

Department of Planning and Budget 2020 Fiscal Impact Statement

1. **Bill Number:** HB1205

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

2. **Patron:** Tran

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

4. **Title:** Discharge of deleterious substance into state waters; notice.

5. **Summary:** Requires the Department of Environmental Quality (DEQ) to give certain information about an unlawful discharge of a deleterious substance into state waters to the Virginia Department of Health, local newspapers, television stations, and radio stations, and to disseminate such information via official social media accounts and email notification lists within 12 hours of receipt of the information, unless DEQ makes an initial determination that the discharge will have a de minimis impact on state waters. Current law only requires certain of these disclosures and only when the Virginia Department of Health determines that the discharge may be detrimental to the public health or the State Water Control Board determines that the discharge may impair state waters. The bill also requires the Department of Environmental Quality, if the Virginia Department of Health determines that the discharge may be detrimental to the public health, to provide information regarding such determination to the same recipients within 12 hours of receipt of such determination. This bill incorporates HB 1128.

6. **Budget Amendment Necessary:** See items 7 and 8.

7. **Fiscal Impact Estimates:** See item 8.

Expenditure Impact:

| <i>Fiscal Year</i> | <i>Dollars</i> | <i>Positions</i> | <i>Fund</i> |
|--------------------|----------------|------------------|--------------|
| 2020 | N/A | N/A | N/A |
| 2021 | \$846,500 | 0 | General Fund |
| 2022 | \$406,500 | 0 | General Fund |
| 2023 | \$406,500 | 0 | General Fund |
| 2024 | \$406,500 | 0 | General Fund |
| 2025 | \$406,500 | 0 | General Fund |
| 2026 | \$406,500 | 0 | General Fund |

8. **Fiscal Implications:** The bill provides that upon receipt of an unlawful discharge report, DEQ is required to notify the public by emailing media outlets and posting on social media platforms within a 12-hour window.

According to DEQ, the bill requires the agency to develop and maintain a new online tool to receive reports of hazardous discharges, as well as a list-serve mass notification system to provide opt-in, instant, automated notifications to citizens and media outlets. DEQ estimates the cost of this IT solution to be \$500,000 for development in the first year and an ongoing \$60,000 for maintenance.

As a result of this bill, DEQ also anticipates an increase in FOIA requests. To address this increase, the agency anticipates a need of two Pollution Response & Emergency Preparedness positions and one Public Relations & Marketing Specialist IV position to meet a potential increase in media inquiries. Each of these three positions is anticipated to cost \$115,500. The agency anticipates that the need for positions could increase depending on the number of inquiries and calls generated by this bill.

HB/SB30 provides DEQ with additional funding for six regional community outreach coordinator positions, one ombudsman position to answer constituent questions and identify trending and sensitive topics for agency leadership, and one additional social media manager position. DEQ's base budget contains \$250,000 for website redesign activities. These resources are not sufficient to support the development of a new, online tool or two additional positions.

The Department of Health anticipates no fiscal impact as a result of this bill.

9. Specific Agency or Political Subdivisions Affected: Department of Environmental Quality, Department of Health.

10. Technical Amendment Necessary: No.

11. Other Comments: None.