

Department of Planning and Budget 2021 Fiscal Impact Statement

1. Bill Number: SB1258

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

2. Patron: Marsden

3. Committee: Finance and Appropriations

4. Title: Solar projects; erosion and sediment control.

5. Summary: Requires the State Water Control Board to administer a Virginia Erosion and Sediment Control Program (VESCP) on behalf of any locality that notifies the Department of Environmental Quality that it has chosen not to administer a VESCP for any solar photovoltaic (electric energy) project with a rated electrical generation capacity exceeding five megawatts. The provisions of the bill become effective only when an appropriation effectuating funding of one full-time position to carry out the purposes of the bill on behalf of the State Water Control Board is included in a general appropriation act.

6. Budget Amendment Necessary: Yes. Item 377, HB1800/SB100 as Introduced. See item 8, below.

7. Fiscal Impact Estimates: Preliminary. See Item 8.

7a. Expenditure Impact: Department of Environmental Quality

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2021	N/A	N/A	N/A
2022	\$462,000	4.0	GF
2023	\$462,000	4.0	GF
2024	\$462,000	4.0	GF
2025	\$462,000	4.0	GF
2026	\$462,000	4.0	GF
2027	\$462,000	4.0	GF

8. Fiscal Implications: This bill contains an enactment clause that makes its enactment contingent on the inclusion of general fund appropriation in the Appropriation Act for the Department of Environmental Quality (DEQ) to support four FTEs. Based on plan review metrics in its erosion and sediment control programs, DEQ anticipates that four FTEs will be sufficient for the agency to complete stormwater plan review for solar projects.

DEQ does not currently have the capacity or expertise to carry out the requirements of this bill. As of January 25, 2021, the Office of Stormwater Management (OSWM) will be staffed with four FTEs to perform solar project stormwater plan review. The four FTEs for

stormwater plan review were hired based on the volume of utility-scale solar projects received so far by DEQ. Erosion and sediment control plan review for solar projects is not part of the review responsibilities for the existing four FTEs. Erosion and sediment control plan review for solar projects would be a new core responsibility for staff. The skillset needed to provide erosion and sediment control plan review is not the same as providing stormwater management plan review.

The additional four FTEs for erosion and sediment control plan review would have similar job duties as the existing four FTEs for stormwater plan review, but require a specialized skillset. Their duties would address the solar projects that are traditionally reviewed by local Virginia Erosion and Sediment Control Program (VESCP) authorities. To arrive at this estimate, DEQ used the number of solar plans approved and permitted for fiscal year 2020. In fiscal year 2020, DEQ reviewed 27 plans covering 5,300 acres, with an average of 200 acres per project. The agency's estimate is that, on average, a 200-acre project needs five rounds of submittals and plan review comments. This translates into 184 work-hours for an average non-expedited 200-acre solar stormwater management plan review. In addition, DEQ estimates an annual average of nine applications for plan modifications, which require the same review time. For a total of 36 applications for new solar projects and for modifications, the estimated total workload is 1,760 hours, or four FTEs.

HB1800/SB1100, as introduced, includes \$11.9 million in ongoing general fund support starting fiscal year 2022 to restore and enhance DEQ's capacity for water protection and solid waste permitting; community outreach; air and water monitoring; and protection of the Chesapeake Bay. As introduced, HB1800/SB110030 does not include additional support for erosion and sediment plan review of solar projects. Erosion and sediment control plan review for solar projects in VESCP localities is not currently under the authority of DEQ.

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

10. Technical Amendment Necessary: No.

11. Other Comments: This bill contains an enactment clause that makes its enactment contingent on the inclusion of general fund appropriation in the Appropriation Act for the Department of Environmental Quality.