

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 2828 - HB 3664

February 9, 2010

SUMMARY OF BILL: Requires permit applications, applications for modification, notices of violations, proposed abatements, director's and commissioner's orders, and all other enforcement actions and outcomes related to coal surface mining to be posted on the Department of Environment and Conservation (TDEC) Web site. Requires notices of violation to be filed electronically. Requires departmental rulings on contested cases and judgments by consent to be published within five business days on the TDEC Web site, notices of intent to appeal to be published within three business days of receipt but no later than 14 days prior to the date the appeal shall be heard, and drafts of agreed orders to be published seven days prior to hearing.

ESTIMATED FISCAL IMPACT:

**Increase State Expenditures - \$14,300/One-Time/General Fund
\$14,300/One-Time/
Environmental Protection Fund (EPF)
\$15,000/Recurring/General Fund
\$15,000/Recurring/EPF**

Assumptions:

- According to the Department of Environment and Conservation (TDEC), coal mining permits in Tennessee are issued by the Federal Office of Surface Mining. This bill would cover actions by the department regarding coal surface mining under the Water Quality Control Act and the Air Pollution Control Act.
- According to TDEC, all commissioner's orders and director's orders for all enforcement programs of the department are available through a database that can be accessed on-line. This bill would require a separate posting for coal surface mining.
- According to TDEC, one coal permit application can consist of up to four or more three-ring binders of information, maps, and fold out drawings of planned mining sites. Approximately 40 permit applications are handled each year. This bill would require that this information be published within one week. Additional scanning equipment will be needed. One additional staff person would be needed within the Division of Water Pollution Control in order to meet the deadlines required by this bill.
- A one-time increase in state expenditures of approximately \$28,600 for the purchase of a large screen digital scanner for digitalizing maps and operational plans of mining sites (\$25,000) and the costs associated with adding one Clerk 2 position (\$3,600) including computer equipment and office supplies. Recurring costs associated with the creation of

one new Clerk 2 position would total approximately \$30,000 (\$22,400 salary + \$7,600 benefits).

- According to the Department of Environment and Conservation, the Division of Water Pollution Control has a base year ratio of 50 percent state appropriations and 50 percent Environmental Protection Fund (EPF).
- Total one-time expenditures are estimated to be approximately \$14,300 (\$28,600 x 50%) from the General Fund and \$14,300 (\$28,600 x 50%) from the EPF.
- Total recurring expenditures are estimated to be approximately \$15,000 (\$30,000 x 50%) from the General Fund and \$15,000 (\$30,000 x 50%) from the EPF.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" and last name "White" clearly legible.

James W. White, Executive Director

/jaw