

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

**Meeting Notes
October 31, 2016
DEQ Piedmont Regional Office
9:30 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; Chris Swanson (alternate for Bart Thrasher); Mike Toalson; Philip Abraham; Carolyn Howard; Peggy Sanner; Jimmy Edmonds and Larry Land.

Welcome and Introductions

Angie Jenkins, DEQ Policy Director and meeting facilitator, welcomed the stakeholders to the meeting and discussed some general meeting logistics. Ms. Jenkins asked for introductions from all stakeholders in attendance as well as members of the public in attendance.

Presentation of Agency Information

Chris Moore and Fred Cunningham provided the group with a 6 page handout that included information on DEQ's Stormwater Construction General Permit and Erosion and Sediment (E&S) Programs. The handout contained information on revenue and expenditure projections, stormwater program staffing; and a stormwater construction general permit analysis. The stormwater construction general permit analysis included information on current staffing, the functions they perform, and the average time to complete program related activities. Staff explained the assumptions utilized to calculate these estimates. The group discussed the information provided by the agency and asked questions to further understand the information presented.

Group Discussion

After the lunch break, Angie Jenkins reviewed the charge given to the SAG from enactment clause 8 of Chapters 68 and 758 of the 2016 Acts of Assembly. The SAG is charged with evaluating the current fee structure and considering the need to establish revised fees to fund the consolidated Virginia Erosion and Stormwater Management Program (VESMP) and any other issues of concern regarding the VESMP.

The group discussed multiple issues relating to the VESMP program. The following is a list of ideas and statements made by members of the SAG:

- Permit holders should not pay for activities performed for non-permitted sites.
- There should be a charge for resubmission of plans and specifications for re-review by DEQ.
- Maintain stormwater fee table in regulation and maintain the flexibility there now. (allow localities to charge different fees if they receive approval and are operating as a VSMP, DEQ

- would continue to receive the amount listed in the table for their program oversight).
- Maintain local flexibility to set the Erosion and Sediment control fees.
- Look at the stormwater fee table and identify the following:
 - Permit holders not being charged
 - Timing of payment (plan reviews)
 - Needed modest adjustment to fees (maintenance fees and standards and specs.)
- Consider a single stormwater and E&S fee
- Locality to set fee for projects under 1 acre (except in common plan of development)
- Locality to retain flexibility to change fee
- DEQ portion of fee to be a set value
- Look at potential duplication of local and state inspections to potentially reduce costs
- Shift some education/training session focus to permit holders (increase training for private sector)
 - Stormwater compliance for single family sites
 - Stormwater compliance for commercial sites
 - How to document plan
- Land disturbing training is available online- look at expanding the content to address stormwater.
- If a combined stormwater and E&S fee was created, DEQ's fee for role where locality is VSMP would be based on the stormwater fee only, not the E & S fee (use the value listed on the table, do not change the DEQ fee based on the fee the locality adopts)
- Review all fees and categories in current stormwater fee table.

Consensus

Consensus was tested with respect to each recommendation proposed by the group, with the level of interest defined as follows:

3 – Strongly Support

2 – Some reservations, but can live with it and will not oppose it

1 – Serious concerns make it impossible to support and may actively oppose it

Consensus would be achieved so long as all members present indicated a level of interest of “2” or “3”. No consensus would be reached if any one member expressed a level of interest of “1.”

Consensus was reached on the following statements/issues at this meeting:

- No, the consolidated VESMP program cannot be adequately funded under the current fee structure.
- To promote economic growth and enhance water quality, the General Assembly should increase General Fund money dedicated to implementation of the Virginia Erosion and Stormwater Management Act.
- In any future rulemaking regarding fees for the VESMP, there should be a review of where plan review costs are not being charged because there is no permit.

- DEQ should conduct a review of its administration of the program for potential adjustments and efficiencies. (e.g. eliminate local and state redundancies)

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 10 am on November 18, 2016 at DEQ's Central Office located at 629 E. Main Street in downtown Richmond.

Meeting Adjourned

The meeting began at 9:35 am and ended at 2:45pm. The SAG took a lunch break from 11:25am to 12:35pm.