

Attachment 1: Proposed Rule Cost Information

The Proposed Rule Cost Information below provides an estimate of limited costs associated with proposed rule compliance for 100 tons of material excavated from transportation infrastructure located approximately 10 miles from a County home-shop location and 10 miles from a disposal vendor. 100 tons represents the average amount of material one dump truck can move from one location to another location 10 miles away in a summer season day (10 hours). 100 tons is also provided as an estimate of the amount of material that could be expected from 500 feet of ditching or swale cleaning, 1 mile of shoulder pulling, 3 private stormwater detention ponds, or 1 cross-culvert replacement. Please note that 10 miles represents a low estimate of distance traveled from a County home-shop location to a roadway maintenance site. Many roadways maintained by the County are more than 60 miles from a home-shop. Costs for handling materials from distant locations under the proposed rule may be many times more than the costs provided below.

The costs evaluated below include equipment and staff time used to handle materials; as well as vendor costs to test materials, perform a scoping process under MTCA, and dispose of clean soils. The costs do not include: environmental staff time, management and administration, costs associated with permits, structural improvements, BMPs for temporary storage, record keeping, and costs of contaminated soil disposal. Cost estimates are based on staff interviews.

Example Scenario: the County performs 500 feet of emergency ditching after a winter storm season. Recycling facilities cannot set a cleanup level because the exact end use site is unknown, and no developers have undertaken a MTCA scoping evaluation to determine a cleanup level in order to accept recycled soil at their development site. Since the County does not believe the material is contaminated they take the soil to a County home-shop at a cost of \$900 (dump truck and worker for 1 day) and select a disposal vendor that has historically accepted ditching material. County staff do not have the capacity to perform a scoping process on the disposal site so the County hires a contractor to perform this work at a cost of \$3,500 (estimated to be the equivalent of a Phase 1 for a non-complicated “clean” site¹). The time it takes to contract and perform the scoping process exceeds 90 days, this may result in a violation if once a cleanup level is established, the soil is determined to be contaminated. With the cleanup level now in hand, the County collects and sends samples to a laboratory at a cost of \$500 (estimated 3 samples using MTCA Table 745-1) and 2 weeks later the results are returned. The soil does not exceed a standard established under MTCA for the disposal site. The County transports the material from the shop to the disposal site at a cost of \$1,200 (dump truck, loader and worker for 1 day) and pays approximately \$800 in disposal fees. Under the proposed rule the soil does not enter the reuse market and has cost the County approximately \$6,900 to dispose of; which is an increase of \$5,200 from costs associated with current operations (approximately 4 times the cost of current operations).

The County maintains 1,598 miles of roadway and associated drainage facilities (i.e. conveyance structure, refer to the proposed definition of street waste). As shown by this single example, the proposed rule would result in significant costs to the County. The proposed rule would also result in the loss of County Road Maintenance production due to increased staff and equipment per maintenance activity. This loss in production could lower the County’s ability to maintain the road network as well as meet performance standards established under the Phase 1 Municipal Stormwater Permit.

¹ No terrestrial ecological evaluation performed. Costs would increase significantly under other assumptions.