

Stakeholder Advisory Group for fees related to the consolidated Virginia Erosion and Stormwater Management Program

**Meeting Notes
September 29, 2016
DEQ Piedmont Regional Office
10 AM**

Meeting Attendees

The following members of the stakeholder group attended the meeting:

Richard Street; Debra Byrd; Steven Sandy; Michael Polychrones; Chris Pomeroy; Lewis Lawrence; Jillian Sunderland; Bart Thrasher; David Owen (alternate for Mike Toalson); Philip Abraham; Carolyn Howard; and Peggy Sanner.

The following members were not present: Jimmy Edmonds and Larry Land

Welcome and Introductions (Angie Jenkins):

Angie Jenkins, DEQ Policy Director, welcomed the stakeholders to the meeting and discussed some general meeting logistics and stakeholder meeting guidelines. Angie Jenkins will be serving as meeting facilitator for this stakeholder group. Melissa Porterfield took notes for the group. Ms. Jenkins asked for introductions from all stakeholders in attendance as well as members of the public in attendance.

Ms. Jenkins noted that the General Assembly had directed DEQ to conduct an evaluation of fees related to the consolidated Virginia Erosion and Stormwater Management Program (VESMP) to determine if the program can be funded adequately under the current fee structure. The General Assembly directed DEQ to convene a group of stakeholders to review the Department's evaluation and consider the need to establish revised fees to fund the consolidated VESMP.

Localities were requested to provide information concerning their use of fees received under the Virginia Stormwater Management Program and the Virginia Erosion and Sediment Control Programs. Stakeholders were provided with a copy of an excerpt from the bill that directed the Department to form this stakeholder group.

Ms. Jenkins reminded the group that the creation of a stakeholder group is the creation of a public body. All meetings of the group are public meetings. This means that any meeting among 3 or more members of the group where they will be discussing matters within the scope of the group must be noticed as a public meeting. There is a statutory requirement to announce all meetings of the group in advance of meetings. Ms. Jenkins also suggested to the group that any information that group members would like to share with the group should be sent to Melissa Porterfield for her to distribute to the group. The group should not use the "Reply All" function on e-mail as such e-mail correspondence and replies among group members may also constitute a meeting subject to public notice and other requirements.

Presentation of Information

Melanie Davenport (DEQ) provided a brief summary of the history concerning a previous Stakeholder Advisory Group (SAG) formed to examine the consolidation of the stormwater and erosion and sediment control programs. The previous SAG had a funding workgroup that came to the conclusion that it was not the right time to move forward with revising fees at that time since the data available at that time was not representative of how programs would be operating in the future.

Ben Leach (DEQ) presented information concerning the results of the locality survey conducted in response to enactment clause 8 of Chapters 68 and 758 of the 2016 Acts of Assembly. A spreadsheet containing responses received from localities was distributed to the group as well as comments submitted by localities as part of the survey. There was a wide range of answers provided by localities participating in the survey. Only 44% of localities in Virginia responded to the survey.

Valerie Thomson (DEQ) provided an overview of DEQ's stormwater program revenue history for both FY2015 and FY2016. This included information on the number of permits issued as well as the revenues collected for the stormwater program. Expenditure history for the stormwater program for FY2015 and FY2016 was also provided to the group. Revenues received from stormwater program activities do not support the current stormwater program expenses. The number of permits per year varies and influences annual revenues as well as staffing needs.

Group Discussion

Consensus was not reached on any issues at this meeting. The following is a list of ideas and statements made by members of the SAG:

- Is there a way to include current erosion and sediment (E &S) flexibility in the Virginia Erosion and Stormwater Management Program (VESMP) fee schedule?
- Is the program adequately funded?
- Consider interim fees and follow-up later once more data is available on funding
- List "fees not to exceed" a specified threshold in the fee schedule
- Should the current fee schedule be retained and add more categories of fees?
- Is there a way to reward those that are passing inspections routinely? An incentive for those submitting plans that do not require re-reviews and revisions? Consider a per inspection fee (not to include inspections conducted as a result of rainfall)/ or per plan review fee (assess additional fees based on number of reviews performed)
- Some localities assess different fees, some localities have lower fees than others, some localities do not assess fees for E&S permits
- There are regional cost differences experienced by localities based on their geographic location.
- If DEQ is the VESMP authority, as in the case of state and federal reviews or any program, DEQ should have the ability to collect a fee.
- If fees are established for the E&S program at the local level and fees are not sufficient to cover expenses, why would the locality not revise their fees to fix this issue? Some localities have absorbed costs for this program within their budgets.
- Localities provide different levels of service in their programs.
- Do not change E&S fees, keep them the same as currently.

Action Item

DEQ will provide information to the SAG concerning the costs DEQ estimates are incurred for DEQ to issue a stormwater permit. DEQ will attempt to provide estimates of the costs of plan and specification reviews and inspection and other activities DEQ is required to perform, and consider cost for each action based on a particular permit volume. DEQ will provide the assumptions made to calculate these estimates.

Next Stakeholder Meeting

The next meeting of the Stakeholder Advisory Group for fees related to the consolidated Virginia Erosion and Stormwater Management Program is scheduled to begin at 9:30 am on October 31, 2016 at DEQ's Piedmont Regional Office.

Meeting Adjourned

The group took a lunch break from 11:45am to 1:00pm. The meeting was adjourned at 3:00 PM.