

Commission on Local Government

Estimate of Local Fiscal Impact
2002 General Assembly Session

Bill: HB 1044

Patron: Darner

Date: February 8, 2002

In accordance with the provisions of §§ 30–19.03 through 30–19.03:1.1 of the Code of Virginia, the staff of the Commission on Local Government offers the following analysis of the above-referenced bill:

I. Bill Summary

HB 1044 requires the director of emergency management of each political subdivision or his or her designee to notify all local neighborhood or civic associations whose members' water supply or property would or reasonably could be affected by an unauthorized discharge of sewage, waste or other pollutants into State waters. Such notice must be in writing and given within 30 days of the discharge. In addition, HB 1044 broadens current law to include similar reporting requirements for unauthorized discharges from underground storage tanks regulated under a State program.

The bill further requires the local emergency management director to maintain a list of neighborhood or civic associations and their members by source and location of each individual member's water supply and by their real estate holdings within the locality. Following an unauthorized discharge as defined by HB 1044, the bill stipulates that the local emergency management director or his or her designee shall keep such associations informed on at least a semi-annual basis about the progress of clean-up efforts until such time as the site has been remediated or the State Water Control Board determines that no further action is needed.

Finally, HB 1044 requires any person who discharges an unauthorized substance to notify the director of emergency management of the political subdivision within 24 hours of such discharge, as well as the State Water Control Board and the Director of the Department of Environmental Quality. Current law gives such a person the option to report the release either to the State Water Control Board, the Director of the Department of Environmental Quality, or the director of emergency management for the political subdivision.

II. Fiscal Impact Analysis

For localities, the fiscal impact of HB 1044 would depend on the number and severity of applicable discharges each one experienced; the number of neighborhood or civic associations in the affected area and the size of their membership; methods used for collection, storage, and retrieval of the required data; associated personnel costs; training; equipment; supplies; and postage. The bill applies to local governments that have any type of neighborhood or civic organization, including all types of homeowner associations, civic groups and organizations, sports clubs, etc.

One area of uncertainty is whether direct notification to each affected landowner who was a member of a neighborhood or civic organization in the affected area would be required or whether a letter or other communication to the organization as a whole would be sufficient.

The Commission on Local Government received fiscal impact estimates concerning HB

1044 from the Counties of Albemarle, Augusta, Bath, Bedford, Gloucester, Henrico, Isle of Wight, Rappahannock, and Spotsylvania and from the Cities of Charlottesville and Harrisonburg. Of these localities, the Counties of Albemarle, Bath, Gloucester, Rappahannock, and Spotsylvania and the Cities of Charlottesville and Harrisonburg estimated that net expenditures to implement and manage the program would be less than \$5,000. Specific estimates from the remaining three localities were as follows:

County of Bedford

\$100,000 First Year and Start-up Cost

The County's estimate was based on personnel and professional costs; initial and continuing land use and environmental training; collection, storage and retrieval of the required documents and information; photocopying or reproduction of materials; and procurement of equipment. The County estimated the annual operating expenses to be \$60,000. The non-recurring start-up cost was expected to be \$40,000.

County of Henrico

\$60,000 First Year and Start-up Cost

The County's estimate was founded on the need for one additional full-time position and start-up expenses related to that professional staff member. Annual operating expenses were estimated to be \$50,000. The non-recurring start-up cost was estimated to be \$10,000.

County of Isle of Wight

\$28,000 First Year and Start-up Cost

The County's estimate was based on personnel and professional costs; office space; and materials and supplies (including postage). The County estimated the annual operating expenses of \$16,500, in addition to the non-recurring start-up cost of \$11,500.

III. Conclusion

The fiscal impact of HB 1044 on local governments is likely to vary, but the bill is expected to impose significant net additional expenditures on some localities.