

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

**Meeting Notes
November 18, 2016
DEQ Central Office
629 E. Main Street, Richmond VA
10:00 AM**

Meeting Attendees

The following members of the stakeholder group attended the meeting:

Debra Byrd; Michael Polychrones; Chris Pomeroy; Lewis Lawrence; Jillian Sunderland; Chris Swanson (alternate for Bart Thrasher); David Owen (alternate for Mike Toalson); Philip Abraham; Carolyn Howard; Jimmy Edmonds and Larry Land.

Members not in attendance: Richard Street; Steven Sandy; and Peggy Sanner.

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.

Ms. 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.

Group Discussion

At the October 31st meeting of the SAG, a list of potential proposals for further discussion was identified. The group focused their discussions on the list of previously identified potential proposals and reached consensus on numerous proposals as identified below.

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 recommendations at this meeting:

- DEQ should increase training for the private sector. This training should be funded by fees charged to class participants.
- As part of the upcoming regulatory development process for the VESMP, maintain the stormwater fee table in regulation and maintain the existing flexibility there now. (Allow localities to charge different fees if they receive approval from the State Water Control Board and are operating as a VESMP; DEQ would continue to receive the amount listed in the table for their program oversight).
- As part of the upcoming regulatory development process for the VESMP, maintain local flexibility to set the Erosion and Sediment control fees.
- As part of the upcoming regulatory development process, look at the need to add a fee table in the regulation for when DEQ is a VSMP.
- As part of the upcoming regulatory development process, consider the need for a modest fee increase for the following:
 - ◆ Stormwater construction general permit standards and specifications fee
 - ◆ Stormwater construction general permit issuance fee
 - ◆ Stormwater construction general permit maintenance fee
- As part of the upcoming regulatory development process, consider whether there can be a mechanism to re-adjust stormwater construction general permit fees if permit volume projections turn out to be significantly different than projected over some period of time.
- As part of the upcoming regulatory development process, consider reasonable new fees when DEQ is VSMP or VESMP (and also consider where appropriate for localities) the following new fees:
 - ◆ Resubmission fee for excessive number of resubmittals of a stormwater management plan
 - ◆ Fee for stormwater management plan review (prior to permit issuance)
 - ◆ Other program areas for which there is no fee (*e.g.*, for state and federal projects not covered by annual standards and specification and the cost for review of erosion and sedimentation control plans)
- As part of the upcoming regulatory development process, review the need for a fee for review and administration of annual standards and specifications.
- As part of the upcoming regulatory development process, examine the timing of the payment of fees set out in 9VAC25-870-820.
- As part of the upcoming regulatory process, look at the fees and categories in the table (consolidation of groups/acreage amounts).
- As part of the upcoming regulatory development process, look at the fee for DEQ's administration

of the stormwater construction general permit where the locality is the VESMP and consider expressing the fee in dollars (versus referencing a percentage).

- As part of the upcoming regulatory development process, review underlying cost allocation assumptions in relation to locality VESMP activities and DEQ VESMP activities.

Meeting Adjourned

The meeting began at 10:05 am and ended at 2:00 pm. The SAG took a lunch break from 12:10 pm to 1:10 pm. This meeting was the last scheduled meeting of the SAG.