

Department of Planning and Budget 2016 Fiscal Impact Statement

1. Bill Number: SB228

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

2. Patron: McEachin

3. Committee: Agriculture, Conservation and Natural Resources

4. Title: Department of Environmental Quality; penalties.

5. Summary: Raises the civil penalty that may be included with a special order from \$10,000 to \$25,000. The bill contains a technical amendment.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Preliminary.

8. Fiscal Implications: According to the Department of Environmental Quality (DEQ), the state fiscal revenue impact resulting from this bill is indeterminate.

Revenue generated from the penalty is deposited by the State Treasurer into the Virginia Environmental Emergency Response Fund, which is used to support emergency response to environmental pollution incidents and for the development and implementation of corrective actions for pollution incidents.

9. Specific Agency or Political Subdivisions Affected: The Department of Environmental Quality and the court system.

10. Technical Amendment Necessary: No.

11. Other Comments: Special orders can only be issued following an administrative proceeding with notice and an opportunity to be heard. Such orders are subject to appeal to the courts of the Commonwealth. The Director of DEQ cannot delegate the authority to issue an administrative special order imposing a civil charge. Even with increased penalty authority, DEQ anticipates that most cases would be resolved by consent.