

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4874-01
Bill No.: HB 2165
Subject: Water Resources and Water Districts; Natural Resources Dept.; Environmental Protection
Type: Original
Date: February 24, 2010

Bill Summary: Requires the Department of Natural Resources to post public water test results within three days of when the sample is taken.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
General Revenue	(\$1,663,484)	(\$1,244,065)	(\$1,281,389)
Total Estimated Net Effect on General Revenue Fund	(\$1,663,484)	(\$1,244,065)	(\$1,281,389)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
General Revenue	17	17	17
Total Estimated Net Effect on FTE	17	17	17

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☒ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Natural Resources (DNR)** assume this proposal would require the department to post the results of water quality testing performed in rivers, lakes, creeks, and streams within three days of when the sample is taken. Posting would be on the internet and at the location of the testing.

The Department of Natural Resources shares the interest in publicly displaying environmental data, especially data which indicates the safety of waters for certain uses. Toward that end the department has already begun to post data on our web site as soon as the results pass quality assurance.

The proposed three day turn around would not be possible for all samples. Many EPA approved methods require more than three days to analyze or incubate/prepare samples. EPA methods also allow holding times ranging from 24 hours up to six months on some samples. Also, the logistics of moving samples across the state (shipping) would preclude samples from being processed within three days. For some of the other water contaminants, a three day reporting deadline can not be met. A five-day biochemical oxygen demand test, commonly used to measure the strength of wastewater coming from treatment plants, takes five days. Other analyses involving metals typically take longer. Samples involving trace amounts of certain contaminants cannot be analyzed in Missouri and are shipped to a contract lab out of state. While there are pollutant results that can be reported within the three day period, most analyses would take longer.

Annually, the department analyzes approximately 2,300 samples related to water quality (ranging from 100 to 300 per month). The turn-around-time for water pollution control samples for FY08 and FY09 was 27 days. However that includes ultimate biochemical oxygen demand (BOD) tests that can run 90 days plus reporting time. There are also other factors to consider: 5-day BOD; UPS delivery takes a minimum of one day; collectors that hand deliver cannot always get samples to the lab the same day, etc.

To come as close as possible to processing samples within three days, the lab would need to expand to run three shifts (24 hour operation). Each additional shift would require one Chemist IV (shift supervisor – two total), three Chemist III's (six total), and one Technical Assistant I/II (sample receiving, data entry into department's Laboratory Information Management System (LIMS), processing – two total). In addition, one Chemist IV will be needed to serve as a QA/QC officer for the lab and to prepare/oversee/review plain language interpretation of results. Processing times that run over shift times will require additional lab equipment to be used by

ASSUMPTION (continued)

second and third shift employees. (GCMS \$60,000; GCMS \$100,000; Lachet \$50,000; Zymark \$10,000; ICPMS \$125,000; ICPOES 80,000; and Incidentals \$30,000).

Sample events are spread across the state. Sample locations range from public property with road access to private property with wading or off road access to boat access.

Due to the statewide nature of water sampling, the department assumed that regionalization would be the most efficient way to address the signage issues. Assume that one staff (Technical Assistant I/II) would be required to be housed in each of the department's five regions and one in central office. Staff duties would require some semi-technical knowledge to develop plain English signs and utilize GPS and other location data to locate sample locations. Staff responsibilities would include regularly accessing new sample data, preparing signs, and planning routes. Staff would physically travel to every sample location and post signs. The proposal is silent on sign removal, but the department assumed that old signs would be retrieved at various intervals (when staff are traveling to locations within the proximity of previous postings).

Each of the additional Technical Assistant I/II positions requested would require a vehicle.

For purposes of this fiscal note, the department assumed each vehicle would travel 500 miles per week. Average of 20 MPG and \$3.00/gallon for fuel results in \$3,750 fuel expense (supplies) per FTE. This would be above the normal vehicle usage costs.

Signs made by laminating paper and purchasing wooden stakes would cost approximately \$2.00 each. Multiplied by 2,300 sites equates to \$920/FTE for signs.

<u>FISCAL IMPACT - State Government</u>	FY 2011 (10 Mo.)	FY 2012	FY 2013
GENERAL REVENUE			
<u>Cost - Department of Natural Resources</u>			
Salaries	(\$587,873)	(\$726,610)	(\$748,409)
Fringe Benefits	(\$308,281)	(\$381,034)	(\$392,466)
Equipment and Expense	<u>(\$767,330)</u>	<u>(\$136,421)</u>	<u>(\$140,514)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>(\$1,663,484)</u>	<u>(\$1,244,065)</u>	<u>(\$1,281,389)</u>
Estimated Net FTE	17	17	17

<u>FISCAL IMPACT - Local Government</u>	FY 2011 (10 Mo.)	FY 2012	FY 2013
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

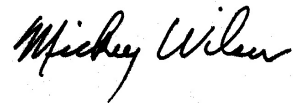
FISCAL DESCRIPTION

This bill requires the Department of Natural Resources to post in plain language the results of water quality testing of Missouri rivers, lakes, creeks, and streams on its web site and at the testing site within three days of collecting the sample.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Natural Resources

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA
Director
February 24, 2010