

## Department of Planning and Budget

### 2011 Fiscal Impact Statement

**1. Bill Number:** SB1099

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

**2. Patron:** Hanger

**3. Committee:** Passed Both Houses

**4. Title:** Nonpoint nutrient offsets.

**5. Summary:** This bill establishes priorities to be used by permit issuing authorities when considering off-site options for nonpoint nutrient offsets. The bill specifies that a permit issuing authority is to give priority to nonpoint nutrient offsets if less than five acres of land will be disturbed, or if the postconstruction phosphorous control requirement is less than 10 pounds per year. Additionally, the bill requires that nonpoint nutrient offsets and other off-site options achieve the necessary nutrient reductions prior to the commencement of associated land-disturbing activity. The bill allows a transition period through June 30, 2014, for a pollutant loading pro rata share program that allows the achievement of nutrient reductions after the commencement of the land-disturbing activity. The bill allows the full or partial submission of nonpoint nutrient offsets to account for the deficiency when existing on-site controls are not functioning after reasonable attempts to comply with applicable maintenance agreements or requirements; the party responsible for maintenance is released from maintenance obligations related to the on-site controls for which the offsets are substituted. The bill does not limit the authority of a pollutant loading pro rata share program, and the subdivider or developer shall be given appropriate credit for nutrient reductions achieved through nonpoint nutrient offsets or other off-site options. Finally, the bill contains an enactment clause that states that the provisions of the bill are to be implemented by the permit issuing authorities without the need to amend any local government ordinance, stormwater management plan, or Virginia Soil and Water Conservation Board regulatory action.

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

**7. Fiscal Impact Estimates:** Final.

**8. Fiscal Implications:** The changes included by this bill involve the current programs of the Department of Conservation and Recreation. However, it is anticipated that any costs resulting from these changes can be absorbed within current agency resources.

**9. Specific Agency or Political Subdivisions Affected:** Department of Conservation and Recreation.

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

**11. Other Comments:** None.

**Date:** March 3, 2011

c: Secretary of Natural Resources