

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 2070 HB	<b>Title:</b> Env. justice/SEPA projects
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## Estimated Cash Receipts

Agency Name	2023-25			2025-27			2027-29		
	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total
Office of Attorney General	0	0	272,000	0	0	527,000	0	0	226,000
Office of Attorney General	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.								
Department of Ecology	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Total \$	0	0	272,000	0	0	527,000	0	0	226,000

## Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Office of Attorney General	1.4	169,000	169,000	441,000	2.7	338,000	338,000	865,000	1.8	338,000	338,000	564,000
Office of Attorney General	In addition to the estimate above,there are additional indeterminate costs and/or savings. Please see individual fiscal note.											
Office of Financial Management	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Enterprise Services	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Social and Health Services	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Health	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Corrections	.0	0	0	0	.0	0	0	0	.0	0	0	0
University of Washington	.0	0	0	0	.0	0	0	0	.0	0	0	0
Washington State University	.0	30,000	30,000	30,000	.0	30,000	30,000	30,000	.0	30,000	30,000	30,000
Eastern Washington University	.0	0	0	0	.0	0	0	0	.0	0	0	0
Central Washington University	.0	10,185	10,185	10,185	.0	20,370	20,370	20,370	.0	20,370	20,370	20,370
The Evergreen State College	.0	0	0	0	.0	0	0	0	.0	0	0	0
Western Washington University	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Transportation	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Department of Ecology	1.7	568,137	568,137	568,137	2.3	744,166	744,166	744,166	1.2	392,108	392,108	392,108
Department of Ecology	In addition to the estimate above,there are additional indeterminate costs and/or savings. Please see individual fiscal note.											
Energy Facility Site Evaluation Council	.0	0	0	0	.0	0	0	0	.0	0	0	0
State Parks and Recreation Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Fish and Wildlife	.7	278,000	278,000	278,000	1.4	556,000	556,000	556,000	1.4	556,000	556,000	556,000
Department of Natural Resources	.7	225,300	225,300	225,300	1.3	424,600	424,600	424,600	.0	50,000	50,000	50,000
Department of Natural Resources	In addition to the estimate above,there are additional indeterminate costs and/or savings. Please see individual fiscal note.											
Community and Technical College System	.0	0	0	0	.0	0	0	0	.0	0	0	0
<b>Total \$</b>	<b>4.5</b>	<b>1,280,622</b>	<b>1,280,622</b>	<b>1,552,622</b>	<b>7.7</b>	<b>2,113,136</b>	<b>2,113,136</b>	<b>2,640,136</b>	<b>4.4</b>	<b>1,386,478</b>	<b>1,386,478</b>	<b>1,612,478</b>

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

### Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Office of Attorney General	.0	0	0	.0	0	0	.0	0	0
Office of Financial Management	.0	0	0	.0	0	0	.0	0	0
Department of Enterprise Services	.0	0	0	.0	0	0	.0	0	0
Department of Social and Health Services	.0	0	0	.0	0	0	.0	0	0
Department of Health	.0	0	0	.0	0	0	.0	0	0
Department of Corrections	.0	0	0	.0	0	0	.0	0	0
University of Washington	.0	0	0	.0	0	0	.0	0	0
Washington State University	.0	0	0	.0	0	0	.0	0	0
Eastern Washington University	.0	0	0	.0	0	0	.0	0	0
Central Washington University	.0	0	0	.0	0	0	.0	0	0
The Evergreen State College	.0	0	0	.0	0	0	.0	0	0
Western Washington University	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Department of Transportation	.0	0	0	.0	0	0	.0	0	0
Department of Ecology	.0	0	0	.0	0	0	.0	0	0
Energy Facility Site Evaluation Council	.0	0	0	.0	0	0	.0	0	0
State Parks and Recreation Commission	.0	165,000	165,000	.0	330,000	330,000	.0	330,000	330,000
State Parks and Recreation Commission	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.								
Department of Fish and Wildlife	.0	0	0	.0	0	0	.0	0	0
Department of Natural Resources	.0	0	0	.0	0	0	.0	0	0
Community and Technical College System	Non-zero but indeterminate cost and/or savings. Please see discussion.								
<b>Total \$</b>	<b>0.0</b>	<b>165,000</b>	<b>165,000</b>	<b>0.0</b>	<b>330,000</b>	<b>330,000</b>	<b>0.0</b>	<b>330,000</b>	<b>330,000</b>

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

## Estimated Capital Budget Breakout

Agency Name	2023-25		2025-27		2027-29	
	Total		Total		Total	
Community and Technical College System	Non-zero but indeterminate cost and/or savings. Please see discussion.					
State Parks and Recreation Commission						
Predesign/Design	165,000		330,000		330,000	
	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.					
Western Washington University	Non-zero but indeterminate cost and/or savings. Please see discussion.					
<b>Total \$</b>	<b>165,000</b>		<b>330,000</b>		<b>330,000</b>	

**Prepared by:** Lisa Borkowski, OFM

**Phone:**

(360) 742-2239

**Date Published:**

Final 1/30/2024

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 2070 HB	<b>Title:</b> Env. justice/SEPA projects	<b>Agency:</b> 100-Office of Attorney General
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## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

ACCOUNT	FY 2024	FY 2025	2023-25	2025-27	2027-29
Legal Services Revolving Account-State 405-1		272,000	272,000	527,000	226,000
<b>Total \$</b>		272,000	272,000	527,000	226,000

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.0	2.8	1.4	2.7	1.8
<b>Account</b>					
General Fund-State 001-1	0	169,000	169,000	338,000	338,000
Legal Services Revolving Account-State 405-1	0	272,000	272,000	527,000	226,000
<b>Total \$</b>	0	441,000	441,000	865,000	564,000

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Jacob Lipson	Phone: 360-786-7196	Date: 01/09/2024
Agency Preparation: Dave Merchant	Phone: 360-753-1620	Date: 01/17/2024
Agency Approval: Edd Giger	Phone: 360-586-2104	Date: 01/17/2024
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 01/18/2024

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

Section 1 - New section. Purpose.

Section 2 - New section to Chapter 43.21C. Definitions applicable to Sections 3 through 6.

Section 3 - New section to Chapter 43.21C. Requires a lead agency to prepare an environmental justice impact statement as part of State Environmental Policy Act (SEPA) process. Lists stressors that must be analyzed. Timing, distribution, public hearing, content, and publication requirements.

Section 4 - New section to Chapter 43.21C. Requires a lead agency to include in SEPA analysis the specific and cumulative impacts on pollution burdened communities and detailed requirements when communities face cumulative stressors, including combined stressor value, benefits or harms to pollution burdened community, public participation, compliance with rules adopted by the Department of Ecology (Ecology), and mapping or modeling. A lead agency is required to analyze data to determine whether project poses disproportionate impact, whether approval is warranted, and appropriate mitigation measures to impose.

Section 5 - New section to Chapter 43.21C. Project proponents are required to work with the lead agency to perform analysis similar to what is required in Section 4. If a project adversely impacts a pollution burdened community but serves a compelling interest, Ecology can approve with conditions.

Section 6 - New section to Chapter 43.21C. Project proponents, in addition to requirements of Sections 3 and 4, must analyze possible mitigation measures and project-wide impacts.

Section 7 - New section to Chapter 43.21C. Requirements in addition to existing requirements. Lead agency can require proponents to cover costs of compliance with bill. Ecology can adopt rules, including by reference to federal regulations and tools.

This bill is assumed effective 90 days after the end of the 2024 legislative session.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

Cash receipts are assumed to equal the Legal Services Revolving Account (LSRA) cost estimates. These will be billed through the revolving account to the client agency.

The client agencies are the Department of Natural Resources (DNR) and the Department of Ecology (Ecology). The Attorney General's Office (AGO) will bill all clients for legal services rendered.

These cash receipts represent the AGO's authority to bill and are not a direct appropriation to the AGO. The direct appropriation is reflected in the client agencies' fiscal note. Appropriation authority is necessary in the AGO budget.

#### AGO AGENCY ASSUMPTIONS:

DNR will be billed for non-King County rates:

FY 2025 and FY 2026: \$49,000 for 0.2 Assistant Attorney General FTE (AAG) and 0.1 Paralegal FTE (PL1)

FY 2027 and FY 2028: \$32,000 for 0.2 AAG and 0.1 PL1

FY 2029 and in each FY thereafter: \$18,000 for 0.1 AAG and 0.1 PL1

#### AGO AGENCY INDETERMINATE ASSUMPTIONS:

The AGO Ecology Division (ECY) has reviewed this bill and determined the amount to bill Ecology. ECY provided a range of costs, but for purposes of this fiscal note ECY is using a mid-range:

FY 2025 through FY 2027: 0.3 to 1.2 AAG and 0.1 to 1.0 PL1, which calculates a range from \$88,000 to \$357,000

FY 2028 and in each FY thereafter: 0.1 to 0.5 AAG and 0.05 to 0.3 PL1, which calculates a range from \$29,000 to \$149,000

Mid-Range assumptions to Ecology:

FY 2025 through FY 2027: \$223,000 for 0.8 AAG and 0.4 PL1

FY 2028 and in each FY thereafter: \$88,000 for 0.3 AAG and 0.2 PL1

## II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

Attorney General's Office (AGO) Agency Assumptions:

This bill is assumed effective 90 days after the end of the 2024 legislative session.

Location of staffing is assumed to be in a non-King County office building.

Total workload impact in this request includes standard assumption costs for goods & services, travel, and capital outlays for all FTE identified.

Agency administration support FTE are included in the tables. The Management Analyst 5 FTE (MA), is used as a representative classification. An example ratio is for every 1.0 Assistant Attorney General FTE (AAG), the AGO includes 0.5 Paralegal 1 FTE (PL1) and 0.4 MA.

1. Assumptions for the AGO Public Lands Conservation Division (PLC) Legal Services for the Department of Natural Resources (DNR):

PLC assumes DNR has two activities it conducts or permits per year that will be subject to aspects of "potentially impactful projects" under Section 2(15), in locations that are "pollution burdened communities" under Section 2(14), or alternatively, assumes litigants will raise these issues in their State Environmental Policy Act (SEPA) appeals against DNR whether or not DNR actually acts as a lead agency for "potentially impactful projects," creating more litigation work. DNR will require legal advice on compliance with the bill, the need for which will be highest for the first few years, until appellate courts resolve ambiguities in how the bill's nested, technical definitions, and legal requirements work. DNR will require legal advice on amendments to its SEPA rules, in order to comply with the legal requirements for the exercise of SEPA substantive authority (i.e., the denial or conditioning of permits based on SEPA-disclosed impacts), per Section 3(5) (which expressly incorporates RCW 43.21C.060). The AGO will bill DNR for legal services based on the enactment of this bill.

PLC: Total non-King County workload impact:

FY 2025 and FY 2026: \$49,000 for 0.2 AAG and 0.1 PL1

FY 2027 and FY 2028: \$32,000 for 0.2 AAG and 0.1 PL1

FY 2029 and in each FY thereafter: \$18,000 for 0.1 AAG and 0.1 PL1

2. Assumptions for the AGO Environmental Protection Division (EPD) Legal Services:

EPD will evaluate approximately five to ten SEPA processes for the sufficiency of their Environmental Justice analyses per year. EPD will retain expert witnesses to assist in evaluation of SEPA analyses and preparation of comments at \$20,000 per FY. AGO EPD activities are funded with General Fund-State dollars. There is no appropriate client agency to bill for legal services.

EPD: Total non-King County workload impact:

FY 2025 and in each FY thereafter: \$169,000 for 0.5 AAG and 0.3 PL1, which includes direct litigation costs of \$20,000.

3. Assumptions for the AGO Ecology Division (ECY) Legal Services for the Department of Ecology (Ecology):

This bill amends SEPA to create new procedural requirements that attach to government actions (e.g., issuing permits or approvals) occurring in specific areas (pollution burdened communities). Based on the bill's complexity, questions about its application, and uncertainty in the scope of its application as it relates to Ecology, the fiscal impact of the bill is indeterminate. ECY will provide client advice on the bill's application and implementation, client advice as Ecology prepares Environmental Justice Impact Statements (EJISs), and litigation support associated with expected appeals challenging the adequacy of EJISs and agency decision-making in conjunction with those EJISs. Whether Ecology is required to amend its SEPA rules in response to the bill is a question assumed in these ranges. ECY assumes legal services required will generally be higher in the initial fiscal years after enactment, then taper down as questions about the bill's application and scope are resolved. ECY assumes the Hanford Nuclear Reservation does not fall within the bill's exemption for "national security facilities" in Section 2(15)(b)(ii), meaning Ecology's actions related to Hanford that trigger SEPA will be within the bill's scope.

The AGO ECY has reviewed this bill and determined the amount to bill Ecology to be indeterminate. ECY provided a range of costs, but for purposes of this fiscal note ECY is using a mid-range:

FY 2025 through FY 2027: 0.3 to 1.2 AAG and 0.1 to 1.0 PL1, which calculates a range from \$88,000 to \$357,000

FY 2028 and in each FY thereafter: 0.1 to 0.5 AAG and 0.05 to 0.3 PL1, which calculates a range from \$29,000 to \$149,000

ECY: Total mid-range non-King County workload impact:

FY 2025 through FY 2027: \$223,000 for 0.8 AAG and 0.4 PL1

FY 2028 and in each FY thereafter: \$88,000 for 0.3 AAG and 0.2 PL1

4. The AGO Agriculture & Health Division (AHD) has reviewed this bill and determined it will not increase or decrease the division's workload in representing the Department of Health (DOH) or Department of Commerce (Commerce). This bill does not create any new duties, responsibilities, or authorities. Therefore, no costs are included in this request.

5. The AGO Revenue and Finance Division (REV) has reviewed this bill and determined it will not increase or decrease the division's workload in representing the Office of Financial Management (OFM). The requirements on OFM in this bill are minimal and OFM will mostly perform those duties without involvement of the AGO. The bill requires OFM to publish environmental justice impact statements on its website along with other information. Therefore, no costs are included in this request.

6. The AGO Education Division (EDU) has reviewed this bill and determined it will not increase or decrease the division's workload. This bill establishes requirements related to environmental review by lead agencies or project proponents for projects impacting pollution burdened communities, including public health concerns. While institutions of higher education may serve as lead agencies for purposes of SEPA, it is not anticipated that the additional considerations and requirements contained in the bill would significantly alter the scope of legal services provided by EDU. Therefore, no costs are included in this request.



7. The AGO Government Compliance & Enforcement Division (GCE) has reviewed this bill and determined it will not increase or decrease the division's workload in representing DOH Boards and Commissions. GCE provides enforcement litigation services to multiple DOH-related boards and commissions dealing with licensing and standards of care by various healthcare providers. This bill establishes requirements related to environmental review by lead agencies or project proponents for projects impacting pollution burdened communities, including public health concerns. None of GCE's DOH-related boards and commissions have authority or duties related to this bill. Therefore, no costs are included in this request.

8. The AGO University of Washington Division (UOW) has reviewed this bill and determined it will not significantly increase or decrease the division's workload in representing the University of Washington (UW). New legal services are nominal and costs are not included in this request.

9. The AGO Administration Division (ADM) has reviewed this bill and determined it will not increase or decrease the division's workload. Therefore, no costs are included in this request.

Total AGO non-King County Workload:

FY 2025 and FY 2026: \$441,000 for 1.5 AAG and 0.8 PL1, which includes direct litigation costs of \$20,000

FY 2027: \$424,000 for 1.4 AAG and 0.7 PL1, which includes direct litigation costs of \$20,000

FY 2028: \$289,000 for 1.0 AAG and 0.5 PL1, which includes direct litigation costs of \$20,000

FY 2029 and in each FY thereafter: \$275,000 for 0.9 AAG and 0.5 PL1, which includes direct litigation costs of \$20,000

### Part III: Expenditure Detail

#### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	0	169,000	169,000	338,000	338,000
405-1	Legal Services Revolving Account	State	0	272,000	272,000	527,000	226,000
<b>Total \$</b>			0	441,000	441,000	865,000	564,000

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

#### III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		2.8	1.4	2.7	1.8
A-Salaries and Wages		287,000	287,000	562,000	356,000
B-Employee Benefits		87,000	87,000	171,000	109,000
C-Professional Service Contracts		20,000	20,000	40,000	40,000
E-Goods and Other Services		45,000	45,000	88,000	55,000
G-Travel		2,000	2,000	4,000	4,000
<b>Total \$</b>	0	441,000	441,000	865,000	564,000

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

#### III. C - Operating FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Assistant Attorney General	129,100		1.5	0.8	1.5	1.0
Management Analyst 5	95,184		0.5	0.3	0.5	0.3
Paralegal 1	69,072		0.8	0.4	0.8	0.5
<b>Total FTEs</b>			2.8	1.4	2.7	1.8

**III. D - Expenditures By Program (optional)**

<b>Program</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>2023-25</b>	<b>2025-27</b>	<b>2027-29</b>
Ecology Division (ECY)		223,000	223,000	446,000	176,000
Environmental Protection Division GFS (EPD)		169,000	169,000	338,000	338,000
Public Lands & Conservation Division (PLC)		49,000	49,000	81,000	50,000
<b>Total \$</b>		441,000	441,000	865,000	564,000

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 2070 HB	<b>Title:</b> Env. justice/SEPA projects	<b>Agency:</b> 105-Office of Financial Management
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Jacob Lipson	Phone: 360-786-7196	Date: 01/09/2024
Agency Preparation: Kathy Cody	Phone: (360) 480-7237	Date: 01/16/2024
Agency Approval: Jamie Langford	Phone: 360-902-0422	Date: 01/16/2024
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 01/16/2024

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

Section 3 requires OFM to post environmental justice impact statements as submitted by agencies. These statements must be posted at least 30 days in advance of a public hearing that is organized and conducted by the lead agency. The section also requires a span of at least 60 days between posting of the impact statement and the public hearing. It requires the lead agency and OFM to post details of the public hearing, information about public comments, and summaries of the environmental justice impact statements.

Assuming that the summaries and descriptions of the environmental justice impact statements would be written and submitted by the lead agency, OFM estimates an initial 20 hours of web developer time to develop the page. It would require four (4) hours per month of staff time to review and publish impact statement summaries and public hearing notices. OFM Communications would be able to incorporate this into ongoing business practices, assuming there is no role in writing or editing content (that this would be done by the lead agency), and therefore has no fiscal impact.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 2070 HB	<b>Title:</b> Env. justice/SEPA projects	<b>Agency:</b> 179-Department of Enterprise Services
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Jacob Lipson	Phone: 360-786-7196	Date: 01/09/2024
Agency Preparation: Becky Guyer	Phone: (360) 407-9254	Date: 01/16/2024
Agency Approval: Jessica Goodwin	Phone: (360) 819-3719	Date: 01/16/2024
OFM Review: Kelsey Rote	Phone: (360) 000-0000	Date: 01/16/2024

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

Section 1 is a new section that states the purpose of this act is to reduce the disparities in cumulative environmental and health impacts in Washington and improve the health of all Washington residents.

Sections 3 through 6 are new sections added to chapter 43.21C RCW that require a lead agency to complete an environmental justice impact statement, for proposed actions associated with new or expanding potentially impactful projects, or the renewal of an existing project's permit. These sections define the requirements of an environmental justice impact statement and clarify what factors the statement must assess, and the procedural duties for a lead agency.

Section 7 is a new section added to RCW 43.21C that clarifies sections 2 through 5 of this act are in addition to, and do not limit or amend, the obligations of covered agencies under RCW 70A.02. This section allows a lead agency to require a proponent of a proposed action to reimburse the agency for demonstrated costs associated with carrying out an environmental justice impact statement under the sections of this act.

The Department of Enterprise Services (DES) is responsible for the care and custody of the capitol campus. At this time, the Capitol Campus is not classified as a pollution burdened community, according to the definitions included in Section 2(14) of the proposed legislation and would therefore not be directly impacted.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

Should the Washington State Capitol Campus, or surrounding areas, become a pollution burden community in the future, the cost of adding an environmental justice impact statement would be added to future project cost.

For projects managed by the Department of Enterprise Services, it would be rare for a potentially impactful project to occur. If one were to occur, it would require our project managers and contracts team to manage one additional consultant agreement. Given the rare expectations of this additional work being applicable, DES would implement this through routine business processes and therefore would not have fiscal impact.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

**III. D - Expenditures By Program (optional)**

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*



# Individual State Agency Fiscal Note

<b>Bill Number:</b> 2070 HB	<b>Title:</b> Env. justice/SEPA projects	<b>Agency:</b> 300-Department of Social and Health Services
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Jacob Lipson	Phone: 360-786-7196	Date: 01/09/2024
Agency Preparation: Dan Winkley	Phone: 360-902-8236	Date: 01/15/2024
Agency Approval: Molli Ragsdale	Phone: 360-902-8182	Date: 01/15/2024
OFM Review: Seth Nickerson	Phone: (360) 995-3604	Date: 01/18/2024

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

HB 2070 adds new sections to RCW 43.21C - State Environmental Policy. For any proposed action associated with a new or expanding potentially impactful project or the renewal of an existing potentially impactful project's permit located or proposed to be located in whole or in part in a pollution burdened community, a supplemental component of analysis is required. Currently, the Department of Social and Health Services (DSHS) will not be impacted by this requirement.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 2070 HB	<b>Title:</b> Env. justice/SEPA projects	<b>Agency:</b> 303-Department of Health
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Jacob Lipson	Phone: 360-786-7196	Date: 01/09/2024
Agency Preparation: Katie Osete	Phone: 3602363000	Date: 01/12/2024
Agency Approval: Kristin Bettridge	Phone: 3607911657	Date: 01/12/2024
OFM Review: Breann Boggs	Phone: (360) 485-5716	Date: 01/15/2024

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

The Department of Health (DOH) has no fiscal impact. More information is provided below that describes our connection to this work and why there is no fiscal impact.

Section 3: A lead agency must complete an environmental justice impact statement (EJIS) for any proposed action associated with a new or expanding potentially impactful project or the renewal of an existing potentially impactful project's permit located or proposed to be located in whole or in part in a pollution burdened community.

DOH has two offices that will be impacted by this bill. The first DOH office is the Office of Drinking Water (ODW) who will never be the lead agency for SEPA determination for any project or renewal as outlined in this bill. ODW's review of construction projects requires the submittal of the SEPA determination for the project but is not the lead agency. ODW is only the lead agency for SEPA determination for water system plans for privately owned public water systems. These plans do not fall within the narrative of this bill.

The second office is the DOH Office of Radiation Protection (ORP) is the lead agency for level radioactive burial sites and uranium/thorium mills. It appears as currently written DOH ORP would be responsible for completing the Environmental Justice Impact Statement. The definition of a "Potentially Impactful Project" identifies projects that are required to obtain an air operating permit under 70A.15 RCW. ORP does issue Radioactive Air Emission Licenses which are required to be part of the Air Operating Permit issued by the Department of Ecology. While DOH ORP may not be responsible for completing the Environmental Justice Impact Statement, it does appear DOH would need to provide information and support to the Department of Ecology to complete that work. The definition of "Environmental or Public Health Stressors" includes sources of pollution that can cause cancer and goes on to identify Hazardous Air Pollutants (which includes radionuclides). While DOH will probably not be the lead agency, it appears DOH would need to assist the lead agency responsible for completing the Environmental Justice Impact Statement for facilities that emit radioactive material to the air. DOH ORP impacts are already part of DOH's daily work so no financial impacts to ORP, nor will this proposed bill require any radiation protection regulation changes. Radioactive materials and air emissions licensees are exempt from the SEPA process.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

None

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

None

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

**III. D - Expenditures By Program (optional)**

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

None

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 2070 HB	<b>Title:</b> Env. justice/SEPA projects	<b>Agency:</b> 310-Department of Corrections
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Jacob Lipson	Phone: 360-786-7196	Date: 01/09/2024
Agency Preparation: Stephanie Marty	Phone: (360) 725-8428	Date: 01/18/2024
Agency Approval: Michael Steenhout	Phone: (360) 789-0480	Date: 01/18/2024
OFM Review: Seth Nickerson	Phone: (360) 995-3604	Date: 01/23/2024

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

HB 2070 addresses integration of environmental justice considerations into certain project decisions.

Section 1 states that the purpose of this act is to reduce the disparities in cumulative environmental and health impacts in Washington and the health of all Washington residents.

Section 2(1-14) adds and defines potentially impactful projects within pollution burdened communities that might contribute to disproportionate impacts especially when there is a compelling public health interest.

Section 2(15)(a)(i-xi) adds and defines potentially impactful projects including projects covered by a permit under chapter 90.48 RCW, other than those specified in Section 2(15)(a)(xi)(A-H).

Section 2(15)(b)(i-ii) adds and defines projects that are not potentially impactful projects in RCW 43.158.010 or projects related to facilities with North American industry classification system code 92811 (national security) or similar national security facilities administered by the United States Government,

Section 2(16) adds and defines the term renewal as the continuation of existing permitted operations at a major facility without change.

Section 3(1-6) adds that a lead agency must complete an environmental justice impact statement when a new potentially impactful project, expansion of an existing potentially impactful project, or renewal of an existing potentially impactful project permit is initiated on or after January 1, 2027.

Section 4(1-5) adds and defines requirements that must be included in an environmental justice impact statement for any potentially impactful projects.

Section 5(1-5) adds and defines the lead agency actions and public interests pursuant to RCW 43.21C.060 regarding disproportionate impacts associated with potentially impactful projects.

Section 6(1-2) adds and defines that the lead agency may approve the proposed action in accordance with RCW 43.21C.060 when the control measures proposed by a project proponent potentially impactful project permit renewal avoids a disproportionate impact.

Section 7 (1-2) adds and defines obligations for covered agencies under 70A.02 RCW are not limited, or amended and the lead agency may require a proponent of a proposed action to reimburse the agency for demonstrated costs to carry out an environmental justice impact statement under sections 3 through 6 of this act.

Section (7)(3) adds that the department of ecology may update the definition of pollution burdened community based on the United States council screening tool developed or published after January 1, 2024.

Effective date is assumed to be 90 days after adjournment of session in which this bill is passed.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*



## II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

None.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

The fiscal impact of this bill is indeterminate.

If this bill were to pass, the Department of Corrections (DOC) would use the Governors' 10-year capital plan as a guide for estimating the costs of future projects that are subject to the State Environmental Policy Act (SEPA) and would be subject to the bill's new requirements.

## Part V: New Rule Making Required

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 2070 HB	<b>Title:</b> Env. justice/SEPA projects	<b>Agency:</b> 360-University of Washington
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

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- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Jacob Lipson	Phone: 360-786-7196	Date: 01/09/2024
Agency Preparation: Alexis Rinck	Phone: 2066858868	Date: 01/16/2024
Agency Approval: Michael Lantz	Phone: 2065437466	Date: 01/16/2024
OFM Review: Kelsey Rote	Phone: (360) 000-0000	Date: 01/16/2024

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

House Bill 2070 seeks to integrate environmental justice considerations into new or expanding “potentially impactful projects” which is defined in the bill under section 2(15)(a) with a focus on “pollution burdened communities.” At this time, the University of Washington does not have any upcoming projects that would qualify as a new or expanding potentially impactful project or one that could impact a pollution-burdened community. Any potential future capital projects that could meet the definition of impactful or potentially impactful project are unknown. Therefore, no impact is assumed for the purposes of this fiscal note.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

## **Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 2070 HB	<b>Title:</b> Env. justice/SEPA projects	<b>Agency:</b> 365-Washington State University
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## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
<b>Account</b>					
General Fund-State      001-1	15,000	15,000	30,000	30,000	30,000
<b>Total \$</b>	15,000	15,000	30,000	30,000	30,000

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Jacob Lipson	Phone: 360-786-7196	Date: 01/09/2024
Agency Preparation: Emily Green	Phone: 5093359681	Date: 01/16/2024
Agency Approval: Chris Jones	Phone: 509-335-9682	Date: 01/16/2024
OFM Review: Kelsey Rote	Phone: (360) 000-0000	Date: 01/17/2024

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

HB 2070 relates to integrating environmental justice considerations into certain project decisions.

Section 3 of this bill requires that any proposed action associated with a new or renewal of an existing impactful project located in whole or in part in a pollution burdened community must complete an environmental justice impact statement. Sections 3 (2)-(5) outline what the impact statement must include.

Sections 4-7 provide guidance on how to proceed with a project based on findings of the environmental justice impact statement.

This bill would require Washington State University to expand the scope of consultancy work to meet the requirements of this bill. The fiscal impact to WSU would be \$30,000 over the 2025-27 Biennium.

### II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

### II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

To meet the requirements of this bill, WSU would need to expand the scope of work for consultancy services during the design portion of certain capital projects. The scope of this expanded work includes conducting an environmental impact report, complete an environmental justice impact statement, and, if necessary, design projects to minimize impact pollution burdened community.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	15,000	15,000	30,000	30,000	30,000
<b>Total \$</b>			15,000	15,000	30,000	30,000	30,000

### III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years					
A-Salaries and Wages					
B-Employee Benefits					
C-Professional Service Contracts					
E-Goods and Other Services					
G-Travel					
J-Capital Outlays	15,000	15,000	30,000	30,000	30,000
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
<b>Total \$</b>	15,000	15,000	30,000	30,000	30,000

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

**III. D - Expenditures By Program (optional)**

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 2070 HB	<b>Title:</b> Env. justice/SEPA projects	<b>Agency:</b> 370-Eastern Washington University
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Jacob Lipson	Phone: 360-786-7196	Date: 01/09/2024
Agency Preparation: Keith Tyler	Phone: 509 359-2480	Date: 01/16/2024
Agency Approval: Tammy Felicijan	Phone: (509) 359-7364	Date: 01/16/2024
OFM Review: Kelsey Rote	Phone: (360) 000-0000	Date: 01/16/2024



## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

New section 3 adds a section to chapter 43.21C RCW (1) adding a supplemental component to the analysis required under RCW 43.21C.030 for proposed actions associated with a potentially impactful project or renewal of a potentially impactful project's permit located in a pollution burdened community. In addition to the currently required analysis, a lead agency must complete an environmental justice impact statement, (2) assessing potential environmental and public health stressors, any adverse stressors which cannot be avoided if the permit is granted, and any existing environmental or public health stressors resulting from conditions located in or affecting the pollution burdened community. EWU currently performs environmental impact statements on projects, in conjunction with following requirements of the Department of Health, Department of Ecology, and local jurisdictions. Adding an environmental justice impact statement will be a minimal addition to the current level of state and local requirements. Additionally, EWU does not currently have projects planned near pollution burdened communities as defined in the bill. As such, EWU does not anticipate a fiscal impact as a result of this bill.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

## **Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 2070 HB	<b>Title:</b> Env. justice/SEPA projects	<b>Agency:</b> 375-Central Washington University
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## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
<b>Account</b>					
General Fund-State 001-1	0	10,185	10,185	20,370	20,370
<b>Total \$</b>	0	10,185	10,185	20,370	20,370

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Jacob Lipson	Phone: 360-786-7196	Date: 01/09/2024
Agency Preparation: Alexa Orcutt	Phone: 5099632955	Date: 01/15/2024
Agency Approval: Lisa Plesha	Phone: (509) 963-1233	Date: 01/15/2024
OFM Review: Kelsey Rote	Phone: (360) 000-0000	Date: 01/16/2024

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

Section 1: New: Reduce disparities in cumulative environmental and health impacts in Washington.

Section 2: New section added to chapter 43.21C RCW: Definitions in this section apply throughout sections 3-6. Defines: (1) “adverse cumulative stressors” (2) “adverse environmental and public health stressor” (3) “change in use” (4) “combined stressor total” (5) “compelling public interest” (6) “disproportionate impact” (7) “environmental justice impact statement” (8) “environmental or public health stressors” (a) lists concentrated areas of air pollution and mobile sources of air pollution. (9) “expansion” (11) “geographic point of comparison” (12) “net environmental benefit” (13) “net potentially impactful project” (14) “pollution burdened community” (15) “potentially impactful project” (16) “renewal”.

Section 3: New section added to chapter 43.21C RCW: (1) A lead agency must complete an environmental justice impact statement consistent with the requirements of this section if the potentially impactful project’s permit is located or is proposed to be in part in a pollution burdened community. (2) Describes what the lead agency must assess under this section regarding an environmental justice impact statement. (3)(a) Lead agency must complete the environmental justice impact statement at/before the time that a proposed action receives a determination of significance/nonsignificance/mitigated nonsignificance. Also, if the proposed action causes a disproportionate impact on an overburdened community. (b) The lead agency upon completing the impact statement, must transmit the impact statement to OFM. Describes OFM’s responsibilities. (4) Describes additional OFM responsibilities regarding hearings, best practices for outreach to communities, and inclusion. (a) Lead agency must organize and conduct a public hearing in the pollution burdened community regarding the impact statement after OFM has published the statement for at least 60 days. The hearing must meet certain requirements as mentioned in subsection (a-c). (5) At least 45 days after both the publication of the environmental justice impact statement and public hearing under this section, considering testimony and written comments from the public hearing a lead agency must: (a-c) Deny and mitigate consistent with RCW 43.21C.060. (6) Lead agency can’t exercise its authority in subsection (5) of this section in a manner that would compromise reasonable requirements.

Section 4: New section added to chapter 43.21C RCW: (1-3) Requirements for what should be included in the environmental impact statement by the lead agency. (4) Project proponent may choose to submit the information specified in this section to a lead agency independent of whether the potentially impactful project: (a) is located/proposed to be in a pollution burdened community; or (b) can’t demonstrate that it will avoid disproportionate impact. (5) Following completion of the process, the lead agency will deny or approve the proposed action and evaluate conditions.

Section 5: New section added to chapter 43.21 C RCW: (1) The lead agency may condition the proposed action consistent with RCW 43.21C.060. (2) Where control measures can’t avoid a disproportionate impact, the lead agency will deny the proposed action pursuant to RCW 43.21C.060. (3)(a) Describes what would need to be shown if a proponent of a proposed action seeking approval for a potentially impactful project or expansion that would serve a compelling public interest in a pollution burdened community. (b) Facilities that directly reduce adverse environmental and public health stressor can be considered in essential need for those in an overburdened community. (c) Lead agency may consider public input as to whether a compelling public interest is demonstrated. (4)(a) Proponent for a proposed new potentially impactful project that seeks to demonstrate a compelling public interest will propose control measures (b) Lists proposed control measures by the project proponent for aspects not addressed in (a) of this subsection. (5) The department of ecology will impose conditions in accordance with RCW 43.21.060 when an applicant can demonstrate the potentially impactful project will serve a compelling public interest.

Section 6: New section added to chapter 43.21 C RCW: (1)(a) Analyze and propose feasible control measures to avoid contributions to the pollution burdened community. The lead agency may approve the proposed action in accordance with RCW 43.21C.060. (b) Where disproportionate impact can’t be avoided the department of ecology may impose conditions.

(2) A potentially impactful project’s permit renewal subject to this section will submit a project-wide risk assessment.

Section 7: New section added to chapter 43.21 C RCW: (1) obligations applicable to lead agencies under sections 2-5 of this act are in addition to and don’t limit or amend obligations of covered agencies under chapter 70A.02 RCW. (2) Lead agency may require a proponent of a proposed action to reimburse the agency for demonstrated costs to compete the impact statement under section 3-6 of this act. (3) Department of ecology may update the definition of pollution burdened community under this section.

Assuming the proposed legislation only applies to our major capital projects, CWU will have a small fiscal impact per fiscal year.

**II. B - Cash receipts Impact**

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

**II. C - Expenditures**

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

Central Washington University anticipates the implementation of the proposed legislation will impact the pre-construction process (Design Phase) associated with any of our Capital projects that may exceed the pollutant criteria as specified. Based on the required public hearing associated with the university’s responsibility to disclose our “Environmental Justice Impact Statement”, there will be administrative time in the evaluation, preparation, and publication of these new measures. Furthermore, at the completion of the public hearing, we anticipate new procedures for transcribing the public hearing comments as part of the required documentation in our coordination with OFM (Office of Financial Management). The process of the proposed legislation seems to align the public hearing requirements with already implemented requirements associated with project SEPA’s (State environmental Policy Act).

On average, CWU has 1-2 major capital projects a biennium at a scale that requires a SEPA. In the preparation of the “Environmental Justice Impact Statement” may require multiple contributors. We roughly anticipate 30 – 60 hours cumulative associated with evaluation, preparation, and publication of these new measures.

Director of Capital Planning at .005 FTE (\$186,547 salary/year\*.005=\$932.74) = \$933  
 Construction Project Coordinator at .02 FTE (\$95,664 salary/year\*.02=\$1,913.28) = \$1,913  
 Building Energy Manager at .02 FTE (141,056\*.02=\$2,821.12) = \$2,821  
 Sustainability Officer at .02 FTE (83,878 salary/year\*.02=\$1,677.56) = \$1,678  
 Administrative Asst at .005 FTE (\$62,568 salary/year\*.005=\$312.84) = \$313

Total Salary at various FTE to be in compliance with the proposed bill= \$7,658  
 Benefits at 33%= (\$7,658\*.33=\$2,527.14) = \$2,527

**Part III: Expenditure Detail**

**III. A - Operating Budget Expenditures**

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	0	10,185	10,185	20,370	20,370
<b>Total \$</b>			0	10,185	10,185	20,370	20,370

**III. B - Expenditures by Object Or Purpose**

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years					
A-Salaries and Wages		7,658	7,658	15,316	15,316
B-Employee Benefits		2,527	2,527	5,054	5,054
C-Professional Service Contracts					
E-Goods and Other Services					
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
<b>Total \$</b>	0	10,185	10,185	20,370	20,370

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

**III. D - Expenditures By Program (optional)**

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 2070 HB	<b>Title:</b> Env. justice/SEPA projects	<b>Agency:</b> 376-The Evergreen State College
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Jacob Lipson	Phone: 360-786-7196	Date: 01/09/2024
Agency Preparation: Daniel Ralph	Phone: 360-867-6500	Date: 01/16/2024
Agency Approval: Lisa Dawn-Fisher	Phone: 512-658-0328	Date: 01/16/2024
OFM Review: Kelsey Rote	Phone: (360) 000-0000	Date: 01/16/2024

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

HB 2070 seeks to reduce the disparities in cumulative environmental and health impacts in Washington by creating requirements to be used in certain project decisions.

Section 3.1 states that a lead agency must complete an environmental justice impact statement for any new or expanding potentially impactful project or the renewal of an existing potentially impactful project's permit if the project is to be located in whole or in part in a pollution burdened community.

Section 3 proceeds to lay out the requirements for the environmental justice impact statement.

Neither of Evergreen's physical locations (Olympia or Tacoma) is in an area identified as a pollution burdened community. This bill will not have any fiscal impact on Evergreen's capital projects.

HB 2070 seeks to reduce the disparities in cumulative environmental and health impacts in Washington by creating requirements to be used in certain project decisions.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE



**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 2070 HB	<b>Title:</b> Env. justice/SEPA projects	<b>Agency:</b> 380-Western Washington University
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

**Non-zero but indeterminate cost and/or savings. Please see discussion.**

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Jacob Lipson	Phone: 360-786-7196	Date: 01/09/2024
Agency Preparation: Timothy Davenport	Phone: 3606503257	Date: 01/15/2024
Agency Approval: Anna Hurst	Phone: 360-650-3569	Date: 01/15/2024
OFM Review: Kelsey Rote	Phone: (360) 000-0000	Date: 01/16/2024

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

This bill addresses environmental justice impact statements (study) for potentially impactful projects in pollution-burdened communities. The lead agency must analyze the project's contributions to existing environmental and public health stressors, proposing measures to avoid or minimize adverse impacts. The bill outlines detailed requirements for information disclosure, including project operations, existing stressors, traffic, pollution control, and public participation plans, with a focus on ensuring that the project serves a compelling public interest in the pollution-burdened community. The lead agency evaluates this information to determine project approval, denial, or imposition of conditions to address environmental and public health stressors.

The cost to include an environmental justice impact study could add an estimated \$100K-200K (for architect and engineer contracts) to a \$100M capital project. Regarding transportation projects, the bill is unclear as to whether it applies, based on scope (e.g., expanding an existing parking lot). It is unclear whether WWU projects in the Bellingham and outlying educational services areas (such as the Peninsulas) would be affected without knowing if they are located in a pollution-burdened community.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

Non-zero but indeterminate cost and/or savings. Please see discussion.

### IV. B - Expenditures by Object Or Purpose

Non-zero but indeterminate cost and/or savings. Please see discussion.

#### **IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

**Non-zero but indeterminate cost and/or savings. Please see discussion.**

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

The cost to include an environmental justice impact statement (study) could add an estimated \$100K-200K (for architect and engineer contracts) to a \$100M capital project. Regarding transportation projects, the bill is unclear as to whether it applies, based on scope (e.g., expanding an existing parking lot). It is unclear whether WWU projects in the Bellingham and outlying educational services areas (such as the Peninsulas) would be affected without knowing if they are located in a pollution-burdened community.

#### **Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 2070 HB	<b>Title:</b> Env. justice/SEPA projects	<b>Agency:</b> 405-Department of Transportation
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

**Non-zero but indeterminate cost and/or savings. Please see discussion.**

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Jacob Lipson	Phone: 360-786-7196	Date: 01/09/2024
Agency Preparation: Kelly Craig	Phone: 360-705-6833	Date: 01/22/2024
Agency Approval: Eric Wolin	Phone: 360-705-7487	Date: 01/22/2024
OFM Review: Maria Thomas	Phone: (360) 229-4717	Date: 01/22/2024

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

See attached fiscal note.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

Non-zero but indeterminate cost and/or savings. Please see discussion.

### III. B - Expenditures by Object Or Purpose

Non-zero but indeterminate cost and/or savings. Please see discussion.

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> HB 2070	<b>Title:</b> Integrating environmental justice considerations into certain project decisions	<b>Agency:</b> 405-Department of Transportation
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## Part I: Estimates

- No Fiscal Impact (Explain in section II. A)
- Indeterminate Cash Receipts Impact (Explain in section II. B)
- Partially Indeterminate Cash Receipts Impact (Explain in section II. B)
- Indeterminate Expenditure Impact (Explain in section II. C)
- Partially Indeterminate Expenditure Impact (Explain in section II. C)

- 
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, **complete entire fiscal note form Parts I-V**
  - If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, **complete entire fiscal note form Parts I-V**
  - Capital budget impact, **complete Part IV**
  - Requires new rule making, **complete Part V**
  - Revised

## Agency Assumptions

N/A
-----

## Agency Contacts:

Preparer: Kelly Craig	Phone: 564-669-3396	Date: 1/19/2024
Approval: Eric Wolin	Phone: 206-240-4497	Date: 1/19/2024
Budget Manager: Doug Clouse	Phone: 360-705-7535	Date: 01/19/2024

## Part II: Narrative Explanation

### II. A - Brief description of what the measure does that has fiscal impact

HB 2070 amends chapter 43.21C RCW, the state environmental policy act (SEPA), to require the preparation of environmental justice (EJ) impact statements for projects requiring certain air and water quality permits.

Section 2(15) of the bill defines “potentially impactful projects” for which proponents are required to conduct EJ impact statements. Among these are projects requiring air quality permits under 70A.15 RCW and water quality permits under 90.48 RCW. Section 2(15)(a)(xi) specifies certain permits under chapter 90.48 RCW that are not to trigger the EJ impact statement (a list of excluded permits); importantly, this section does not exclude a very common water quality permit issued by the department of ecology for projects that may result in discharge of waters into waters of the United States. Many WSDOT projects require these permits commonly called “water quality certifications.”

Section 2(15) also does not exclude other permits that WSDOT obtains for routine maintenance or transportation project-related work, such as the discharge permits for aquatic herbicide and aquatic mosquito control, the Isolated Wetlands



# Individual State Agency Fiscal Note

Administrative Order used to protect wetlands, the Sand and Gravel General Permit, and air quality permit for a temporary asphalt batch plant during construction.

Section 3 adds a new section to SEPA requiring the completion of an EJ impact statement for “potentially impactful projects.”

Section 3(3)(a) further specifies that this statement must be completed “at or before a determination of significance (e.g., Environment Impact Statements (EIS), a determination of non-significance (e.g., SEPA Checklist), or a determination of mitigated non-significance.” Section 3(3)(a) also directs the completion of the EJ impact statement “without regard to the type of threshold determination” under SEPA, which may mean that projects that are otherwise exempt from SEPA may be subject to the requirements of this bill if they may require one or more of the permits as noted above. WSDOT assumes that the bill will require EJ impact statements on transportation projects that may involve work in-water or wetlands (including fish passage barrier corrections) as well as routine maintenance activities including those that are currently exempt from SEPA.

Section 3(4) sets forth the public notice and hearing requirements as well as the authority of the lead agency to require mitigation under SEPA.

Section 4 specifies the contents of the EJ impact statement. The contents include a listing of existing stressors and comparison of stressors outside of the geographic area, construction schedule, traffic routes, existing conditions, and detailed description of facility energy, sewage, water supply. Section 4 also requires justification of the preferred alternative.

Section 5 includes direction to the project proponent to analyze and propose all control measures necessary to avoid contributing to adverse environmental and public health stressors in the pollution burdened community. This section provides authority to the lead agency to deny the action if certain conditions are not met and provides authority to the department of ecology to impose conditions. WSDOT is both the SEPA lead agency and a permittee.

## II. B – Cash Receipts Impact

N/A

## II. C - Expenditures

The fiscal impact of this bill is indeterminate.

Section 2 provides the definition of “potentially impactful project.” This definition refers to projects that obtain air and water quality permits that are commonly required of WSDOT projects and maintenance activities. The lead agency assumptions state that there is no basis for estimating the number of projects, their complexity, or duration. As a result, the department is not able to estimate how many projects or actions would meet the definition of potentially impactful projects.

Section 3 outlines the required elements of the EJ impact statement and directs that these be done at the earliest stage in SEPA (at or before determinations of non-significance or significance). The information needed to complete the EJ impacts statement is not available at this early stage in project development. The department assumes it would have to conduct original research for the purpose of preparing the EJ impact statement. The department may need to hire consultants or add in-house staff. Until an estimate of the number of projects or actions that would require the EJ impact statement, it cannot be determined how many staff or consultants would be needed.

Section 4 sets out the details of the analysis and public engagement required to complete the EJ impact statement. As written, the work required by the bill would precede public engagement and environmental review under SEPA or other laws. The department is not able to estimate the staff time associated with this work.

# Individual State Agency Fiscal Note

Section 5 provides direction regarding the control measures to avoid and mitigate adverse impacts. The department assumes that there may be costs associated with new conditions under SEPA, especially for actions that would not have detailed environmental justice assessments under the state's environmental justice law (RCW 70A.02 also known as the Healthy Environment for All or HEAL Act).

## **Part III: Expenditure Detail**

### **III. A - Expenditures by Object or Purpose**

N/A

## **Part IV: Capital Budget Impact**

N/A

## **Part V: New Rule Making Required**

N/A

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 2070 HB	<b>Title:</b> Env. justice/SEPA projects	<b>Agency:</b> 461-Department of Ecology
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## Part I: Estimates

No Fiscal Impact

### Estimated Cash Receipts to:

**Non-zero but indeterminate cost and/or savings. Please see discussion.**

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.0	3.5	1.7	2.3	1.2
<b>Account</b>					
General Fund-State 001-1	0	568,137	568,137	744,166	392,108
<b>Total \$</b>	0	568,137	568,137	744,166	392,108

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Jacob Lipson	Phone: 360-786-7196	Date: 01/09/2024
Agency Preparation: Jessica Moore	Phone: 360-529-7583	Date: 01/19/2024
Agency Approval: Erik Fairchild	Phone: 360-407-7005	Date: 01/19/2024
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 01/23/2024

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

Under current law, the State Environmental Policy Act (SEPA), chapter 43.21C RCW, provides a way to identify possible environmental impacts that may result from governmental decisions. Ecology is responsible for SEPA Rules (Chapter 197-11 WAC). Ecology serves as the SEPA lead or co-lead agency for some proposals. Cities and counties are the most common lead agencies for projects that would require preparation of Environmental justice impact statements (EJIS). Other agencies and special purpose districts such as Ports could also be required to be lead agencies for the preparation of EJISs. Tribal governments and community and environmental groups would have the ability to comment on whether projects should be either denied or conditionally approved.

This bill would amend chapter 43.21C RCW, SEPA, to integrate environmental justice considerations into certain project decisions with the intent to reduce disparities in cumulative environmental and health impacts.

Section 2 would add a new section to chapter 43.21C RCW, SEPA, to add definitions for “Environmental justice impact statement (EJIS)”, “Environmental or public health stressors,” “Pollution burdened community,” and “Potentially impactful project”.

Section 3 would add a new section to chapter 43.21C, SEPA, describing the requirements for an EJIS to analyze “environmental and public health stressors” associated with proposed new, expanding, or existing “potentially impactful projects.” The analysis would be required to identify new adverse stressors that cannot be avoided, and existing stressors affecting the community. Proposed actions that were being reviewed under SEPA on the effective date of the bill, provided the review is completed by January 1, 2027, would be exempt. A lead agency would be required to complete an EJIS at or before the proposed actions receive a SEPA threshold determination. The EJIS would be required to be completed regardless of the type of threshold determination that is based on environmental impacts other than EJ impacts. EJIS would be required to be posted on an OFM website 30 days before a hearing would be required. A lead agency would be required to hold a hearing in the “pollution burdened community” no sooner than 60 days after OFM publishes the EJIS. Applicants would be required to participate in the hearing. The lead agency would be required to take written and oral comments. A lead agency would be required to decide at least 45 days after the hearing. The lead agency would be required to either (a) deny the project if there are impacts to the “pollution burdened community that are higher than those borne by other communities” unless the project would serve a compelling public interest; (b) Require mitigation if the lead agency determines the project “will serve a compelling public interest in the community where it is to be located,” or (c) for renewals, require mitigation, without need to demonstrate a compelling public interest is served. A lead agency would not be permitted to exercise its authority in a manner that would compromise public health, safety, and welfare requirements.

Section 4 would create a two-tier pathway for projects, one for projects “where the pollution burdened community is not subject to adverse cumulative stressors,” and a more complex path for projects where the pollution burdened community is subject to adverse cumulative stressors. The bill describes the information and analysis required for each path. This would include measures to avoid or minimize contributions to environmental and public health stressors; provide a net environmental benefit and demonstrate how the potentially impactful project serves a compelling public interest in the pollution burdened community. Lead agencies would be required to consider the EJIS to determine whether to deny, approve, or approve the project with mitigating conditions.

Section 5 would outline the process for conditioning or denying new or expanded projects, with a process for approving projects if there is a “compelling public interest” in the pollution burdened community. Project proponents would be required to analyze EJ impacts. Where the applicant proposed control measures that avoid EJ impacts, a lead agency would be permitted to conditionally approve the project “consistent with RCW 43.21C.060.” This existing SEPA statute authorizes lead agencies to deny or condition projects and establishes that appeals of SEPA decisions other than permits issued under the Shoreline Management Act go to the local government.

Where the control measures proposed by the applicant cannot avoid disproportionate EJ impacts, a lead agency would be required to deny the project “pursuant to RCW 43.21C.060,” unless the applicant demonstrates “the proposed potentially impactful project will serve a compelling public interest in the pollution burdened community.” An applicant would be required to demonstrate whether a project that has EJ impacts will serve a “compelling public interest” in the pollution burdened community where it is to be located.” A project proponent would be required to include control measures on and off site to avoid, minimize, and offset impacts. Where a project proponent could demonstrate a potentially impactful project would serve a compelling public interest in the pollution burdened community, Ecology would be required to impose conditions “in accordance with RCW 43.21C.060.”

Section 6 would outline the process for approving and conditioning renewals of existing projects located in a pollution burdened community. Project proponents would be required to analyze and propose control measures to avoid impacts. Where the control measures prevent disproportionate impacts, the lead agency would be authorized to approve the project “in accordance with RCW 43.21C.060.” Where control measures proposed by the applicant cannot avoid disproportionate impacts, Ecology would be required to impose conditions “in accordance with RCW 43.21C.060.” As part of an EJIS for a permit renewal, a proponent of a potentially impactful project would be required to submit a “potentially impactful project-wide risk assessment that evaluates existing source operations.”

Section 7 would establish that this bill would be in addition to the HEAL Act. Lead agencies would be authorized to require cost reimbursement from proponents. Ecology would be authorized to update the definition of “pollution burdened community” by referencing future updated versions of the federal Climate and Economic Justice Screening Tool published by the US Council on Environmental Quality.

## **II. B - Cash receipts Impact**

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

The cash receipts impact to Ecology under this bill is indeterminate for section 7.

Section 7 would authorize lead agencies to require cost reimbursement from proponents. Under current law, when Ecology is lead agency, a cost reimbursement agreement is often utilized to recover costs. The cost of Ecology’s role varies greatly from project to project, depending on the nature of the project. There is no basis for estimating the number, the complexity, or duration of projects. Therefore, cash receipts that could be generated from cost reimbursement agreements utilized to recover costs for the purposes of this bill are indeterminate.

## **II. C - Expenditures**

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

The expenditure impact to Ecology under this bill is estimated to be more than \$50,000 for the Ecology Office of Equity and Environmental Justice to implement section 3(1) and indeterminate to implement the remaining requirements of the bill in sections 3, 4, 5, 6 and 7.

Section 3 creates a new section of SEPA that describes process requirements for lead agencies for Environmental Justice Impact Statements (EJIS), including a public hearing. Ecology assumes that there would be times when state agencies, including Ecology, would assume the role of lead agency for projects. Ecology assumes that EJIS’ would be necessary for the Nuclear Waste Program’s dangerous waste, air operating, and water quality permits for the Hanford Site; Air Quality program’s New Source Review permit, Toxics Clean Up’s Clean Up Permits, and Water Quality’s Wastewater and Stormwater Permits. Ecology assumes that resources for the public comment period, public hearings, and legal advice would be necessary in addition to staff time to complete the EJIS’.

Based on data available in the SEPA register from FY 2019 to FY 2023, Ecology was lead agency for an average of 58

projects per year. (Ecology lead agency projects – 73 in FY19, 62 in FY20, 61 in FY21, 41 in FY22, and 54 in FY23)

As the data shows, the number of projects each year vary greatly. In addition, Ecology assumes projects will vary in complexity and duration depending on the permits in question. Since there is no basis for estimating the complexity and duration, and the number of projects varies from year to year, Ecology has no basis for estimating the costs that would result from this bill. Based on previous experience, Ecology estimates that a single EJIS could require anywhere between 0.60 FTE and 1.5 FTE with a cost between \$90,000 and \$270,000, depending on the permit in question, the complexity, and the duration. Therefore, Ecology assumes the costs associated with completing an EJIS would be indeterminate.

#### Office of Equity and Environmental Justice

Ecology assumes staff and resources would be required to develop an EJIS protocol that includes data specifications and methods for assessing and determining cumulative impacts, environmental and health stressors, geographic points of comparison, net environmental benefits, pollution burdened communities, and disproportionate impacts. Ecology assumes staff expertise in environmental justice data and analysis would be required to support EJIS development and completion agency wide. Ecology estimates that this work would require 1.0 FTE Environmental Planner 4 from FY 2025 to FY 2027, to develop standardized EJIS data and methods, training, and implementation support, 1.0 FTE IT App Development – Journey in FY 2025 to provide data creation, analysis and building of tools or applications to support the required reporting and analysis on pollution burdened communities and EJ spatial needs, and 1.0 FTE IT Business Analyst – Journey in FY 2025 and ongoing, to help identify requirements, data sources, and data.

In addition, Ecology assumes that Ecology’s Office of Equity and Environmental Justice (OEEJ) would need to provide a higher level of technical assistance, support, and guidance earlier in the process and that as program’s gain experience and staff up, the need for OEEJ’s support would be reduced. Based on previous experience with EJ assessments, Ecology estimates that costs could range from 1.4 FTE Environmental Planner 4 to 3.4 FTE Environmental Planner 4, depending on the level of support, guidance, and technical assistance needed from the programs. Because the range of costs associated with OEEJ support varies so greatly, Ecology’s fiscal impact for OEEJ support on the requirements of this bill are indeterminate.

#### Attorney General Support

Consistent with the Office of the Attorney General (AAG), Ecology assumes that the AAG would provide client advice on the bill’s application and implementation, client advice as Ecology prepares EJISs, and litigation support associated with expected appeals challenging the adequacy of EJISs and agency decision-making in conjunction with those EJISs. Whether Ecology would be required to amend SEPA rules in response to the bill is a question assumed in these ranges. Ecology assumes legal services required will generally be higher in the initial fiscal years after enactment, then taper down as questions about the bill’s application and scope are resolved. Ecology assumes the Hanford Nuclear Reservation does not fall within the bill’s exemption for “national security facilities” in Section 2(15)(b)(ii), meaning Ecology’s actions related to Hanford that trigger SEPA will be within the bill’s scope.

The AAG estimates a range of potential costs: FY 2025 through FY 2027: 0.30 to 1.2 FTE AAG and 0.10 to 1.0 FTE PL1, which calculates a range from \$88,000 to \$357,000; FY 2028 and in each FY thereafter: 0.10 to 0.50 FTE AAG and 0.05 to 0.30 FTE PL1, which calculates a range from \$29,000 to \$149,000.

Ecology has no basis for estimating costs for the number of appeals that the agency might need to respond to. Based on conversations with the AAG, Ecology assumes there is a wide range of possibility, from less to more complex, and zero to some cases.

Because the range of costs associated with AAG advice and support varies so greatly, Ecology’s fiscal impact for AAG advice and representation on the requirements of this bill are indeterminate.

#### Rulemaking

Ecology assumes that rulemaking may be required to ensure that SEPA and New Source Review rules harmonize with the

provisions of the bill, and to develop and adopt community engagement rules. However, additional analysis from the agency and attorney general are required to make a final determination. Since it is unclear whether Ecology has the authority to engage in rulemaking for these purposes, consistent with the AAG, Ecology’s fiscal impact for rulemaking is indeterminate

**SUMMARY**

Section 3(1) is estimated to require:

FY 2025: \$568,137 and 3.45 FTEs

FY 2026: \$372,083 and 2.3 FTEs

FY 2027: \$372,083 and 2.3 FTEs

FY 2028: \$196,054 and 1.15 FTEs

FY 2029: \$196,054 and 1.15 FTEs

Notes on costs by object:

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 34.1% of salaries.

Goods and Services are the agency average of \$6,048 per direct program FTE.

Travel is the agency average of \$2,205 per direct program FTE.

Equipment is the agency average of \$1,286 per direct program FTE.

Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 29.8% of direct program salaries and benefits, and is shown as object 9. Agency Administrative Overhead FTEs are included at 0.15 FTE per direct program FTE, and are identified as Fiscal Analyst 2 and IT App Development - Journey.

**Part III: Expenditure Detail**

**III. A - Operating Budget Expenditures**

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	0	568,137	568,137	744,166	392,108
<b>Total \$</b>			0	568,137	568,137	744,166	392,108

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

**III. B - Expenditures by Object Or Purpose**

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		3.5	1.7	2.3	1.2
A-Salaries and Wages		309,958	309,958	405,608	214,308
B-Employee Benefits		105,697	105,697	138,314	73,080
E-Goods and Other Services		18,144	18,144	24,192	12,096
G-Travel		6,615	6,615	8,820	4,410
J-Capital Outlays		3,858	3,858	5,144	2,572
9-Agency Administrative Overhead		123,865	123,865	162,088	85,642
<b>Total \$</b>	0	568,137	568,137	744,166	392,108

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

**III. C - Operating FTE Detail:** *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
ENVIRONMENTAL PLANNER 4	95,650		1.0	0.5	1.0	
FISCAL ANALYST 2			0.3	0.2	0.2	0.1
IT APP DEV-JOURNEY	107,154		1.0	0.5		
IT APP DEV-JOURNEY (Admin)			0.2	0.1	0.1	0.1
IT BUSINESS ANALYST-JOURNE'	107,154		1.0	0.5	1.0	1.0
<b>Total FTEs</b>			3.5	1.7	2.3	1.2

**III. D - Expenditures By Program (optional)**

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

Ecology assumes that rulemaking may be required to ensure that SEPA and New Source Review rules harmonize with the provisions of the bill, but that additional analysis from the agency and attorney general are required to make a final determination. Since it is unclear whether Ecology has the authority to engage in rulemaking for these purposes, consistent with the AAG, Ecology's fiscal impact for rulemaking is indeterminate.



# Individual State Agency Fiscal Note

Revised

<b>Bill Number:</b> 2070 HB	<b>Title:</b> Env. justice/SEPA projects	<b>Agency:</b> 463-Energy Facility Site Evaluation Council
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## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

NONE

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Jacob Lipson	Phone: 360-786-7196	Date: 01/09/2024
Agency Preparation: Ali Smith	Phone: 360-515-2011	Date: 01/17/2024
Agency Approval: Dave Walker	Phone: 360-664-1345	Date: 01/17/2024
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 01/23/2024

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

The bill seeks to require under SEPA an evaluation and research criteria for new and existing project proponents that reside fully or in part within a pollution burdened community. An evaluation may take the form of an Environmental Justice Impact Statement (EJIS) as outlined within sections 2-5.

Section 7: Adds a new section to RCW 43.21C (State Environmental Policy) to include the following language, "A lead agency may require a proponent of a proposed action to reimburse the agency for demonstrated costs to carry out an environmental justice impact statement carried out under sections 3 through 6 of this act".

Based on EFSEC's current pass-through reimbursement model and this bill, the costs needed to carry out the evaluations are to be reimbursed to the agency by the project proponent, which means that the fiscal impact will be negligible because it's reimbursable from the project. Based on EFSEC's assumptions, the fiscal impact is indeterminate.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

#### **IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

#### **Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 2070 HB	<b>Title:</b> Env. justice/SEPA projects	<b>Agency:</b> 465-State Parks and Recreation Commission
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## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

NONE

### Estimated Capital Budget Impact:

	2023-25		2025-27		2027-29	
	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Predesign/Design	0	165,000	165,000	165,000	165,000	165,000
Construction	0	0	0	0	0	0
Grants/Loans	0	0	0	0	0	0
Staff	0	0	0	0	0	0
Other	0	0	0	0	0	0
<b>Total \$</b>	<b>0</b>	<b>165,000</b>	<b>165,000</b>	<b>165,000</b>	<b>165,000</b>	<b>165,000</b>

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Jacob Lipson	Phone: 360-786-7196	Date: 01/09/2024
Agency Preparation: Kyle Murphy	Phone: (360) 902-0932	Date: 01/22/2024
Agency Approval: Van Church	Phone: (360) 902-8542	Date: 01/22/2024
OFM Review: Shelly Willhoite	Phone: (360) 890-2366	Date: 01/22/2024

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

HB 2070 legislates a new requirement for proponents of “potentially impactful projects” to complete an environmental justice impact statement as a supplement to any State Environmental Protection Act (SEPA) action.

Section 2(15)(a)(viii) - Potential Impactful Projects include “sewage treatment plants”. Parks assumes any project associated with a new or existing sewage treatment system would be subject to the provisions of the bill, including the permit renewals for any current systems.

The bill lays out a lengthy and complex set of considerations, studies, and requirements for the development of an environmental justice impact statement. It states that the environmental justice impact statement must be completed at or before the time that a proposed action receives a determination significance, a determination of non-significance, or a mitigated determination of significance. If such a process were to be required for all Parks projects associated with new or existing sewage treatment systems, the timeline and cost for such projects would increase significantly.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

None.

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

None.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
057-1	State Building Construction Account	State	0	165,000	165,000	330,000	330,000
<b>Total \$</b>			0	165,000	165,000	330,000	330,000

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

### IV. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years					
A-Salaries and Wages					
B-Employee Benefits					
C-Professional Service Contracts					
E-Goods and Other Services					
G-Travel					
J-Capital Outlays		165,000	165,000	330,000	330,000
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
<b>Total \$</b>	0	165,000	165,000	330,000	330,000

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

Construction Estimate	FY 2024	FY 2025	2023-25	2025-27	2027-29
Pre-design/Design		165,000	165,000	330,000	330,000
Construction					
Grants/Loans					
Staff					
Other					
<b>Total \$</b>		165,000	165,000	330,000	330,000

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

### IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

The fiscal impact is indeterminate though expected to exceed \$50,000 each fiscal year to contract with outside consultants.

All projects associated with sewage treatment plants, such as Membrane Bioreactor plants (MBR) and Large On-site Sewage Systems (LOSS) currently require a SEPA determination. Therefore, they would also require an environmental justice impact statement. It is estimated the new requirement would add approximately \$110,000 to each project. The additional work would generally be fulfilled through a contract with an outside consultant.

Parks is estimating 1.5 projects each fiscal year (FY).

\$110,000 \* 1.5 projects/FY = \$165,0000/FY

For the 2023-25 10-year plan Parks has identified eight projects that are in design and have not completed a SEPA determination. At a minimum the following listed projects are expected to have impact due to the current language in the proposed legislation:

- Grayland Beach – Replace Comfort Station and Lift Station
- Alta Lake – Major Park Renovation
- Bridgeport – Campground Redevelopment
- Lake Chelan – Replace Camp Loop Utilities, Renovate Western Campground
- Lake Easton – New Campground Development, Renovate East Camp Loop Utilities.
- Pearrygin – New Camp Loop Development, Renovate East Camp Loop Sewer and Irrigation
- Sacajawea – Construct new comfort station.
- 25-Mile – Major Park Renovation.

Cost would be in Object JK Architectural and Engineering Services.

The project list for 2025-27 has not yet been developed so cost for future projects impacted by this bill are not yet fully defined.

## **Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

Requires development of an environmental justice impact statement and process to manage. The environmental justice impact statement must be completed at or before the time that a proposed action receives a determination significance, a determination of non-significance, or a mitigated determination of significance.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 2070 HB	<b>Title:</b> Env. justice/SEPA projects	<b>Agency:</b> 477-Department of Fish and Wildlife
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## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.0	1.4	0.7	1.4	1.4
<b>Account</b>					
General Fund-State 001-1	0	278,000	278,000	556,000	556,000
<b>Total \$</b>	0	278,000	278,000	556,000	556,000

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Jacob Lipson	Phone: 360-786-7196	Date: 01/09/2024
Agency Preparation: David Hoeveler	Phone: (360) 970-1638	Date: 01/16/2024
Agency Approval: David Hoeveler	Phone: (360) 970-1638	Date: 01/16/2024
OFM Review: Shelly Willhoite	Phone: (360) 890-2366	Date: 01/16/2024



## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

Section 3 requires the WDFW, when identified as the lead agency, to complete and transmit an environmental justice (EJ) impact statement. Additionally, within 60 days of publishing the EJ impact statement the Department must conduct a public hearing.

Section 4 requires WDFW, when identified as the lead agency, to analyze a potentially impactful project and propose feasible measures to avoid or minimize contributions to environmental and public health stressors.

Section 5 requires a project proponent to analyze and propose all control measures necessary to avoid impacts on adverse environmental and public health stressors.

Section 6 requires a project proponent to propose feasible control measures necessary to avoid potentially impactful project contributions to all adverse environmental and public health stressors.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

WDFW will require additional resources to fund positions to do this work. A Management Analyst 5 (MA5) to complete the organizational tasks outlined in sections 3-6 of this bill. There will also be an increased workload for Environmental Planners and Environmental Engineers (detailed below) for permitting and SEPA reporting requirements. WDFW assumes that, based on our 10-year plan up to 5 projects per biennia would be impacted. Each project is expected to take about 700 hours to execute.

WDFW will require a 0.8 FTE MA5 to complete this work. The duties of this MA5 will include:

- Assess each capital project with the Environmental Justice (EJ) scope and revamp capital project methods while doing so. Synchronizing relevant camp projects with EJ impact statement team.
- Create the EJ impact statements process.
- Execute the detailed requirements of information contained in EJ impact statement each time an EJ impact statement is required.
- Coordinate the EJ impact statements to OFM, including synchronizing website information for the public.
- Coordinate public hearings with OFM.
- Facilitate public engagement with the public hearings, including community education, communications projects, analyzing public comment and feedback appropriately for each EJ impact statement.
- Data collection and review
- Assess the results of each EJ Impact statement and public comment.
- Analyze feedback data compiled from public comment.
- Assess result category (avoids, mitigates, etc.)
- Determinations for project actions.
- Impose conditions for project proponents.
- Reviewing and analyzing proponent's proposed control measures.
- Setting conditions and grounds for denial procedures.

- Additional public engagement for determining “compelling public interest”

Additional WDFW projections include additional hours for permitting staff:

Environmental Planner 3 – 300hr/year (0.2 FTE)

Environmental Planner 4 – 300hr/year (0.2 FTE)

SEPA reporting for impacted projects will require additional hours for staff:

Environmental Planner 4 – 100 hours/year (0.1 FTE)

Additional Project Management Costs would include:

Environmental Engineer 2 – 250hr/year (0.1 FTE)

Translation costs for public hearings:

\$12,500 (\$5,000 per project. 5 projects per biennium. 2.5 projects annually)

Standard employee costs totaling \$9,800 per fiscal year.

Estimated \$1,000 in travel costs per fiscal year.

Agency indirect costs at a rate of 36.03% totaling \$69,000 per fiscal year.

### Part III: Expenditure Detail

#### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	0	278,000	278,000	556,000	556,000
<b>Total \$</b>			0	278,000	278,000	556,000	556,000

#### III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		1.4	0.7	1.4	1.4
A-Salaries and Wages		134,000	134,000	268,000	268,000
B-Employee Benefits		46,000	46,000	92,000	92,000
C-Professional Service Contracts					
E-Goods and Other Services		23,000	23,000	46,000	46,000
G-Travel		1,000	1,000	2,000	2,000
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements		74,000	74,000	148,000	148,000
9-					
<b>Total \$</b>	0	278,000	278,000	556,000	556,000

#### III. C - Operating FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
ENVIRONMENTAL ENGINEER 2			0.1	0.1	0.1	0.1
ENVIRONMENTAL PLANNER 3			0.2	0.1	0.2	0.2
ENVIRONMENTAL PLANNER 4			0.3	0.2	0.3	0.3
MANAGEMENT ANALYST 5			0.8	0.4	0.8	0.8
<b>Total FTEs</b>			1.4	0.7	1.4	1.4

**III. D - Expenditures By Program (optional)**

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 2070 HB	<b>Title:</b> Env. justice/SEPA projects	<b>Agency:</b> 490-Department of Natural Resources
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## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.0	1.3	0.7	1.3	0.0
<b>Account</b>					
General Fund-State 001-1	0	225,300	225,300	424,600	50,000
<b>Total \$</b>	0	225,300	225,300	424,600	50,000

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Jacob Lipson	Phone: 360-786-7196	Date: 01/09/2024
Agency Preparation: Ana Cruz	Phone: 3609021121	Date: 01/15/2024
Agency Approval: Brian Considine	Phone: 3604863469	Date: 01/15/2024
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 01/23/2024

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

Sec. 3 requires the Department of Natural Resources (DNR) to complete Environmental Justice Impact Statements for new, expanding, or renewed potentially impactful projects within a pollution burdened community. This includes conducting public hearings within pollution burdened communities.

Sec. 4 describes what must be included in an Environmental Justice Impact Statement, which includes community engagement, and would require DNR staff and resources to create the statements.

Sec. 5-6 require DNR to analyze and propose control measures for avoiding adverse impacts on new and renewed projects, and to consider public input.

Sec. 7 allows DNR to seek financial reimbursement from project proponents. This section also requires that DNR must continue its existing HEAL Act environmental justice commitments.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

The majority of the fiscal impacts are indeterminate at this time. Given the very large and diverse portfolio of properties and services of the agency, the Department of Natural Resources (DNR) assumes that some agency activities would require Environmental Justice Impact Statements (EJIS) as described in this bill. However, DNR assumes—based on the definitions of pollution burdened communities and potentially impactful projects—that most of the agency SEPA reviews would not be subject to EJIS. DNR assumes that program staff who typically initiate SEPA projects, as well as DNR's SEPA team, would be involved in developing new EJIS. DNR assumes that the Office of Equity and Environmental Justice and the Policy and Resilience team would help coordinate and align with existing environmental justice requirements. DNR also assumes that training and the development of new procedures is required, along with coordination with the Department of Ecology. DNR assumes that the EJIS would likely add more time to the existing SEPA review process. DNR assumes that this bill may trigger substantive SEPA requirements, and that rulemaking and legal review would be required to develop substantive policies regarding health impacts.

Until there is more clarity on how this bill intersects with existing exemptions and the environmental justice definitions and geographic scope of the HEAL Act, DNR finds that there is an indeterminate fiscal impact. To establish more certainty, some staff would initially be required to research the scope and develop a full implementation plan; DNR would then make staffing recommendations in a future decision package.

State Lands programs are assuming that there will be an increased workload with conducting environmental justice impact statements (EJIS) on some projects requiring SEPA. Some projects would be initiated by DNR, and others would be by our lessees. At this time, there are too many unknown to identify the full impact of the bill's requirements. Unknowns include number of qualifying projects, location of projects, type of project, amount of time to create an EJIS, and will this process work with or increase our usual timelines for public outreach. Programs are unsure about which projects would be impacted by HB 2070, if projects covered under forest practices are exempt, and if the specific exemption for timber sales under the HEAL Act still apply. Because of these unknowns and the need, a position is needed to conduct program specific analysis

and to create implementation guidance and tools. DNR has also seen a number of recent legal challenges concerning environmental justice and SEPA. We anticipate more legal questions coming from this bill and the position will assist with legal challenges.

--Management Analyst 5 – 1.0 FTE in FY 25 and 1.0 FTE in FY 26 and FY27 (one time) – This position will conduct all research on the requirements of HB 2070 and their impacts on programs, such as timber sales, leasing, and recreation. Position will also conduct analysis on the nexus between the requirements of HB 2070 and the current HEAL Act. The position will then develop implementation guidance for each type of project. The last need is to create tools to find if any projects fall under the geographic and population descriptions under the bill, and to analyze the requirements and parameters of the environmental assessments to create the necessary outcomes of the EJIS. This position will also help with legal challenges concerning environmental justice and SEPA.

--Attorney General (ATG) Staff time - estimates based upon input from the ATG's office with their anticipated workload to support this work.

Cost estimates provided by the ATG's office.

FY 2025 - 300 hours - 0.3 FTE - \$49,000

FY 2026 - 300 hours - 0.3 FTE - \$49,000

FY 2027 - 200 hours - 0.3 FTE - \$32,000

FY 2028 - 200 hours - 0.3 FTE - \$32,000

FY 2029 - 100 hours - 0.2 FTE - \$18,000 (DNR assumes this will be an on-going need in future FY)

--Computers and monitors - \$4,500 (one-time)

--Goods and services and travel are calculated on actual program averages per person.

--Administrative costs are calculated at 31% of staff salary and benefits and staff-related goods and services and travel. For fiscal note purposes, this cost is represented as a Fiscal Analyst 2 position (.3 FTE).

**Part III: Expenditure Detail**

**III. A - Operating Budget Expenditures**

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	0	225,300	225,300	424,600	50,000
<b>Total \$</b>			0	225,300	225,300	424,600	50,000

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

**III. B - Expenditures by Object Or Purpose**

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		1.3	0.7	1.3	
A-Salaries and Wages		91,500	91,500	183,000	
B-Employee Benefits		30,600	30,600	61,200	
C-Professional Service Contracts					
E-Goods and Other Services		59,600	59,600	102,200	50,000
G-Travel		200	200	400	
J-Capital Outlays		4,500	4,500		
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements		38,900	38,900	77,800	
9-					
<b>Total \$</b>	0	225,300	225,300	424,600	50,000

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

**III. C - Operating FTE Detail:** *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Fiscal Analyst 2	55,872		0.3	0.2	0.3	
Management Analyst 5	91,524		1.0	0.5	1.0	
<b>Total FTEs</b>			1.3	0.7	1.3	0.0

**III. D - Expenditures By Program (optional)**

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 2070 HB	<b>Title:</b> Env. justice/SEPA projects	<b>Agency:</b> 699-Community and Technica College System
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

**Non-zero but indeterminate cost and/or savings. Please see discussion.**

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Jacob Lipson	Phone: 360-786-7196	Date: 01/09/2024
Agency Preparation: Brian Myhre	Phone: 360-704-4413	Date: 01/16/2024
Agency Approval: Stephanie Winner	Phone: 360-704-1023	Date: 01/16/2024
OFM Review: Kelsey Rote	Phone: (360) 000-0000	Date: 01/16/2024



## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

This bill seeks to reduce disparities in cumulative environmental and health impacts in the state.

#### SECTION 2

Includes definitions for:

- Potentially Impactful Project
- Pollution Burdened Community
- Environmental or Public Health Stressors
- Environmental Justice Impact Statement
- Adverse Cumulative Stressors

#### SECTION 3

This bill would require a lead agency to complete an environmental justice impact statement for new or expanding potentially impactful projects or the renewal of existing potentially impactful projects permit that are located in whole or in part in a pollution burdened community.

#### SECTION 5

A project proponent for a new potentially impactful project or the expansion of an existing potentially impactful project that is proposed to be located, in whole or in part, in a pollution burdened community that is subject to adverse cumulative stressors shall analyze and propose all control measures necessary to avoid potentially impactful project contributions to all adverse environmental and public health stressors in the pollution burdened community.

#### SECTION 6

A project proponent for the renewal of an existing permit that is to be located, in whole or in part, in a pollution burdened community that is subject to adverse cumulative stressors shall analyze and propose feasible control measures necessary to avoid potentially impactful project contributions to all adverse environmental and public health stressors in the pollution burdened community.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

No cash receipts impact.

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

No expenditure impact.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*  
NONE

**III. D - Expenditures By Program (optional)**  
NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

Non-zero but indeterminate cost and/or savings. Please see discussion.

### IV. B - Expenditures by Object Or Purpose

Non-zero but indeterminate cost and/or savings. Please see discussion.

### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

Non-zero but indeterminate cost and/or savings. Please see discussion.

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

Indeterminate capital budget impact.

It is anticipated that the community and technical colleges would have few, if any, projects that would be “Potentially Impactful Projects” as defined in the bill.

Since it cannot be known the location and types of projects that will be developed by the community and technical college system in the future, fiscal impact, if any, is indeterminate.

Any costs attributed to this bill would be due to the increased requirements of the capital project permitting process and the costs would be considered a capital expenditure.

## Part V: New Rule Making Required

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

**Bill Number:** 2070 HB

**Title:** Env. justice/SEPA projects

## Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

### Legislation Impacts:

- Cities: Only impacts cities with one of the potentially impactful project permits that operate in an area with a pollution burdened community. The number of impacted cities is currently unknown, but expenses would be significant for any impacted city.
- Counties: Same as above.
- Special Districts: Same as above.
- Specific jurisdictions only: After January 1, 2027, this act would affect jurisdictions that initiate a new permit or renew an existing permit that is on the potentially impact project list, and that operate in a pollution burdened communities. This list includes permits for biosolid facilities, sewage treatment plants, municipal solid waste transfer stations and landfills, as well as municipal stormwater permit holders.

Variance occurs due to:

## Part II: Estimates

- No fiscal impacts.
- Expenditures represent one-time costs:
- Legislation provides local option:
- Key variables cannot be estimated with certainty at this time: Number of impacted cities, counties, and special districts; the complexity of each environmental justice impact statement; the time required to complete an environmental justice impact statement, scale of public involvement and outreach for local governments.

**Estimated revenue impacts to:**

None

**Estimated expenditure impacts to:**

**Non-zero but indeterminate cost and/or savings. Please see discussion.**

## Part III: Preparation and Approval

Fiscal Note Analyst: Jordan Laramie	Phone: 360-725-5044	Date: 01/29/2024
Leg. Committee Contact: Jacob Lipson	Phone: 360-786-7196	Date: 01/09/2024
Agency Approval: Allan Johnson	Phone: 360-725-5033	Date: 01/29/2024
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 01/30/2024

## **Part IV: Analysis**

### **A. SUMMARY OF BILL**

*Description of the bill with an emphasis on how it impacts local government.*

This act integrates environmental justice impact statements (EJIS) as a requirement of certain types of project decisions that fall under the State Environmental Policy Act (SEPA). The proposed legislation specifically targets projects that exacerbate the adverse cumulative stressors of environmental and public health in pollution burdened communities. This act would alleviate the cumulative stressors through the abatement or mitigation of projects that generate air or water pollution in these communities. The EJIS created by the act would not be a requirement of specific projects until January 1, 2027.

Sec. 2 would be a new chapter added to 43.21C, which includes key terms used throughout the bill. Important terms include, “adverse cumulative stressors,” “environmental justice impact statement,” “pollution burdened community,” and “potentially impactful project,” which are used to describe project actions and specific project outcomes.

Sec. 3 would be a new chapter added to 43.21C, which requires the completion of an environmental justice impact statement for new or expanding projects, or the renewal of permits for existing projects in pollution burdened communities.

Sec. 4 would be a new chapter added 43.21C, which outlines the requirements for an environmental justice impact statement, including detailed information about the project and its impacts when a pollution burdened community may be subject to adverse cumulative stressors because of the potentially impactful project. Project proponents would have additional responsibilities for assessing and managing the environmental and public health impacts on people, such as local environmental justice or cumulative impact analysis ordinances.

Sec. 5 specifies the control measures that project proponents must analyze and propose to avoid contributing to adverse environmental and public health stressors in pollution burdened communities.

Sec. 6 addresses the renewal of existing permits that are in-part, or in-whole, of a pollution burdened community. It requires project proponents to analyze and propose feasible control measures to avoid harmful contributions to pollution burdened communities.

Sec. 7 clarifies that the obligations under of this act are in addition to other requirements of lead agencies under SEPA. Lead agencies may charge a fee for services to carry out an EJIS.

This act would go into effect 90 days after the adjournment of the session in which it is passed.

### **B. SUMMARY OF EXPENDITURE IMPACTS**

*Expenditure impacts of the legislation on local governments with the expenditure provisions identified by section number and when appropriate, the detail of expenditures. Delineated between city, county and special district impacts.*

This proposed legislation would have indeterminate but non-zero and potentially significant expenditure impacts for local governments with potentially impactful projects that qualify under Sec. 2(15) and Sec. 3(1). Estimating the complexity and duration of each State Environmental Policy Act (SEPA) Environmental Justice Impact Statement (EJIS), as well as the number of local government projects that would require an EJIS, would vary from year to year cannot be known in advance. For the purposes of this fiscal note, the Local Government Fiscal Note program assumes that the expenses to conduct an EJIS are similar to those borne by the State’s lead agencies and the costs experienced by local governments to conduct and complete SEPA environmental impact statements.

An affected local government requires both a potentially impactful project permit and that such a project is located within a pollution burdened community. Based on the definition of a potentially impactful project in Sec. 2(15) there are potentially hundreds of local governments that would be required to conduct these EJIS for pollution burdened communities. According to the agency fiscal notes for this act, each EJIS may have starting costs of approximately

\$90,000 to more than \$270,000, depending on the complexity of review, project assessment, mitigating actions, public involvement, and other factors. This work would likely take the work of external consultants, although the overall work would not be known until the Department of Ecology develops the rules for this act.

Estimates from the Association of Washington Cities' City Planning Cost Survey (2020) indicate that the cost of a SEPA EIS to start at approximately \$100,000 per city. These costs include EIS alternative analysis and preferred alternative selection but were specific to planned actions under RCW 43.21C.440. This type of analysis is similar to the requirements of this act in Sec. 2(7)(g) and Sec. 3(5)(b) and (c). In HB 2066 (2020) the Washington State Association of Counties indicated that work on countywide EIS could exceed \$300,000.

#### Discussion:

##### Pollution Burdened Communities:

Sec. 3 would require environmental justice impact statements for potentially impactful projects that completely or partially within a pollution burdened community. These communities are defined as those that a rank seven or higher on the Department of Health's Environmental Health Disparities (EHD) map. The Department of Health EHD map uses 2010 census tract boundaries, per the Office of Financial Management. There are 588 census tracts that are rank seven and higher, which represents one-third of all census tracts in the state. The majority of these census tracts follow major transit routes between the US-Canadian border, much of the Puget Sound, as well as Spokane, Yakima, the tri-cities, Vancouver and nearly all tribal lands.

##### Number of Potentially Impactful Projects for Local Governments:

Sec. 1 (15)(a)(vii) - There are approximately 300 POTW biosolid general permit holders with a processing facility, combustor, or incinerator of municipal sewage sludge, as defined in RCW 70A.226.010.

Sec. 1 (15)(a)(viii) - There are 248 publicly owned wastewater treatment plants in Washington state that are regulated and monitored under National Pollution Discharge Elimination System program. There are at least five publically owned sewage treatment plants.

Sec. 1 (15)(a)(ix) - There are approximately 40 sites that hold municipal solid waste handling permits covered by WAC 173-350 and 173-351.

Sec. 1 (15)(a)(xi)(C) - There are 136 municipal stormwater general permit holders, including 104 cities, 15 counties, and 17 special districts.

##### Review of Local Governments with SEPA Lead Agency Responsibilities:

After review of data available in the Ecology's SEPA register, local governments were lead agencies for thousands of projects every fiscal year from FY19 to FY23. This indicates that there may be considerable involvement of local governments to complete the EJIS established under this act:

--Counties were lead agencies for an average of 2,386 SEPA actions between FY19 and FY23 (2,455 in FY19, 2,424 in FY20, 2,291 in FY21, 2,380 in FY22, 2,380 in FY23).

--Cities were lead agencies for an average of 3,182 SEPA action between FY19 and FY23 (3,433 in FY19, 3,250 in FY20, 3,208 in FY21, 3,105 in FY22, 2,913 in FY23).

--Each of these fiscal years, special districts (except for school districts) were lead agencies for approximately 200 or less SEPA lead agency actions between FY19 and FY23 (for example, public utility districts were lead agencies on 161 SEPA actions, water districts were lead agencies on 101 SEPA actions, wastewater districts were lead agencies in 13 SEPA actions).

##### Estimated Costs:

In the fiscal note for this bill, the Departments of Ecology, Fish and Wildlife, and the Department of Natural Resources estimates that a single EJIS could a cost between \$90,000 and \$110,000, with the most complex EJIS' potentially

exceeding \$300,000. These costs would depend on the potentially impactful project permit, the complexity, and the duration of the work to complete the EJIS. These costs are similar in scope and magnitude to the expenses that local governments may experience when conducting SEPA EIS which include many of the same project analysis and adverse environmental mitigation concerns as the EJIS. The additional work for local governments would generally be fulfilled through a contract with an outside consultant.

#### Anticipated Work:

The EJIS workload for each impacted local government would include analyses to help the lead agency determine the assessed public health and environmental stressors Sec. 3(1) and Sec. 4(1)(f), assessing mitigating factors of the project actions in Sec. 3(5)(b) and (c) according to RCW 43.21C.060, the types of proposed control measures to impose under Sec. 4(1)(c) and operational conditions of project proponents of Sec. 4(1)(f). This work would also involve coordinating and facilitating public hearings and engagement, which would involve some degree of community feedback and analyzing the public's feedback. There would also be data collection, review, and analysis of the EJIS results and public comments.

### **C. SUMMARY OF REVENUE IMPACTS**

*Revenue impacts of the legislation on local governments, with the revenue provisions identified by section number, and when appropriate, the detail of revenue sources. Delineated between city, county and special district impacts.*

This legislation is not expected to impact local government revenues.

#### SOURCES:

Department of Commerce  
Department of Ecology, Biosolids  
Department of Ecology, National Pollution Discharge Elimination System  
Department of Ecology, FN HB 2070 (2024)  
Department of Ecology, State Environmental Policy Act (SEPA) Register  
Department of Fish and Wildlife, FN HB 2070 (2024)  
Department of Health, Environmental Health Disparities Map v2.0  
Department of Natural Resources, FN HB 2070 (2024)  
House Bill Analysis, HB 2070 (2024)  
Local Government Fiscal Note Program, FN HB 2066 (2020)  
Office of Financial Management, HEAL Act  
Office of Financial Management, April 1 Population (2024)  
US Census, American Community Survey (2024)