

Department of Planning and Budget 2017 Fiscal Impact Statement

1. Bill Number: HB2012

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

2. Patron: Hodges

3. Committee: Agriculture, Chesapeake and Natural Resources

4. Title: Stormwater; failed best management practice.

5. Summary: Directs the State Water Control Board to adopt regulations that (i) define a failed best management practice (Failed BMP), (ii) establish criteria for determining whether a particular installed BMP qualifies as a Failed BMP, and (iii) direct the Department of Environmental Quality (DEQ), at the request of the locality, to assume, by contract with the locality, the responsibility for enforcing the operation and maintenance obligations of the owner of a Failed BMP. The bill defines a BMP for purposes of the Stormwater Management Act (§ 62.1-44.15:24 et seq.) as a structural practice, nonstructural practice, or other management practice used to prevent or reduce nutrient loads associated with stormwater from reaching surface waters or the adverse effects thereof.

6. Budget Amendment Necessary: Yes. Item 368 HB1500/SB900

7. Fiscal Impact Estimates: Preliminary.

7a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2017	\$0	0	n/a
2018	\$392,000	4.0	GF
2019	\$392,000	4.0	GF
2020	\$392,000	4.0	GF
2021	\$392,000	4.0	GF
2022	\$392,000	4.0	GF
2023	\$392,000	4.0	GF

8. Fiscal Implications: It is anticipated that this bill will result in an expenditure impact to the Department of Environmental Quality (DEQ), and that DEQ will require \$392,000 in each year from the general fund, and four positions. This bill directs DEQ to adopt regulations that define a failed best management practice (BMP). Also, for localities that operate a Virginia Stormwater Management Program (VSMP) or Virginia Erosion and Stormwater Management Program (VESMP), or those that are non-VSMP Chesapeake Bay Act localities (for land disturbance between 2500 square feet and one acre), at the request of the locality, DEQ would be responsible for taking appropriate enforcement action to ensure that failed BMPs are properly operated and maintained.

There are approximately 4,000 construction sites statewide requiring Virginia Pollution Discharge Elimination System (VPDES) Construction General Permit coverage. DEQ estimates that five percent of all BMPs could fall into this 'failed' category. Additionally, DEQ would be responsible for failed BMPs between 2,500 square feet and one acre that do not require VPDES Construction General Permit coverage. DEQ estimates the department will be responsible for up to 200 sites annually. An additional four positions are necessary to address the post construction BMP compliance and enforcement for these sites.

The annual cost for these four positions is estimated at \$392,000 annually. This is based on salary, benefits, training and IT for four positions totaling \$380,000 per year, and \$3,000 per position for travel.

9. Specific Agency or Political Subdivisions Affected: Department of Environmental Quality, localities.

10. Technical Amendment Necessary: No.

11. Other Comments: None.