

Department of Planning and Budget 2001 Fiscal Impact Statement

1. Bill Number HB2330

House of Origin	<input type="checkbox"/> Introduced	<input checked="" type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron Albo

3. Committee Courts of Justice

4. Title Enforcement of environmental matters in federal courts

5. **Summary/Purpose:** The bill would provide that, in addition to the authority of the State Air Pollution Board, the State Water Control Board, the Virginia Waste Management Board and the Director of the Department of Environmental Quality to bring actions in the courts of the Commonwealth to enforce any law, regulation, case decision or condition of a permit or certification, the Attorney General is authorized on behalf of such Boards or the Director to seek to intervene pursuant to Rule 24 of the Federal Rules of Civil Procedure in any action then pending in a federal court in order to resolve a dispute already being litigated in that court by the United States through the Environmental Protection Agency.

6. **Fiscal Impact:** See Item 8.

7. **Budget amendment necessary:** See Item 8.

8. **Fiscal implications:** This legislation would enable the Department of Environmental Quality and Virginia facilities to resolve enforcement issues in one proceeding rather than in redundant proceedings in state and federal court. If Virginia is a co-plaintiff in a federal enforcement action or a party in intervention to a federal decree that results in the imposition of penalties, half of those penalties could be directed to Virginia in the form of Supplemental Environmental Projects or deposited in the Virginia Environmental Emergency Response Fund. However, DPB cannot estimate the potential amount of any such penalties. The Office of the Attorney General anticipates handling any increased workload with existing resources.

9. **Specific agency or political subdivisions affected:** Department of Environmental Quality; Office of the Attorney General.

10. **Technical amendment necessary:** No.

11. **Other comments:** This bill is identical to SB 1297 as reported by the Senate Committee on Agriculture, Conservation and Natural Resources.

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cc: Secretary of Natural Resources
Office of the Attorney General

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