

## FISCAL NOTE

### PUBLIC ENTITY COST

#### I. RULE NUMBER

Rule Number and Name	<i>10 CSR 25-12.010 Hazardous Waste Fees and Taxes</i>
Type of Rulemaking	<i>Amendment</i>

#### II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
28	<i>Conditionally Exempt Small Quantity Generators paying the generator registration and renewal fee</i>	<i>\$1400</i>
148	<i>Small Quantity Generators paying the generator registration and renewal fee</i>	<i>\$7400</i>
22	<i>Large Quantity Generators paying the generator registration and renewal fee</i>	<i>\$8800</i>
109	<i>Missouri hazardous waste generators paying the in-state waste fee</i>	<i>\$8217</i>
<i>Total Estimated Cost to Public Entities</i>		<i>\$25,817</i>

#### III. Worksheet

The purpose of this proposed rulemaking is to amend the hazardous waste fee rule to reflect the following increased fees agreed to by the hazardous waste fee stakeholder workgroup:

- Hazardous waste generator registration and renewal fee - increased from \$100 for all generators to \$150 for conditionally-exempt and small quantity generators and \$500 for large quantity generators

- In-state fee for hazardous waste generated in Missouri – increased from \$5 per ton to \$6.10 per ton
- Minimum amount for in-state fee – increased from \$150 to \$200
- Maximum amount for in-state fee – increased from \$52,000 to \$57,000
- Land disposal fee for hazardous waste land disposed in Missouri – increased from \$25 per ton to \$29.50 per ton

Based on actual revenues from FY 14, the proposed increases to the generator registration fee, the in-state tonnage fee, and the land disposal fee are estimated to generate additional revenue in the amount of \$502,165 annually to the Hazardous Waste Fund. The additional revenue is broken down as follows:

- Generator registration fee: \$272,850
- In-State Tonnage fee: \$205,042
- Land Disposal Fee: \$24,273
- *Total Additional Revenue:* \$502,165

### **Generator Registration Fee Calculations**

The total of \$272,850 for additional revenue from the changes to the generator registration and renewal fee is taken from information presented to the Hazardous Waste Fee Stakeholder Workgroup. Because the fiscal note requires these costs to be apportioned among private entities, some revisions to this estimate are necessary to account for the fact that some of the generators are private entities and some are public entities.

The spreadsheet prepared by the department to come up with the estimated revenue amount of \$272,850 is based on the following number of generators in each category:

Conditionally Exempt Small Quantity Generators	529
Small Quantity Generators	1,530
Large Quantity Generators	454

Based on a query of the department’s database of generators, for each category of generators the following percentages of generators are private entities (and the remainder would be public entities and will be counted in the public entity fiscal note for this rule):

- 94.8% of CESQGs are private entities
- 90.3% of SQGs are private entities.
- 95.2% of LQGs are private entities.

Therefore, the numbers of affected generators in each category that are private entities are as follows:

CESQGs	= 529 x 94.8% =	501 CESQGs that are private entities
SQGs	= 1,530 x 90.3% =	1,382 SQGs that are private entities
LQGs	= 454 x 95.2% =	432 LQGs that are private entities

Based on these percentages of generators that are private entities in each category, the number of public entity generators in each category is assumed to be as follows:

CESQGs	529 total generators – 501 private entities =	28 public entity CESQGs
SQGs	1,530 total generators – 1,382 private entities =	148 public entity SQGs
LQGs	454 total generators – 432 private entities =	22 public entity LQGs

Additional cost to comply with generator registration and renewal fee for public entity CESQGs:

28 x \$50 (increase in generator registration and renewal fee for CESQGs) = \$1,400

Additional cost to comply with generator registration and renewal fee for public entity SQGs:

148 x \$50 (increase in generator registration and renewal fee for SQGs) = \$7,400

Additional cost to comply with generator registration and renewal fee for public entity LQGs:

22 x \$400 (increase in generator registration and renewal fee for LQGs) = \$8,800

#### IV. Assumptions

1. The department assumes that the estimated amount of additional revenue from the generator registration and renewal fee for each category of generators is a reasonable estimate. For the generator registration and renewal fee estimates, the department queried the database to determine the current number of registered generators. Because generators are registering and inactivating their registrations on a daily basis, generator numbers can vary from day to day and from week to week. Because current numbers were used to provide the estimates in this fiscal note, the number of generators in each category and the associated amount of additional revenue expected to be generated from the revised registration and renewal fees on those generators is slightly different from the projections the department used during the Hazardous Waste Fee Stakeholder Workgroup process. The numbers are also slightly different from those used in the workgroup process because to prepare the estimates for the workgroup the department used actual revenues collected from the registration and renewal fee for FY 14. Actual revenues may be slightly different from projected revenues because they do not include fees that are due but are not collected, and also include some revenues that were due in previous years.

2. For the in-state waste fee and land disposal fee, the amount of the fee depends on the amount of the waste generated or disposed of. For purposes of this fiscal note, the department used the same amounts of waste that were used for the estimates presented to the hazardous waste fee stakeholder workgroup
3. For the in-state fee, the department did a query of the generator database to try to determine which generators paying the fee were private entities and which were public entities. Based on that query, the department assumes that the estimated number of private entities in this fiscal note is accurate but there is no guarantee that some of the generators accounted for in this fiscal note are not public entities, and vice versa.