



FISCAL IMPACT STATEMENT

Agency: Nebraska Department of Water, Energy, and Environment (DWEE)
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 Date Prepared: May 11, 2018
 Phone: (402) 471-0276
 Title: 132
 Name: *Integrated Solid Waste Management Regulations*
 Chapters: Chapters 1-18; Appendices I-III
 State Status: Nebraska Environmental Quality Council Hearing

Type of Fiscal Impact:

	State Agency	Political subdivision	Regulated Public
No Fiscal Impact	X		X
Increase Costs			
Decrease Costs		X	
Increased Revenue			
Decreased Revenue			
Indeterminable			

Description of Impact:

Fiscal impacts discussed below are for the proposed adoption of the federal CCR regulations in 40 CFR part 257, subpart D. All other proposed revisions to Title 132 have negligible fiscal impacts

State Agency: As discussed in the accompanying Explanatory Statement, DWEE has an existing Fossil Fuel Combustion Ash (FFCA) regulatory program in Title 132, Chapter 4 that will be repealed and replaced by the federal CCR regulations. The two regulatory programs are substantially similar and DWEE does not anticipate increased costs for the long-term implementation of the CCR program as compared to the FFCA program it replaces. The current FFCA program is funded by a combination of state solid waste disposal fees, general funds, solid waste facility permit application fees, and solid waste

facility annual operating fees. These funds will continue to be used to support the state CCR regulatory program in equivalent amounts.

DWEE will incur some short-term costs in developing an application for state CCR program approval and transitioning the current FFCA program to the CCR program in such areas as modifying permits, reformatting inspection checklists, and revising guidance documents, forms, agency website content, and other materials. These short-term costs are being fully funded by an EPA grant to DWEE expected to continue through June 30, 2030.

Political Subdivision: DWEE projects that compliance costs for Nebraska’s public power utilities with CCR units will decrease, primarily due to a reduction in the amount of third-party engineering and environmental consulting services that will be needed after the federal CCR program replaces the state FFCA program. At present, the utilities’ engineering and environmental consultants must comply with two sets of overlapping, duplicative regulatory schemes in such areas as permit application preparation¹, groundwater monitoring, and various reporting requirements for each of the two regulatory programs. The proposal adopts the federal CCR regulatory program at the same time the existing FFCA program is repealed, thereby reducing the overall regulatory burden for the utilities to a single regulatory scheme.

Regulated Public: DWEE projects no fiscal impacts to electric utility ratepayers as a result of the reduction in cost to the public power utilities with CCR units. Though the third-party engineering and environmental consulting fees paid by utilities are anticipated to decrease after state CCR rule adoption and program approval, these cost reductions are probably not significant enough to be passed along to ratepayers in the form of a rate reduction. More likely, these cost savings may be used to offset compliance costs in other regulatory areas or to develop additional generating capacity.

¹ Such applications consist of five (5) year permit renewal applications or permit modification applications for facility expansions or other facility design and operational changes.