Local Government Mandate Statement Kentucky Legislative Research Commission 2023 Regular Session

Part I: Measure Information

Bill Request #: 331
Bill #: SB 213 SCS 1
Document ID #:
Bill Subject/Title: AN ACT relating to biosolids.
Sponsor: Senator Jimmy Higdon
Unit of Government: X City X County X Urban-County Unified Local Y Charter County Y Consolidated Local Y Covernment
X Charter County X Consolidated Local X Government Office(s) Impacted: Wastewater treatment works owned by local governments.
Requirement: X Mandatory Optional
Effect on Powers & Duties: Modifies ExistingX Adds New Eliminates Existing

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

SB 213 SCS 1would create a new section of Subchapter 50 of KRS Chapter 224. SB 213 SCS 1 defines biosolids as a nutrient-rich, organic, residual material derived from the treatment of domestic sewage or sewage sludge in a treatment facility, which can be recycled and applied as a fertilizer to improve and maintain productive soils. The bill would require biosolids generated at a publicly owned wastewater treatment plant be designated a special waste and regulated in conformance with the most recent version of 40 C.F.R. pt. 503. SB 213 SCS 1 would require the Energy and Environment Cabinet (hereinafter, the Cabinet), within 60 days of the effective date of the Act, to promulgate administrative regulations pursuant to 40 C.F.R. pt. 503 to implement the provisions of the bill regarding siting criteria and permitting conditions necessary to regulate disposal of biosolids.

The fiscal impact of SB 213 SCS 1 on local governments would be none to minimal. There is no fiscal impact from designating biosolids generated by wastewater treatment plants as special waste as they already are regulated as special waste in compliance with 401 KAR Chapter 45.

SB 213 SCS 1 would require the Cabinet to promulgate new regulations governing special wastes to conform, and be no more stringent than, federal regulations at 40 C.F.R. pt. 503. Since it is unknown what the new regulations would require, their fiscal impact on local governments that own publicly-owned wastewater treatment plants is currently indeterminable.

Part III: Differences to Local Government Mandate Statement from Prior Versions

Part II applies to the Senate Committee substitute to SB 213. The SCS does not change the fiscal impact of SB 213 on local governments.

The only change made by the Senate Committee Substitute to SB 213 as introduced is to specify that the regulations to be promulgated by the Cabinet shall address siting criteria and permitting conditions.

Data Source(s): Energy and Environment Cabinet, Department for Environmental

Protection; LRC staff.

Preparer: Mary Stephens (RB) **Reviewer:** KHC **Date:** 3/3/23