annual Totals		Biennial Total
	FY2024	FY2025	FY2024	FY2025	FY2024	FY2025	
0416 - Sale of Prop/Other - S							
90 - Maintenance Level Revenue	3	3	0	0			
Total - 0416 - Sale of Prop/Other - S	3	3	0	0	3	3	6
0541 - Contributions Grants - P/L							
90 - Maintenance Level Revenue	2,905	3,074	0	0			
Total - 0541 - Contributions Grants - P/L	2,905	3,074	0	0	2,905	3,074	5,979
0546 - Federal Revenue - P/L							
90 - Maintenance Level Revenue	42	45	0	0			
Total - 0546 - Federal Revenue - P/L	42	45	0	0	42	45	87
0597 - Reimburs Contracts - P/L							
90 - Maintenance Level Revenue	31,155	31,805	0	0			
AB - General Wage Adjustment	(76)	(76)	0	0			
AD - WCC Member Wages and Benefits	542	829	0	0			
Total - 0597 - Reimburs Contracts - P/L	31,621	32,558	0	0	31,621	32,558	64,179
0866 - Loan Principal Repay - S							
90 - Maintenance Level Revenue	10	0	0	0			
Total - 0866 - Loan Principal Repay - S	10	0	0	0	10	10	20
001 - General Fund - State	1,208	1,291		170	1,208	1,461	2,669
001 - General Fund - Federal	68,475	71,910			68,475	71,910	140,385
001 - General Fund - Private/Local	34,568	35,677			34,568	35,677	70,245
Total - 001 - General Fund	104,251	108,878			104,251	109,048	213,299
027 - Reclamation Account							
0266 - Power Licenses - S							
90 - Maintenance Level Revenue	800	835	0	0			
Total - 0266 - Power Licenses - S	800	835	0	0	800	835	1,635
0287 - Well Const And Licen - S							
90 - Maintenance Level Revenue	950	970	0	0			
Total - 0287 - Well Const And Licen - S	950	970	0	0	950	970	1,920

ABS 029 Summarized Revenue by Account and Source
Department of Ecology
Agency Level
BI - Biennial 2023-25 Initial
Dollars in Thousands

	Maintenance Level		Policy Level		Annual Totals		Biennial Total
	FY2024	FY2025	FY2024	FY2025	FY2024	FY2025	
0405 - Fines, Forfeits - S							
90 - Maintenance Level Revenue	2	2	0	0			4
Total - 0405 - Fines, Forfeits - S	2	2	0	0	2	2	4
027 - Reclamation Account - State							
Total - 027 - Reclamation Account	1,752	1,807			1,752	1,807	3,559
	1,752	1,807			1,752	1,807	3,559
05W - State Drought Prep							
0499 - Other Revenue - S							
90 - Maintenance Level Revenue	4	5	0	0			9
Total - 0499 - Other Revenue - S	4	5	0	0	4	5	9
05W - State Drought Prep - State							
Total - 05W - State Drought Prep	4	5			4	5	9
	4	5			4	5	9
072 - Improv-Water Supply							
0866 - Loan Principal Repay - S							
90 - Maintenance Level Revenue	3	4	0	0			7
Total - 0866 - Loan Principal Repay - S	3	4	0	0	3	4	7
072 - Improv-Water Supply - State							
Total - 072 - Improv-Water Supply	3	4			3	4	7
	3	4			3	4	7
08R - Waste Tire Removal A							
0299 - Other Licenses Permi - S							
90 - Maintenance Level Revenue	7	7	0	0			14
Total - 0299 - Other Licenses Permi - S	7	7	0	0	7	7	14
08R - Waste Tire Removal A - State							
Total - 08R - Waste Tire Removal A	7	7			7	7	14
	7	7			7	7	14
10G - Water Rights T Acct							
0285 - Water Resources Fees - S							

ABS 029 Summarized Revenue by Account and Source
Department of Ecology
Agency Level
BI - Biennial 2023-25 Initial
Dollars in Thousands

	Maintenance Level		Policy Level		Annual Totals		
	FY2024	FY2025	FY2024	FY2025	FY2024	FY2025	Biennial Total
90 - Maintenance Level Revenue	88	92	0	0	88	92	180
Total - 0285 - Water Resources Fees - S	88	92	0	0	88	92	180
10G - Water Rights T Acct - State	88	92			88	92	180
Total - 10G - Water Rights T Acct	88	92			88	92	180
116 - Basic Data Account							
0427 - Property/Resc Mgmt - S	50	50	0	0	50	50	100
90 - Maintenance Level Revenue	50	50	0	0	50	50	100
Total - 0427 - Property/Resc Mgmt - S	50	50	0	0	50	50	100
116 - Basic Data Account - State	50	50			50	50	100
Total - 116 - Basic Data Account	50	50			50	50	100
11J - Electronic Recycling							
0299 - Other Licenses Permi - S	355	355	0	0	355	355	710
90 - Maintenance Level Revenue	355	355	0	0	355	355	710
Total - 0299 - Other Licenses Permi - S	355	355	0	0	355	355	710
11J - Electronic Recycling - State	355	355			355	355	710
Total - 11J - Electronic Recycling	355	355			355	355	710
16T - Product Stewardship							
0299 - Other Licenses Permi - S	57	57	0	0	57	57	114
90 - Maintenance Level Revenue	57	57	0	0	57	57	114
Total - 0299 - Other Licenses Permi - S	57	57	0	0	57	57	114
16T - Product Stewardship - State	57	57			57	57	114
Total - 16T - Product Stewardship	57	57			57	57	114
16V - Water Rights Process							
0285 - Water Resources Fees - S	5	5	0	0	5	5	10
90 - Maintenance Level Revenue	5	5	0	0	5	5	10

ABS 029 Summarized Revenue by Account and Source
Department of Ecology
Agency Level
BI - Biennial 2023-25 Initial
Dollars in Thousands

	Maintenance Level		Policy Level		Annual Totals		
	FY2024	FY2025	FY2024	FY2025	FY2024	FY2025	Biennial Total
Total - 0285 - Water Resources Fees - S	5	5	0	0	5	5	10
0299 - Other Licenses Permi - S							
90 - Maintenance Level Revenue	4	4	0	0			
Total - 0299 - Other Licenses Permi - S	4	4	0	0	4	4	8
16V - Water Rights Process - State	9	9			9	9	18
Total - 16V - Water Rights Process	9	9			9	9	18
176 - Water Quality Permit							
0286 - Water Quality Fees - S							
90 - Maintenance Level Revenue	25,000	25,000	0	0			
PM - Municipal Wastewater Permitting	0	0	2,501	2,501			
Total - 0286 - Water Quality Fees - S	25,000	25,000	2,501	2,501	27,501	27,501	55,002
176 - Water Quality Permit - State	25,000	25,000	2,501	2,501	27,501	27,501	55,002
Total - 176 - Water Quality Permit	25,000	25,000	2,501	2,501	27,501	27,501	55,002
182 - Underground Storage							
0299 - Other Licenses Permi - S							
90 - Maintenance Level Revenue	1,699	1,699	0	0			
RA - New or Increased Fee Requests	0	0	100	203			
Total - 0299 - Other Licenses Permi - S	1,699	1,699	100	203	1,799	1,902	3,701
0405 - Fines, Forfeits - S							
90 - Maintenance Level Revenue	30	30	0	0			
Total - 0405 - Fines, Forfeits - S	30	30	0	0	30	30	60
182 - Underground Storage - State	1,729	1,729	100	203	1,829	1,932	3,761
Total - 182 - Underground Storage	1,729	1,729	100	203	1,829	1,932	3,761
199 - Biosolids Permit Acc							
0299 - Other Licenses Permi - S							
90 - Maintenance Level Revenue	1,212	1,212	0	0			

ABS 029 Summarized Revenue by Account and Source
Department of Ecology
Agency Level
BI - Biennial 2023-25 Initial
Dollars in Thousands

	Maintenance Level		Policy Level		Annual Totals		Biennial Total
	FY2024	FY2025	FY2024	FY2025	FY2024	FY2025	
Total - 0299 - Other Licenses Permi - S	1,212	1,212	0	0	1,212	1,212	2,424
199 - Biosolids Permit Acc - State	1,212	1,212			1,212	1,212	2,424
Total - 199 - Biosolids Permit Acc	1,212	1,212			1,212	1,212	2,424
207 - Hazardous Waste							
0294 - Hazardous Waste Fees - S	3,437	3,437	0	0	3,437	3,437	6,874
90 - Maintenance Level Revenue	3,437	3,437	0	0	3,437	3,437	6,874
Total - 0294 - Hazardous Waste Fees - S	3,437	3,437	0	0	3,437	3,437	6,874
207 - Hazardous Waste - State	3,437	3,437			3,437	3,437	6,874
Total - 207 - Hazardous Waste	3,437	3,437			3,437	3,437	6,874
20R - Radioactive MW Acct							
0294 - Hazardous Waste Fees - S	11,003	11,003	0	0	11,181	11,120	22,301
90 - Maintenance Level Revenue	11,003	11,003	0	0	11,181	11,120	22,301
AB - General Wage Adjustment	(7)	(7)	0	0			
AJ - Minimum Wage Increases - Facilities	2	2	0	0			
QD - EAGL Modernization	0	0	125	64			
QG - Enterprise Content Management	0	0	58	58			
Total - 0294 - Hazardous Waste Fees - S	10,998	10,998	183	122	11,181	11,120	22,301
20R - Radioactive MW Acct - State	10,998	10,998	183	122	11,181	11,120	22,301
Total - 20R - Radioactive MW Acct	10,998	10,998	183	122	11,181	11,120	22,301
216 - Air Pollution Ctl Ac							
0225 - Burning Permit Fees - S	324	325	0	0	324	325	649
90 - Maintenance Level Revenue	324	325	0	0	324	325	649
Total - 0225 - Burning Permit Fees - S	324	325	0	0	324	325	649
0299 - Other Licenses Permi - S	1,415	1,538	0	0			
90 - Maintenance Level Revenue	1,415	1,538	0	0			
RA - New or Increased Fee Requests	0	0	79	79			

ABS 029 Summarized Revenue by Account and Source
Department of Ecology
Agency Level
BI - Biennial 2023-25 Initial
Dollars in Thousands

	Maintenance Level		Policy Level		Annual Totals		Biennial Total
	FY2024	FY2025	FY2024	FY2025	FY2024	FY2025	
Total - 0299 - Other Licenses Permi - S	1,415	1,538	79	79	1,494	1,617	3,111
0405 - Fines, Forfeits - S							
90 - Maintenance Level Revenue	90	90	0	0			180
Total - 0405 - Fines, Forfeits - S	90	90	0	0	90	90	
216 - Air Pollution Ctl Ac - State	1,829	1,953	79	79	1,908	2,032	3,940
Total - 216 - Air Pollution Ctl Ac	1,829	1,953	79	79	1,908	2,032	3,940
219 - Air Operating Perm A							
0299 - Other Licenses Permi - S							
90 - Maintenance Level Revenue	2,462	2,497	0	0			5,023
AC - Meeting Air Operating Permit Needs	32	32	0	0			
Total - 0299 - Other Licenses Permi - S	2,494	2,529	0	0	2,494	2,529	5,023
219 - Air Operating Perm A - State	2,494	2,529			2,494	2,529	5,023
Total - 219 - Air Operating Perm A	2,494	2,529			2,494	2,529	5,023
21H - WWT Plant Oper Cert							
0271 - Sewage Trtmt Op Fee - S							
90 - Maintenance Level Revenue	206	206	0	0			412
Total - 0271 - Sewage Trtmt Op Fee - S	206	206	0	0	206	206	412
21H - WWT Plant Oper Cert - State	206	206			206	206	412
Total - 21H - WWT Plant Oper Cert	206	206			206	206	412
223 - Oil Spill Resp							
0434 - Hazard Waste Cleanup - S							
90 - Maintenance Level Revenue	100	100	0	0			200
Total - 0434 - Hazard Waste Cleanup - S	100	100	0	0	100	100	200
223 - Oil Spill Resp - State	100	100			100	100	200
Total - 223 - Oil Spill Resp	100	100			100	100	200

ABS 029 Summarized Revenue by Account and Source
Department of Ecology
Agency Level
BI - Biennial 2023-25 Initial
Dollars in Thousands

	Maintenance Level		Policy Level		Annual Totals		Biennial Total
	FY2024	FY2025	FY2024	FY2025	FY2024	FY2025	
22G - Photovolt Mod Rcycl							
0299 - Other Licenses Permi - S							
90 - Maintenance Level Revenue	66	51	0	0			117
Total - 0299 - Other Licenses Permi - S	66	51	0	0	66	51	117
22G - Photovolt Mod Rcycl - State	66	51			66	51	117
Total - 22G - Photovolt Mod Rcycl	66	51			66	51	117
22K - Wtrshd Rstrtn Enhnc							
0299 - Other Licenses Permi - S							
90 - Maintenance Level Revenue	270	270	0	0			540
Total - 0299 - Other Licenses Permi - S	270	270	0	0	270	270	540
22K - Wtrshd Rstrtn Enhnc - State	270	270			270	270	540
Total - 22K - Wtrshd Rstrtn Enhnc	270	270			270	270	540
23N - MTC Capital Account							
0434 - Hazard Waste Cleanup - S							
90 - Maintenance Level Revenue	4,548	4,548	0	0			9,096
Total - 0434 - Hazard Waste Cleanup - S	4,548	4,548	0	0	4,548	4,548	9,096
23N - MTC Capital Account - State	4,548	4,548			4,548	4,548	9,096
Total - 23N - MTC Capital Account	4,548	4,548			4,548	4,548	9,096
23P - MTC Operating Acct							
0405 - Fines, Forfeits - S							
90 - Maintenance Level Revenue	175	175	0	0			350
Total - 0405 - Fines, Forfeits - S	175	175	0	0	175	175	350
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
23P - MTC Operating Acct - State	175	175			175	175	350
23P - MTC Operating Acct - Private/Local	249	250			249	250	499

ABS 029 Summarized Revenue by Account and Source
Department of Ecology
Agency Level
BI - Biennial 2023-25 Initial
Dollars in Thousands

	Maintenance Level		Policy Level		Annual Totals		Biennial Total
	FY2024	FY2025	FY2024	FY2025	FY2024	FY2025	
Total - 23P - MTC Operating Acct	424	425			424	425	849
23V - Voluntary Cleanup Ac							
0434 - Hazard Waste Cleanup - S	320	320	0	0			
90 - Maintenance Level Revenue	320	320	0	0	320	320	640
Total - 0434 - Hazard Waste Cleanup - S					320	320	640
23V - Voluntary Cleanup Ac - State	320	320			320	320	640
Total - 23V - Voluntary Cleanup Ac	320	320			320	320	640
23W - Paint Prod Stewd Acc							
0299 - Other Licenses Permi - S	26	26	0	0			
90 - Maintenance Level Revenue	26	26	0	0	26	26	52
Total - 0299 - Other Licenses Permi - S					26	26	52
23W - Paint Prod Stewd Acc - State	26	26			26	26	52
Total - 23W - Paint Prod Stewd Acc	26	26			26	26	52
25Q - Clean Fuels Prog Acc							
0405 - Fines, Forfeits - S	1,676	2,208	0	0			
90 - Maintenance Level Revenue	1,676	2,208	0	0	1,676	2,208	3,884
Total - 0405 - Fines, Forfeits - S					1,676	2,208	3,884
25Q - Clean Fuels Prog Acc - State	1,676	2,208			1,676	2,208	3,884
Total - 25Q - Clean Fuels Prog Acc	1,676	2,208			1,676	2,208	3,884
25R - Recycled Content Acc							
0299 - Other Licenses Permi - S	603	603	0	0			
90 - Maintenance Level Revenue	603	603	0	0	603	603	1,206
Total - 0299 - Other Licenses Permi - S					603	603	1,206
25R - Recycled Content Acc - State	603	603			603	603	1,206

ABS 029 Summarized Revenue by Account and Source
Department of Ecology
Agency Level
BI - Biennial 2023-25 Initial
Dollars in Thousands

	Maintenance Level		Policy Level		Annual Totals		Biennial Total
	FY2024	FY2025	FY2024	FY2025	FY2024	FY2025	
Total - 25R - Recycled Content Acc	603	603			603	603	1,206
25T - RefriEmisManageAcct							
0299 - Other Licenses Permi - S							
90 - Maintenance Level Revenue	620	2,093	0	0			2,713
Total - 0299 - Other Licenses Permi - S	620	2,093	0	0	620	2,093	2,713
25T - RefriEmisManageAcct - State	620	2,093	620	2,093	620	2,093	2,713
Total - 25T - RefriEmisManageAcct	620	2,093	620	2,093	620	2,093	2,713
26A - CarbonEmReductionAcc							
0499 - Other Revenue - S							
90 - Maintenance Level Revenue	356,697	366,558	0	0			723,255
Total - 0499 - Other Revenue - S	356,697	366,558	0	0	356,697	366,558	723,255
26A - CarbonEmReductionAcc - State	356,697	366,558	356,697	366,558	356,697	366,558	723,255
Total - 26A - CarbonEmReductionAcc	356,697	366,558	356,697	366,558	356,697	366,558	723,255
26B - Climate Invest Accou							
0499 - Other Revenue - S							
90 - Maintenance Level Revenue	510,543	428,156	0	0			938,699
Total - 0499 - Other Revenue - S	510,543	428,156	0	0	510,543	428,156	938,699
26B - Climate Invest Accou - State	510,543	428,156	510,543	428,156	510,543	428,156	938,699
Total - 26B - Climate Invest Accou	510,543	428,156	510,543	428,156	510,543	428,156	938,699
26E - AirQualHeadDisImpAcc							
0499 - Other Revenue - S							
90 - Maintenance Level Revenue	10,000	10,000	0	0			20,000
Total - 0499 - Other Revenue - S	10,000	10,000	0	0	10,000	10,000	20,000
26E - AirQualHeadDisImpAcc - State	10,000	10,000	10,000	10,000	10,000	10,000	20,000

ABS 029 Summarized Revenue by Account and Source
Department of Ecology
Agency Level
BI - Biennial 2023-25 Initial
Dollars in Thousands

	Maintenance Level		Policy Level		Annual Totals		Biennial Total 20,000
	FY2024 10,000	FY2025 10,000	FY2024	FY2025	FY2024 10,000	FY2025 10,000	
Total - 26E - AirQualHeadDispImpAcc							
296 - Col River Bas Wtr Su							
0285 - Water Resources Fees - S							
90 - Maintenance Level Revenue	570	590	0	0			
Total - 0285 - Water Resources Fees - S	570	590	0	0	570	590	1,160
296 - Col River Bas Wtr Su - State	570	590			570	590	1,160
Total - 296 - Col River Bas Wtr Su	570	590			570	590	1,160
408 - Coastal Protec Acct							
0405 - Fines, Forfeits - S							
90 - Maintenance Level Revenue	250	250	0	0			
Total - 0405 - Fines, Forfeits - S	250	250	0	0	250	250	500
0499 - Other Revenue - S							
90 - Maintenance Level Revenue	45	45	0	0			
Total - 0499 - Other Revenue - S	45	45	0	0	45	45	90
408 - Coastal Protec Acct - State	295	295			295	295	590
Total - 408 - Coastal Protec Acct	295	295			295	295	590
500 - Perpetual Surv/Maint							
0427 - Property/Resc Mgmt - S							
90 - Maintenance Level Revenue	34	34	0	0			
Total - 0427 - Property/Resc Mgmt - S	34	34	0	0	34	34	68
500 - Perpetual Surv/Maint - State	34	34			34	34	68
Total - 500 - Perpetual Surv/Maint	34	34			34	34	68
564 - Water Pollution Cont							
0420 - Charges for Services - S							
90 - Maintenance Level Revenue	5,007	5,327	0	0			

ABS 029 Summarized Revenue by Account and Source
Department of Ecology
Agency Level
BI - Biennial 2023-25 Initial
Dollars in Thousands

	Maintenance Level		Policy Level		Annual Totals		Biennial Total
	FY2024	FY2025	FY2024	FY2025	FY2024	FY2025	
Total - 0420 - Charges for Services - S	5,007	5,327	0	0	5,007	5,327	10,334
564 - Water Pollution Cont - State	5,007	5,327			5,007	5,327	10,334
Total - 564 - Water Pollution Cont	5,007	5,327			5,007	5,327	10,334
727 - Water Pollution Cont							
0366 - Environ Protection A - F							
90 - Maintenance Level Revenue	116,500	116,500	0	0			
Total - 0366 - Environ Protection A - F	116,500	116,500	0	0	116,500	116,500	233,000
0409 - Interest Income - S							
90 - Maintenance Level Revenue	8,629	8,673	0	0			
Total - 0409 - Interest Income - S	8,629	8,673	0	0	8,629	8,673	17,302
0866 - Loan Principal Repay - S							
90 - Maintenance Level Revenue	59,550	60,342	0	0			
Total - 0866 - Loan Principal Repay - S	59,550	60,342	0	0	59,550	60,342	119,892
727 - Water Pollution Cont - State	68,179	69,015			68,179	69,015	137,194
727 - Water Pollution Cont - Federal	116,500	116,500			116,500	116,500	233,000
Total - 727 - Water Pollution Cont	184,679	185,515			184,679	185,515	370,194
746 - Hanford Econ Invest							
0294 - Hazardous Waste Fees - S							
90 - Maintenance Level Revenue	88	88	0	0			
Total - 0294 - Hazardous Waste Fees - S	88	88	0	0	88	88	176
746 - Hanford Econ Invest - State	88	88			88	88	176
Total - 746 - Hanford Econ Invest	88	88			88	88	176
Agency: 461 ECY - State	1,010,255	941,198	2,863	3,075	1,013,118	944,273	1,957,391
Agency: 461 ECY - Federal	184,975	188,410			184,975	188,410	373,385
Agency: 461 ECY - Private/Local	34,817	35,927			34,817	35,927	70,744
Total - Agency: 461 ECY	1,230,047	1,165,535	2,863	3,075	1,232,910	1,168,610	2,401,520

Revenue Descriptions

Department of Ecology

September 2022

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	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 460 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	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	08	66	Loan Principal Repayment	Water Quality Account Loans: Chapter 70A.135 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	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>

Account	Major Source	Source	Source Name	Revenue Description
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	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).
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)	General Fund private/local reimbursable contracts revenue source is comprised of the following: 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. 2. Washington Conservation Corps Revenues (Various): Revenues from services provided to local governments by Washington Conservation Corps crews. 3. Cost Reimbursements (CR0000): Voluntary cost-reimbursement monies will be collected under cost-recovery law to reimburse for permitting activities. 4. Other Private Local (OTH000): Other reimbursable contracts with private and local entities for environmental review and other activities.
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	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. 2. Well Construction & 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.

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 and Response 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 and Response 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- 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 \$204.13 per tank. 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 \$60 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 \$24,105 per facility. The overall cap for the planning fee is also adjusted annually for inflation and is currently capped at \$2,410,509. 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	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. 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. 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.

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 \$50; other groups application fee \$67; renewal fee \$98).
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, ECK00): 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	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.
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.

Account	Major Source	Source	Source Name	Revenue Description
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. Revenues are based on assumptions about the demand for the new expedited process started July 1, 2020.
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	Ecology is authorized 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 authorizes the department 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	Ecology is authorized 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.

Account	Major Source	Source	Source Name	Revenue Description
26A - Carbon Emissions Reduction Account	04	99	Other Revenue	<p>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 to be 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.</p> <p>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.</p>
26B - Climate Investment Account	04	99	Other Revenue	<p>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 to be collected by the financial services administrator and transferred to the State Treasurer for deposit.</p> <p>Note that there is a high amount of uncertainty in revenue estimates for this new cap-and-invest program. Ecology will monitor revenue from the initial auctions in FY 2023 and 2024, and adjust projections if needed. Ecology's revenue estimate for the CIA reflects the agency's current estimate of auction proceeds minus the statutory amount deposited in CERA and \$20 million per biennium deposited in AQHDIA.</p> <p>Ecology's current estimate of auction proceeds makes the following assumptions: Allowance prices based on California/Quebec prices. Ecology used the average price of the last four California auctions with an annual increase of 5% consistent with the annual increase in the price floor and price ceiling in California and in Ecology's draft rule. Price assumptions are \$31.77 in CY24, \$33.36 in CY25, \$35.02 in CY26, and \$36.78 in CY27. There is no change to current projections of the quantity of allowances. This methodology is consistent with Ecology's fiscal note from 2021, but reflects the higher current CA/Quebec prices. Current projections also incorporate future vintage allowance sales, which are projected to result in higher revenue in the first few years and a corresponding reduction in later years.</p> <p>Note that beginning July 1, 2024 (FY 2025), the State Treasurer will transfer revenues available in the CIA that are not already appropriated in the account to administer the program. Per RCW 70A.65.250, 75 percent will be transferred to the Climate Commitment Account (26C) and 25 percent will be transferred to the Natural Climate Solutions Account (26D). State Treasurer transfers are not reflected in Ecology revenue estimates.</p>
26E - Air Quality and Health Disparities Improvement	04	99	Other Revenue	<p>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.</p> <p>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.</p>
27P - Price Ceiling Unit Emission Reduction Investment	04	99	Other Revenue	<p>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 2023-25 biennium.</p>

Account	Major Source	Source	Source Name	Revenue Description
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.
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.
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
2023-25 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 2024	FY 2025	Other Funds			
461	Dept. of Ecology	F004	Wastewater Discharge Permit Fee	No	No Legislation	Increased		2,501	2,501	2,501	Yes See PL PM	Permittees supported SSB 5585, with a commitment from Ecology to convene an advisory committee to recommend appropriate fees and fee structure to cover the costs of managing wastewater treatment plant permits – including providing on-the-ground technical assistance to treatment plants as issues arise to help permittees stay in compliance. Ecology formed an advisory committee that began meeting in July 2022 to provide recommendations on a revised municipal treatment plant permit fee structure by the end of the year.
461	Dept. of Ecology	J001	Underground Storage Tank Fee	No	No Legislation	Increased		100	203	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.	Estimated revenue is based on applying the FGF to the current tank fee for FY 2024 and FY 2025.
461	Dept. of Ecology	B008	New Source Review Fee	No	No Legislation	Increased		79	79	No See PL RA	Ecology has been communicating the new fee schedule and collecting fee payer input through the rulemaking process currently underway. A better understanding of fee payer positions will be made through the rulemaking process.	RCW 70A.15.2210 authorizes Ecology to collect new source review fees sufficient to cover the costs of administering notifications of proposed new sources of air contaminants. The change in fee reflects our first update to standard cost for staff time since 2011. Ecology will adopt a new fee schedule per the updated rule (Chapter 173-455 WAC) with an hourly rate increase from \$95 to \$119.
461	Dept. of Ecology	D001	Lab Accreditation Program Fee	No	No Legislation	Increased		170		No See PL RA	Unknown and varied. Fees have not been adjusted in over 12 years. Larger labs will expect and understand fee increase to match rising cost. Some small labs may choose to no longer seek accreditation. A better understanding of fee payer positions can be made after rulemaking begins in the later summer of 2022.	Ecology will begin rulemaking in 2022 to adjust the fee schedule for environmental laboratories to cover salary and other increases that have arisen since fees were last adjusted. The increased fees are expected to be implemented during FY 2024. It is anticipated that Ecology will submit a budget request for the 2025-27 biennium to fund additional auditor staff needed to help address the increased need for technical assistance to support small wastewater treatment plant laboratories as well as the need to accredit novel, complex compounds such as 6PPD-quinone. If that happens, Ecology will plan on increasing fees during the 2025-27 biennium to cover the cost of the additional auditors.

		Incremental Revenue Dollars in Thousands				New, Increased, Continued?	Z-Draft # (or Pending)	Is a bill required?	Name of Fee/Tax	Fee Code	Agency Name	Tied to Expenditure Change?	Fee Payer Position	Explanation of Change
		GF-S	FY 2024	FY 2025	Other Funds									
461	Dept. of Ecology		178	117	Increased	No Legislation	No	Mixed Waste Management Fee	K003	Dept. of Ecology	Yes See ML AB, ML AJ, PL OD, PL OG	Fee payers are aware of the annual adjustment. Adjustments to billing are communicated to facilities.	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.	
461	Dept. of Ecology		32	32	Increased	No Legislation	No	Air Operating Permit Fee	B003	Dept. of Ecology	Yes See ML MC	Ecology published the draft WLA in February 2022 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 2022. 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 2023-25 BN Workload Analysis for Air Operating Permits completed in June 2022, per WAC 173-401-900.	
Additional Comments:														



**ABS030 Working Capital Reserve
461 Department of Ecology
2023-25 Regular Budget Session
BI - Biennial 2023-25 Initial**

Dollars in Thousands

FUND ADMINISTRATOR AGENCY ONLY		RECOMMENDED ENDING FUND BALANCE	
FUND	FUND TITLE	2021-23 Current Biennium	2023-25 Ensuing Biennium
027	Reclamation Account	100	100
032	St Emergency Water Projects Revolv	3	3
044	Waste Reduct/Recycle/Litter Control	1,200	2,000
05W	State Drought Preparedness Response	1	1
10A	Aquatic Algae Control Account	30	30
10G	Water Rights Tracking System Acct	5	5
10P	Columbia River Basin Water Supply	100	100
11J	Electronic Products Recycling Acct	0	70
160	Wood Stove Education/Enforcement	40	40
176	Water Quality Permit Account	3,700	4,135
18B	Col River Basin Tax Bond Wtr Sup	100	100
199	Biosolids Permit Account	160	227
207	Hazardous Waste Assistance Account	350	350
20R	Radioactive Mixed Waste Acct	2,000	2,000

**ABS030 Working Capital Reserve
461 Department of Ecology
BI - Biennial 2023-25 Initial**

Dollars in Thousands

FUND ADMINISTRATOR AGENCY ONLY		RECOMMENDED ENDING FUND BALANCE	
FUND	FUND TITLE	2021-23 Current Biennium	2023-25 Ensuing Biennium
216	Air Pollution Control Account	450	450
217	Oil Spill Prevention Account	700	700
219	Air Operating Permit Account	1,000	1,430
21H	Wastewater Treatmt Plant Oper Cert	69	69
222	Freshwater Aquatic Weeds Account	70	70
23P	Model Toxics Control Operating Acct	14,000	14,000
25Q	Clean Fuels Program Account	0	133
25T	RefrigerantEmissionManagementAcct	0	226
564	Water Pollution Control Revol Admin	150	150
727	Water Pollution Control Revolving	2,000	2,000

2023-25 Biennium Requested Fund Transfers

Department of Ecology

September 2022

Purpose: This table summarizes Treasurer fund transfers identified by Ecology for inclusion in the 2023-25 Biennium Budget. Includes items 6 and 7 that are appropriations or other transactions made to achieve a transfer or repayment of funds.

Item	Budget Reference	Account From	Account To	FY 2024	FY 2025	Biennium Total	Explanation & Statutory Citation
1	Capital Project 40000564	State Taxable Building Construction Account (355)	Water Pollution Control State Revolving Account – Federal (727)	\$17.5 million	\$17.5 million	\$35 million	The Washington State Water Pollution Control Revolving Fund (SRF), established under Chapter 90.50A RCW , 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 \$35 million requested match for the 2023-25 biennium is based on an estimated \$22 million match for anticipated CWSRF federal capitalization grants (20 percent match) and an estimated \$13 million match for Bipartisan Infrastructure Law (BIL) CWSRF grants (10 percent match on federal 2022 award, 20 percent match on federal 2023 award).
2	Operating	Water Pollution Control Revolving Administrative Account (564)	Water Pollution Control Revolving Program (727)	\$6 million	\$0	\$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.

Item	Budget Reference	Account From	Account To	FY 2024	FY 2025	Biennium Total	Explanation & Statutory Citation
3		Model Toxics Control Operating (23P)	Model Toxics Control Capital (23N)	\$15 million	\$15 million	\$30 million	Ecology is proposing a Treasurer's Transfer of \$30 million from the MTCA Operating Account to the MTCA Capital Account to support \$40 million in MTCA Capital funding for the 2023-25 Centennial Clean Water Program capital project request (40000571).
4	Operating	State General Fund (001)	Flood Control Assistance Account - FCAA (02P)	\$2 million	\$2 million	\$4 million	According to RCW 86.26.007 , the state treasurer is required to transfer \$4 million from the General Fund to the Flood Control Assistance Account each biennium.
5		State General Fund (001)	Site Closure Account (125)	\$1.129 million	\$1.145 million	\$2.274 million	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 2% increase from July 1, 2018 transfer of \$1,104,291. (RCW 43.200.080 3(a) , (b))

Item	Budget Reference	Account From	Account To	FY 2024	FY 2025	Biennium Total	Explanation & Statutory Citation
6		Columbia River Water Delivery Account (15K)	Confederated Tribes of the Colville Reservation				RCW 90.90.060 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. 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 RCW 90.90.070 .
7		Columbia River Water Delivery Account (15K)	Spokane Tribe of Indians				See note above.
8	ESSB 5974.SL (2022)	Carbon Emissions Reduction Account - CERA (26A)	Climate Active Transportation Account (26M)	24% of the revenue accruing in CERA	24% of the revenue accruing in CERA	TBD	Sec. 102 (2): "Beginning July 1, 2023, the state treasurer shall annually transfer 24 percent of the revenues accruing annually to the carbon emissions reduction account created in RCW 70A.65.240 to the climate active transportation account."
9	ESSB 5974.SL (2022)	Carbon Emissions Reduction Account - CERA (26A)	Climate Transit Programs Account (26N)	56% of the revenue accruing in CERA	56% of the revenue accruing in CERA	TBD	Sec. 103 (2): "Beginning July 1, 2023, the state treasurer shall annually transfer 56 percent of the revenues accruing annually to the carbon emissions reduction account created in RCW 70A.65.240 to the climate transit programs account."

Item	Budget Reference	Account From	Account To	FY 2024	FY 2025	Biennium Total	Explanation & Statutory Citation
10	E2SSB.PL 5126 (2021)	Climate Investment Account CIA (26B)	Climate Commitment Account (26C)	N/A	75% of the funds remaining in CIA after administrative costs are covered	TBD	Sec. 28 (2)(a): "Seventy-five percent of the moneys to the climate commitment account created in section 29 of this act;"
11	E2SSB.PL 5126 (2021)	Climate Investment Account - CIA (26B)	Natural Climate Solutions Account (26D)	N/A	25% of the funds remaining in CIA after administrative costs are covered	TBD	Sec. 28 (2)(b): "Twenty-five percent of the moneys to the natural climate solutions account created in section 30 of this act."
12	E2SSB.PL 5126 (2021)	Capital Transportation appropriation	Air Quality & Health Disparities Improvement Account (26E)	\$10,000,000	\$10,000,000	Not less than \$20,000,000	Sec. 31 (3): 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.

Department of Ecology 2023-2025 Operating Budget Requests Supporting the Puget Sound Action Agenda

September 13, 2022

Decision Package	Vital Signs	Strategies	Desired Outcomes	Actions	Ongoing Program	Orca Task Force Recommendation	Federal Leveraging	Local Leveraging	Puget Sound Dollars	Total Request Dollars
1. PL PW Toxic Tire Wear in Stormwater	Toxics in Aquatic Life; Freshwater	10. Stormwater Runoff and Legacy Contamination	2.1.1., 5.6.4	31, 32, 33, 41	OGP_ECY34: Water Quality - Control Stormwater and Wastewater Pollution	30			\$ 3,117,000	\$ 5,195,000
2. PL OA Coastal Climate Hazards	Beaches and Marine Vegetation; Estuaries; Salmon; Good Governance	1. Smart Growth; 3. Shoreline Armor; 18. Awareness of Effects of Climate Change; 20. Climate Adaptation and Resilience; 23. Transparent and Inclusive Governance	1.1.1, 1.1.2, 1.3.2, 4.1.1, 4.3.1, 5.2.1	16, 17, 131, 135, 137, 147, 149, 150, 161, 162, 163					\$ 1,957,000	\$ 3,913,000
3. PL PM Municipal Wastewater Permitting	Marine Water; Shellfish Beds; Toxics in Aquatic Life	10. Stormwater Runoff and Legacy Contamination; 11. Wastewater Systems	2.1.1., 2.2.1, 2.3.1, 5.6.4	37, 38, 39, 41, 154, 211	OGP_ECY34: Water Quality - Control Stormwater and Wastewater Pollution	48			\$ 2,029,000	\$ 5,001,000
4. PL PN Industrial Discharge Permitting	Toxics in Aquatic Life; Shellfish Beds	10. Stormwater Runoff and Legacy Contamination; 11. Wastewater Systems	2.1.1., 5.6.4	39, 41	OGP_ECY34: Water Quality - Control Stormwater and Wastewater Pollution	32			\$ 2,927,000	\$ 5,129,000
5. PL PH WQ Grant and Loan Administration	Freshwater; Marine Water; Streams and Floodplains; Toxics in Aquatic Life; Beaches and Marine Vegetation; Estuaries; Forests and Wetlands; Groundfish and Benthic Invertebrates; Orcas; Salmon; Zooplankton; Drinking Water; Shellfish Beds; Cultural Wellbeing; Economic Vitality; Good Governance; Sense of Place; Sound Stewardship	7. Freshwater Availability; 8. Prevent Pollution; 9. Source Identification and Correction; 10. Stormwater Runoff and Legacy Contamination; 11. Wastewater Systems; 12. Working Lands Runoff; 19. GHG Reductions and Carbon Sequestration; 20. Climate Adaptation and Resilience; 21. Sense of Place; 22. Recreation and Stewardship; 23. Transparent and Inclusive Governance; 24. Cultural Practices; 26. Human Health	1.1.1, 1.1.2, 1.1.3, 1.2.1, 1.3.1, 1.3.2, 1.4.1, 1.4.2, 1.5.2, 2.1.1, 2.1.4, 2.2.1, 2.2.2, 2.2.3, 2.2.4, 2.2.5, 2.3.1, 2.3.2, 2.3.4, 2.3.5, 3.2.2, 4.2.1, 4.2.2, 4.3.1, 5.1.1, 5.1.2, 5.2.1, 5.2.2, 5.2.3, 5.2.4, 5.3.1, 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	3, 5, 6, 7, 9, 10, 11, 12, 20, 24, 31, 32, 35, 40, 86, 98, 137, 151, 154, 155, 156, 161, 162, 196, 197, 200, 201, 211	OGP_ECY38: Water Quality - Provide Financial Assistance	1, 2, 24, 31, 41			\$ 1,281,000	\$ 2,135,000
6. PL PC Contaminated Sites Redevelopment	Toxics in Aquatic Life; Orcas; Salmon; Economic Vitality; Good Governance; Sound Stewardship	10. Stormwater Runoff and Legacy Contamination	2.1	33	OGP_ECY34: Water Quality - Control Stormwater and Wastewater Pollution	31			\$ 715,000	\$ 1,431,000
7. PL PA Addressing Nonpoint Pollution	Shellfish Beds; Toxics in Aquatic Life	9. Source Identification and Correction; 10. Stormwater Runoff and Legacy Contamination; 11. Wastewater Systems; 12. Working Lands Runoff	2.1.1, 2.3.2, 2.3.4, 2.3.5, 5.6.3, 5.6.4	8, 9, 10, 39, 41	OGP_ECY36: Water Quality - Clean Up Polluted Waters - standards and water quality improvement plans (IMDLs)	40			\$ 981,000	\$ 2,257,000
8. PL PF Litter Control and Waste Reduction	Freshwater; Marine Water; Streams and Floodplains; Toxics in Aquatic Life; Outdoor Activity; Economic Vitality; Good Governance; Sense of Place; Sound Stewardship	8. Prevent Pollution; 26. Human Health	2.1.1, 2.1.3	45, 78, 125, 127, 159, 163	OGP_ECY42: Solid Waste Management - Litter pick up				\$ 838,000	\$ 1,250,000

Department of Ecology 2023-2025 Operating Budget Requests Supporting the Puget Sound Action Agenda

September 13, 2022

Decision Package	Vital Signs	Strategies	Desired Outcomes	Actions	Ongoing Program	Orca Task Force Recommendation	Federal Leveraging	Local Leveraging	Puget Sound Dollars	Total Request Dollars
9. PL PE Modernizing TurboPlan System	Toxics in Aquatic Life; Orcas; Salmon; Economic Vitality; Good Governance; Sound Stewardship	8. Prevent Pollution; 23. Transparent and Inclusive Governance; 26. Human Health	2.1.1, 2.1.2, 2.1.3, 2.1.4, 2.1.5, 5.1.1, 5.1.2, 5.2.1, 5.2.2, 5.2.3, 5.2.4, 5.6.4	33, 41, 42, 43, 44, 45, 96, 98, 161, 162, 163, 179, 184, 187	OGP_ECY5: Hazardous Waste and Toxics Reduction - Reducing Toxic Threats, Toxics Reduction Technical visits and special projects	29, 30, 31			\$ 630,000	\$ 1,050,000
10. PL PP Vessel and Oil Transfer Inspectors	N/A	13. Oil Spills	2.4.1		OGP_ECY26: Spill Prevention				\$ 553,000	\$ 790,000
11. PL PS Tug Escort Environmental Assessment	N/A	13. Oil Spills	2.4.1, 3.1.1	64	OGP_ECY26: Spill Prevention	24			\$ 775,000	\$ 1,107,000
12. PL PD Floodplain Management Grants	Streams and Floodplains	5. Floodplains and Estuaries	1.1.1, 1.1.2, 1.1.3, 1.2.1, 1.3.1, 1.3.2, 1.3.3, 1.4.1, 1.4.2	19, 20, 24	OGP_ECY13: Shorelands - Floodplains by Design	45		A 25% match of cash, interlocal, and in-kind is required for most grants	\$ 400,000	\$ 800,000
13. PL PG Washington Compost Emissions Study	Air Quality	19. GHG Reductions and Carbon Sequestration	4.2.1, 4.2.2	136, 138		43			\$ 1,675,000	\$ 2,500,000
14. PL PK Wetland Mitigation Banking Oversight	Freshwater; Streams and floodplains; Estuaries; Forests and Wetlands; Economic Vitality	4. Riparian Areas; 5. Floodplains and Estuaries; 25. Natural Resource Industries	1.1.1, 1.3.1, 1.4.1, 1.4.2, 4.3.1, 5.1.1, 5.4.1, 5.4.2	3, 12, 24, 89, 151, 164, 174, 194, 195, 196, 197	OGP_ECY9: Shorelands- Wetland Mitigation Banking Program	1, 3			\$ 291,000	\$ 548,000
15. PL PT River Migration Mapping for Salmon	Streams and Floodplains	4. Riparian Areas	1.1.1, 1.4.1	11		45			\$ 117,000	\$ 355,000
16. PL PB Padilla Bay Reserve Stewardship	Marine Water; Marine Vegetation; Estuaries; Zooplankton; Cultural Wellbeing; Sense of Place; and Sound Stewardship.	14. Invasive Species; 16. Eelgrass, Kelp, and Other Vegetation; 21. Sense of Place; 22. Recreation and Stewardship; 24. Cultural Practices	1.1.1, 1.4.1, 1.5.2, 3.2.1, 4.1.1, 5.1.1, 5.1.2, 5.2.4, 5.4.1, 5.5.1, 5.5.2, 5.5.3	11, 59, 86, 89, 91, 125, 126, 127, 132, 157, 164, 187, 189, 190, 191, 198, 204	OGP_ECY16: Shorelands - Padilla Bay National Estuarine Research Reserve	5, 41	A NOAA award to Dept of Ecology contributes 70%, which it matched by 30% state funds, in order to maintain and operate the Padilla Bay National Estuarine Research Reserve.	Several private/local agreements contribute to education programs at Padilla Bay, as well as support from the Padilla Bay Foundation for operations and education support.	\$ 335,000	\$ 447,000
17. ML AK Address Toxic Tire Wear Chemical	Toxics in Aquatic Life; Freshwater	8. Prevent pollution	2.1.2, 2.1.3	N/A	OGP_ECY04: Hazardous Waste and Toxics Reduction - Reducing Toxic Threats, Safer Products WA, Chemicals in Products Compliance	30			\$ 2,189,000	\$ 2,702,000
18. ML AE 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	78, 112, 114, 128, 157, 159, 160, 161, 162, 163, 192, 197, 198	OGP_ECY45: Solid Waste Management - Public Participation Grants				\$ 637,000	\$ 1,179,000

Department of Ecology

2023-2025 Operating Budget Requests Supporting the Puget Sound Action Agenda

September 13, 2022

Decision Package	Vital Signs	Strategies	Desired Outcomes	Actions	Ongoing Program	Orca Task Force Recommendation	Federal Leveraging	Local Leveraging	Puget Sound Dollars	Total Request Dollars
19. ML All Hazardous Waste & Toxics IT Systems	Toxics in Aquatic Life; Orcas; Salmon; Economic Vitality; Good Governance; Sound Stewardship	8. Prevent Pollution; 23. Transparent and Inclusive Governance; 26. Human Health	2.1.1, 2.1.2, 2.1.3, 2.1.4, 2.1.5, 5.1.1, 5.1.2, 5.2.1, 5.2.2, 5.2.3, 5.2.4, 5.6.4	33, 41, 42, 43, 44, 45, 96, 98, 161, 162, 163, 179, 184, 187	OGP_ECYS; Hazardous Waste and Toxics Reduction - Reducing Toxic Threats, Toxics Reduction Technical visits and special projects	29, 30, 31			\$ 342,000	\$ 422,000
Total Operating Request in Support of the Puget Sound Action Agenda										\$ 21,789,000

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Code	Title
461	Department of Ecology

2023-25 Federal Funding Estimates

Activity	CFDA No.	Agency / CFDA Title	State Fiscal Year	State Match	State Match Source
Agency Total					
			FY 2022	74,063,555	29,632,826
			FY 2023	73,935,635	29,630,768
			FY 2024	148,386,904	38,812,889
			FY 2025	144,636,970	40,712,920
			FY 2026	146,908,627	42,991,940
			FY 2027	147,471,665	43,157,975
A036	11.419	National Oceanic and Atmospheric Administration Coastal Zone Management Sections 306, 309, 310			
			FY 2022	2,994,000	2,536,000 23P, 057
			FY 2023	2,994,000	2,536,000 23P, 057
			FY 2024	2,966,000	2,486,000 23P
			FY 2025	3,090,300	2,610,300 23P
			FY 2026	3,219,800	2,739,800 23P
			FY 2027	3,354,700	2,874,700 23P
A042	11.420	National Oceanic and Atmospheric Administration Coastal Zone Management Section 315			
			FY 2022	1,035,000	310,500 23P
			FY 2023	1,035,000	310,500 23P
			FY 2024	1,115,000	257,308 23P
			FY 2025	1,226,501	283,039 23P
			FY 2026	1,349,151	311,342 23P
			FY 2027	1,484,066	342,477 23P
A036	12.107	US Army Corps of Engineers Washington Conservation Corps/US ACE Walla Walla			
			FY 2022	36,610	- n/a
			FY 2023	36,610	- n/a
			FY 2024	36,610	- n/a
			FY 2025	36,610	- n/a
			FY 2026	36,610	- n/a
			FY 2027	36,610	- n/a

Activity	CFDA No.	Agency / CFDA Title	State Fiscal Year	State Match	State Match Source	
A056	15.231	U.S. Department of Interior, Bureau of Land Management Washington Conservation Corps/BLM Spokane	FY 2022	47,619	15,873	23P
			FY 2023	47,619	15,873	23P
			FY 2024	47,619	15,873	23P
			FY 2025	47,619	15,873	23P
			FY 2026	47,619	15,873	23P
			FY 2027	47,619	15,873	23P
			A056	15.608	U.S. Department of Interior, Fish and Wildlife Service Washington Conservation Corps/Nisqually Wildlife Refuge	FY 2022
FY 2023	86,625	28,875				23P
FY 2024	86,625	28,875				23P
FY 2025	86,625	28,875				23P
FY 2026	86,625	28,875				23P
FY 2027	86,625	28,875				23P
A038	15.614	U.S. Fish and Wildlife Service National Coastal Wetland Conservation (Capital)				FY 2022
			FY 2023	4,000,000	-	n/a
			FY 2024	4,000,000	-	n/a
			FY 2025	4,000,000	-	n/a
			FY 2026	4,000,000	-	n/a
			FY 2027	4,000,000	-	n/a
			A036	15.808	U.S. Geological Survey Studies of Morphology and Habitat	FY 2022
FY 2023	145,000	-				n/a
FY 2024	145,000	-				n/a
FY 2025	145,000	-				n/a
FY 2026	145,000	-				n/a
FY 2027	145,000	-				n/a

Activity	CFDA No.	Agency / CFDA Title	State Fiscal Year	State Match	State Match Source	
A056	15.931	U.S. Department of Interior, National Park Service Washington Conservation Corps/North Cascades	FY 2022	85,000	28,333	23P
			FY 2023	85,000	28,333	23P
			FY 2024	85,000	28,333	23P
			FY 2025	85,000	28,333	23P
			FY 2026	85,000	28,333	23P
			FY 2027	85,000	28,333	23P
			A056	15.931	U.S. Department of Interior, National Park Service Washington Conservation Corps/Olympic National Park	FY 2022
FY 2023	181,500	57,750				23P
FY 2024	181,500	57,750				23P
FY 2025	181,500	57,750				23P
FY 2026	181,500	57,750				23P
FY 2027	181,500	57,750				23P
A056	15.931	U.S. Department of Interior, National Park Service Washington Conservation Corps/Mount Rainier National Park				FY 2022
			FY 2023	60,000	20,000	23P
			FY 2024	60,000	20,000	23P
			FY 2025	60,000	20,000	23P
			FY 2026	60,000	20,000	23P
			FY 2027	60,000	20,000	23P
			A025	66.034	Environmental Protection Agency Surveys, Studies, Investigations & Special Purpose Rel to Clean Air Act / NATTs	FY 2022
FY 2023	60,000	-				n/a
FY 2024	60,000	-				n/a
FY 2025	60,000	-				n/a
FY 2026	60,000	-				n/a
FY 2027	60,000	-				n/a

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 / PM 2.5			
		FY 2022	560,000	-	n/a
		FY 2023	560,000	-	n/a
		FY 2024	774,000	-	n/a
		FY 2025	774,000	-	n/a
		FY 2026	774,000	-	n/a
		FY 2027	774,000	-	n/a
A051	66.040	Environmental Protection Agency National Clean Diesel Funding Assistance / DERA			
		FY 2022	522,450	348,300	23N
		FY 2023	504,695	336,463	23N
		FY 2024	504,695	336,463	23N
		FY 2025	504,695	336,463	23N
		FY 2026	508,000	338,680	23N
		FY 2027	508,000	338,680	23N
A008	66.123	Environmental Protection Agency Puget Sound Action Agenda: Technical Investigations & Implementation Assistance			
		FY 2022	5,000,000	5,000,000	057, 727
		FY 2023	5,000,000	5,000,000	057, 727
		FY 2024	5,000,000	5,000,000	057, 727
		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
A027	66.419	Environmental Protection Agency Monitoring Strategies Grant			
		FY 2022	338,000	-	n/a
		FY 2023	166,000	-	n/a
		FY 2024	166,000	-	n/a
		FY 2025	166,000	-	n/a
		FY 2026	166,000	-	n/a
		FY 2027	338,000	-	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 2022	308,000	-	n/a
		FY 2023	280,000	-	n/a
		FY 2024	280,000	-	n/a
		FY 2025	280,000	-	n/a
		FY 2026	280,000	-	n/a
		FY 2027	280,000	-	n/a
A006	66.454	Environmental Protection Agency Water Quality Management & Planning CWA 604(b)			
		FY 2022	279,000	-	n/a
		FY 2023	279,000	-	n/a
		FY 2024	279,000	-	n/a
		FY 2025	279,000	-	n/a
		FY 2026	279,000	-	n/a
		FY 2027	279,000	-	n/a
A006, A049,	66.460	Environmental Protection Agency Nonpoint Source Implementation Grants 319 (h)			
		FY 2022	3,021,000	2,014,000	23P, 23R, 057
		FY 2023	3,021,000	2,014,000	23P, 23R, 057
		FY 2024	3,233,000	2,155,000	23P, 23R, 057
		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
A038	66.461	Environmental Protection Agency Regional Wetland Development grants			
		FY 2022	100,000	33,334	23P
		FY 2023	100,000	33,334	23P
		FY 2024	100,000	33,334	23P
		FY 2025	100,000	33,334	23P
		FY 2026	100,000	33,334	23P
		FY 2027	100,000	33,334	23P

Activity	CFDA No.	Agency / CFDA Title	State Fiscal Year	State Match	State Match Source	
A043	66.505	Environmental Protection Agency Water Pollution Control	FY 2022	37,500,000	7,500,000	355
			FY 2023	37,500,000	7,500,000	355
			FY 2024	95,000,000	16,625,000	355
			FY 2025	105,000,000	18,375,000	355
			FY 2026	107,000,000	20,494,000	355
			FY 2027	107,000,000	20,494,000	355
			A043	66.447	Environmental Protection Agency Sewer Overflow and Stormwater Reuse Municipal Grant	FY 2022
FY 2023	-	-				n/a
FY 2024	15,400,000	-				n/a
FY 2025	1,300,000	-				n/a
FY 2026	1,300,000	-				n/a
FY 2027	1,300,000	-				n/a
A007, A027, A034, A043, A049	66.605	Environmental Protection Agency Performance Partnership Grant				FY 2022
			FY 2023	8,895,000	10,662,000	001, 23P, 23N, 160, 216
			FY 2024	8,996,000	10,667,000	001, 23P, 23N, 160, 216
			FY 2025	8,996,000	10,667,000	001, 23P, 23N, 160, 216
			FY 2026	8,996,000	10,667,000	001, 23P, 23N, 160, 216
			FY 2027	8,996,000	10,667,000	001, 23P, 23N, 160, 216
			A037	66.605	Environmental Protection Agency Performance Partnership Grant	FY 2022
FY 2023	103,315	-				n/a
FY 2024	103,315	-				n/a
FY 2025	103,315	-				n/a
FY 2026	103,315	-				n/a
FY 2027	103,315	-				n/a

Activity	CFDA No.	Agency / CFDA Title	State Fiscal Year	State Match	State Match Source	
A052, A065	66.708	Environmental Protection Agency Pollution Prevention Grants Program - P2 Grant	FY 2022	101,914	101,914	23P
			FY 2023	101,914	101,914	23P
			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
			A019, A021,	66.801	Environmental Protection Agency Hazardous Waste Management State Program Support	FY 2022
FY 2023	1,752,910	584,232				23P
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
A005	66.802	Environmental Protection Agency Superfund State, Political Subdivision & Indian Tribe Site Specific Coop Agreement				FY 2022
			FY 2023	611,675	-	n/a
			FY 2024	679,327	-	n/a
			FY 2025	679,327	-	n/a
			FY 2026	577,836	-	n/a
			FY 2027	577,836	-	n/a
			A023	66.804	Environmental Protection Agency State & Tribal Underground Storage Tank Program (LUST Prevention & STAG)	FY 2022
FY 2023	513,525	171,175				23P
FY 2024	461,270	139,671				23P
FY 2025	461,270	139,671				23P
FY 2026	461,270	139,671				23P
FY 2027	461,270	139,671				23P

Activity	CFDA No.	Agency / CFDA Title	State Fiscal Year	State Match	State Match Source
A005	66.805	Environmental Protection Agency			
		Leaking Underground Storage Tank Fund Program (LUST)			
		FY 2022	603,372	67,040	23P
		FY 2023	691,372	76,819	23P
		FY 2024	543,769	60,419	23P
		FY 2025	543,769	60,419	23P
		FY 2026	543,769	60,419	23P
		FY 2027	543,769	60,419	23P
A005	66.809	Environmental Protection Agency			
		Superfund State and Indian Tribe Core Program Cooperative Agreements (CORE)			
		FY 2022	112,500	12,500	23P
		FY 2023	112,500	12,500	23P
		FY 2024	112,500	12,500	23P
		FY 2025	112,500	12,500	23P
		FY 2026	112,500	12,500	23P
		FY 2027	112,500	12,500	23P
A005	66.817	Environmental Protection Agency			
		State & Tribal Response Program Grants (STRP)			
		FY 2022	916,492	-	n/a
		FY 2023	916,492	-	n/a
		FY 2024	1,916,492	-	n/a
		FY 2025	1,916,492	-	n/a
		FY 2026	1,916,492	-	n/a
		FY 2027	1,916,492	-	n/a
A014	81.104	US Department of Energy			
		Oversight of CERCLA practices at the Hanford Site			
		FY 2022	3,696,048	-	n/a
		FY 2023	3,697,883	-	n/a
		FY 2024	3,808,819	-	n/a
		FY 2025	3,923,084	-	n/a
		FY 2026	4,040,777	-	n/a
		FY 2027	4,162,000	-	n/a

Activity	CFDA No.	Agency / CFDA Title	State Fiscal Year	State Match	State Match Source
A040	97.023	Federal Emergency Management Agency National Flood Insurance Program - Community Assistance Program			
		FY 2022	160,000	40,000	02P
		FY 2023	160,000	40,000	02P
		FY 2024	160,000	40,000	02P
		FY 2025	160,000	40,000	02P
		FY 2026	160,000	40,000	02P
		FY 2027	160,000	40,000	02P
A011	97.041	Federal Emergency Management Agency National Dam Safety			
		FY 2022	101,000	101,000	001
		FY 2023	101,000	101,000	001
		FY 2024	101,000	101,000	001
		FY 2025	101,000	101,000	001
		FY 2026	101,000	101,000	001
		FY 2027	101,000	101,000	001
A040	97.045	Federal Emergency Management Agency Cooperating Technical Partners			
		FY 2022	136,000	-	n/a
		FY 2023	136,000	-	n/a
		FY 2024	136,000	-	n/a
		FY 2025	136,000	-	n/a
		FY 2026	136,000	-	n/a
		FY 2027	136,000	-	n/a

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Code	Title
461	Department of Ecology

PROPOSED 2023-25 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 (1 to 5)	Comments
Agency Total									
	FY 2022	74,063,348	74,063,555	6.45%	70,360,181	55,547,511			
	FY 2023	73,935,428	73,935,635	6.44%	70,238,657	55,451,571			
	FY 2024	148,386,904	148,386,904	9.56%	140,967,559	111,290,178			
	FY 2025	144,636,970	144,636,970	9.32%	137,405,122	108,477,728			
	FY 2026	146,908,627	146,908,627	9.46%	139,563,196	110,181,470			
	FY 2027	147,471,665	147,471,665	9.50%	140,098,082	110,603,749			
11.419	National Oceanic and Atmospheric Administration Coastal Zone Management Sections 306, 309, 310								Comment: These grants support approximately 35 state employees every fiscal year. There are no other expenditures supported by this grant.
	FY 2022	2,994,000	2,994,000	0.26%	2,844,300	2,245,500	1	3	
	FY 2023	2,994,000	2,994,000	0.26%	2,844,300	2,245,500	1	3	
	FY 2024	2,966,000	2,966,000	0.19%	2,817,700	2,224,500	1	3	
	FY 2025	3,090,300	3,090,300	0.20%	2,935,785	2,317,725	1	3	
	FY 2026	3,219,800	3,219,800	0.21%	3,058,810	2,414,850	1	3	
	FY 2027	3,354,700	3,354,700	0.22%	3,186,965	2,516,025	1	3	
11.420	National Oceanic and Atmospheric Administration Coastal Zone Management Section 315								Comment: These grants support approximately 8 state employees every fiscal year. There are no other expenditures supported by this grant.
	FY 2022	1,035,000	1,035,000	0.09%	983,250	776,250	1	3	
	FY 2023	1,035,000	1,035,000	0.09%	983,250	776,250	1	3	
	FY 2024	1,115,000	1,115,000	0.07%	1,059,250	836,250	1	3	
	FY 2025	1,226,501	1,226,501	0.08%	1,165,176	919,876	1	3	
	FY 2026	1,349,151	1,349,151	0.09%	1,281,693	1,011,863	1	3	
	FY 2027	1,484,066	1,484,066	0.10%	1,409,863	1,113,050	1	3	
12.107	US Army Corps of Engineers Washington Conservation Corps/US ACE Walla Walla								Comment: Project employees would be placed on other projects.
	FY 2022	36,610	36,610	0.00%	34,780	27,458	1	4	
	FY 2023	36,610	36,610	0.00%	34,780	27,458	1	4	
	FY 2024	36,610	36,610	0.00%	34,780	27,458	1	4	
	FY 2025	36,610	36,610	0.00%	34,780	27,458	1	4	
	FY 2026	36,610	36,610	0.00%	34,780	27,458	1	4	
	FY 2027	36,610	36,610	0.00%	34,780	27,458	1	4	
15.231	U.S. Department of Interior, Bureau of Land Management Washington Conservation Corps/BLM Spokane								Comment: Project employees would be placed on other projects.
	FY 2022	47,619	47,619	0.00%	45,238	35,714	1	4	
	FY 2023	47,619	47,619	0.00%	45,238	35,714	1	4	
	FY 2024	47,619	47,619	0.00%	45,238	35,714	1	4	
	FY 2025	47,619	47,619	0.00%	45,238	35,714	1	4	
	FY 2026	47,619	47,619	0.00%	45,238	35,714	1	4	
	FY 2027	47,619	47,619	0.00%	45,238	35,714	1	4	
15.608	U.S. Department of Interior, Fish and Wildlife Service Washington Conservation Corps/Nisqually Wildlife Refuge								Comment: Project employees would be placed on other projects.
	FY 2022	86,625	86,625	0.01%	82,294	64,969	1	4	
	FY 2023	86,625	86,625	0.01%	82,294	64,969	1	4	
	FY 2024	86,625	86,625	0.01%	82,294	64,969	1	4	
	FY 2025	86,625	86,625	0.01%	82,294	64,969	1	4	
	FY 2026	86,625	86,625	0.01%	82,294	64,969	1	4	
	FY 2027	86,625	86,625	0.01%	82,294	64,969	1	4	
15.614	U.S. Fish and Wildlife Service National Coastal Wetland Conservation (Capital)								Comment: This grant supports approximately 0.40 FTE. This grant also pays for contracts with conservation entities to purchase wetlands.
	FY 2022	4,000,000	4,000,000	0.35%	3,800,000	3,000,000	1	2, 3	
	FY 2023	4,000,000	4,000,000	0.35%	3,800,000	3,000,000	1	2, 3	
	FY 2024	4,000,000	4,000,000	0.26%	3,800,000	3,000,000	1	2, 3	
	FY 2025	4,000,000	4,000,000	0.26%	3,800,000	3,000,000	1	2, 3	
	FY 2026	4,000,000	4,000,000	0.26%	3,800,000	3,000,000	2	2, 4	
	FY 2027	4,000,000	4,000,000	0.26%	3,800,000	3,000,000	3	2, 5	

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15.808	U.S. Geological Survey Studies of Morphology and Habitat								
	FY 2022	145,000	145,000	0.01%	137,750	108,750	1	3	Comment: This award supports approximately 0.20 FTE.
	FY 2023	145,000	145,000	0.01%	137,750	108,750	1	3	
	FY 2024	145,000	145,000	0.01%	137,750	108,750	1	3	
	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	
15.931	U.S. Department of Interior, National Park Service Washington Conservation Corps/North Cascades								
	FY 2022	85,000	85,000	0.01%	80,750	63,750	1	4	Comment: WCC North Cascades. Project employees would be placed on other projects.
	FY 2023	85,000	85,000	0.01%	80,750	63,750	1	4	
	FY 2024	85,000	85,000	0.01%	80,750	63,750	1	4	
	FY 2025	85,000	85,000	0.01%	80,750	63,750	1	4	
	FY 2026	85,000	85,000	0.01%	80,750	63,750	1	4	
	FY 2027	85,000	85,000	0.01%	80,750	63,750	1	4	
15.931	U.S. Department of Interior, National Park Service Washington Conservation Corps/Olympic National Park								
	FY 2022	181,500	181,500	0.02%	172,425	136,125	1	4	Comment: WCC Olympic National Park. Project employees would be placed on other projects.
	FY 2023	181,500	181,500	0.02%	172,425	136,125	1	4	
	FY 2024	181,500	181,500	0.01%	172,425	136,125	1	4	
	FY 2025	181,500	181,500	0.01%	172,425	136,125	1	4	
	FY 2026	181,500	181,500	0.01%	172,425	136,125	1	4	
	FY 2027	181,500	181,500	0.01%	172,425	136,125	1	4	
15.931	U.S. Department of Interior, National Park Service Washington Conservation Corps/Mount Rainier National Park								
	FY 2022	60,000	60,000	0.01%	57,000	45,000	1	4	Comment: WCC Mt. Rainier National Park. Project employees would be placed on other projects.
	FY 2023	60,000	60,000	0.01%	57,000	45,000	1	4	
	FY 2024	60,000	60,000	0.00%	57,000	45,000	1	4	
	FY 2025	60,000	60,000	0.00%	57,000	45,000	1	4	
	FY 2026	60,000	60,000	0.00%	57,000	45,000	1	4	
	FY 2027	60,000	60,000	0.00%	57,000	45,000	1	4	
66.034	Environmental Protection Agency Surveys, Studies, Investigations & Special Purpose Rel to Clean Air Act / NATTs								
	FY 2022	60,000	60,000	0.01%	57,000	45,000	1	4,5	Comment: NATTs
	FY 2023	60,000	60,000	0.01%	57,000	45,000	1	4,5	
	FY 2024	60,000	60,000	0.00%	57,000	45,000	1	4,5	
	FY 2025	60,000	60,000	0.00%	57,000	45,000	1	4,5	
	FY 2026	60,000	60,000	0.00%	57,000	45,000	1	4,5	
	FY 2027	60,000	60,000	0.00%	57,000	45,000	1	4,5	
66.034	Environmental Protection Agency Surveys, Studies, Investigations & Special Purpose Rel to Clean Air Act / PM 2.5								
	FY 2022	560,000	560,000	0.05%	532,000	420,000	3	2,4	Comment: PM 2.5 Anticipating a possible increase due to H.R.8294 on EPA programs.
	FY 2023	560,000	560,000	0.05%	532,000	420,000	3	2,4	
	FY 2024	774,000	774,000	0.05%	735,300	580,500	3	2,4	
	FY 2025	774,000	774,000	0.05%	735,300	580,500	3	2,4	
	FY 2026	774,000	774,000	0.05%	735,300	580,500	2	2,4	
	FY 2027	774,000	774,000	0.05%	735,300	580,500	2	2,4	
66.040	Environmental Protection Agency National Clean Diesel Funding Assistance / DERA								
	FY 2022	522,450	522,450	0.05%	496,328	391,838	2	2,4	Comment: DERA. Match is optional on this grant - when match is committed, EPA increases the federal portion of the grant by approximately 1/2 of the match. Beginning in 2019-21 all match is expected to be capital funding. Match in 2021-23 and beyond is assumed from MTCA Capital Account. Assumed 3.25% increase in out years for inflation.
	FY 2023	504,695	504,695	0.04%	479,460	378,521	2	2,4	
	FY 2024	504,695	504,695	0.03%	479,460	378,521	2	2,4	
	FY 2025	504,695	504,695	0.03%	479,460	378,521	2	2,4	
	FY 2026	508,000	508,000	0.03%	482,600	381,000	2	2,4	
	FY 2027	508,000	508,000	0.03%	482,600	381,000	2	2,4	

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66.123	Environmental Protection Agency Puget Sound Action Agenda: Technical Investigations and Implementation Assistance Program								
	FY 2022	5,000,000	5,000,000	0.44%	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 will initiate a new competitive process for the next round of NEP grants in summer/fall 2020. We anticipate similar incremental awards over the next 5 years (6/1/21 - 6/30/26).
	FY 2023	5,000,000	5,000,000	0.44%	4,750,000	3,750,000	1	1,2	
	FY 2024	5,000,000	5,000,000	0.32%	4,750,000	3,750,000	1	1,2	
	FY 2025	5,000,000	5,000,000	0.32%	4,750,000	3,750,000	1	1,2	
	FY 2026	5,000,000	5,000,000	0.32%	4,750,000	3,750,000	1	1,2	
	FY 2027	5,000,000	5,000,000	0.32%	4,750,000	3,750,000	1	1,2	
66.419	Environmental Protection Agency Monitoring Strategies Grant								
	FY 2022	338,000	338,000	0.03%	321,100	253,500	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.
	FY 2023	166,000	166,000	0.01%	157,700	124,500	1	1	
	FY 2024	166,000	166,000	0.01%	157,700	124,500	1	1	
	FY 2025	166,000	166,000	0.01%	157,700	124,500	1	1	
	FY 2026	166,000	166,000	0.01%	157,700	124,500	1	1	
	FY 2027	338,000	338,000	0.02%	321,100	253,500	1	1	
66.419	Environmental Protection Agency BEACH Program								
	FY 2022	308,000	308,000	0.03%	292,600	231,000	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 2023	280,000	280,000	0.02%	266,000	210,000	1	1,2	
	FY 2024	280,000	280,000	0.02%	266,000	210,000	1	1,2	
	FY 2025	280,000	280,000	0.02%	266,000	210,000	1	1,2	
	FY 2026	280,000	280,000	0.02%	266,000	210,000	1	1,2	
	FY 2027	280,000	280,000	0.02%	266,000	210,000	1	1,2	
66.454	Environmental Protection Agency Water Quality Management & Planning CWA 604(b)								
	FY 2022	279,000	279,000	0.02%	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 2023	279,000	279,000	0.02%	265,050	209,250	2	1	
	FY 2024	279,000	279,000	0.02%	265,050	209,250	2	1	
	FY 2025	279,000	279,000	0.02%	265,050	209,250	2	1	
	FY 2026	279,000	279,000	0.02%	265,050	209,250	2	1	
	FY 2027	279,000	279,000	0.02%	265,050	209,250	2	1	
66.460	Environmental Protection Agency Nonpoint Source Implementation Grants 319 (h)								
	FY 2022	3,021,000	3,021,000	0.26%	2,869,950	2,265,750	1	1,2	Comment: Grant has been relatively stable. Ecy expects a slight increase in award during the 23-25 Biennium.
	FY 2023	3,021,000	3,021,000	0.26%	2,869,950	2,265,750	1	1,2	
	FY 2024	3,233,000	3,233,000	0.21%	3,071,350	2,424,750	1	1,2	
	FY 2025	3,233,000	3,233,000	0.21%	3,071,350	2,424,750	1	1,2	
	FY 2026	3,233,000	3,233,000	0.21%	3,071,350	2,424,750	1	1,2	
	FY 2027	3,233,000	3,233,000	0.21%	3,071,350	2,424,750	1	1,2	
66.461	Environmental Protection Agency Regional Wetland Development grants								
	FY 2022	100,000	100,000	0.01%	95,000	75,000	2	3, 4	Comment: This grant supports approximately 1.5 state employees every fiscal year.
	FY 2023	100,000	100,000	0.01%	95,000	75,000	2	3, 4	
	FY 2024	100,000	100,000	0.01%	95,000	75,000	2	3, 4	
	FY 2025	100,000	100,000	0.01%	95,000	75,000	2	3, 4	
	FY 2026	100,000	100,000	0.01%	95,000	75,000	3	3, 5	
	FY 2027	100,000	100,000	0.01%	95,000	75,000	4	3, 6	
66.505	Environmental Protection Agency Water Pollution Control								
	FY 2022	37,500,000	37,500,000	3.26%	35,625,000	28,125,000	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 2023	37,500,000	37,500,000	3.26%	35,625,000	28,125,000	1	1	
	FY 2024	95,000,000	95,000,000	6.12%	90,250,000	71,250,000	1	1	
	FY 2025	105,000,000	105,000,000	6.76%	99,750,000	78,750,000	1	1	
	FY 2026	107,000,000	107,000,000	6.89%	101,650,000	80,250,000	1	1	
	FY 2027	107,000,000	107,000,000	6.89%	101,650,000	80,250,000	1	1	

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66.447	Environmental Protection Agency Sewer Overflow and Stormwater Reuse Municipal Grant								Comment: This is a new grant program. Ecy expects to pass through all of the funds to local governments and tribes.
	FY 2022	-	-	0.00%	-	-	1	1	
	FY 2023	-	-	0.00%	-	-	1	1	
	FY 2024	15,400,000	15,400,000	0.99%	14,630,000	11,550,000	1	1	
	FY 2025	1,300,000	1,300,000	0.08%	1,235,000	975,000	1	1	
	FY 2026	1,300,000	1,300,000	0.08%	1,235,000	975,000	1	1	
	FY 2027	1,300,000	1,300,000	0.08%	1,235,000	975,000	1	1	
66.605	Environmental Protection Agency Performance Partnership Grant								Comment: Grant has been relatively stable through the years. ECY expects a slight increase in the award during the 23-25 Biennium.
	FY 2022	8,895,000	8,895,000	0.77%	8,450,250	6,671,250	2	1	
	FY 2023	8,895,000	8,895,000	0.77%	8,450,250	6,671,250	2	1	
	FY 2024	8,996,000	8,996,000	0.58%	8,546,200	6,747,000	2	1	
	FY 2025	8,996,000	8,996,000	0.58%	8,546,200	6,747,000	2	1	
	FY 2026	8,996,000	8,996,000	0.58%	8,546,200	6,747,000	2	1	
	FY 2027	8,996,000	8,996,000	0.58%	8,546,200	6,747,000	2	1	
66.605	Environmental Protection Agency Performance Partnership Grant								Comment: This grant supports approximately 0.90 state employees every fiscal year. There are no other expenditures supported by this grant.
	FY 2022	103,315	103,315	0.01%	98,149	77,486	1	3	
	FY 2023	103,315	103,315	0.01%	98,149	77,486	1	3	
	FY 2024	103,315	103,315	0.01%	98,149	77,486	1	3	
	FY 2025	103,315	103,315	0.01%	98,149	77,486	1	3	
	FY 2026	103,315	103,315	0.01%	98,149	77,486	1	3	
	FY 2027	103,315	103,315	0.01%	98,149	77,486	1	3	
66.708	Environmental Protection Agency Pollution Prevention Grants Program - P2 Grant								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 2022	101,914	101,914	0.01%	96,818	76,436	2	1	
	FY 2023	101,914	101,914	0.01%	96,818	76,436	2	1	
	FY 2024	198,363	198,363	0.01%	96,818	76,436	2	1	
	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	
66.801	Environmental Protection Agency Hazardous Waste Management State Program Support								Comment: Grant subject to -5.8% decrease from prior award.
	FY 2022	1,752,703	1,752,910	0.15%	1,665,068	1,314,527	4	4	
	FY 2023	1,752,703	1,752,910	0.15%	1,665,068	1,314,527	4	4	
	FY 2024	1,650,000	1,650,000	0.11%	1,567,500	1,237,500	4	4	
	FY 2025	1,650,000	1,650,000	0.11%	1,567,500	1,237,500	4	4	
	FY 2026	1,650,000	1,650,000	0.11%	1,567,500	1,237,500	4	4	
	FY 2027	1,650,000	1,650,000	0.11%	1,567,500	1,237,500	4	4	
66.802	Environmental Protection Agency Superfund State, Political Subdivision & Indian Tribe Site Specific Coop Agreement								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 2022	611,675	611,675	0.05%	581,091	458,756	1	4	
	FY 2023	611,675	611,675	0.05%	581,091	458,756	1	4	
	FY 2024	679,327	679,327	0.04%	645,361	509,495	1	4	
	FY 2025	679,327	679,327	0.04%	645,361	509,495	1	4	
	FY 2026	577,836	577,836	0.04%	548,944	433,377	4	4	
	FY 2027	577,836	577,836	0.04%	548,944	433,377	4	4	
66.804	Environmental Protection Agency State & Tribal Underground Storage Tank Program (LUST Prevention & STAG)								Comment: Two agreements include LUST Prevention and STAG.
	FY 2022	513,525	513,525	0.04%	487,849	385,144	3	1,4	
	FY 2023	513,525	513,525	0.04%	487,849	385,144	3	1,4	
	FY 2024	461,270	461,270	0.03%	438,207	345,953	3	1,4	
	FY 2025	461,270	461,270	0.03%	438,207	345,953	3	1,4	
	FY 2026	461,270	461,270	0.03%	438,207	345,953	3	1,4	
	FY 2027	461,270	461,270	0.03%	438,207	345,953	3	1,4	

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66.805	Environmental Protection Agency Leaking Underground Storage Tank Fund Program (LUST)								
	FY 2022	603,372	603,372	0.05%	573,203	452,529	3	1,4	Comment: Previous expected increase went to PLIA instead. Unclear as to if it will come back to Ecology.
	FY 2023	691,372	691,372	0.06%	656,803	518,529	3	1,4	
	FY 2024	543,769	543,769	0.04%	516,581	407,827	3	1,4	
	FY 2025	543,769	543,769	0.04%	516,581	407,827	3	1,4	
	FY 2026	543,769	543,769	0.04%	516,581	407,827	3	1,4	
	FY 2027	543,769	543,769	0.04%	516,581	407,827	3	1,4	
66.809	Environmental Protection Agency Superfund State and Indian Tribe Core Program Cooperative Agreements (CORE)								
	FY 2022	112,500	112,500	0.01%	106,875	84,375	1	1,4	Comment:
	FY 2023	112,500	112,500	0.01%	106,875	84,375	1	1,4	
	FY 2024	112,500	112,500	0.01%	106,875	84,375	1	1,4	
	FY 2025	112,500	112,500	0.01%	106,875	84,375	1	1,4	
	FY 2026	112,500	112,500	0.01%	106,875	84,375	1	1,4	
	FY 2027	112,500	112,500	0.01%	106,875	84,375	1	1,4	
66.817	Environmental Protection Agency State & Tribal Response Program Grants (STRP)								
	FY 2022	916,492	916,492	0.08%	870,667	687,369	2	1,4	Comment: Expecting \$1 Million increase infrastructure funding starting in FY 24 for five years. Exact amounts are unknown at this time.
	FY 2023	916,492	916,492	0.08%	870,667	687,369	2	1,4	
	FY 2024	1,916,492	1,916,492	0.12%	1,820,667	1,437,369	1	1,4	
	FY 2025	1,916,492	1,916,492	0.12%	1,820,667	1,437,369	1	1,4	
	FY 2026	1,916,492	1,916,492	0.12%	1,820,667	1,437,369	1	1,4	
	FY 2027	1,916,492	1,916,492	0.12%	1,820,667	1,437,369	1	1,4	
81.104	US Department of Energy Oversight of CERCLA practices at the Hanford Site								
	FY 2022	3,696,048	3,696,048	0.32%	3,511,246	2,772,036	1	1	Comment: Grant amount assumes increases due to increased staffing, travel, supplies/equipment and indirect costs.
	FY 2023	3,697,883	3,697,883	0.32%	3,512,989	2,773,412	1	1	
	FY 2024	3,808,819	3,808,819	0.25%	3,618,378	2,856,614	1	1	
	FY 2025	3,923,084	3,923,084	0.25%	3,726,930	2,942,313	1	1	
	FY 2026	4,040,777	4,040,777	0.26%	3,838,738	3,030,583	1	1	
	FY 2027	4,162,000	4,162,000	0.27%	3,953,900	3,121,500	1	1	
97.023	Federal Emergency Management Agency National Flood Insurance Program - Community Assistance Program								
	FY 2022	160,000	160,000	0.01%	152,000	120,000	1	3	Comment: This grant support approximately 1.6 state employees every fiscal year. There are no other expenditures.
	FY 2023	160,000	160,000	0.01%	152,000	120,000	1	3	
	FY 2024	160,000	160,000	0.01%	152,000	120,000	1	3	
	FY 2025	160,000	160,000	0.01%	152,000	120,000	1	3	
	FY 2026	160,000	160,000	0.01%	152,000	120,000	1	3	
	FY 2027	160,000	160,000	0.01%	152,000	120,000	1	3	
97.041	Federal Emergency Management Agency National Dam Safety								
	FY 2022	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 2023	101,000	101,000	0.01%	95,950	75,750	1	1	
	FY 2024	101,000	101,000	0.01%	95,950	75,750	1	1	
	FY 2025	101,000	101,000	0.01%	95,950	75,750	1	1	
	FY 2026	101,000	101,000	0.01%	95,950	75,750	1	1	
	FY 2027	101,000	101,000	0.01%	95,950	75,750	1	1	
97.045	Federal Emergency Management Agency Cooperating Technical Partners								
	FY 2022	136,000	136,000	0.01%	129,200	102,000	1	3	Comment: This grant supports approximately 1.0 state employee every fiscal year. There are no other expenditures.
	FY 2023	136,000	136,000	0.01%	129,200	102,000	1	3	
	FY 2024	136,000	136,000	0.01%	129,200	102,000	1	3	
	FY 2025	136,000	136,000	0.01%	129,200	102,000	1	3	
	FY 2026	136,000	136,000	0.01%	129,200	102,000	1	3	
	FY 2027	136,000	136,000	0.01%	129,200	102,000	1	3	

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**Department of Ecology
2023-2025 Operating Budget**

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Central Service Fund Splits - 2023-25

461-Department of Ecology

All Columns by Agency must equal 100%													
Agency	Account and Approp Title	Auditor	AHtGen	OAH	Facilities & Services Only	CTS	Debt Services	Workers' Comp	All Other	Risk Mgmt Division	Self Insurance		
Percent Totals (only applies when one agency chosen)													
461-Department of Ecology	001-1 General Fund-State	12.6%	29.0%	12.6%	12.6%	12.6%	12.6%	12.6%	100.00%	100.00%	100.00%	12.6%	12.6%
461-Department of Ecology	027-1 Reclamation Account-State	0.7%	1.6%	0.7%	0.7%	0.7%	0.7%	0.7%	0.7%	0.7%	0.7%	0.7%	0.7%
461-Department of Ecology	02P-1 Flood Control Assistance Account-State	0.5%	0.0%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%
461-Department of Ecology	044-1 Waste Reduct/Recycle/Litter Control-State	3.4%	1.0%	3.4%	3.4%	3.4%	3.4%	3.4%	3.4%	3.4%	3.4%	3.4%	3.4%
461-Department of Ecology	163-1 Worker/Comm Right to Know	0.4%	0.0%	0.4%	0.4%	0.4%	0.4%	0.4%	0.4%	0.4%	0.4%	0.4%	0.4%
461-Department of Ecology	176-1 Water Quality Permit Account-State	11.1%	10.6%	11.1%	11.1%	11.1%	11.1%	11.1%	11.1%	11.1%	11.1%	11.1%	11.1%
461-Department of Ecology	182-1 Underground Storage Tank Account-State	1.0%	1.5%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%
461-Department of Ecology	199-1 Biosolids Permit Account-State	0.6%	0.0%	0.6%	0.6%	0.6%	0.6%	0.6%	0.6%	0.6%	0.6%	0.6%	0.6%
461-Department of Ecology	207-1 Hazardous Waste Assistance Account-State	1.8%	1.3%	1.8%	1.8%	1.8%	1.8%	1.8%	1.8%	1.8%	1.8%	1.8%	1.8%
461-Department of Ecology	20R-1 Radioactive Mixed Waste Account-State	4.9%	7.3%	4.9%	4.9%	4.9%	4.9%	4.9%	4.9%	4.9%	4.9%	4.9%	4.9%
461-Department of Ecology	216-1 Air Pollution Control Account-State	0.7%	1.3%	0.7%	0.7%	0.7%	0.7%	0.7%	0.7%	0.7%	0.7%	0.7%	0.7%
461-Department of Ecology	217-1 Oil Spill Prevention Account-State	1.4%	0.5%	1.4%	1.4%	1.4%	1.4%	1.4%	1.4%	1.4%	1.4%	1.4%	1.4%
461-Department of Ecology	219-1 Air Operating Permit Account-State	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%
461-Department of Ecology	23P-1 Model Toxics Control Operating Account-State	54.7%	42.6%	54.7%	54.7%	54.7%	54.7%	54.7%	54.7%	54.7%	54.7%	54.7%	54.7%
461-Department of Ecology	25T-1 Refrigerant Emission Management Account-State	0.5%	0.0%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%
461-Department of Ecology	26B-1 Climate Investment Account-State	3.4%	1.3%	3.4%	3.4%	3.4%	3.4%	3.4%	3.4%	3.4%	3.4%	3.4%	3.4%
461-Department of Ecology	564-1 Water Pollution Ctrl Revi Admin-State	1.3%	1.0%	1.3%	1.3%	1.3%	1.3%	1.3%	1.3%	1.3%	1.3%	1.3%	1.3%

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State Fee Inventory

Agency	461	Department of Ecology
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Fee Title	Agency	Fee Amount as of 1/1/2019	Fee Amount as of 1/1/2020	Fee Amount as of 1/1/2021	Fee Amount as of 1/1/2022	Fee Amount as of 1/1/2023	Statutory Authority	Purpose
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.
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	\$450-\$5,233	\$200-\$7,500	\$200-\$8,000	\$200-\$7,500	\$200-\$7,500	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	\$1,010-\$297,180	\$27,428 - \$339,209	\$27,428 - \$339,209	\$27,428 - \$339,209	\$27,428 - \$339,209	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.
Gas Vapor Registration Fee	Department of Ecology	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	RCW 70A.15.2200	Specific fees for gasoline loading terminals, dispensing facilities, and bulk gasoline plants. The collected fees will be used to administer the registration program. Program has not yet started. Rulemaking is currently on hold due to other Governor priorities.
Grass Seed Burning Fee	Department of Ecology	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	RCW 70A.15.5110	The fee was imposed on the open burning of field and turf grasses grown for seed. This activity was banned in the late 1990s to minimize the adverse effects on air quality.
New Source Review Fee	Department of Ecology	\$350-\$90,000 depending on complexity of permit	\$1,500-\$10,000 for permit which covers a base number of hours. Hours over the base amount are charged at \$95/hour.	\$1,500-\$10,000 for permit which covers a base number of hours. Hours over the base amount are charged at \$95/hour.	\$1,500-\$10,000 for permit which covers a base number of hours. Hours over the base amount are charged at \$95/hour.	\$1,900-\$12,600 for permit 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.
Weather Modification Fee	Department of Ecology	1.5% of estimated project cost	1.5% of estimated project cost	1.5% of estimated project cost	1.5% of estimated project cost	1.5% of estimated project cost	RCW 70A.10.140	Fee to permit weather modification by seeding clouds which has not been done in Washington State since the late 1970s.
Wood Stove Education and Enforcement Fee	Department of Ecology	\$30	\$30	\$30	\$30	\$30	RCW 70A.15.3620	One time purchase fee of \$30 at purchase of wood stoves, fireplaces, and other solid fuel burning devices. Fee level is set by statute and can be adjusted to reflect inflation. This fee is collected by the Department of Revenue.
Greenhouse Gas Reporting Fee	Department of Ecology	\$2,068 per facility	\$2,604 per facility	\$2,604 per facility	\$2,604 per facility	\$2,604 per facility	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.

Fee Title	Agency	Fee Amount as of 1/1/2019	Fee Amount as of 1/1/2020	Fee Amount as of 1/1/2021	Fee Amount as of 1/1/2022	Fee Amount as of 1/1/2023	Statutory Authority	Purpose
Reasonably Available Control Technology (RACT) Fee	Department of Ecology	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	RCW 70A.15.2230; 70A.15.2220	Fee covers developing, establishing, and reviewing RACT for individual sources or categories of sources. Fee covers technical analysis on feasibility, cost effectiveness, ability to improve air quality, and the cost of rule making if RACT must be established by rule.
Clean Fuels Program Fee	Department of Ecology	N/A	N/A	N/A	N/A - Fee to start January 1, 2023	N/A - Fee to start January 1, 2023	RCW 70A.45.020	This fee is imposed on entities that participate in and comply with the Clean Fuels Program.
Lab Accreditation Program Fee	Department of Ecology	\$300-\$25,000	\$300-\$35,000	\$300-\$35,000	\$300-\$35,000	\$300-\$35,000	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 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.
Wastewater Treatment Plant Operator's License Fee	Department of Ecology	\$30 per renewal and certification at \$50 per exam.	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 \$50; other groups application fee \$59; renewal fee \$64.	Group I application fee \$50; other groups application fee \$67; renewal fee \$98.	RCW 70A.212.090, 79A.212.100 WAC 173-230-090	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.
Wastewater Discharge Permit Fee	Department of Ecology	Fees range annually from \$128 to \$160,273 per individual permit holders; general permit holders pay annual fees ranging from \$128 to \$55,580.	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 \$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.	RCW 90.48.465, Chapter 173-224 WAC	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.

Fee Title	Agency	Fee Amount as of 1/1/2019	Fee Amount as of 1/1/2020	Fee Amount as of 1/1/2021	Fee Amount as of 1/1/2022	Fee Amount as of 1/1/2023	Statutory Authority	Purpose
Water Pollution Control Revolving Admin	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 at up to one percent of the outstanding balance on each SRF loan in repayment.	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.
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 deficiency\$10 / Reclamation of mining \$1400 / Inspection Fee \$1208 High & \$881 Significant Hazard.	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 deficiency\$10 / Reclamation of mining \$1400 / Inspection Fee \$1208 High & \$881 Significant Hazard.	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 deficiency\$10 / Reclamation of mining \$1400 / Inspection Fee \$1208 High & \$881 Significant Hazard.	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 deficiency\$10 / Reclamation of mining \$1400 / Inspection Fee \$1208 High & \$881 Significant Hazard.	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 deficiency\$10 / Reclamation of mining \$1400 / Inspection Fee \$1208 High & \$881 Significant Hazard.	RCW 90.03.470(8)(9) and 173-175 Part 3	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.
Water Right Applications, Permits & Certificates & Related Misc. Fee	Department of Ecology	\$50-25,000 New Application & Change/Transfer of water right. \$50 Prepare/Issue water right certification. \$50 Extend construction schedule. \$50 Temp/Seasonal change. \$50 Filing fee-amend water right claim/Record formal protest on app. \$50 reservoir exam.	\$50-25,000 New Application & Change/Transfer of water right. \$50 Prepare/Issue water right certification. \$50 Extend construction schedule. \$50 Temp/Seasonal change. \$50 Filing fee-amend water right claim/Record formal protest on app. \$50 reservoir exam.	\$50-25,000 New Application & Change/Transfer of water right. \$50 Prepare/Issue water right certification. \$50 Extend construction schedule. \$50 Temp/Seasonal change. \$50 Filing fee-amend water right claim/Record formal protest on app. \$50 reservoir exam.	\$50-25,000 New Application & Change/Transfer of water right. \$50 Prepare/Issue water right certification. \$50 Extend construction schedule. \$50 Temp/Seasonal change. \$50 Filing fee-amend water right claim/Record formal protest on app. \$50 reservoir exam.	\$50-25,000 New Application & Change/Transfer of water right. \$50 Prepare/Issue water right certification. \$50 Extend construction schedule. \$50 Temp/Seasonal change. \$50 Filing fee-amend water right claim/Record formal protest on app. \$50 reservoir exam.	RCW 90.03.470 and 90.14.240	Three basic fees are collected for filing and examination of an application, recording a permit, and recording a certificate. Other fees are charged for extensions of time, changing an existing right construction of a reservoir, and minor actions. 80% of the fee is deposited in GFS and 20% will be deposited into the Water Rights Tracking System Acct.
Water Well Operator's License Fee	Department of Ecology	\$75 application fee for new operator or training license, renew in 2 years.	\$75 application fee for new operator or training license, renew in 2 years.	\$75 application fee for new operator or training license, renew in 2 years.	\$75 application fee for new operator or training license, renew in 2 years.	\$75 application fee for new operator or training license, renew in 2 years.	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.

Fee Title	Agency	Fee Amount as of 1/1/2019	Fee Amount as of 1/1/2020	Fee Amount as of 1/1/2021	Fee Amount as of 1/1/2022	Fee Amount as of 1/1/2023	Statutory Authority	Purpose
Well Construction and Inspection Fee	Department of Ecology	\$200 Water Well (dia<12 inches) \$300 Water Well (dia-> 12 inches) \$40 Resource Protection well, \$40 per 200 lineal ft. of dewatering system; \$40 for the 1st 4 envr. investigation wells, \$10 ea. additional well \$20-\$50 Decommission fee.	\$200 Water Well (dia<12 inches) \$300 Water Well (dia-> 12 inches) \$40 Resource Protection well, \$40 per 200 lineal ft. of dewatering system; \$40 for the 1st 4 envr. investigation wells, \$10 ea. additional well \$20-\$50 Decommission fee.	\$200 Water Well (dia<12 inches) \$300 Water Well (dia-> 12 inches) \$40 Resource Protection well, \$40 per 200 lineal ft. of dewatering system; \$40 for the 1st 4 envr. investigation wells, \$10 ea. additional well \$20-\$50 Decommission fee.	\$200 Water Well (dia<12 inches) \$300 Water Well (dia-> 12 inches) \$40 Resource Protection well, \$40 per 200 lineal ft. of dewatering system; \$40 for the 1st 4 envr. investigation wells, \$10 ea. additional well \$20-\$50 Decommission fee.	\$200 Water Well (dia<12 inches) \$300 Water Well (dia-> 12 inches) \$40 Resource Protection well, \$40 per 200 lineal ft. of dewatering system; \$40 for the 1st 4 envr. investigation wells, \$10 ea. additional well \$20-\$50 Decommission fee.	RCW 18.104.055	Statute 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.
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	Annual charge is based upon a statutory fee formula established in 1929 which requires calculating the theoretical horsepower of project.
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.
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.	\$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.
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.

Fee Title	Agency	Fee Amount as of 1/1/2019	Fee Amount as of 1/1/2020	Fee Amount as of 1/1/2021	Fee Amount as of 1/1/2022	Fee Amount as of 1/1/2023	Statutory Authority	Purpose
Drought Emergency Ground Water Fee	Department of Ecology	The amount will be variable based on the specific amount of water used from the emergency groundwater well source and the cost to purchase mitigation water.	The amount will be variable based on the specific amount of water used from the emergency groundwater well and the cost to purchase mitigation water. During the 2015 drought event, users of emergency drought wells agreed to pay 50% of the cost to obtain mitigation water with Ecology covering the other 50%.	The amount will be variable based on the specific amount of water used from the emergency groundwater well and the cost to purchase mitigation water. During the 2015 drought event, users of emergency drought wells agreed to pay 50% of the cost to obtain mitigation water with Ecology covering the other 50%.	The amount will be variable based on the specific amount of water used from the emergency groundwater well and the cost to purchase mitigation water. During the 2015 drought event, users of emergency drought wells agreed to pay 50% of the cost to obtain mitigation water with Ecology covering the other 50%.	The amount will be variable based on the specific amount of water used from the emergency groundwater well and the cost to purchase mitigation water. During the 2015 drought event, users of emergency drought wells agreed to pay 50% of the cost to obtain mitigation water with Ecology covering the other 50%.	2ESHB 2376 Section 933	Only applicable during drought declaration where emergency groundwater wells are authorized to be used and that mitigation for the additional groundwater withdrawals are required.
Watershed Restoration and Enhancement Program Fee	Department of Ecology	Local governments collect a \$500 fee from persons seeking a building permit that includes construction of a permit exempt water well in designated WRIAs; \$350 of each fee is remitted by local governments to Ecology.	Local governments collect a \$500 fee from persons seeking a building permit that includes construction of a permit exempt water well in designated WRIAs; \$350 of each fee is remitted by local governments to Ecology.	Local governments collect a \$500 fee from persons seeking a building permit that includes construction of a permit exempt water well in designated WRIAs; \$350 of each fee is remitted by local governments to Ecology.	Local governments collect a \$500 fee from persons seeking a building permit that includes construction of a permit exempt water well in designated WRIAs; \$350 of each fee is remitted by local governments to Ecology.	Local governments collect a \$500 fee from persons seeking a building permit that includes construction of a permit exempt water well in designated WRIAs; \$350 of each fee is remitted by local governments to Ecology.	RCW 90.94.020 & 90.94.030	Local governments collect a \$500 fee from persons seeking a building permit that includes construction of a permit exempt water well in designated WRIAs; \$350 of each fee is remitted by local governments to Ecology.
Underground Storage Tank Fee	Department of Ecology	\$173.80/tank	\$173.80/tank	\$181.83/tank	192.58/tank	204.13/ tank	RCW 90.76.090	The fee is currently set at \$204.13 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.
Expedited Voluntary Cleanup Recoveries or Fees	Department of Ecology	N/A	N/A	\$3,000 application fee \$1,500 close out fee or \$9,000 close out fee if it includes environmental covenant	\$3,000 application fee \$1,500 close out fee or \$9,000 close out fee if it includes environmental covenant	\$3,000 application fee \$1,500 close out fee or \$9,000 close out fee if it includes environmental covenant	RCW 70A.305.170	Technical advice and assistance on independent cleanups. Fees at the beginning and end of the process help to make the process self-sustaining.

Fee Title	Agency	Fee Amount as of 1/1/2019	Fee Amount as of 1/1/2020	Fee Amount as of 1/1/2021	Fee Amount as of 1/1/2022	Fee Amount as of 1/1/2023	Statutory Authority	Purpose
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 43.200.080(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 funds for long term surveillance and maintenance at the commercial low level waste disposal facility after return to the federal government under the prime lease between the United States and State of Washington.
Mixed Waste Management Fee	Department of Ecology	\$9,211,838	\$10,351,000	\$9,275,000	\$10,351,000	\$12,650,851	RCW 70.105.280	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 at mixed waste facilities. Fee is determined annually. Fees are prorated to payee's on planned hours for the year.
Radioactive Waste Surcharge Fee	Department of Ecology	\$6.50/cu ft.	\$6.50/cu ft.	\$6.50/cu ft.	\$6.50/cu ft.	\$6.50/cu ft.	RCW 43.200.233	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.
Site Closure Fee	Department of Ecology	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	RCW 43.200.220	The Department of Ecology had authority to implement a closure fee effective 1/1/93. The agency chose to wait until the Department of Health identified the cost of closure to see if additional funds were needed. As of 2016, the fee is not being charged.
Hazardous Waste Generation Fee	Department of Ecology	\$52 estimated annual fee per generator. Statutory rate adjustment will be calculated in March.	\$54 estimated annual fee per generator. Statutory rate adjustment will be calculated in March.	\$54 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.	\$60 estimated annual fee per generator. Statutory rate adjustment will be calculated in March.	RCW 70A.218.020, 70A.218.040, 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=\$2,054,983; Individual ESTIMATED maximum=\$20,051. Statutory rates and inflation adjustment will be calculated in March.	Total ESTIMATED maximum revenue=\$2,089,850; Individual ESTIMATED maximum=\$20,899. Statutory rates and inflation adjustment will be calculated in March.	Total ESTIMATED maximum revenue=\$2,089,850; Individual ESTIMATED maximum=\$20,899. Statutory rates and inflation adjustment will be calculated in March.	Total ESTIMATED maximum revenue=\$2,410,509; Individual ESTIMATED maximum=\$24,105. Statutory rates and inflation adjustment will be calculated in March.	Total ESTIMATED maximum revenue=\$2,410,509; Individual ESTIMATED maximum=\$24,105. Statutory rates and inflation adjustment will be calculated in March.	RCW 70A.218.030, 70A.218.040, 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.

Fee Title	Agency	Fee Amount as of 1/1/2019	Fee Amount as of 1/1/2020	Fee Amount as of 1/1/2021	Fee Amount as of 1/1/2022	Fee Amount as of 1/1/2023	Statutory Authority	Purpose
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.	FY22 Annual fee of \$1,011.45 plus an additional fee for each residential equivalent rate ranges from \$0.086 to \$0.362; Average Permit Fee = \$2,954.79 (376 facilities/FY22 estimate \$1,111,000).	Annual base fee of \$1,011.45 plus an additional fee ranging between \$0.086 and \$0.362 per residential equivalent (RE) value determined for each facility subject to the program. There are caps in place for some types of facilities. New permit applicants also pay a one-time review fee of \$3,034.35.	RCW 70A.226.020	The fee funds implementation of the state biosolids management program, that includes rule development, permitting, technical assistance and enforcement activities.
Incinerator Operator/Inspector 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. 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).	Rate = \$360-\$410 for first time operator certification, \$50-\$210 for first time inspector certification, and \$200 for operator recertification. 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).	Rate = \$360-\$410 for first time operator certification, \$50-\$210 for first time inspector certification, and \$200 for operator recertification. Tier 1 = \$37,789 (7), Tier 2 = \$7,416 (10), Tier 3 = \$1,093 (13), Tier 4 = \$168 (10), Tier 5 = \$70 (12), Tier 6 = \$10 (Do not collect 167).	Rate = \$360-\$410 for first time operator certification, \$50-\$210 for first time inspector certification, and \$200 for operator recertification. Tier 1 = \$31,198 (9), Tier 2 = \$7,432 (7), Tier 3 = \$1,682 (12), Tier 4 = \$202 (7), Tier 5 = \$62 (14), Tier 6 = \$10 (Do not collect 172).	Rate = \$50 for application/examination; \$200 for certification and certification renewals after 3 years. Inspectors are exempt from certification fees. Textbook fee is \$160 if needed. Tier 1 = \$33,341 Tier 2 = \$10,305 Tier 3 = \$1,415 Tier 4 = \$189 Tier 5 = \$51 Tier 6 = \$10 (not collected)	RCW 70A.216.040	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.
Manufacturer Registration Fee	Department of Ecology	\$3,000 annually per manufacturer 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).	\$3,000 annually per manufacturer 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).	\$3,000 annually per manufacturer Tier 1 = \$37,789 (7), Tier 2 = \$7,416 (10), Tier 3 = \$1,093 (13), Tier 4 = \$168 (10), Tier 5 = \$70 (12), Tier 6 = \$10 (Do not collect 167).	\$3,000 annually per manufacturer Tier 1 = \$31,198 (9), Tier 2 = \$7,432 (7), Tier 3 = \$1,682 (12), Tier 4 = \$202 (7), Tier 5 = \$62 (14), Tier 6 = \$10 (Do not collect 172).	\$3,000 annually per producer	RCW 70A.500.130 RCW 70A.500.230 RCW 70A.500.290	The annual administrative fee covers Ecology's administrative costs related to implementing the electronic product recycling program authorized under Chapter 70A.500 RCW. The administrative fee is calculated with market share data, and WAC 173-900-280 outlines the calculation process.
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	\$3,000 annually per producer	RCW 70A.505.050	Producers that sell mercury-containing lights in or into Washington State are required to pay a fee to Ecology annually for oversight of mercury containing lights collection and recovery, including new plan and plan revisions review and approval, and program monitoring and evaluation.
Environmental Handling Charge (EHC)	Department of Ecology	95 cents per light bulb. Starting in January 1, 2015, producers that sell mercury-containing lights in or into Washington State are required to pay this EHC to the Product Stewardship organization. This is NOT revenue Ecology collects.	95 cents per light bulb. Starting in January 1, 2015, producers that sell mercury-containing lights in or into Washington State are required to pay this EHC to the Product Stewardship organization. This is NOT revenue Ecology collects.	95 cents per light bulb. Starting in January 1, 2015, producers that sell mercury-containing lights in or into Washington State are required to pay this EHC to the Product Stewardship organization. This is NOT revenue Ecology collects.	95 cents per light bulb. Starting in January 1, 2015, producers that sell mercury-containing lights in or into Washington State are required to pay 95 cents per light bulb Environmental Handling Charge (EHC), to the Product Stewardship organization. This is NOT revenue Ecology collects.	Producers that sell mercury-containing lights in or into Washington State are required to pay 95 cents per light bulb Environmental Handling Charge (EHC), to the Product Stewardship organization. This is NOT revenue Ecology collects.	RCW 70A.505.060	Note: This is NOT revenue Ecology collects. The PCA Product Stewardship Inc. (PCA) collects the revenue for the purpose of carrying out the product stewardship program. Effective January 1, 2015, an Environmental Handling Charge (EHC) approved by the Department of Ecology (Ecology) is applied to each mercury-containing light sold in or into Washington State. The EHC must cover all administrative and operational costs of the product stewardship program operated by the PCA. Per ESHB 2246.
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 \$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 \$250 for each business and \$50 for each vehicle annually. The Waste Carrier Storage license costs \$250 for each business annually.	RCW 70A.205.445	Fee revenue is used by Ecology for cleanup of unauthorized waste tire piles, measures that prevent future accumulation of unauthorized waste tire piles, and WSDOT for road wear related maintenance on state and local public highways.

Fee Title	Agency	Fee Amount as of 1/1/2019	Fee Amount as of 1/1/2020	Fee Amount as of 1/1/2021	Fee Amount as of 1/1/2022	Fee Amount as of 1/1/2023	Statutory Authority	Purpose
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.	Program implementation delayed. Last fee collection was in FY 2020.	House Bill 1393 passed out of the 2021 legislative session, delays the implementation of this program until 2025.	House Bill 1393 passed during the 2021 legislative session, delaying the implementation of this program until the 2023-25 biennium, during which the fee amount will be determined.	RCW 70A.510.010	Producers that sell photovoltaic modules (solar panels) in or into Washington State are required to pay an annual fee based on the manufacturer's pro rata share of sales in Washington to cover the agency's annual program implementation costs.
Paint Stewardship Administration Fee	Department of Ecology			Fee varies each year because it is based on actual staff expenditure - on a reimbursement basis.	Fee varies each year because it is based on actual staff expenditure - on a reimbursement basis.	Fee varies each year because it is based on estimated staff costs for the forthcoming year - these are estimated to be roughly \$26,000 per year in the 2023-25 biennium.	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.
Plastic Product Manufacturer Annual Fee	Department of Ecology	N/A	N/A	N/A	Fee varies each year because it is based on actual staff expenditure - on a reimbursement basis. First receipt collections would be billed in Spring 2022 for FY 2023.	The fee amount is based on 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 ranges from \$16 to nearly \$320,000 (preliminary FY23).	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.

**Department of Ecology
Enterprise Risk Management – Risk Register Update (September 2022)**

Risk Name	Risk Description	Risk Category	Current Controls	Residual Score	Risk Treatment Details
Hanford Cleanup	If Congress does not appropriate adequate funds to the Department of Ecology and maintain key laws, clean-up could be delayed or stalled indefinitely, leaving us with a problematic legacy of contamination and no way to address it.	Legal / Compliance	Governor's Washington D.C. Office works as liaison to Congress on issues related to Hanford. Current controls are adequate.	19.8	Current controls are adequate.
Data System and Infrastructure Integrity	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.	Strategic / Operational	Opportunities exist to mature the evaluation of systems and infrastructure nearing end of life to determine appropriate next steps to proactively maintain, replace, upgrade, or augment. This includes leveraging the Portfolio Management Process to identify the scope, impact, risk, cost, project duration, etc. to assess OCO oversight, compliance with State IT Policies, and agency coordination.	18	See Current Controls and Gap Analysis
Financial Data System Integrity	Failure of key financial data systems could result in strategic/operational issues for the agency.	Strategic / Operational	We are actively engaging in the One Washington state-wide financial systems update process and meetings, and have lead / dedicated staff identified in ITSD and IS for this work. The Ecology One Washington Oversight Steering Committee is established and meeting regularly to get updates, help clear barriers and ensure success and awareness.	18	See Current Controls and Gap Analysis.
Employee Turnover, Recruitment, and Succession Challenges	The number of applicants for active recruitments is dramatically decreasing across 15 positions. Hiring managers are extending recruiting timelines or filling positions differently than expected leading to longer vacancy times or increased training times which reduces productivity and increases workload to existing staff. Lower overall productivity and increased workload threaten employee engagement and satisfaction and agency success. If unable to recruit top quality staff (such as grants, engineering, air monitoring specialists, public health, and IT) we will be unable to meet our strategic goals and risk not meeting environmental objectives and agency goals, and will lead to longer delays in providing support. If employees leave the agency due to comparatively low salaries and a competitive job market, Ecology will see increased vacancies which reduces overall productivity and increased workload for managers and employees. This threatens employee engagement, overall job satisfaction and agency performance if unable to retain staff with specialized skills because programs may be delayed, may not be able to spend their budget, and risk not meeting environmental objectives and agency goals. If Ecology does not have a plan for knowledge transfer/retention for retiring employees, it could result in lower productivity and effectiveness as well as loss of institutional knowledge.	Employment	HR specialists are assisting with hiring specialized skills. Recruitment and tracked recruitment among managers. Ecology has added FTE to support recruitment and outreach and allocated funding to support posting jobs in media and forums that reach a broad and diverse applicant pool. Hiring managers are using in-house training appointments to attract applicants, and locally controlled internally. Ecology is providing bonuses, including out-of-state relocation assistance, to attract top talent. Ecology uses shared resources including documentation of work processes, double-bills from private and public organizations that allow 100% telework creates opportunity for our employees to be attracted to other employers, including out of state. Some inconsistencies exist and controls could be improved.	16	Support increased salaries within state government. Create efficiencies in IT support processes and monitor the volume of work. Understand the pathway to obtain additional support staff if needed. Support increased salaries within state government.
Managing Smoke	Washington is experiencing an increase in the frequency and duration of forest fires, and climate change is expected to result in more serious fire and smoke impacts in the future. We experience variability and short intense pulses of high volume work. This increases our workload in ways that we're not staffed for, including increased staffing needs for forecasting, monitoring, public outreach and communications, IT, seasonal event management planning, and collaboration with partner agencies including DOI, DNR, LM, local air agencies, and EPA.	Strategic / Operational	Smoke impacts likely to increase in the future, further straining capacity.	16	Continue actions to respond to smoke. Impacts and look for operational improvements after each wildfire season.
Reducing excess nutrients to Puget Sound	Puget Sound Nutrient General Permit. Several parties are challenging the science and legality of our approach to address these issues.	Legal / Compliance	Adequate funding and staffing level remain a risk due to rulemaking necessary to update forecasts and challenges resulting in planning qualified staff to write, issue, and defend permits and orders.	12.5	Defend the science, legal, and technical approach taken by Ecology in court as well as through education and outreach. Use stakeholder process to update forecasts requests to increase staffing. Reassessment of staffing classifications and organization to enhance recruitment and retention.
Climate Program Implementation and Potential Litigation	If ADP is not able to meet the aggressive timelines in state law for implementing the cap and invest program, clean fuels program, or the HC program, the programs could be delayed, we could face reputational and legal risks, and the public could lose confidence in the agency's ability to deliver on its climate program. Including efforts to reduce air pollution in overburdened communities. The clean fuels program or the HC program, implementation of the programs could be delayed, uncertainty could increase for staff and budgets, and risks of not meeting state GHG limits could increase. Additionally we face the potential for unintended consequences or risks to public perception if we don't design the climate policies to be complementary within Washington and with other states. We could also face increased concerns from regulated community and the public regarding increasing costs to comply with climate regulations (including landfill methane and composting requirements).	Legal / Compliance	Risk of staffing gaps as well as delays in hiring and training new staff and issuing contracts. Risks of litigation.	12	Continue hiring staff and issuing contracts to implement program. Continue working with AGO.
Support coastal communities and partners – prioritizing the most vulnerable and sensitive populations – in preparing for and adjusting to climate change.	Communities on the Pacific Coast are uniquely vulnerable to coastal hazards, including hazards that will be magnified over time with climate change.	Health / Safety	Ecology and WA Sea Grant worked with the Governor's WCMAC to prepare a Resilience Action Demonstration Project (RAD) report published in March 2022 in response to urgent needs voiced by coastal communities. The report identified and mapped inadequate state resources to assist local communities on the Pacific coast with ecological, social and economic resiliency planning, for monitoring necessary to identify solutions to serious hazards such as coastal erosion.	12	Develop budget decision package to carry out high priority WCMAC coastal hazard resiliency project. Work with the SEA, Coastal Resource Analysis Program, and advancing development of a Coastal Hazards Organizational Resilience Team (CHORT).
Facility Security	If security measures and systems are not in place to prepare for an active threat event at an Ecology facility, loss of life and extensive damage could occur.	Health / Safety	Security policies and procedures are in place and enforced. A key card system is used at all Ecology facilities and security guards are used as needed.	11.25	Current controls are adequate.
Disaster and Pandemic Preparedness	If Ecology is unprepared for the short and long term impacts of a disaster, we could be unable to fulfil Ecology's mission and goals.	Health / Safety	Ecology updates and exercises its COOP annually, participates in the Great Shake Out and other emergency management exercises, and actively works with EMD.	11.25	Current controls are adequate.
Records Management and Public Disclosure	Growing demand for public records combined with inadequate systems could result in incomplete records, frustrated staff, and lost operations and penalties against the agency.	Legal / Compliance	Ecology is using older IT solutions that do not allow for enterprise searching or modern electronic file management. Modern IT solutions are needed.	11	Ecology contracted with a vendor to analyze Ecology's current needs and provide a study with recommendations. Ecology is reviewing study/recommendations and creating a strategy for implementation and funding.
Employee Health & Safety	If the Agency does not actively address employee health and safety concerns, it could result in loss of productivity, litigation, and reputation damage.	Health / Safety	Ecology actively addresses all health & safety concerns through planning, employee reporting, site safety committees, and has two full-time and three half-time staff dedicated to this effort. We are undertaking a new technology solution to improve accident and injury reporting and tracking.	10.53	Current controls are adequate.
Civil Rights - ADA, EEO, Title VI	Civil Rights compliance (to include ADA, Environmental Justice, Title VI, language access, digital access, and diversity) is important to Ecology's mission and culture. Without strong civil rights policies and procedures, there may be legal or litigational consequences.	Strategic / Operational	These are several known Title VI compliance gaps and challenges. Ecology's efforts need strong leadership, awareness and collaboration across the agency. Efforts are inconsistent, long-term planning needs improvement, and accountability mechanisms need to be established.	10.25	The agency has created Title VI Civil Rights compliance lead position, who, once hired will direct nondiscrimination work, work with federal oversight agencies, and support agency wide compliance. The Accessibility Steering Committee is considering how best to continue advancing ADA and Accessibility within Ecology. The EJ Steering Team are developing communication tools to support awareness.
Regulatory Compliance/ Enforcement	Negative stories related to compliance action could cause Ecology to lose confidence from funders and the public, and affect performance with strategic initiatives.	Regulatory	Ecology actively contacts stakeholder outreach & public involvement (presentations), and communicates activity about non-compliance.	10	Current controls are adequate.
Ecology Capital Budget, Re-appropriations and Timely Spending	Ecology has the largest re-appropriations in state government this biennium, and has re-appropriated over 70% of estimates in decision packages, generally does not meet legislative expectations on readiness to proceed, and puts future funding at risk. Specifically, this impacts MTCA funded projects.	Financial	Agency Capital Budget Management Plan has been developed and is being implemented, with local funding partners on the need for timely spending, combining and moving up funding cycles, identifying specific actions for each project, and working to ensure we are fully ready to proceed projects are advanced for new funding requests.	10	Work with programs and senior leadership to ensure deliberate and timely implementation of the Capital Budget Management Plan. Fold readiness to proceed into 23-25 biennial budget process in a more deliberate and credible manner. Hold quarterly EMT meeting to review capital spending and program progress.

Risk Name	Risk Description	Risk Category	Gap Analysis	Current Controls	Residual Score	Risk Treatment Details
Outdated or unsupported technology	Inconsistent IT maintenance, the absence of technical standards and low priorities for addressing outdated software and hardware, and processes for disseminating patches has created numerous inconsistencies severely impacting the security posture of the network as well as the ability to roll out new technology and IT services.	Security / Operational	The number of missing hardware updates, old versions of software, unapplied security patches, unresolved technical problems and inconsistent configurations across the enterprise continue to mount. Cataloged when identified. The work is performed as staffing, priorities and resources are impacts to security posture of Ecology's computing environments and available. to schedules for rolling out new technologies continue to exist.	Missing security patches, updates, and outdated versions of software are limited and cataloged when identified. The work is performed as staffing, priorities and resources are available.	10	Identify, bundle and prioritize the ones (1) or more outdated or unsupported technology items, to be addressed or remediated, with each major IT implementation effort.
Legislative Actions	Significant negative legislative actions could affect ability to achieve mission and result in misdirection of resources, compliance	Legal / Compliance	Current controls are adequate.	Ecology works to educate elected officials about resources needed to achieve agency mission.	6.5	Current controls are adequate.
Hazardous Waste at Ecology Facilities	Ecology collects hazardous waste through its spill response and compliance and inspection activities, and temporarily stores it at Ecology facilities. If the hazardous waste is not properly stored and disposed of it could cause negative health and environmental consequences.	Health / Safety	Current controls are adequate and the agency is implementing a change in status for each waste management area and will establish new documentation and processes, additional training and staff assignments to manage waste in each regional waste accumulation area.	Hazardous waste is stored in specialized accumulation areas and safety measures are taken. Staff has proper training and appropriate signage is used. Waste is disposed of efficiently and correctly.	8.25	Current controls are adequate.
Facility Preservation/Operations	If Ecology does not address improvements and deferred maintenance needs at agency facilities, conditions will degrade and could result in higher costs for energy and repairs.	Financial	Current controls are adequate but finding funding for facility projects can be a challenge.	Ecology works to successfully implement new legislation that increases preservation and response capacity throughout the state in support of the agency's mission.	8	Current controls are adequate.
Meeting Federal and State Clean Air Act Requirements	TRAQ is unable to meet federal or state Clean Air Act, environmental and/or planning requirements related to regional haze, smoke management plan, sulfur dioxide, WAOCS, and the PM10/2.5, we also increased legal and reputational risks and increased planning requirements to get areas back into attainment.	Legal / Compliance	Stricter federal standards may still result in new nonattainment areas.	Expanded prevent nonattainment grant program. Collaborate with partners. Working closely with AGO to minimize legal risks.	8	Continue actions to prevent nonattainment and fulfill planning requirements.
Environmental Protection	If a significant oil spill occurs, it could result in environmental and socioeconomic impacts, policy changes, reputation damage, and injuries to responders.	Health / Safety	Current controls are adequate and concerns are actively addressed as they come up.	Ecology works to successfully implement new legislation that increases preservation and response capacity throughout the state in support of the agency's mission.	6	Current controls are adequate.
SEPA - Efficient and timely environmental review as lead agency	Large projects that require development of an Environmental Impact Statement require significant resources and time to complete. If Ecology lacks the expertise in project management and state contracting requirements, delays in the ES development could occur. A complete and thorough ES that incorporates climate resiliency and consideration of feedback from communities with environmental justice concerns is vital for making sound and defensible permitting decisions.	Reputational	Current controls are adequate.	Ecology has limited specialists that focus on ES support and development. Less specialized staff are available for ES support. Training for ES staff is limited because of the need for ES development. SEPA work is difficult because of the need for ES development. In Fiscal Year 2020, Ecology added an additional FTE to assist with this work.	6	Current controls are adequate.