

HF248 - 0 - Public Hearings Required on Alleged Violations

Chief Author: **Ami Wazlawik**
 Committee: **Environment And Natural Resources Finance And Policy**
 Date Completed: **2/3/2021 10:55:13 AM**
 Agency: **Pollution Control Agency**

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact	X	

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2021	FY2022	FY2023	FY2024	FY2025
Environmental	-	198	198	198	198	198
Total	-	198	198	198	198	198
Biennial Total			396			396

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2021	FY2022	FY2023	FY2024	FY2025
Environmental	-	.72	.72	.72	.72
Total	-	.72	.72	.72	.72

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Jim Carlson **Date:** 2/3/2021 10:55:13 AM
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State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands		FY2021	FY2022	FY2023	FY2024	FY2025
Environmental	-	198	198	198	198	198
Total		-	198	198	198	198
Biennial Total				396		396
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Environmental	-	198	198	198	198	198
Total		-	198	198	198	198
Biennial Total				396		396
2 - Revenues, Transfers In*						
Environmental	-	-	-	-	-	-
Total		-	-	-	-	-
Biennial Total				-		-

Bill Description

The bill amends Section Minnesota Statutes 2018, section 115.071 by adding Subd. 3a.

Subd. 3a. Public Hearing. Requires the PCA Commissioner to hold a public hearing prior to finalizing a Stipulation Agreement or Consent Decree at a convenient time in a location near the facility. The public hearing is to inform on extent and nature of violations as well as take testimony.

Assumptions

1. The costs reflected in this analysis only address PCA costs and are over and above current program appropriations to the PCA.
2. The PCA averages 25 Stipulation Agreements and/or Consent Decrees per year.
3. Agency work activities would include hearing logistics such as; notification to the public, hearing preparation, hearing attendance, and follow-up.
4. Time required for each public hearing would vary depending upon size, complexity and extent of public interest for each facility.
5. Translations may need to be performed in multiple languages, especially in Environmental Justice areas. It is assumed ~25% of hearings will need these services.

Expenditure and/or Revenue Formula

1. Number of Stipulation Agreements/Consent Decrees requiring a public hearing.
 - a. 25 public hearings on average per year.
2. Staff time per facility per year.
 - a. Estimated average 30 hours for 2 staff per facility = 60 hours/hearing. This time is needed to review the facility record, prepare, attend the hearing and conduct follow-up. 1 FTE = 2,080 hours/year.

1 FTE* = \$128,000. 25 hearings x 60 hours = 1,500 hours/year= .72 FTE (\$92,160/year)

3. Calculation of public hearing venues and related costs.

a. The venue cost for each hearing is \$1,500 (Costs for public hearing venues can vary greatly depending upon size of space needed and whether a public space is available (could cost \$200 per event) versus using private space (could cost \$2,500 per event)). $\$1,500 \times 25 = \$37,500$

b. The public notification cost is \$2,500 each (Costs for public notification includes flyers and other materials mailed and delivered to the affected communities providing notification of hearing purpose, time and location). $\$2,500 \times 25 = \$62,500$

c. The translator cost is \$500 for 3 hours of services x 2 languages x 6 hearings/year (~25% of total hearings) anticipated to require translation services = \$6,000

d. Total public engagement, hearing venues and related costs = \$106,000/year

4. **Total costs per year**

a. Total staff time = \$92,160 (0.72 FTE/year).

b. Total public engagement, venues and related costs = \$106,000/year.

c. **Grand total** = \$198,160/year.

*The annual cost of 1.0 FTE is \$128,000 in FY2021-2025. Annual costs for 1.0 FTE include salary, fringe, and non-specialized employee support costs (work space, computer and office supplies, office equipment, local travel, etc.)

Long-Term Fiscal Considerations

The costs associated with this bill will continue in future fiscal years.

Local Fiscal Impact

The bill may have a fiscal impact on local government for staff to provide input and/or monitor the process.

References/Sources

PCA staff with experience in compliance determination and enforcement actions, and public hearing costs.

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