
VIRGINIA STATE BUDGET

1998 Session

Budget Bill - SB29 (Introduced)

Bill Order » Office of Natural Resources » Item 407

Department of Environmental Quality

Item 407 (Not set out)	First Year - FY1997	Second Year - FY1998
Administrative and Support Services (51900)	\$8,949,017	\$8,374,807
General Management and Direction (51901)	\$1,770,045	\$1,195,835
Computer Services (51902)	\$1,594,495	\$1,594,495
Accounting and Budgeting Services (51903)	\$810,610	\$810,610
Personnel Services (51914)	\$708,844	\$708,844
Procurement and Distribution Services (51918)	\$4,065,023	\$4,065,023
Fund Sources:		
General	\$7,249,885	\$6,675,675
Dedicated Special Revenue	\$103,000	\$103,000
Federal Trust	\$1,596,132	\$1,596,132

Authority: Title 10.1, Chapters 11.1, 13 and 14, and Title 62.1, Chapter 3.1, Code of Virginia.

B. Included in this item is approximately \$60,000 in federal funds the first year and approximately \$60,000 in federal funds the second year which represent revenues received from federal lands located in the Commonwealth to be distributed to the localities in which the revenues were generated.

C. Included in this item is up to \$60,000 the first year from the general fund to carry out the provisions of Senate Joint Resolution 270, 1995 Session of the General Assembly. The Department, in cooperation with Virginia universities, shall develop standardized protocols for conducting bioassessments in watersheds.

D. The Department shall provide quarterly reports to the Chairmen of the House Committees on Appropriations, and Conservation and Natural Resources and the Senate Committees on Finance, and Agriculture, Conservation, and Natural Resources on its progress in implementing the pilot program of agency-specific compensation, classification, and performance evaluation. The Department shall submit an evaluation of the pilot program and its recommendation for expanding the program to include the entire agency workforce by November 15, 1997.

E. The Department may privatize or outsource activities performed by agency personnel when such actions produce savings and improved performance. By November 15, 1996, the Department shall submit to the Chairmen of the House Appropriations and Senate Finance Committees the criteria and analysis used to determine whether any existing activity should be privatized or outsourced. No activity affected by this policy may be privatized or outsourced without specific authorization by the General Assembly as provided in this act. An activity shall be defined as an item or the components of an item identified in the Department's activity-based budget for the 1996-

98 biennium. This provision shall not apply to activities: (i) under contract for privatization or outsourcing prior to January 1, 1996; (ii) requiring new contracts to replace expiring contracts with the same or a new vendor; or (iii) partially privatized or outsourced prior to January 1, 1996 for which the agency is seeking contracts to increase private sector involvement.

F. The Department shall not expend any funds in fiscal year 1996-97 on the issuance of any certificate, permit or any other method, that allows for the discharge of tributyltin at any level exceeding 50 parts per trillion.

G. The Department of Environmental Quality shall not expend any funds in fiscal year 1997-98 on commercial satellite television services.

H. As a condition of the appropriation in this item, by July 1, 1997, the Department of Environmental Quality shall eliminate the eight management and management support positions identified as excessive and redundant in Recommendation (46) of the Joint Legislative Audit and Review Commission study "Review of the Department of Environmental Quality."

I. It is the intent of the General Assembly that all management consulting service contracts produce deliverables that result in cost efficiencies and greater program effectiveness. As a condition of the appropriation in this item, management consulting contracts that duplicate the completed work of agency employees shall be voided.

J. The position of internal auditor is reestablished within the Department of Environmental Quality. As a condition of this appropriation, the position shall be filled no later than September 1, 1997, through the competitive hiring process, and paid for from existing funds.

K.1. As a condition of the appropriation in this item, in applying for federal grants for the fiscal year 1997-1998, the Department shall adhere to the same grant application policies and procedures used to request federal grants in fiscal year 1995-96. The Department may prepare a study identifying and recommending alternative policies and procedures for the General Assembly's consideration for the 1998 Session.

2. As a condition of the appropriation in this item, prior to the expenditure of the Virginia Coastal Resources Grant funds, the Department shall report to the Chairmen of the House Appropriations, the House Chesapeake and Its Tributaries, the Senate Finance and the Senate Agriculture, Conservation, and Natural Resources Committees, on the proposed uses, item by item, of these federal funds and any related state matching funds.

L.1. As a condition of the appropriation in this item, the Department of Environmental Quality shall submit to the Chairmen of the House Appropriations, House Conservation and Natural Resources, Senate Finance, and Senate Agriculture, Conservation, and Natural Resources Committees by November 5, 1997, a report on the Department's implementation of the recommendations contained in the three Joint Legislative Audit and Review Commission (JLARC) studies "Solid Waste Facility Management: Impact on Minority Communities"; Interim Report: "Review of the Department of Environmental Quality"; and "Review of the Department of Environmental Quality." This report shall: (1) identify each recommendation that has been fully implemented; (2) include a workplan and schedule for completing the recommendations not yet fully implemented; (3) identify the recommendations that do not pertain to the department; and (4) discuss which recommendations the Department does not intend to implement, providing the reasons and justifications for such actions.

2. In responding to paragraph G.1., the Department shall provide supplemental information, including: (1) a report identifying the number of sole source contracts that have been let or require payment in fiscal years 1996-1997 and 1997-1998, the dollar value of these contracts, the reasons for justifying the use of sole source contracts, and the deliverables received or expected; (2) a report identifying the changes required in (a) the Department's positions and appropriations, (b) state laws and policies, and (c) agency policies, including the use of announced and unannounced inspections, and regulations to increase the percentage of major permitted air sources inspected annually in Virginia to at least 85 percent and to increase the percentage of major permitted water facilities

inspected annually in Virginia to at least 79 percent; and (3) a report identifying state agencies receiving Notice of Violations or similar formal or informal findings of noncompliance with environmental statutes or regulations during the past 36 months, and estimating the cost of corrective actions required for each state facility not currently complying with environmental laws and regulations.

3. In responding to the JLARC recommendations on enforcement issues, the Department shall specifically include in the report authorized in paragraph G.1. the Department's enforcement policy and the provisions highlighting: (1) written guidance to Department staff on enforcement policy and procedures, including the use of the unilateral penalty authority; (2) the specific conditions in which the Department will not seek civil charges or penalties for permit compliance and enforcement violations and the number of enforcement actions in fiscal year 1996-97 where no civil charges or penalties were assessed, categorized by environmental medium; (3) written policy setting forth actions to be taken in cases in which a permittee is known to be causing serious environmental damage; (4) the number and amount of civil charges or penalties assessed in fiscal year 1996-97, categorized by environmental medium; and (5) a copy of the memorandum of understanding developed by the Department and the Office of the Attorney General governing case referral procedures, the role of each agency in the enforcement process, and the criteria used for distinguishing which types of cases should be referred for legal action.

4. It is the intent of the General Assembly that the Department of Environmental Quality recover the economic benefit of noncompliance in the negotiation and assessment of civil charges and penalties in every case in which there is an economic benefit from noncompliance, and the economic benefit can be reasonably calculated. To that end, the Department shall develop a methodology for calculating such economic benefits. The Department shall provide, by November 5, 1997, a report to the Chairmen of the House Appropriations, House Conservation and Natural Resources, Senate Finance, and Senate Agriculture, Conservation, and Natural Resources Committees, explaining the methodology and policy and economic assumptions used to develop the methodology.

5. In preparing the reports required under this item, the Department shall cooperate with the House Appropriations, House Conservation and Natural Resources, Senate Finance, and Senate Agriculture, Conservation, and Natural Resources Committees. The Committees shall make periodic inquiries on the progress and content of the reports.

M. Not later than December 1, 1997, the Department of Environmental Quality shall submit to the General Assembly a report on the Commonwealth's water resources policy as required in § 62.1-44.4, Code of Virginia.