

Department of Planning and Budget 2010 Fiscal Impact Statement

1. Bill Number: HB987

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

2. Patron: Jones

3. Committee: Agriculture, Chesapeake and Natural Resources

4. Title: **Regulation of stormwater.**

5. Summary: This bill changes the way that federal, state and local governments are charged for stormwater management. It amends current law by removing the requirement that waivers given to federal, state, or local government agencies that develop, redevelop or retrofit outfalls, discharges or property so that there is a permanent reduction in postdevelopment stormwater flow and pollutant loading, be full waivers. The proportional amount of the waiver to such agencies shall be equal to the product of the fee that would be charged to the agency multiplied by the percentage of the stormwater runoff captured by the agency's storm drainage or stormwater control facilities.

6. Fiscal Impact Estimates: Indeterminate.

7. Budget Amendment Necessary: No.

8. Fiscal Implications: It is anticipated that this bill may have a significant impact on an indeterminate number of state agencies.

Currently, any federal, state or local agency that own property or roadways within localities that have established a stormwater utility fee would be financially impacted by this bill, as they would be subject to a partial or full charge of the utility fee, which they are fully exempt from under the current law. The basis for the fee would be the percentage of reduction in stormwater flows and pollutant loads captured by the roadway drainage or stormwater control facilities.

A sample of agencies who have indicated a fiscal impact from this bill; *note that this list is not comprehensive but only a sample:*

- The University of Virginia: estimates a potential fiscal impact of between \$325,000 and \$500,000 as a result of this bill.
- The University of Virginia's College at Wise
- Virginia Department of Transportation (VDOT): VDOT estimates they would be charged fees by localities for stormwater flows and pollutant loads that are not controlled by roadway drainage and stormwater control facilities. Older roadways would be charged

100% of the fee and newer roadways with some stormwater management facilities would pay a prorated fee based on the percentage of reduction in stormwater flows or pollutant loads.

- Department of Behavioral Health and Disability Services

The Department of Conservation and Recreation, the state agency responsible for oversight of nonpoint source pollution resulting from stormwater overflow, does not anticipate that this bill would have an impact on their workload.

- 9. Specific Agency or Political Subdivisions Affected:** Potentially all state agencies, Department of Conservation and Recreation, federal agencies located in Virginia, soil and water conservation districts, localities.

10. Technical Amendment Necessary: No.

11. Other Comments: This bill is identical to the introduced version of SB650.

Date: 1/29/2010 dpbaek

Document: G:\FIS\2010 Fiscal Impact Statements\DCR\HB987.Doc