

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 Passed Both Houses

4. Title Environmental enforcement

5. Summary/Purpose: The bill would grant the Department of Environmental Quality the authority to impose civil penalties of up to \$32,500 for each violation, not to exceed \$100,000 per order, after a hearing before a hearing officer appointed by the Supreme Court if (i) the person has been issued at least two written notices of alleged violation by the Department for the same or substantially related violations at the same site and (ii) such violations have not been resolved by demonstration that there was no violation, by an order issued by the State Water Control Board, the Virginia Waste Management Board, the State Air Pollution Control Board, or the Director of the Department of Environmental Quality, or by other means, and (iii) at least 130 days have passed since the issuance of the first notice of alleged violation. The penalties would be subject to appeal. The bill also would help to simplify water enforcement actions by allowing the State Water Control Board to delegate approval of consent orders, and would increase the maximum civil penalty for violations of the air, waste, and water programs from \$25,000 to \$32,500.

6. Fiscal impact: DPB cannot estimate any potential fiscal impact associated with the increased maximum penalties. Any such penalties would be deposited to the Virginia Environmental Emergency Response Fund.

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: Yes. On line 34, insert a space between “into” and “the”.

11. Other comments: None.

Date: 03/09/2005 / mar

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cc: Secretary of Natural Resources