



## HOUSE COMMITTEE ON APPROPRIATIONS

# FISCAL NOTE

HOUSE BILL NO. 718

PRINTER'S NO. 644

PRIME SPONSOR: Mako

### COST / (SAVINGS)

FUND	FY 2022/23	FY 2023/24
General Fund	\$0	\$30,000

### SUMMARY:

Requires the Department of Environmental Protection (DEP) to notify municipalities of violations of the Solid Waste Management Act (Act 97 of 1980) and the federal Toxic Substances Control Act (15 U.S.C. Sec 2601).

### ANALYSIS:

The legislation amends Act 97 of 1980 (Solid Waste Management Act), Section 104 (Powers and duties of the department) to require DEP to notify municipalities when certain violations occur. In addition, HB 718 PN 644 requires DEP to send all Notices of Violation to the municipality where the recipient is located.

Furthermore, the bill requires DEP to forward a Notice of Noncompliance issued by US Environmental Protection Agency (EPA) under the Toxic Substances Control Act (TSCA), to the municipality where the violation occurred within 14-calendar-days of receipt of such notice.

This legislation would take effect in 60 days.

### FISCAL IMPACT:

For Solid Waste Management Act violations, DEP relies on the Bureaus of Safe Drinking Water, Clean Water, and Waste Management to handle such matters. The department's six regional offices investigate violations and send Notices of Violation.

For the Toxic Substances Control Act, a Notice of Noncompliance can be issued by the EPA to both federal and private facilities. Related to the reason for the notice itself, a recipient of such notice would have committed a very low-level infraction of Toxic Substances Control Act. Any involvement by a state agency is case-specific and may vary depending on the nature of the violation and the type of enforcement action sought and initiated by the EPA. As such the DEP may be involved and, in some cases, may receive a copy of a Notice of Noncompliance.

The number of Notices of Violation and Notices of Noncompliance that DEP handles are unpredictable. Administrative costs to distribute these notices are expected to be less than \$30,000 per year, assuming that existing support staff devote a small amount of time each week to distribute the notices.

Given the minimal fiscal impact on the department, any associated administrative costs could be absorbed within existing appropriations.

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**DATE:** June 7, 2023

*Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*