

## Department of Planning and Budget 2005 Fiscal Impact Statement

**1. Bill Number** SB 1089

**House of Origin**    ☒ Introduced    ☐ Substitute    ☐ Engrossed  
**Second House**    ☐ In Committee    ☐ Substitute    ☐ Enrolled

**2. Patron**        Watkins

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

**4. Title**            Environmental enforcement

**5. Summary/Purpose:** The bill would strengthen the Department of Environmental Quality's environmental enforcement programs by authorizing the imposition of civil penalties without the consent of the violating party after a formal administrative hearing. This authority was granted to the waste management program in 1998. The bill also would require the Department to have issued at least two written notices of alleged violation that remain unresolved before imposing any such penalties. The penalties would be subject to appeal. The bill also would help simplify water enforcement actions by allowing the State Water Control Board to delegate approval of consent orders, and increases the maximum civil penalty for violations of the air, waste, and water programs from \$25,000 to \$32,500.

**6. Fiscal impact:** According to the Department of Environmental Quality, although it is reasonable to expect that higher civil penalties may be collected as a result of the increased maximum charges, a characteristically predictable pattern in enforcement cases has not been identified to confidently project revenues.

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

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

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

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

**11. Other comments:** None.

**Date:** 01/14/2005 / mar

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cc: Secretary of Natural Resources