

HF3416 - 0 - Postclosure Care Solid Waste Disposal Facilities

Chief Author: **Robert Bierman**
 Committee: **Environment and Natural Resources Finance And Policy**
 Date Completed: **2/21/2024 1:54:05 PM**
 Lead Agency: **Pollution Control Agency**
 Other Agencies:
 Administrative Hearings

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings	X	
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
Administrative Hearings	-	-	-	-	-	-
Administrative Hearings	-	-	-	-	-	-
Pollution Control Agency						
Environmental	-	-	16	-	-	-
State Total						
Administrative Hearings	-	-	-	-	-	-
Environmental	-	-	16	-	-	-
Total	-	-	16	-	-	-
Biennial Total			16			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
Administrative Hearings	-	-	-	-	-
Administrative Hearings	-	-	-	-	-
Pollution Control Agency					
Environmental	-	-	.08	-	-
Total	-	-	.08	-	-

Lead LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Jim Carlson **Date:** 2/21/2024 1:54:05 PM
Phone: 651-284-6540 **Email:** jim.carlson@lbo.mn.gov

State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands		FY2023	FY2024	FY2025	FY2026	FY2027
Administrative Hearings		-	-	-	-	-
Administrative Hearings		-	-	-	-	-
Pollution Control Agency						
Environmental		-	-	16	-	-
	Total	-	-	16	-	-
	Biennial Total			16		-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Administrative Hearings		-	-	-	-	-
Administrative Hearings		-	-	1	-	-
Pollution Control Agency						
Environmental		-	-	16	-	-
	Total	-	-	17	-	-
	Biennial Total			17		-
2 - Revenues, Transfers In*						
Administrative Hearings		-	-	-	-	-
Administrative Hearings		-	-	1	-	-
Pollution Control Agency						
Environmental		-	-	-	-	-
	Total	-	-	1	-	-
	Biennial Total			1		-

HF3416 - 0 - Postclosure Care Solid Waste Disposal Facilities

Chief Author: **Robert Bierman**
 Committee: **Environment and Natural Resources Finance And Policy**
 Date Completed: **2/21/2024 1:54:05 PM**
 Agency: **Pollution Control Agency**

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
Environmental	-	-	16	-	-	-
Total	-	-	16	-	-	-
Biennial Total			16			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
Environmental	-	-	.08	-	-
Total	-	-	.08	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Jim Carlson **Date:** 2/21/2024 1:53:46 PM
Phone: 651-284-6540 **Email:** jim.carlson@lbo.mn.gov

State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027	
Environmental	-	-	16	-	-	-
Total	-	-	16	-	-	-
Biennial Total			16			-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Environmental	-	-	16	-	-	-
Total	-	-	16	-	-	-
Biennial Total			16			-
2 - Revenues, Transfers In*						
Environmental	-	-	-	-	-	-
Total	-	-	-	-	-	-
Biennial Total			-			-

Bill Description

A bill requiring the commissioner of the Pollution Control Agency to amend rules related to solid waste disposal facilities to require the commissioner's approval to terminate the postclosure care period.

The commissioner may use the good cause exemption under Minnesota Statutes, section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota Statutes, section 14.386, does not apply except as provided under Minnesota Statutes, section 14.388.

Assumptions

Assume that the rulemaking required fits the definition of good cause exempt rulemaking.

Expenditure and/or Revenue Formula

Rule making costs are assumed as follows:

Calculation for costs to complete the rulemaking required by the bill. Total of \$15,620.

- a. MPCA program staff, rule coordinator, and legal costs would be incurred in FY25.
- b. Program staff: 94 hours x \$84.13/hour = \$7,910
- c. Rule coordinator: 62 hours x \$84.13/hour = \$5,210
- d. Legal: \$84.13/hr x 5 hr = \$420
- e. OAH: \$245/hr = 4 hr = \$980
- f. State Register = \$1,100

*The annual cost of 1.0 FTE is \$175,000 in FY2023-2027. Annual costs for 1.0 FTE include salary, fringe, and non-

specialized employee support costs (work space, computer and office supplies, office equipment, local travel, etc.)

Long-Term Fiscal Considerations

None anticipated

Local Fiscal Impact

None anticipated

References/Sources

Rule making and solid waste staff were consulted in the development of this fiscal note.

Agency Contact:

Agency Fiscal Note Coordinator Signature: John Allen

Date: 2/21/2024 12:50:09 PM

Phone: 651-757-2185

Email: john.j.allen@state.mn.us

HF3416 - 0 - Postclosure Care Solid Waste Disposal Facilities

Chief Author: **Robert Bierman**
 Committee: **Environment and Natural Resources Finance And Policy**
 Date Completed: **2/21/2024 1:54:05 PM**
 Agency: **Administrative Hearings**

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings	X	
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
Administrative Hearings	-	-	-	-	-	-
Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
Administrative Hearings	-	-	-	-	-
Total	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Chloe Burns **Date:** 2/21/2024 11:58:04 AM
Phone: 651-297-1423 **Email:** chloe.burns@lbo.mn.gov

State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands		FY2023	FY2024	FY2025	FY2026	FY2027
Administrative Hearings		-	-	-	-	-
Total		-	-	-	-	-
Biennial Total						-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Administrative Hearings		-	-	1	-	-
Total		-	-	1	-	-
Biennial Total						1
2 - Revenues, Transfers In*						
Administrative Hearings		-	-	1	-	-
Total		-	-	1	-	-
Biennial Total						1

Bill Description

HF3416 provides for the Pollution Control Agency (PCA) to amend rules to require the PCA commissioner's approval to terminate the post closure care period for solid waste disposal facilities.

The legislation authorizes the PCA to conduct good cause exempt rulemaking to implement the provisions of Sec. 1, Postclosure Care Solid Waste Disposal Facilities; Rulemaking.

Assumptions

The Office of Administrative Hearings (OAH) has used PCA's assumption that a small procedural amendment rulemaking will be needed to meet the requirements of Section 1, Postclosure Care Solid Waste Disposal Facilities; Rulemaking. Based on past practices, OAH assumes that a rulemaking of this size under chapter 14 will require an estimated four hours of administrative law judge (ALJ) time for activity related to rulemaking procedures. Of the total rulemaking amount estimated by PCA, \$980 is for the four hours of ALJ time for a small procedural amendment rulemaking.

OAH currently bills ALJ time for rulemaking at the MMB-approved billable rate of \$245 per hour (see Minn. Stat. § 16A.126, subd. 1 (2022)).

Expenditure and/or Revenue Formula

Estimated four hours of ALJ time for rulemaking activities related to implementing the requirements of Sec. 1 = 4 hours x \$245/hr = \$980 charged to PCA in FY2025 pursuant to the requirements of Minn. Stat. § 14.53.

Long-Term Fiscal Considerations

Costs associated with rulemaking activities are a one-time occurrence.

Local Fiscal Impact

References/Sources

Agency Contact: Denise Collins

Agency Fiscal Note Coordinator Signature: Denise Collins
Phone: 651-3617875

Date: 2/21/2024 9:15:01 AM
Email: denise.collins@state.mn.us