

Department of Planning and Budget

2023 Fiscal Impact Statement

1. Bill Number: SB1501

House of Origin ☐ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☒ Enrolled

2. Patron: Stuart

3. Committee: Passed both Houses

4. Title: Department of Environmental Quality regulations; civil penalties; written notice of violation.

5. Summary: Requires the Department of Environmental Quality (DEQ), prior to assessing any civil penalty against any person for an alleged violation of regulations adopted by the State Air Pollution Control Board, the Virginia Waste Management Board, or the State Water Control Board, or permit issued by the agency to inform such person in writing of the alleged violation, the potential penalties, and the actions necessary to achieve compliance and remediate the alleged violation. DEQ may allow the person 30 days to take such actions and to provide any additional, relevant facts to the Department, including facts that demonstrate a good-faith attempt to achieve compliance.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Final. See item 8.

8. Fiscal Implications: The Department of Environmental Quality anticipates an indeterminate revenue reduction as a result of this bill, as it is not possible to estimate the number of enforcement actions for which a civil penalty will not be collected. In the last three fiscal years, DEQ processed 606 enforcement actions with an average civil charge of \$28,697 per consent order. During the same period, DEQ closed 336 enforcement actions with no civil penalty being assessed, as the responsible party returned to compliance and no further enforcement action was warranted. Civil penalties impacted by this bill are deposited into the Virginia Environmental Emergency Fund.

9. Specific Agency or Political Subdivisions Affected: Department of Environmental Quality; State Air Pollution Control Board; Virginia Waste Management Board; State Water Control Board.

10. Technical Amendment Necessary: No.

11. Other Comments: None.