

Department of Planning and Budget 2008 Fiscal Impact Statement

1. **Bill Number:** HB1332

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. **Patron:** Landes

3. **Committee:** Passed both Houses

4. **Title:** **DEQ; authority to issue and enforce permits, etc. related to air and water pollution.**

5. **Summary:** The bill outlines the qualifications of the Director of the Department of Environmental Quality and establishes a uniform permit issuance process for the Air Pollution Control Board (Air Board) and the State Water Control Board (Water Board). After issuing a public notice of a pending permit action, if at least 25 individuals have requested a public hearing and the Director finds that the issues raised are germane to the permit action and are not inconsistent with state or federal laws, a public hearing will be held. The Director or the two Boards may convene a meeting under an expedited schedule to reconsider the decision of the Director to grant a public hearing. The meeting may be held electronically if one public forum is available. The Board is required to act on the permit within 90 days of the close of the comment period unless the applicant agrees to an extension of the time period. Persons who commented during the public hearing may address the Air and Water Boards at the meeting where final action on the permit will occur. The Board's decision shall contain a written basis for its decision.

The bill also increases membership on the Air Pollution Control Board from five to seven members. However, the two new members are prohibited from voting on any action related to a permit that is under consideration as of January 1, 2008. A qualification of the Air Board members is changed so that no member can be a current employee of an entity subject to a permit or enforcement order of the Air Board. Currently, a majority of the members appointed to the Air Board can represent the public interest and not derive any significant portions of their income from entities subject to permit or enforcement actions.

The qualifications of the membership of the Water Board and the Virginia Waste Management Board are changed to require that the members, by their education, training, or experience, be knowledgeable of water quality or waste management, respectively, and shall be fairly representative of conservation, public health, business, and agriculture. This bill is identical to SB 423.

6. **Fiscal Impact Estimates:** Final. See item 8.

7. **Budget Amendment Necessary:** No.

- 8. Fiscal Implications:** According to the Department of Environmental Quality, the increase of two additional Air Pollution Control Board members will result in an annual cost increase of \$3,000 per year for travel and per diem expenses. These and other incremental costs will be absorbed in the existing agency operating budget.
- 9. Specific Agency or Political Subdivisions Affected:** Department of Environmental Quality, State Air Pollution Control Board, State Water Control Board, Virginia Waste Management Board.
- 10. Technical Amendment Necessary:** No.
- 11. Other Comments:** None.

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cc: Secretary of Natural Resources