

## Department of Planning and Budget 2001 Fiscal Impact Statement

1. **Bill Number** SB1404

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

2. **Patron** Mims

3. **Committee** Agriculture, Conservation & Natural Resources

4. **Title** Permits for private sewerage facilities

5. **Summary/Purpose:** The bill would provide that the State Water Control Board may grant to an operator of a private sewerage facility discharging less than 5,000 gallons of effluent per day a waiver of the requirement to file a plan to control, prevent, or contain a threat to public health or the environment, including provision for financial assurances, from the closure of such facility upon a finding that, for at least five years, such person has not violated any regulation or order of the Board, any condition of a permit to operate such facility, or any other provision of the State Water Control Law. The Board may revoke the waiver for good cause and any operator who receives a waiver and later ceases operation would, if such cessation results in significant harm or an imminent and substantial risk of significant harm to human health and the environment, be guilty of a Class 4 felony and liable to the Commonwealth and any political subdivision for the costs incurred in abating, controlling, preventing, removing, or containing such harm or threat.

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

7. **Budget amendment necessary:** No.

8. **Fiscal implications:** According to the Department of Environmental Quality, there would be minimal costs to the agency associated with this bill. Such costs could be funded from existing resources. The agency states that there are 66 facilities in the state that are affected by the current requirements; 5-6 of them discharge less than 5,000 gallons of effluent per day and could potentially be affected by this bill.

A Class 4 felony carries a possible prison sentence of 2-10 years. Although the Virginia Criminal Sentencing Commission has not analyzed this proposal to determine its possible impact on state responsible correctional bed space in accordance with the provisions of Section 30-19.1:4, Code of Virginia, it is expected that the impact would be negligible.

9. **Specific agency or political subdivisions affected:** Department of Environmental Quality.

SB 1404 Fiscal Impact Statement  
Page Two

10. Technical amendment necessary: No.

11. Other comments: None.

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cc: Secretary of Natural Resources

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