

## Department of Planning and Budget

### 2011 Fiscal Impact Statement

**1. Bill Number:** SB1456

<b>House of Origin</b>	<input checked="" type="checkbox"/>	Introduced	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Engrossed
<b>Second House</b>	<input type="checkbox"/>	In Committee	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Enrolled

**2. Patron:** Hanger

**3. Committee:** Agriculture, Conservation and Natural Resources

**4. Title:** Soil and Water Conservation Board; dam safety.

**5. Summary:** This bill requires owners of dams who submit annual certifications relating to dam compliance to do so each year by January 15. Dam owners who fail to submit certifications in a timely fashion shall not benefit from the presumption that the dam is deemed to be in compliance with the spillway requirements of the Virginia Soil and Water Conservation Board's Impounding Structure Regulations. Dam owners must also make the same certifications available, upon request and within five business days, to any person. Dam owners who receive money for a dam rehabilitation project for which the state is serving as the nonfederal sponsor under a Project Partnership Agreement with the U.S. Army Corps of Engineers will be required to convey a conservation easement in such land.

**6. Budget Amendment Necessary:** No.

**7. Fiscal Impact Estimates:** Preliminary.

**8. Fiscal Implications:** This bill is anticipated to result on a fiscal impact to dam owners but not to the Department of Conservation and Recreation (DCR) for the enforcement of dam regulations. This bill also states that dam owners who fail to comply with the provisions included in this bill shall be subject to a civil penalty according to § 10.1-613.2, Code of Virginia. Accordingly, this Code section states that a civil penalty may be assessed of up to \$500 per day, not to exceed a maximum of \$25,000. Any monies collected as a result of civil penalties are to be deposited to the Flood Prevention and Protection Assistance Fund, managed by DCR, and are to be used for the administration of the dam safety program, including for the repair and maintenance of dams. It is unknown how many civil penalties would be assessed as a result of this bill. Any adjustments to the agency's nongeneral fund for the collection of penalty monies may be made administratively.

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

**10. Technical Amendment Necessary:** Line 47, after "8" strike "A".

**11. Other Comments:** None.

**Date:** February 1, 2011

c: Secretary of Natural Resources