

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2013

Legislative Fiscal Note

BILL NUMBER: Senate Bill 294 (First Edition)

SHORT TITLE: Exclusion From Post-Construction Practices.

SPONSOR(S): Senator Parmon

FISCAL IMPACT

(\$ in millions)

Yes No No Estimate Available

State Impact	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18
HF/HTF Revenues:	0.0	0.0	0.0	0.0	0.0
HF/HTF Expenditures:	0.0	0.0	0.0	0.0	0.0
State Positions:	0.0	0.0	0.0	0.0	0.0
NET STATE IMPACT	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0

PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED:

None.

EFFECTIVE DATE January 1, 2012

TECHNICAL CONSIDERATIONS:

Yes - See Technical Considerations Section

BILL SUMMARY:

This bill amends the exclusion provisions of S.L. 2006-246 of post-construction practices under the National Pollutant Discharge Elimination System (NPDES) Phase II implementation law. Winston-Salem is regulated by Phase II rules and is required to design projects following stormwater design mandates. This additional exclusion enables Winston-Salem to implement strategies, as prescribed by DOT’s best management practices as outlined in the “Stormwater Best Management Practices Toolbox,” to allow more latitude in choosing the wastewater management treatment for linear transportation projects.

ASSUMPTIONS AND METHODOLOGY:

DOT is not directly subject to S.L. 2006-246. DOT uses a Nationwide NPDES permit, which includes post-construction requirements. Therefore, there is no fiscal impact to DOT.

Winston-Salem may see cost savings if it is allowed more latitude in implementing strategies for stormwater design. This latitude in choosing the stormwater design is similar to DOT's current practices.

The Division of Water Quality within the Department of Environmental and Natural Resources is responsible for implementing phase II stormwater requirements. For a number of cities, including Winston-Salem, the Division has issued stormwater coverage for the municipality under federal National Pollution Discharge Elimination System (NPDES) municipal permits – these cities then issue stormwater permits. Since the city implements its own stormwater program, this bill only affects the criteria used in Winston-Salem's review of permits under their authority to issue, and therefore would not change the number of permits issued by the state. As a result there is no fiscal impact for the state.

SOURCES OF DATA: Departments of Transportation and Environmental and Natural Resources

TECHNICAL CONSIDERATIONS:

1. The effective date of January 1, 2012 may be an error.
2. DOT is currently in the process of updating the BMP Toolbox. It is not known what basis Winston-Salem staff will use to determine whether a public or private linear transportation project has adhered to DOT's BMP Toolbox or the impact of changes within the BMP Toolbox.

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DATE: March 20, 2013



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