

Department of Planning and Budget

2008 Fiscal Impact Statement

1. Bill Number: SB423

House of Origin X Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. Patron: Puckett

3. Committee: Agriculture, Conservation and Natural Resources

4. Title: **Department of Environmental Quality; State Air Pollution Control Board
and State Water Control Board**

5. Summary: The bill vests the authority to issue and enforce permits (including general permits), licenses, and certificates related to air and water pollution with the Director of the Department of Environmental Quality. As a result of this change, restrictions on board membership have been lifted to allow broader participation from members affiliated with industry. A process has been established to provide for public hearings when there is substantial public interest in the permit, there are significant legal or factual issues that are both germane to the draft permit and within the department's jurisdiction, and the public hearing could provide additional information. After a public hearing, the director may convene a meeting before the board when there are significant legal or factual issues that are both germane to the draft permit and within the department's jurisdiction, such issues are capable of resolution by the exercise of the director's authority, and the director's ability to address and resolve those issues would be enhanced by the board's participation and advice. The board may make recommendations to the director, who may incorporate such conditions into the permit if they: (i) are within the statutory authority of the department; (ii) were not addressed by the department in preparing the draft permit; (iii) either provide substantial additional protection to the environment, public health, or natural resources or provide substantially the same level of protection in a more effective or efficient manner; (iv) are consistent with the statutory and regulatory program under which the permit is issued; (v) are technologically and economically feasible; and (vi) do not unfairly or unreasonably burden the applicant with costs or delays that would, in the director's judgment, be disproportionate to the benefits reasonably to be expected from them. Additionally, the membership of the State Air Pollution Control Board is increased from five to seven.

6. Fiscal Impact Estimates: Preliminary. See item 8.

7. Budget Amendment Necessary: No.

8. Fiscal Implications: According to the Department of Environmental Quality, the increase of two additional Air Pollution Control Board members will result in an annual cost increase of \$3,000 per year for travel and per diem expenses. These and other incremental costs will be absorbed in the existing agency operating budget.

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

10. Technical Amendment Necessary: No.

11. Other Comments: The bill is identical to House Bill 1332.

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cc: Secretary of Natural Resources