

Fiscal Estimate - 2017 Session

Original
 Updated
 Corrected
 Supplemental

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|--|---|
| LRB Number 17-1937/1 | Introduction Number SB-330 |
| Description regulating and monitoring airborne particulate matter and respirable silica and granting rule-making authority | |
| Fiscal Effect | |
| State: <input type="checkbox"/> No State Fiscal Effect <input type="checkbox"/> Indeterminate <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations </div> <div style="width: 30%;"> <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues </div> <div style="width: 30%;"> <input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <div style="display: flex; justify-content: space-around; font-size: small;"> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No </div> <input type="checkbox"/> Decrease Costs </div> </div> | |
| Local: <input type="checkbox"/> No Local Government Costs <input type="checkbox"/> Indeterminate <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> 1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory </div> <div style="width: 30%;"> 3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory </div> <div style="width: 30%;"> 5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts </div> </div> | |
| Fund Sources Affected Affected Ch. 20 Appropriations <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input checked="" type="checkbox"/> SEG <input type="checkbox"/> SEGS 20.370 (2)(mq) | |
| Agency/Prepared By DNR/ Joe Polasek (608) 266-2794 | Authorized Signature Joe Polasek (608) 266-2794 |
| Date 6/27/2017 | |

Fiscal Estimate Narratives

DNR 6/27/2017

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|--|-----------|---------------------|--------|---------------|----------|
| LRB Number | 17-1937/1 | Introduction Number | SB-330 | Estimate Type | Original |
| Description regulating and monitoring airborne particulate matter and respirable silica and granting rule-making authority | | | | | |

Assumptions Used in Arriving at Fiscal Estimate

The bill requires an owner or operator of an industrial sand mining or processing facility to monitor the ambient air near the facility for small crystalline silica particles and other particulate matter and report the results to the Department of Natural Resources (DNR). This bill also requires DNR to promulgate an ambient air quality standard for small crystalline silica particles. Under current law, DNR may promulgate an ambient air quality standard for an air contaminant for which a standard has not been promulgated under the federal Clean Air Act, but only if certain conditions are met. Silica is not a contaminant for which a standard has been promulgated under the federal Clean Air Act. This bill allows DNR to promulgate an ambient air quality standard for crystalline silica without meeting the conditions required under current law.

I. Assumptions

For this estimate, most calculations assume 99 sites, which is the current active facility count number. This will change over time, as more industrial sand operations are added.

The bill requires no fewer than 2 monitors. In practicality, this is 2 monitors per pollutant, as each compound (PM10, crystalline silica, PM2.5) would need to be monitored by a different instrument. There are some dichotomous samplers that can measure PM10 and PM2.5 in one, but it was not assumed that a facility would want to operate a dichotomous sampler because they are more complex to operate.

II. Fiscal Impact

1. Development of a standard - The bill directs DNR to promulgate an ambient air quality standard and increments for crystalline silica. Development of a standard requires the following:

a. scientific research to understand the health impacts of crystalline silica in order to determine a health based standard; there is currently no known scientific research regarding crystalline silica increments (assumes 1000 hours total)

b. literature review of existing reference levels (in other states) and how they were determined; there is currently no known literature regarding crystalline silica increments (standard or reference level) (assumes 1000 hours total)

c. corresponding development of method to measure ambient concentrations (DNR is required to use Federal Reference Method and Federal Equivalent Methods for measurement of ambient concentrations of substances) (assumes 2000 hours total). This is typically done by EPA, but because there is no federal standard, DNR would have to take on this task. This is not currently an area of expertise for DNR and would be challenging to implement. Method development has a federal process that can be mimicked to some degree, but because the expertise does not exist at DNR, it may be necessary to bring in a consultant on this work.

2. Draft rule/Legislation - promulgation of a standard requires development of corresponding state law to put standard into Wisconsin Administrative Code. A rule to put a new, state developed standard into code assumes 1000 hours of staff time due to subject matter, stakeholder interest, and increased stringency with respect to federal requirements.

3. Implementation - The bill directs industrial sand facilities to perform ambient monitoring. DNR involvement in this process would consist of the following:

a. Development of quality control/quality assurance procedures including development of quality assurance

project plans, site audit criteria (for audits to be conducted annually by DNR staff) for crystalline silica. Assumes a one-time need of 400 hours of staff time to develop.

b. Ambient monitoring plan development assistance (with facility) and review (by DNR air monitoring staff), including PM10, crystalline silica, and PM2.5. Assumes 6 hours of development/review per plan (1 hour per instrument) and the 99 active sites currently operating.

c. Siting assistance by DNR staff to the facility in accordance with federal requirements (note: there would be no federal requirements specific to crystalline silica since there is no federal standard, so other particulate siting requirements would likely be utilized) for the specified pollutants (PM10, crystalline silica, PM2.5). Assumes 4 hours of travel to each site and 30 minutes of review per instrument (6 separate instruments - 2 PM10, 2 crystalline silica, 2 PM2.5) for a total of 7 hours per industrial sand source per year.

d. Site operator training by DNR on instrumentation and quality control procedures for PM10, crystalline silica, PM2.5. Assumes 2 hours per instrument type for each site for a total of 6 hours. Even a skilled operator will require training on crystalline silica monitoring procedures because there is no method.

e. Site audits - each industrial sand location would need to be audited annually by an independent (not the site operator) auditor. This would be accomplished by sending a DNR staff person out to perform the audit. Calculation assumes 1 hour of audit time per instrument, plus 4 hours of travel time. This is an ongoing cost.

f. Data entry, quality assurance of data for PM10, crystalline silica, PM2.5. Assumes 1 hour per month of QA time per instrument per site. This is an ongoing cost.

g. Travel is included assuming a round trip travel mileage of 300 miles per trip for WDNR monitoring staff.

In summary, one-time implementation costs are estimated at \$382,700 or 4.00 FTE, while ongoing costs are estimated at \$386,500 and 4.50 FTE.

Long-Range Fiscal Implications

Fiscal Estimate Worksheet - 2017 Session

Detailed Estimate of Annual Fiscal Effect

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| Description regulating and monitoring airborne particulate matter and respirable silica and granting rule-making authority | | |
| I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect): \$382,700 or 4.00 FTE | | |
| II. Annualized Costs: | Annualized Fiscal Impact on funds from: | |
| | Increased Costs Decreased Costs | |
| A. State Costs by Category | | |
| State Operations - Salaries and Fringes | \$356,200 | \$ |
| (FTE Position Changes) | (4.5 FTE) | |
| State Operations - Other Costs | 30,300 | |
| Local Assistance | | |
| Aids to Individuals or Organizations | | |
| TOTAL State Costs by Category | \$386,500 | \$ |
| B. State Costs by Source of Funds | | |
| GPR | | |
| FED | | |
| PRO/PRS | | |
| SEG/SEG-S | 386,500 | |
| III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.) | | |
| | Increased Rev | Decreased Rev |
| GPR Taxes | \$ | \$ |
| GPR Earned | | |
| FED | | |
| PRO/PRS | | |
| SEG/SEG-S | | |
| TOTAL State Revenues | \$ | \$ |
| NET ANNUALIZED FISCAL IMPACT | | |
| | <u>State</u> | <u>Local</u> |
| NET CHANGE IN COSTS | \$386,500 | \$ |
| NET CHANGE IN REVENUE | \$ | \$ |
| Agency/Prepared By Authorized Signature Date | | |
| DNR/ Joe Polasek (608) 266-2794 | Joe Polasek (608) 266-2794 | 6/27/2017 |