

**Department of Planning and Budget
2011 Fiscal Impact Statement**

1. Bill Number: SB1099

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

2. Patron: Hanger

3. Committee: Agriculture, Chesapeake and Natural Resources

4. Title: Nonpoint nutrient offsets.

5. Summary: This bill establishes priorities to be used by permit issuing authorities when considering off-site options for nonpoint nutrient offsets. The bill specifies that a permit issuing authority is to give priority to nonpoint nutrient offsets if less than five acres of land will be disturbed, or if the postconstruction phosphorous control requirement is less than 10 pounds per year. Additionally, off-site nutrient reductions must be acquired or achieved by the permittee prior to the commencement of associated land-disturbing activity, although this only applies when the nonpoint nutrient offsets are generated in the same locality as the site of the land-disturbing activity. The bill allows the acquisition of nonpoint nutrient offsets in compliance actions to compensate for nutrient control deficiencies when nutrient control deficiencies occur during the period of noncompliance and for permanent deficiencies. Finally, the bill contains an enactment clause that states that the provisions of the bill are to be implemented by the permit issuing authorities without the need to amend any local government ordinance, stormwater management plan, or Virginia Soil and Water Conservation Board regulatory action.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Preliminary.

8. Fiscal Implications: The changes included by this bill involve the current programs of the Department of Conservation and Recreation. However, it is anticipated that any costs resulting from these changes can be absorbed within current agency resources.

9. Specific Agency or Political Subdivisions Affected: Department of Conservation and Recreation.

10. Technical Amendment Necessary: No.

11. Other Comments: None.

Date: February 15, 2011
c: Secretary of Natural Resources