



Hazardous Waste Phase 2 Rulemaking – Post Closure Fiscal Impact Statement

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Fiscal and Economic Impact

If adopted, DEQ anticipates the 1998 *Standards Applicable to Owners and Operators of Closed and Closing Hazardous Waste Management Facilities; Post-Closure Permit Requirement; Closure Process* federal rule will result in a cost savings.

The rule amends regulations under the Resource Conservation and Recovery Act (RCRA) in two areas. First, EPA is modifying the requirement for a post closure permit,¹ to allow regulators flexibility to use alternate corrective action program authorities to impose requirements on non-permitted land disposal units requiring post closure care.

Second, for all facilities, EPA is amending the regulations governing closure of land-based units that have released hazardous constituents, to allow regulator flexibility on certain units to be addressed through the corrective action program, rather than a post closure permit.

The two flexibilities will reduce the potential for confusion and inefficiency created by the application of two different regulatory requirements.

Finally, EPA is specifying the Part B information submission requirements for facilities that receive post-closure permits.

Assumptions

DEQ assumes the fiscal and economic impacts identified in federal rulemaking are accurate and apply to Oregon facilities same as determined during federal rulemaking.

Statement of Cost

Local, State and federal agencies

The proposed rule is anticipated to have no adverse fiscal and economic impacts on local or other state or federal agencies as the rule applies only to specific remedial facilities or sites requiring post closure care.

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¹ *Post-closure applies only to land disposal facilities and sites that cannot decontaminate (or “clean close”) all equipment, structures, and soils. Normal post closure care is a 30-year period after closure to include monitoring and maintenance activities to prevent any further releases of contaminants from the site.*

The proposed rule would result in an indeterminable decrease in administrative costs by removing the dual agency program regulatory requirements. If adopted, new facilities requiring post closure care could be managed under corrective action order or other enforceable document and not also require a hazardous waste permit as currently required.

The proposed rule would also indeterminably decrease permit fees DEQ receives.

Public

DEQ anticipates there will be no adverse fiscal impacts to the general public, as the human health and environmental protective standards remain the same.

Large and Small Business

A small business is one with 50 or fewer employees.

The Regulatory Flexibility Act requires EPA to conduct economic assessments for small businesses before adopting rules. EPA determined the proposed rule would not have a significant economic impact on small businesses.²

The benefit to the regulated community derives from the potential avoidance of the permit process for post closure, as well as eliminating duplication of effort in cases where enforcement orders are already issued.

EPA estimates a cost savings of \$500,000 per facility as a result of this rule by providing regulatory relief in duplicative information collection. The table below summarizes the estimated cost savings (in undiscounted 1996 dollars) for which duplicative administrative work would be eliminated.

² Source: Federal Register (63 FR 56710-56735), B. Regulatory Flexibility Act, p.56731

Table 1³
Estimated Respondent Cost Savings Associated with Information Collection Requirements N=1,201 for 1996\$

Information Collection Activity	Cost per Respondent/Activity	Total Cost* Savings/Activity
General Facility Standards		
Collect data required waste analysis plan	\$46.79	\$56,195
Write waste analysis plan	\$53.35	\$64,073
Collect data required contingency plan	\$42.33	\$50,838
Write contingency plan	\$43.72	\$52,508
Description: procedures, structures, & equipment	\$47.09	\$56,555
Description: precautions to prevent accidental ignition or reactive of ignitable, reactive or incompatible wastes	\$47.13	\$56,603
Description: traffic patterns, volume, and control	\$46.09	\$55,354
Prepare personnel training programs & description of design	\$47.68	\$57,264
Write description of personnel training programs & training design	\$47.97	\$57,612
Total Estimated Potential Cost Savings	\$422.15	\$507,002

* Totals may not add due to rounding.

The number of facilities estimated to take advantage of the alternate authorities of this rule is defined as the number of land disposal facilities remaining to be permitted in the post-closure universe. DEQ believes all new land disposal sites requiring post closure care have been identified in Oregon. Therefore, the likelihood of using the rule's alternate authorities if adopted, is very unlikely in Oregon.

a. Estimated number and type of small businesses subject to proposed rule.	None. DEQ has not identified any new eligible post closure sites after conducting a thorough state-wide review for remedial sites requiring post closure care.
b. Projected reporting, recordkeeping and other administrative activities, including costs of professional services, required for small businesses to comply with the proposed rule.	This rule will result in significant cost savings by removing duplicative administrative information collection. (See Table 1)
c. Projected equipment, supplies, labor and increased administration required for small businesses to comply with the proposed rule.	No, the rule imposes no new requirements.
d. Describe how DEQ involved small businesses in developing this proposed rule.	DEQ included small business representatives on the Hazardous Waste Rulemaking Advisory Committee. Representatives from Associated Oregon Industries on the committee will advise DEQ on the cost of compliance for small businesses. DEQ will also provide rulemaking notice to eligible small businesses for additional fiscal and economic impact considerations.

³ Source: EPA Economic Assessment, p.5

Documents relied on for fiscal and economic impact

Document title	Document location
Federal Register entries for the incorporated rule and amendments	Federal Register
Federal: <i>EPA's Economic Assessment for the Final Post Closure Rule</i>	EPA Economic Assessment
Oregon Department of Employment 3 rd quarter 2015 data	Employment Department 875 Union Street NE Salem OR 97311

Advisory committee

DEQ appointed an advisory committee.

As ORS 183.333 requires, DEQ will ask for the committee's recommendations on:

- Whether the proposed rule would have a fiscal impact,
- The extent of the impact, and
- Whether the proposed rule would have a significant, adverse impact on small businesses and if so, how DEQ can comply with ORS 183.540.
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The committee will review the draft fiscal and economic impact statement and its findings will be in the record for this rulemaking.

If the committee determines there would be a significant impact to small businesses, as ORS 183.333 and 183.540 require, the committee will consider how DEQ could reduce the rule's fiscal impact on small businesses by:

- Establishing differing compliance or reporting requirements or time tables for small business;
- Clarifying, consolidating or simplifying the compliance and reporting requirements under the rule for small business;
- Utilizing objective criteria for standards; or
- Establishing less intrusive or less costly alternatives applicable to small business.

Housing cost

As ORS 183.534 requires, DEQ evaluated whether the proposed rule would have an effect on the development cost of a 6,000 square-foot parcel and construction of a 1,200 square-foot detached, single-family dwelling on that parcel. DEQ determined the proposed rule would have no effect on the development costs because the proposed rule only affects businesses under the hazardous waste regulations.