

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 6997
BILL NUMBER: SB 511

DATE PREPARED: Feb 23, 2000
BILL AMENDED: Feb 21, 2000

SUBJECT: Hazardous waste manifests and reports.

FISCAL ANALYST: Bernadette Bartlett
PHONE NUMBER: 232-9586

FUNDS AFFECTED: **GENERAL**
 DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: (Amended) This bill repeals provisions that require the Solid Waste Management Board to adopt a manifest form that concerns hazardous waste that is transported to a treatment, storage, or disposal facility located at a site other than the site where the waste was generated.

A person that generates hazardous waste that is transported to one of these facilities must:

- (1) use the Uniform Hazardous Waste Manifest form adopted by the United States Environmental Protection Agency for purposes of the transportation of hazardous waste; and
- (2) enter on the form the waste codes for each hazardous waste in a shipment that is transported to the facility.

This bill repeals provisions that require:

- (1) generators of hazardous waste that is shipped to a facility; and
- (2) owners and operators of the facility; to submit a copy of each hazardous waste manifest to the Department of Environmental Management.

This bill specifies requirements for reporting of hazardous waste by persons that generate or accumulate certain types and quantities of hazardous waste, and by hazardous waste treatment, storage, and disposal facilities. The first report must be submitted before March 1, 2002.

This bill requires a wastewater treatment plant that discovers that a contaminant has entered the plant to notify the Department under certain circumstances, and requires the Department to notify all appropriate state and local government agencies and the media.

This bill doubles the minimum and maximum criminal fine that may be imposed for a person who intentionally, knowingly, or recklessly violates certain environmental laws, rules, and standards. This bill doubles the maximum criminal fine that may be imposed, and establishes a minimum fine, for certain

hazardous waste violations.

This bill requires the Department to prepare a report concerning restoration of the White River, means to reduce the probability of future contamination and to improve protocols and notice in the event of contamination, and identification of all contamination events since 1995 in which fish or other aquatic species were killed and in which civil penalties were imposed. This bill also establishes the distribution of the report, and directs the Environmental Quality Service Council to study the report and make recommendations to the General Assembly.

Effective Date: (Amended) Upon passage; July 1, 2000; January 1, 2001; January 1, 2002.

Explanation of State Expenditures: (Revised) *Reduction in Expenditures for Printing Forms:* Printing costs for manifest forms average \$15,000 per year. The elimination of the state manifest program would result in an annual reduction in printing expenditures of \$15,000.

Personnel Costs: IDEM employs six staff to implement the hazardous waste manifest program. Elimination of the program would eliminate the current work of these employees. However, the proposal provides that generators must submit annual reports to IDEM. Processing these annual reports will replace the current work of the existing employees, and personnel costs would not change. The proposal could also result in an increase in time spent by IDEM staff on inspections. However, these additional expenditures could probably be absorbed given IDEM's existing budget.

Contract Costs for Data Entry: IDEM contracts for data entry of manifest data. (Currently, less than 25% of the generators submit data electronically). Although the proposal would eliminate the need for entry of current manifest data, the Department would need to contract for data entry of annual reports. In order to process the annual reports, a new database would need to be created or the existing database would need to be modified. The estimated one-time cost of creating a new database or modifying the existing database would be approximately \$200,000.

The overall impact on state expenditures would equal an annual reduction of \$15,000 in printing costs plus an additional \$200,000 one-time expenditure for database changes. The net increase in expenditures equals \$185,000 for the first year with an annual reduction in future expenditures of \$15,000.

The funds and resources required for the first year could be supplied through a variety of sources, including the following: (1) Existing staff and resources not currently being used to capacity; (2) Existing staff and resources currently being used in another program; (3) Authorized, but vacant, staff positions, including those positions that would need to be reclassified; (4) Funds that, otherwise, would be reverted; or (5) New appropriations. As of 12/17/99, IDEM had 888 filled full-time positions, 87 filled temporary positions, and 96 vacancies. Ultimately, the source of funds and resources required to satisfy the requirements of this bill will depend upon legislative and administrative actions. Reversions for the past six fiscal years are outlined below.

<p style="text-align: center;">IDEM Reversions: Fiscal Year 1994 Through Fiscal Year 1999</p>
--

Fiscal Year	General Fund
FY 1993-94	\$1,295,729
FY 1994-95	\$1,579,511
FY 1995-96	\$796,398
FY 1996-97	\$815,508
FY 1997-98	\$961,496
FY 1998-99	\$1,021,836

There are no appropriations in the bill.

Explanation of State Revenues: (Revised) The fee for each manifest is \$8. The elimination of the fee will decrease revenues by approximately \$756,933 per year. Revenue from the fee is deposited in the Environmental Management Permit Operation Fund used to finance the operations of the Department.

Doubling the minimum and maximum fines that may be imposed for a person who intentionally, knowingly, or recklessly violates certain environmental laws, rules, and standards could increase the amount of fines collected. The specific impact is indeterminable. Fines would be deposited in the Common School Fund.

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Department of Environmental Management

Local Agencies Affected:

Information Sources: Erika Seydel Cheney, Director of the Office of Business and Legislative Relations, IDEM (317) 232-8598; Wendy Hoffspiegel, Legislative Coordinator, IDEM (317) 233-3835; and Ryan Pastorius, Budget Analyst, Budget Agency (317) 232-5629.