

## **Department of Planning and Budget 2010 Fiscal Impact Statement**

**1. Bill Number:** SB276

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

**2. Patron:**        Houck

**3. Committee:** Agriculture, Chesapeake and Natural Resources

**4. Title:**         **Dam safety.**

**5. Summary:** This bill amends the Impounding Structure Regulations managed by the Soil and Water Conservation Board to not require any high hazard impounding structure in existence or under a construction permit prior to July 1, 2010, to upgrade its spillway to pass 90 percent of the probably maximum precipitation. In addition, the bill specifies that such an impounding structure shall be determined to be in compliance with the spillway requirements if (i) the impounding structure will pass two-thirds of the reduced probably maximum precipitation requirement, and (ii) the dam owner certifies annually that such impounding structure meets each of the eight conditions listed by the bill. A dam owner who meets the eight conditions but has not provided record drawings to the Department of Conservation and Recreation for his impounding structure shall submit a complete record report developed in accordance with the construction permit requirements of the Impounding Structure Regulations. The bill has an enactment clause that exempts the Soil and Water Conservation Board from the requirements of the Administrative Process Act when amending its Impounding Structure Regulations to conform with the provisions of this bill.

**6. Fiscal Impact Estimates:** Preliminary.

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

**8. Fiscal Implications:** The Department of Conservation and Recreation states that this bill is not anticipated to result in a significant fiscal impact on the agency and any costs resulting from this bill can be absorbed within current agency resources.

**9. Specific Agency or Political Subdivisions Affected:** Department of Conservation and Recreation, Soil and Water Conservation Board, Department of Emergency Management, localities.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** None.

**Date:** 3/4/2010 dpbaek

**Document:** G:\FIS\2010 Fiscal Impact Statements\DCR\SB276H1.Doc