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## FISCAL IMPACT REPORT

SPONSOR: Kidd DATE TYPED: 02/13/01 HB

SHORT TITLE: Amend Hazardous Waste Act SB 205

ANALYST: Belmares

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
			See Fiscal Implications section below.		

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates House Bill 304

### SOURCES OF INFORMATION

Department of Environment

### SUMMARY

#### Synopsis of Bill

Senate Bill 205 eliminates examination of witnesses at public hearings concerning hazardous waste permits and replaces the term “major” with “minor” with “class three” and “class two” respectively when referring to hazardous waste permits. Additionally, Senate Bill 205 allows the Department of Environment to collect fees beyond what is currently allowed for in existing regulations if the agency is able to show the expected costs of processing the application exceeds the existing permit fee.

#### Significant Issues

The Department of Environment issues permits for operation of facilities that treat, store, or dispose of hazardous or mixed hazardous and radioactive waste under delegated federal and state authority. Under the Federal Resources Conservation and Recovery Act of 1976 (RCRA), permit issuance and permit modification are subject to public hearings in several circumstances, including if there is a “significant public interest.”

The Department of Environment has expressed concern regarding the language modifications contained within Senate Bill 205 possibly being construed as being less stringent than federal law and jeopardizing New Mexico’s authorization to administer the hazardous waste program. Specifically, Department of Environment has expressed concerns regarding the elimination of examination of

## **Senate Bill 205 -- Page 2**

witnesses at public hearings and with changing the phrase “significant public interest” to “significant public concern” when determining the need for a public hearing.

Senate Bill 205 also replaces the term “major” with “minor” with “class three” and “class two” respectively. The Department of Environment asserts the language change from “minor” to “class two” modifications reduces the opportunity for the public and permit holder to comment and request a hearing on class one (informal class distinction and agency-initiated) modifications which may be simple administrative or technical modifications made to a permit.

### **FISCAL IMPLICATIONS**

Senate Bill 205 allows the Department of Environment to collect fees beyond what is currently allowed for in existing regulations if the agency is able to show the expected costs of processing the application exceeds the existing permit fee.

### **ADMINISTRATIVE IMPLICATIONS**

Senate Bill 205 allows the Department of Environment to collect fees beyond what is currently allowed for in existing regulations if the agency is able to show the expected costs of processing the application exceeds the existing permit fee. The Department of Environment has indicated the authority to collect supplemental fees would affect primarily exceptional facilities such as the Waste Isolation Pilot Plant. However, the Department of Environment has not provided an analytical estimate of the positive fiscal impact to the Hazardous Waster Permit fund.

### **DUPLICATION**

Senate Bill 205 duplicates House Bill 304.

### **POSSIBLE QUESTIONS**

The Department of Environmental has indicated Senate Bill 205 would allow it to collect additional fees; however, the Department of Environment has not provided an analytical estimate of the positive fiscal impact to the Hazardous Waster Permit fund.

EB/njw:ar