

FISCAL NOTE

HB 1916 - SB 1889

February 23, 2001

SUMMARY OF BILL: Expands the current voluntary oversight and assistant program as follows:

- Authorizes the Commissioner of Environment and Conservation to enter into voluntary agreements or consent orders for voluntary clean-up of solid waste disposal sites and brownfield redevelopment projects in addition to inactive substance sites. Such agreements may provide for reimbursement of the department's oversight cost.
- Revises the liability provisions in the current law to: (1) apportion liability under agreements or orders involving inactive hazardous substance sites in the manner the commissioner is presently authorized to apportion liability for sites listed on the list of hazardous substance sites or when the commissioner begins to expend funds to investigate, identify, clean-up or contain a site, or (2) limit liability to the obligations in the agreement or order and extend such liability protection to future owners, tenants, lenders, fiduciaries, insurers, developers, or contractors conducting response actions at the site, conditioned upon performance of the order or agreement and compliance with any land use restrictions required in the order or agreement.
- Establishes a Class B misdemeanor, and a fine up to \$10,000 per day for violation of a land use restriction.
- Allows the commissioner to waive any part, or all, of the current \$5,000 fee if a determination is made that such waiver serves the public welfare.
- Allows the commissioner to provide grants and or loans, from federal funds and state matching funds used to obtain those federal funds, to local governments to investigate clean-up or close inactive hazardous substance sites.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - Not Significant

Decrease State Revenues - Net Impact - Less Than \$100,000

Increase Local Govt. Revenues - Exceeds \$100,000

Estimate assumes:

- a not significant increase in state expenditures to enforce the bill.
- a decrease in state revenues to the extent that the current \$5,000 fee is waived in whole or part.
- an increase in state revenues to the extent that the department is reimbursed for oversight cost and from any fines levied and collected.
- an increase in local government revenues to the extent that grants and/or loans are received from the state.

For information purposes, the Voluntary Oversight and Assistance Fund has a current balance of approximately \$14,978 and collected \$232,115 last year.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James A. Davenport, Executive Director

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