

Department of Planning and Budget 2011 Fiscal Impact Statement

1. **Bill Number:** HB2123

House of Origin	<input type="checkbox"/> Introduced	<input checked="" type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. **Patron:** Poindexter

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

4. **Title:** Coal surface mining operations; national pollutant discharge elimination system permits.

5. **Summary:** This bill clarifies that the authority to issue pollutant discharge elimination system permits for coal surface mining operations lies with the Director of the Department of Mines, Minerals and Energy (DMME). This authority extends to that which is delegated by the U.S. Environmental Protection Agency, and required under the federal Clean Water Act. DMME shall examine the available and relevant data to determine whether a discharge may cause or contribute to an in-stream excursion above the narrative or numeric criteria of a water quality standard. Any total maximum daily load (TMDL) that has been established for the receiving body of water shall be used as a consideration in the determination. If no TMDL has been established, DMME may consider biological monitoring, chemical monitoring, and whole effluent toxicity testing.

6. **Budget Amendment Necessary:** No.

7. **Fiscal Impact Estimates:** Preliminary.

8. **Fiscal Implications:** This bill should not result in a significant additional workload to DMME since the agency already assumes responsibilities associated with issuing pollutant discharge elimination system permits for coal surface mining operations. However, it is uncertain whether additional methods allowed by this bill will satisfy the water quality standards established for Virginia's waters by the Environmental Protection Agency.

Additionally, this bill retains the authority of the State Water Control Board, of which the Department of Environmental Quality has oversight, to object to the issuance of a permit. Since this is not a change from current policy, it is not anticipated that this will result in a cost to the agency.

9. **Specific Agency or Political Subdivisions Affected:** Department of Mines, Minerals and Energy, Department of Environmental Quality.

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

11. **Other Comments:** This bill is similar to SB1025.

Date: January 28, 2011

c: Secretary of Commerce and Trade