

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO.

Senate Bill 783

PRINTER'S NO.

1171

AMOUNT

No Significant Fiscal Impact

FUND

Hazardous Sites Cleanup Fund

DATE INTRODUCED

April 17, 2009

PRIME SPONSOR

Senator M. J. White

HISTORY OF BILL

Referred to ENVIRONMENTAL RESOURCES & ENERGY, April 17, 2009

Reported as amended, May 5, 2009

First consideration, May 5, 2009

Re-referred to APPROPRIATIONS, June 8, 2009

Re-reported as amended, June 15, 2009

DESCRIPTION AND PURPOSE OF BILL

Senate Bill 783 amends the Hazardous Sites Cleanup Act. The bill specifically requires civil penalties imposed under Section 1104 of the Act to be deposited into the Hazardous Sites Cleanup Fund. Section 1104 provides a maximum penalty of \$25,000 per offense. An additional penalty of \$5,000 per day can be imposed for failure to comply with Section 503 of the Act (Information Gathering and Access). Amendment A01410 further specifies the requirement that criminal penalties, response costs and natural resources damages also be deposited into the Fund.

SB 783 also changes the date by which the Department of Environmental Protection must file its annual report under the Hazardous Sites Cleanup Act from August 31 to December 31.

The provisions shall take effect 60 days after its enactment.

FISCAL IMPACT:

The enactment of this legislation will have no significant fiscal impact to the Hazardous Sites Cleanup Fund. The Department of

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Environmental Protection has stated that penalties are rarely assessed under this Act. The Department also believes that Section 1110 of the Act provides direction and authority to deposit penalties collected under the Act into the Hazardous Sites Cleanup Fund. The Department also believes that Section 901 does not preclude them from depositing the penalties into the Fund.

Senate Bill 783 specifically authorizes the deposit of penalties collected under Section 1104 into the Hazardous Sites Cleanup Fund. It also specifies any penalties collected under the Hazardous Sites Cleanup Act must be deposited into the Hazardous Sites Cleanup Fund.