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FISCAL IMPACT REPORT

SPONSOR: Kidd DATE TYPED: 1/8/01 HB _____
 SHORT TITLE: Waste Isolation Pilot Plant Section SB 206
 ANALYST: Belmares

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
			See Fiscal and Administrative Implications sections.		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates House Bill 305

SOURCES OF INFORMATION

Department of Environment

SUMMARY

Synopsis of Bill

Senate Bill 206 amends several sections of the Hazardous Waste Act (74-4-4.2 NMSA 1978). SB206 establishes a discrete Waste Isolation Pilot Plan (WIPP) Section within the Department of Environment's Hazardous Waste Bureau. SB206 establishes a fund in the state treasury into which all generator and permit fees collected from WIPP and appropriated monies would be deposited. Additionally, SB206 establishes specific activities for the WIPP Section relating to WIPP's hazardous waste permitting.

Significant Issues

The Department of Environment issues a permit to operate WIPP, a United State Department of Energy (DOE) hazardous and radioactive waste disposal facility. The Department of Environment currently operates a Permits Management Program within the Hazardous Waste Bureau that the department claims functions similarly to the WIPP Section described in Senate Bill 206. This section is funded primarily through hazardous waste permit fees.

FISCAL IMPLICATIONS

Senate Bill 206 contains no appropriation. Under Senate Bill 206, funds that are currently deposited into the Hazardous Waste Permit Fund would be deposited into a newly created WIPP fund. According to the Department of Environment, the approximate amount deposited into the WIPP fund in FY02 would be approximately \$830.0.

CONFLICT

Senate Bill 206 exempts from the Environmental Improvement Board's purview the establishment of generator or permit fees for WIPP. However, SB206 does not specify an alternate entity to establish those fees for WIPP. The Environmental Improvement Act may need to be amended to reflect HB305. Additionally, the agency claims SB206 limits the Department of Environment's Cabinet Secretary flexibility in organizing the department as authorized by the Department of Environment Act 9-7A-6(B)(3) NMSA 1978.

TECHNICAL ISSUES

"Hazardous and Radioactive Bureau" should be replaced with "Hazardous Waste Bureau" throughout Senate Bill 206.

POSSIBLE QUESTIONS

A multi-year fiscal plan for the Hazardous Waste Permit Fund and a newly created WIPP fund may need to be completed by the Department of Environment to include an analysis of known and anticipated expenditures compared to known and anticipated revenues.

EB/njw