

Office of Regulatory Management
Economic Review Form

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| Agency name | Board for Waste Management Facility Operators |
| Virginia Administrative Code (VAC) Chapter citation(s) | 18VAC155-20 |
| VAC Chapter title(s) | Waste Management Facility Operators Regulations |
| Action title | Fee Amendment |
| Date this document prepared | July 22, 2024 |
| Regulatory Stage (including Issuance of Guidance Documents) | Proposed (Action 5727 / Stage 9598) |

Cost Benefit Analysis

Complete Tables 1a and 1b for all regulatory actions. You do not need to complete Table 1c if the regulatory action is required by state statute or federal statute or regulation and leaves no discretion in its implementation.

Table 1a should provide analysis for the regulatory approach you are taking. Table 1b should provide analysis for the approach of leaving the current regulations intact (i.e., no further change is implemented). Table 1c should provide analysis for at least one alternative approach. You should not limit yourself to one alternative, however, and can add additional charts as needed.

Report both direct and indirect costs and benefits that can be monetized in Boxes 1 and 2. Report direct and indirect costs and benefits that cannot be monetized in Box 4. See the ORM Regulatory Economic Analysis Manual for additional guidance.

Table 1a: Costs and Benefits of the Proposed Changes (Primary Option)

| | | |
|---|--|---------------------------------------|
| <p>(1) Direct & Indirect Costs & Benefits (Monetized)</p> | <p>The Board is currently operating at an annual deficit. Due to increased Board costs, increased staffing costs, increased facility costs, and increased IT service costs, it is projected that the Board will exhaust all operating funds by FY2026. The Board must increase fees for waste management facility operators if the Board is to remain solvent.</p> <p>This fee increase will result in a transfer from the licensees to the Board, resulting in the offset of costs and benefits. DPOR does not expect a change in licensees or market participation due to this change.</p> <p>Direct Costs: As this regulatory action results in only a transfer payment, there are no additional monetizable direct costs associated with the regulatory change.</p> <p>Indirect Costs: As this regulatory action results in only a transfer payment, there are no additional monetizable indirect costs associated with the regulatory change.</p> <p>Direct Benefits: As this regulatory action results in only a transfer payment, there are no additional monetizable direct benefits associated with the regulatory change.</p> <p>Indirect Benefits: As this regulatory action results in only a transfer payment, there are no additional monetizable indirect benefits associated with the regulatory change.</p> | |
| <p>(2) Present Monetized Values</p> | <p>Direct & Indirect Costs</p> | <p>Direct & Indirect Benefits</p> |
| | <p>(a) \$0</p> | <p>(b) \$0</p> |
| <p>(3) Net Monetized Benefit</p> | <p>\$0</p> | |
| <p>(4) Other Costs & Benefits (Non-Monetized)</p> | <p>Benefits:</p> <ul style="list-style-type: none"> • This regulatory change allows the Board to continue to deliver services to the regulated community and the public. Specifically, there would not be delays in processing applications and issuing licenses to applicants who are required to obtain credentials to perform the business of waste management facility operators. • This regulatory change allows the Board and DPOR to maintain public protection as it will ensure waste management facility operators are performing duties in a manner that protects the health, safety, and welfare of the public. | |

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| | <ul style="list-style-type: none"> This regulatory change allows DPOR and the Board to remain in compliance with the Callahan Act and other applicable statutes. <p>Costs: There are no additional nonmonetizable costs associated with this regulatory change.</p> |
| (5) Information Sources | The revenue projections and fee analysis used in this research came from the finance section of DPOR. The number of applicants, renewals, and reinstatements predicted by the finance section stems from historic trends, expected renewal dates, and any anticipated changes in the profession with an impact on volume. |

Table 1b: Costs and Benefits under the Status Quo (No change to the regulation)

| | | |
|--|--|----------------------------|
| (1) Direct & Indirect Costs & Benefits (Monetized) | <p>The Board is currently operating in a deficit. Over the past five (5) years Board costs have increased by 25% due to increases in operating expenses, staffing, facility fees, and IT services.</p> <p>Direct Costs: There are no additional monetizable direct costs associated with maintaining the status quo.</p> <p>Indirect Costs: There are no additional monetizable indirect costs associated with maintaining the status quo.</p> <p>Direct Benefits: There are no additional monetizable direct benefits associated with maintaining the status quo.</p> <p>Indirect Benefits: There are no additional monetizable indirect benefits associated with maintaining the status quo.</p> | |
| (2) Present Monetized Values | Direct & Indirect Costs | Direct & Indirect Benefits |
| | (a) \$0 | (b) \$0 |
| (3) Net Monetized Benefit | \$0 | |
| (4) Other Costs & Benefits (Non-Monetized) | <p>Costs:</p> <ul style="list-style-type: none"> Maintaining the status quo will cause the Board to exhaust operating funds by FY2026. This will result in reduction of services by the Board, which delays the issuance of licenses thereby creating barriers to applicants' and licensees' ability to work. Additionally, DPOR will be less effective in ensuring activities are carried out in a manner that protects the public health, safety, and welfare. | |

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| | <ul style="list-style-type: none"> • Maintaining the status quo may result in the need for DPOR to request a loan from the general fund to cover the Board’s deficit and supplement continued operation. This would be a short-term solution and only delay the inevitable need to increase fees. Doing this would also require future fee increases to be greater in order to cover loan repayment. • Maintaining the status quo may require that DPOR receive general funds to supplement Board activities. Currently, DPOR does not receive any general fund revenue and its boards are intended by law to be self-funded. Should DPOR require general fund revenue, amendments to the Code of Virginia and the Appropriation Act would be necessary. <p>Benefits: There are no identified additional nonmonetizable benefits associated with the maintaining the status quo.</p> |
| (5) Information Sources | Information about the Waste Management Facility Operators revenue was provided by DPOR’s finance section. |

Table 1c: Costs and Benefits under Alternative Approach(es)

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|--|--|----------------------------|
| (1) Direct & Indirect Costs & Benefits (Monetized) | Refer to Box #4 | |
| (2) Present Monetized Values | Direct & Indirect Costs | Direct & Indirect Benefits |
| | (a) N/A | (b) N/A |
| (3) Net Monetized Benefit | N/A | |
| (4) Other Costs & Benefits (Non-Monetized) | No alternative approaches that will sustain the Board’s operability were identified in the development of this action. | |
| (5) Information Sources | N/A | |

Impact on Local Partners

Use this chart to describe impacts on local partners. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 2: Impact on Local Partners

| | | |
|--|---|----------------------------|
| (1) Direct & Indirect Costs & Benefits (Monetized) | See Box #3. | |
| (2) Present Monetized Values | Direct & Indirect Costs | Direct & Indirect Benefits |
| | (a) N/A | (b) N/A |
| (3) Other Costs & Benefits (Non-Monetized) | Waste management facility operator licenses are issued to individuals, and not business entities. Some waste management facilities are owned by agencies that are considered local partners. To the extent these facility owners elect to pay fees for employees to obtain and renew their licenses, this action may affect local partners. | |
| (4) Assistance | N/A | |
| (5) Information Sources | N/A | |

Impacts on Families

Use this chart to describe impacts on families. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

No direct or indirect impact to families is anticipated.

Impacts on Small Businesses

Use this chart to describe impacts on small businesses. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 4: Impact on Small Businesses

| | | |
|--|-------------------------|----------------------------|
| (1) Direct & Indirect Costs & Benefits (Monetized) | See Box #3. | |
| (2) Present Monetized Values | Direct & Indirect Costs | Direct & Indirect Benefits |
| | (a) N/A | (b) N/A |

| | |
|--|--|
| (3) Other Costs & Benefits (Non-Monetized) | <p>Waste management facility operator licenses are issued to individuals and not to firms or business entities.</p> <p>To the extent that a waste management facility, which may be a small business, chooses to pay for fees related to the maintenance of an employee's license, such facilities will be affected by the fee increase.</p> |
| (4) Alternatives | N/A |
| (5) Information Sources | N/A |

Changes to Number of Regulatory Requirements

Table 5: Regulatory Reduction

For each individual action, please fill out the appropriate chart to reflect any change in regulatory requirements, costs, regulatory stringency, or the overall length of any guidance documents.

Change in Regulatory Requirements

| VAC Section(s) Involved* | Authority of Change | Initial Count | Additions | Subtractions | Total Net Change in Requirements |
|--|---------------------|---------------|-----------|--------------|--|
| 20-40 | (M/A): | 0 | 0 | 0 | 0 |
| | (D/A): | 2 | 0 | 0 | 0 |
| | (M/R): | 0 | 0 | 0 | 0 |
| | (D/R): | 3 | 0 | 0 | 0 |
| Grand Total of Changes in Requirements: | | | | | (M/A): 0 (D/A): 0 (M/R): 0 (D/R): 0 |

Key:

Please use the following coding if change is mandatory or discretionary and whether it affects externally regulated parties or only the agency itself:

(M/A): Mandatory requirements mandated by federal and/or state statute affecting the agency itself

(D/A): Discretionary requirements affecting agency itself

(M/R): Mandatory requirements mandated by federal and/or state statute affecting external parties, including other agencies

(D/R): Discretionary requirements affecting external parties, including other agencies

Cost Reductions or Increases (if applicable)

| VAC Section(s) Involved* | Description of Regulatory Requirement | Initial Cost | New Cost | Overall Cost Savings/Increases |
|--------------------------|--|-----------------------|-----------------------|--------------------------------|
| 20-40 | Application fees for renewal of licenses, late renewal of licenses, and reinstatement of licenses. | License renewal: \$50 | License renewal: \$85 | License renewal: +\$35 (+75%) |
| | | Late renewal: \$75 | Late renewal: \$120 | Late renewal: +\$45 (+60%) |
| | | Reinstatement: \$125 | Reinstatement: \$160 | Reinstatement: +\$35 (+28%) |

Other Decreases or Increases in Regulatory Stringency (if applicable)

| VAC Section(s) Involved* | Description of Regulatory Change | Overview of How It Reduces or Increases Regulatory Burden |
|---------------------------------|---|--|
| N/A | N/A | N/A |

Length of Guidance Documents (only applicable if guidance document is being revised)

| Title of Guidance Document | Original Word Count | New Word Count | Net Change in Word Count |
|-----------------------------------|----------------------------|-----------------------|---------------------------------|
| N/A | N/A | N/A | N/A |

*If the agency is modifying a guidance document that has regulatory requirements, it should report any change in requirements in the appropriate chart(s).