

Department of Planning and Budget 2011 Fiscal Impact Statement

1. Bill Number: HB1738

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

2. Patron: Bulova

3. Committee: Agriculture, Chesapeake and Natural Resources

4. Title: Reporting of water withdrawals; penalty.

5. Summary: Authorizes the State Water Control Board to impose a civil penalty, not to exceed \$1,000, upon any person who fails to register and report certain water withdrawal information. Any person who withdraws more than one million gallons in any single month for crop irrigation or who withdraws during any single month a daily average 10,000 gallons per day is required to be registered and report the amount of his withdrawals. However, prior to determining whether a civil penalty should be assessed, the Board is required to follow certain due process procedures, such as issuing several notices in writing of the person's failure to report his withdrawals. The person will have 60 days after receiving the second notice to file the report. The bill also provides for public comment on the criteria for calculating the appropriate penalty that would be imposed. A violator has the option of entering into a consent agreement with the Board and paying a civil charge that could be less than the \$1,000 penalty. The bill creates a special nonreverting fund to be known as the Water Supply Plan Fund (the Fund). The revenue generated from the civil penalties and charges will be deposited in this special fund that can be used solely to fund the Department of Environmental Quality's water supply planning responsibilities.

6. Budget Amendment Necessary: No

7. Fiscal Impact Estimates: Indeterminate

8. Fiscal Implications: The passage of this bill would increase the Department of Environmental Quality's (DEQ) authority and would create a new fund for penalty revenue; however, it is not possible to determine the exact amount of revenue collected at this time.

9. Specific Agency or Political Subdivisions Affected: Department of Environmental Quality (DEQ)

10. Technical Amendment Necessary: No.

11. Other Comments: None

Date: 2/7/2011