



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 1105, Richmond, Virginia 23218

www.deq.virginia.gov


Molly Joseph Ward
Secretary of Natural Resources

David K. Paylor
Director

(804) 698-4000
1-800-592-5482

To: The Honorable Terence R. McAuliffe

The Honorable Thomas K. Norment, Jr., Co-Chair, Senate Finance Committee
The Honorable Emmett W. Hanger, Jr., Co-Chair, Senate Finance Committee
The Honorable S. Chris Jones, Chair, House Appropriations Committee
The Honorable Richard H. Stuart, Chair, Senate Agriculture, Conservation and
Natural Resources Committee
The Honorable Danny Marshall, III, Chair, House Agriculture, Chesapeake and
Natural Resources Committee

Cc: The Honorable Tony O. Wilt 

From: David K. Paylor

Date: December 15, 2016

Subject: Report on the Consolidated Virginia Erosion and Stormwater Management
Program Fee Evaluation

I am pleased to provide you with the Report on the Consolidated Virginia Erosion and Stormwater Management Program Fee Evaluation. This report has been prepared in accordance with Enactment Clause 8 of Chapters 68 and 758 of the 2016 Acts of Assembly.

This report is being made available on DEQ's website at
<http://www.deq.virginia.gov/LawsRegulations/ReportstotheGeneralAssembly.aspx>.

If you have any questions concerning this report or if you would like a hard copy of this report, please contact Angie Jenkins, Policy Director, at (804) 698-4268.

**CONSOLIDATED VIRGINIA EROSION AND STORMWATER
MANAGEMENT PROGRAM
Fee Evaluation**

*A Report to the Governor and the Chairmen of the House Appropriations and
Agriculture, Chesapeake and Natural Resources Committees and the Senate
Finance and Agriculture, Conservation and Natural Resources Committees*

Virginia Department of Environmental Quality

December 2016

List of Abbreviations

DCR - Department of Conservation and Recreation

DEQ - Department of Environmental Quality

MS4 - municipal separate storm sewer system

VAMSA - Virginia Municipal Stormwater Association

VESCP - Virginia Erosion and Sediment Control Program

VESMP - Virginia Erosion and Stormwater Management Program

VSMP - Virginia Stormwater Management Program

I. Introduction

This report is prepared by the Department of Environmental Quality (DEQ) pursuant to Enactment Clause 8 of Chapters 68 and 758 of the 2016 Acts of Assembly.

II. Process

Chapters 68 and 758 of the 2016 Acts of Assembly included, in Enactment Clause 8, a directive to DEQ to:

conduct an evaluation of fees related to the consolidated Virginia Erosion and Stormwater Management Program in order to determine whether the program can be funded adequately under the current fee structure. The Department shall conduct its evaluation based on revenues and resource needs from July 1, 2014, to June 30, 2016, and shall complete its assessment by September 1, 2016. Every VSMP authority and VESCP authority shall submit information to the Department by August 1, 2016, concerning its use of the fees that it received under the Virginia Stormwater Management Program and Virginia Erosion and Sediment Control Program between July 1, 2014, and June 30, 2016. The information shall be submitted on a form to be provided by the Department. The Department shall then convene a Stakeholders Advisory Group (SAG) to review the Department's evaluation and consider the need to establish revised fees to fund the consolidated VESMP and any other issues of concern regarding the Virginia Erosion and Stormwater Management Program. The Department shall report the results of its evaluation and the SAG's discussion to the Governor and the chairs of the Senate Finance Committee, the House Appropriations Committee, the Senate Agriculture, Conservation and Natural Resources Committee, and the House Agriculture, Chesapeake and Natural Resources Committee by the first day of the 2017 Regular Session.

In early June 2016 Virginia Erosion and Sediment Control Program (VESCP) and Virginia Stormwater Management Program (VSMP) Authorities were notified by email of the legislative directive to DEQ. The email summarized DEQ's directive to evaluate fees related to the consolidated Virginia Erosion and Stormwater Management Program (VESMP) to determine whether the program can be funded adequately under the current fee structure as well as the legislative requirement for localities to provide this survey information to DEQ by August 1, 2016. The survey was attached to the email and was developed with input from the Virginia Municipal Stormwater Association (VAMSA). DEQ utilized all surveys received in summarizing the information to the Stakeholder Advisory Group.

DEQ posted a notice on Virginia's Regulatory Town Hall on July 29, 2016 seeking interested persons to participate on a representative stakeholder group, known as the "Stakeholder Advisory Group for fees related to the consolidated Virginia Erosion and Stormwater Management Program" (Stakeholder Group). The members of the Stakeholder Group included representatives from local government, an environmental consultant, representatives from trade

groups, representatives from commercial and residential development, and the environmental community. Members of the Stakeholder Group are listed in Attachment A.

The Stakeholder Group met on September 29, October 31, and November 18, 2016 to discuss the funding under the current fee structure and the need and parameters for establishing a revised fee structure to fund the consolidated VESMP.

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.”

It is important to note that when convening a stakeholder group, assuring representation in equal numbers among varying interests can be a challenge. Moreover, it can be difficult for all members of the stakeholder group to attend all meetings of the group. Accordingly, the actual number of people responding in a particular way in a straw poll is less significant than the overall view of whether consensus could be obtained and the concerns expressed about why consensus could not be achieved.

III. Background

Currently, three laws apply to land disturbance associated with construction in Virginia: the Erosion and Sediment Control Law (applies in all localities to sites disturbing 10,000 square feet or more of land); the Chesapeake Bay Preservation Act (applies in localities in Tidewater Virginia to sites disturbing 2,500 square feet or more of land); and the Stormwater Management Act (applies in all localities to sites disturbing 1 acre or more of land).

During its 2012 Session, the General Assembly passed legislation designed to integrate elements of the Erosion and Sediment Control Act, the Stormwater Management Act, and the Chesapeake Bay Preservation Act in an effort to provide for implementation of the programs in a consolidated and consistent manner beginning in July 2014. At the time, oversight of these programs was provided by the Department of Conservation and Recreation (DCR) and implementation of the programs would largely be through local programs and authorities VESCP and VSMP approved by DCR. In 2013, the General Assembly consolidated state water quality programs under the State Water Control Board and DEQ, and oversight of the programs implementing the Erosion and Sediment Control Law, the Stormwater Management Act, and the Chesapeake Bay Preservation Act likewise was transferred to the State Water Control Board and DEQ. Then, in 2014, the General Assembly passed legislation that provided for DEQ to serve as a VSMP authority for any locality that neither opts to establish its own program nor operates a municipal separate storm sewer system (MS4).

Currently, VESCP authorities are authorized by statute to charge applicants a reasonable fee to defray the cost of program administration. Va. Code § 62.1-44.15:54(J). With respect to collection of fees by VSMPs, pursuant to Va. Code § 62.1-44.15:28(A)(5), the State Water Control Board has established by regulation a schedule of fees to cover costs associated with the implementation of a VSMP related to land disturbing activities, with a specific portion of the fee designated to go toward the costs of state oversight of the program. A VSMP authority may reduce or increase such fees, but such changes cannot affect the amount established in the regulation as available for DEQ's oversight responsibilities. Va. Code § 62.1-44.15:28(A)(5).

IV. Virginia Erosion and Stormwater Management Act

During its 2016 Session, the General Assembly passed legislation (HB 1250/ SB 673) that would combine the existing statutory programs relating to soil erosion and stormwater management. *See* 2016 Acts of Assembly Chapters 68 and 758. The legislation requires any locality that operates an MS4 or a VSMP to adopt a VESMP that regulates any land-disturbing activity that disturbs an area of 10,000 square feet or more, or 2,500 square feet or more if in a Chesapeake Bay Preservation Area. A locality that lacks an MS4 and for which the DEQ is currently administering a VSMP is required to (i) adopt such a VESMP, (ii) adopt such a VESMP with DEQ conducting plan review and making recommendations on the compliance of each plan with technical criteria, or (iii) continue to operate a separate VESCP that regulates any land disturbance of 10,000 square feet or more and, in a Chesapeake Bay Preservation Area, regulates stormwater management for a disturbance between 2,500 square feet and an acre. Any eligible locality that chooses the third option is to have a VSMP administered on its behalf by DEQ for any land-disturbing activity that disturbs one acre or more of land, including an activity that disturbs a smaller area but is part of a larger development (common plan of development) that results in a disturbance of one acre or more. The State Water Control Board is directed to adopt regulations to carry out the purposes of the bill, delaying the effective date of the bill until the later of July 1, 2017, or 30 days after the adoption of such regulations.

V. Stakeholder Group Meetings

As directed by Enactment Clause 8 of Chapters 68 and 758 of the 2016 Acts of Assembly, DEQ surveyed local governments regarding revenues and costs associated with their VESCPs and VSMPs. DEQ provided this information to the Stakeholder Group during its first meeting on September 29, 2016. (Attachment B.) DEQ also provided the Stakeholder Group with an overview of DEQ's stormwater program revenue history for FY2015 and FY2016. (Attachment C). At the request of the members of the Stakeholder Group, DEQ provided information regarding DEQ's Stormwater Construction General Permit and Erosion and Sediment Control Program Revenue and Expenditure Projections during the Group's October 31, 2016 meeting. (Attachment D). Meetings notes from the Stakeholder Group meetings are provided in Attachment E.

VI. Stakeholder Group Recommendations

The Stakeholder Group was able to reach consensus on the following:

In response to the directive in Enactment Clause 8 “to determine whether the program can be funded adequately under the current fee structure,” the Stakeholder Group was able to reach consensus on the following language:

- No, the consolidated VESMP program cannot be adequately funded under the current fee structure.

Additionally, the Stakeholder Group was able to reach consensus on the following recommendations:

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

VII. Conclusion

DEQ expects these recommendations to be part of the basis for discussion when it begins to work with stakeholders to develop regulations to implement the Virginia Erosion and Stormwater Management Act. That process is expected to begin in the Spring of 2017.

Attachment A

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

Local Governments

Richard A. Street, Spotsylvania County
Jimmy Edmonds, Loudoun County
Debra Byrd, Goochland County
Steven M. Sandy, Franklin County

Local Government Associations

Larry Land, Virginia Association of Counties
Michael Polychrones, Virginia Municipal League
Chris Pomeroy, Virginia Municipal Stormwater Association, Inc. (*alternate: Lisa Ochsenhirt*)

Planning District Commissions

Lewis L. Lawrence, Middle Peninsula Planning District Commission
Jillian C. Sunderland, Hampton Roads Planning District Commission (*alternate: Whitney Katchmark, HRPDC*)

State Agency

Bart Thrasher, Virginia Department of Transportation (*alternate: Chris Swanson*)

Trade Associations/ Real Estate Development

Mike Toalson, Home Builder Association of Virginia (*alternate: David Owen, Boone Homes*)
Philip F. Abraham, representing Virginia Association for Commercial Real Estate

Consultant

Carolyn A. Howard, Draper Aden Associates

Environmental Group

Peggy Sanner, Chesapeake Bay Foundation

Attachment B

Local Government Stormwater Program Survey Results

Note: The format of the spreadsheets in this attachment differs from the spreadsheet that was distributed to the group. The original spreadsheet was 11 by 17 inches and the data on the spreadsheet has been reformatted for inclusion in this report.

Locality Name	Permits Issued: FY '14-'15			Permits Issued: FY '15-'16			Fee Revenue Collected: FY '14-'15		
	SWM	ESC	Annual Totals	SWM	ESC	Annual Totals	SWM	ESC	Annual Totals
Abingdon, Town of	0	2	2	2	3	5	\$0	\$190	\$190
Alexandria, City of	87	87	174	73	73	146	NA	\$0	\$0
Arlington Co.	279	279	558	365	365	730	\$207,209	\$598,357	\$805,565
Ashland, Town of	8	23	31	13	24	37	\$1,672	\$725	\$2,397
Blacksburg, Town of	68	68	136	80	80	160	\$39,989	\$91,510	\$131,499
Bristol, City of	11	9	20	5	5	10	\$13,590	\$1,900	\$15,490
Charlottesville, City of	8	55	63	3	22	25	\$7,380	\$14,875	\$22,255
Chesapeake, City of	179	749	928	41	689	730	\$414,534	\$191,136	\$605,670
Chesterfield Co.	75	1857	1932	68	2090	2158	\$342,490	\$344,603	\$687,093
Christiansburg, Town of	24	60	84	5	94	99	\$15,708	\$0	\$15,708
Danville, City of	6	6	12	7	7	14	\$17,600	\$987	\$18,587
Dumfries, Town of	0	0	0	0	0	0	\$0	\$0	\$0
Fairfax Co.	402	734	1136	390	635	1025	\$103,488	\$2,627,757	\$18,680,166
Fauquier Co.	19	245	264	21	287	308	NA	NA	NA
Fredericksburg, City of	7	31	38	7	40	47	\$84,194	\$9,300	\$93,494
Hampton, City of	NA	NA	85	NA	NA	55	NA	NA	\$21,926
Hanover Co.	19	59	78	23	47	70	NA	NA	\$272,314
Harrisonburg, City of	1	11	12	12	13	25	\$11,288	\$5,050	\$16,338
Hopewell, City of	29	29	58	10	10	20	\$18,750	\$1,014	\$19,764
Isle of Wight Co.	16	146	162	8	171	179	\$44,314	\$60,860	\$105,174
James City Co.	16	34	50	20	58	78	\$114,504	\$96,126	\$210,630
Montgomery Co.	4	52	56	7	54	61	\$12,600	\$20,300	\$32,900
Norfolk, City of	36	77	113	30	73	103	\$33,035	\$11,935	\$44,970
Petersburg, City of	1	8	9	2	7	9	\$2,448	\$2,550	\$4,998
Poquoson, City of	4	25	29	2	37	39	\$3,268	\$52,319	\$55,587
Portsmouth, City of	23	156	179	5	155	160	NA	NA	\$113,350
Prince William Co.	NA	NA	360	NA	NA	416	NA	NA	\$2,097,976
Radford, City of	0	12	12	0	4	4	\$0	\$300	\$300
Richmond, City of	73	90	163	137	86	223	\$26,000	\$23,000	\$49,000
Roanoke Co.	78	158	236	52	153	205	\$48,776	\$17,880	\$66,656
Salem, City of	0	34	34	3	49	52	\$0	\$1,560	\$1,560
Spotsylvania Co.	20	247	267	40	418	558	\$37,088	\$572,863	\$609,951
Staunton, City of	32	18	50	41	23	64	\$24,500	\$7,750	\$32,250
Suffolk, City of	15	39	54	22	37	59	NA	NA	\$5,984,000
Vienna, Town of	92	92	184	98	98	196	\$19,250	\$9,200	\$28,450
Virginia Beach, City of	401	401	802	171	171	342	NA	NA	NA
Waynesboro, City of	NA	NA	89	NA	NA	NA	\$6,522	\$11,480	\$18,002
Winchester, City of	7	24	31	7	30	37	\$15,876	\$6,437	\$22,313
York Co.	127	145	272	107	134	241	\$37,442	\$27,270	\$64,712

Locality Name	Fee Revenue Collected: FY '15-'16			Total Annual Cost of Programmatic Operations: '14-'15		
	SWM	ESC	Annual Totals	SWM	ESC	Annual Totals
Abingdon, Town of	\$7,500	\$380	\$7,880	\$11,500	\$11,500	\$23,000
Alexandria, City of	\$27,892	\$0	\$27,892	\$562,113	NA	\$562,113
Arlington Co.	\$224,537	\$672,013	\$896,550	\$219,145	\$672,525	\$891,670
Ashland, Town of	\$5,208	\$1,088	\$6,296	\$69,258	\$109,186	\$178,444
Blacksburg, Town of	\$9,787	\$119,735	\$129,522	\$93,827	\$151,754	\$245,581
Bristol, City of	\$8,390	\$1,950	\$10,340	\$8,800	\$6,170	\$14,970
Charlottesville, City of	\$12,420	\$17,625	\$30,045	\$123,041	\$109,040	\$232,081
Chesapeake, City of	NA	\$239,811	\$239,811	\$637,148	\$637,148	\$1,274,296
Chesterfield Co.	\$519,389	\$467,299	\$986,688	NA	NA	\$2,223,453
Christiansburg, Town of	\$27,366	\$0	\$27,366	\$39,690	\$155,350	\$195,040
Danville, City of	\$21,688	\$1,445	\$23,133	\$10,000	\$11,000	\$21,000
Dumfries, Town of	\$0	\$0	\$0	\$16,000	\$2,000	\$18,000
Fairfax Co.	\$100,808	\$17,453	\$20,320,438	NA	NA	\$18,680,166
Fauquier Co.	\$79,923	\$288,613	\$368,536	NA	NA	\$283,381
Fredericksburg, City of	\$29,540	\$12,000	\$41,540	\$94,250	NA	\$94,250
Hampton, City of	NA	NA	\$23,446	NA	NA	\$8,191,972
Hanover Co.	NA	NA	\$288,967	\$323,370	\$317,069	\$640,439
Harrisonburg, City of	\$29,107	\$12,630	\$41,737	NA	NA	\$200,000
Hopewell, City of	\$3,510	\$260	\$3,770	\$277,837	NA	\$277,837
Isle of Wight Co.	\$54,753	\$63,841	\$118,594	NA	NA	\$890,733
James City Co.	\$152,735	\$103,151	\$255,886	\$224,032	\$336,048	\$560,080
Montgomery Co.	\$16,700	\$19,100	\$35,800	\$66,700	\$66,700	\$133,400
Norfolk, City of	\$93,541	\$11,315	\$104,856	\$294,429	\$98,118	\$392,547
Petersburg, City of	\$5,184	\$1,850	\$7,034	\$1,000	\$4,000	\$5,000
Poquoson, City of	\$2,568	\$15,011	\$17,579	\$59,129	\$58,599	\$117,728
Portsmouth, City of	NA	NA	\$92,650	NA	NA	\$2,010,880
Prince William Co.	NA	NA	\$2,186,033	NA	NA	\$2,287,976
Radford, City of	\$0	\$0	\$0	\$3,106	\$0	\$3,106
Richmond, City of	\$50,637	\$22,000	\$72,637	\$0	\$70,369,200	\$70,369,200
Roanoke Co.	\$49,669	\$19,925	\$69,594	\$360,050	\$232,150	\$592,200
Salem, City of	\$6,100	\$2,080	\$8,180	\$75,000	\$50,000	\$125,000
Spotsylvania Co.	\$88,192	\$649,308	\$737,500	\$53,791	\$308,789	\$362,580
Staunton, City of	\$15,500	\$9,500	\$25,000	\$9,995	\$37,759	\$47,754
Suffolk, City of	NA	NA	\$7,223,975	NA	NA	\$4,822,351
Vienna, Town of	\$29,384	\$9,800	\$39,184	\$74,647	\$65,491	\$140,138
Virginia Beach, City of	NA	NA	NA	NA	NA	NA
Waynesboro, City of	\$5,102	\$9,694	\$14,796	NA	NA	\$155,250
Winchester, City of	\$29,338	\$5,809	\$35,146	\$375,000	\$115,000	\$490,000
York Co.	\$71,932	\$30,746	\$102,678	\$626,882	NA	\$626,882

Locality Name	Total Annual Cost of Programmatic Operations: '15-'16			Number of Stormwater and ESC Staff		Do fees cover your current annual expenses?	How much is needed?
	SWM	ESC	Annual Totals	'14- '15	15- '16		
Abingdon, Town of	\$11,500	\$11,500	\$23,000	2	2	No	\$12,500
Alexandria, City of	\$579,498	NA	\$579,498	9.5	9.5	No	NA
Arlington Co.	\$286,411	\$792,427	\$1,078,838	9.75	10.75	No	NA
Ashland, Town of	\$182,138	\$111,691	\$182,138	2	2	No	NA
Blacksburg, Town of	\$151,754	\$91,113	\$242,867	1.8	2.8	No	\$113,000
Bristol, City of	\$5,200	\$5,400	\$10,600	2	2	Yes	
Charlottesville, City of	\$132,329	\$146,982	\$279,311	3	3.4	No	\$249,266
Chesapeake, City of	\$631,981	\$631,981	\$1,263,962	19	22	No	\$1,024,151
Chesterfield Co.	NA	NA	\$2,272,658	29.8	29.8	No	\$1,285,970
Christiansburg, Town of	\$40,190	\$156,350	\$196,540	2.16	2.16	No	\$220,000
Danville, City of	\$10,000	\$13,000	\$23,000	1.5	1	Yes	NA
Dumfries, Town of	\$60,000	\$5,000	\$65,000	0	1	No	No
Fairfax Co.	NA	NA	\$20,320,438	175	175	Yes	
Fauquier Co.	NA	NA	\$418,757	3	6	NA	NA
Fredericksburg, City of	\$94,250	NA	\$94,250	1	1	No	NA
Hampton, City of	NA	NA	\$10,759,288	71	71	No	\$10,735,842
Hanover Co.	\$326,636	\$320,270	\$646,906	7.6	7.6	No	\$357,939
Harrisonburg, City of	NA	NA	\$200,000	3.5	3.2	No	\$150,000
Hopewell, City of	\$277,837	NA	\$277,837	2	0	No	NA
Isle of Wight Co.	NA	NA	\$963,057	10	10	No	\$900,000
James City Co.	\$222,702	\$334,052	\$556,754	9.8	9.8	No	\$325,159
Montgomery Co.	\$68,000	\$68,000	\$136,000	1.25	1.25	No	\$100,200
Norfolk, City of	\$319,396	\$120,668	\$440,064	5.15	5.75	No	NA
Petersburg, City of	\$1,750	\$7,000	\$8,750	1	1.75	No	\$2,000
Poquoson, City of	\$76,346	\$75,660	\$152,006	1.8	2.3	No	\$134,427
Portsmouth, City of	NA	NA	\$1,932,880	45	46	Yes	NA
Prince William Co.	NA	NA	\$2,374,889	17	20	No	\$190,000
Radford, City of	\$13,374	\$800	\$14,174	1	0	Yes	NA
Richmond, City of	\$0	\$1,300,000	\$1,300,000	9	9	No	NA
Roanoke Co.	\$329,613	\$329,613	\$696,864	12.4	12.4	No	\$627,270
Salem, City of	\$75,000	\$50,000	\$125,000	4	4	No	\$100,000
Spotsylvania Co.	\$174,240	\$382,786	\$557,026	7	7	No	\$51,376
Staunton, City of	\$10,022	\$18,374	\$28,396	4	4	No	NA
Suffolk, City of	NA	NA	\$7,223,975	45	45	No	NA
Vienna, Town of	\$74,916	\$66,666	\$141,582	2	3	No	\$102,398
Virginia Beach, City of	NA	NA	NA	44	44	Yes	NA
Waynesboro, City of	NA	NA	\$155,250	3	3	No	NA
Winchester, City of	\$425,000	\$118,000	\$543,000	6.5	8	No	\$500,000
York Co.	\$634,609	NA	\$634,609	9	8	No	\$532,000

Non- MS4 VSMP Authorities									
Locality Name	Permits Issued: FY '14-'15			Permits Issued: FY '15-'16			Fee Revenue Collected: FY '14-'15		
	SWM	ESC	Annual Totals	SWM	ESC	Annual Totals	SWM	ESC	Annual Totals
Bedford Co.	NA	190	190	283	241	524	NA	\$23,520	\$23,520
Buena Vista, City of	0	2	2	1	1	2	\$0	\$50	\$50
Dinwiddie Co.	2	7	9	2	4	6	\$2,700	\$1,995	\$4,695
Franklin Co.	44	53	97	37	78	115	\$17,954	\$12,660	\$30,614
Galax, City of	1	2	3	0	1	1	\$1,269	\$106	\$1,375
Grayson Co.	1	18	18	1	17	18	\$3,888	\$1,308	\$5,196
Goochland Co.	0	174	174	33	87	120	\$0	\$42,125	\$42,125
Greensville Co.	7	4	11	1	1	2	\$15,419	\$180	\$15,599
King George Co.	2	128	130	2	113	115	\$42,843	\$9,450	\$52,293
Norton, City of	1	3	4	0	1	1	\$2,700	\$150	\$2,850
Prince Edward Co.	7	NA	7	5		5	\$8,146	\$1,375	\$9,521
Rockbridge Co.	10	16	26	NA	NA	18	\$24,202	NA	\$24,202
Rockingham Co.	178	324	502	167	306	473	\$96,826	\$117,250	\$214,076
Washington Co.	8	13	21	11	18	29	\$15,914	\$2,475	\$18,389
Wise Co.	2	5	7	3	5	8	\$2,700	\$575	\$3,275

Non- MS4 VSMP Authorities						
Locality Name	Fee Revenue Collected: FY '15-'16			Total Annual Cost of Programmatic Operations: '14-'15		
	SWM	ESC	Annual Totals	SWM	ESC	Annual Totals
Bedford Co.	\$86,661	\$19,009	\$105,670	NA	NA	NA
Buena Vista, City of	\$2,700	\$50	\$2,750	NA	NA	NA
Dinwiddie Co.	\$756	\$900	\$1,656	\$14,444	\$50,556	\$65,000
Franklin Co.	\$24,825	\$10,162	\$34,987	\$90,000	\$65,000	\$155,000
Galax, City of	\$400	\$30	\$430	\$5,200	\$5,200	\$10,400
Grayson Co.	\$1,944	\$780	\$2,724	\$10,580	\$10,580	\$21,160
Goochland Co.	\$35,000	\$39,500	\$74,500	\$123,042	\$72,022	\$195,064
Greensville Co.	\$16,643	\$547	\$17,190	\$3,638	\$0	\$3,638
King George Co.	\$10,018	\$8,325	\$18,343	\$27,640	NA	\$27,640
Norton, City of	\$0	\$50	\$50	\$1,000	\$1,000	\$2,000
Prince Edward Co.	\$19,646	\$1,850	\$21,496	\$8,939	NA	\$8,939
Rockbridge Co.	NA	NA	\$21,798	NA	NA	\$98,979
Rockingham Co.	\$83,447	\$94,450	\$177,897	\$83,264	\$83,264	\$166,528
Washington Co.	\$41,703	\$3,580	\$45,283	\$18,063	\$36,672	\$54,735
Wise Co.	\$7,740	\$150	\$7,890	\$600	\$1,000	\$1,600

Non- MS4 VSMP Authorities							
Locality Name	Total Annual Cost of Programmatic Operations: '15-'16			Number of Stormwater and ESC Staff		Do fees cover your current annual expenses?	How much is neededd?
	SWM	ESC	Annual Totals	'14- '15	15- '16		
Bedford Co.	\$256,342	\$56,270	\$312,612	4	4	No	\$206,493
Buena Vista, City of	NA	NA	NA	0.3	0.3	No	NA
Dinwiddie Co.	\$22,440	\$45,560	\$68,000	1	1	No	NA
Franklin Co.	\$92,000	\$67,000	\$159,000	5	5	No	\$124,000
Galax, City of	\$5,200	\$5,200	\$10,400	1	1	No	\$8,600
Grayson Co.	\$11,148	\$11,148	\$22,296	1	1	No	NA
Goochland Co.	\$190,205	\$93,189	\$283,394	2.5	3	No	\$283,394
Greensville Co.	\$21,369	\$0	\$21,369	3	3	Yes	NA
King George Co.	\$27,640	NA	\$27,640	2	2	No	NA
Norton, City of	\$0	\$50	\$50	1	1	Yes	NA
Prince Edward Co.	\$10,187	NA	\$10,187	1	1	Yes	NA
Rockbridge Co.	NA	NA	\$89,714	1	1	No	\$35,000
Rockingham Co.	\$84,551	\$84,551	\$169,102	2	3	Yes	NA
Washington Co.	\$37,350	\$24,897	\$62,247	1	1.25	No	\$17,000
Wise Co.	\$900	\$1,000	\$1,900	3	3	Yes	NA

Locality Name	Permits Issued: FY '14-'15			Permits Issued: FY '15-'16			Fee Revenue Collected: FY '14-'15		
	SWM	ESC	Annual Totals	SWM	ESC	Annual Totals	SWM	ESC	Annual Totals
Amherst Co.	NA	47	47	NA	55	55	NA	\$5,305	\$5,305
Buckingham Co.	NA	5	5	NA	2	2	NA	\$3,000	\$3,000
Charlotte Co.	NA	5	5	NA	3	3	NA	\$750	\$750
Cumberland Co.	NA	39	39	NA	26	26	NA	\$1,310	\$1,310
Giles Co.	NA	2	2	NA	3	3	NA	\$650	\$650
King William Co.	NA	75	75	NA	118	118	NA	\$28,020	\$28,020
Mecklanburg Co.	NA	NA	NA	NA	NA	NA	NA	\$548	\$548
Nelson Co.	NA	51	51	NA	60	60	NA	\$6,915	\$6,915
Powhatan Co.	NA	184	184	NA	199	199	NA	\$26,902	\$26,902
Surry Co.	NA	6	6	NA	5	5	NA	\$900	\$900
Westmoreland Co.	12	85	97	2	117	119	\$3,480	\$14,650	\$18,130
Wythe Co.	NA	5	5	NA	3	3	NA	\$10,950	\$10,950

Locality Name	Fee Revenue Collected: FY '15-'16			Total Annual Cost of Programmatic Operations: '14-'15		
	SWM	ESC	Annual Totals	SWM	ESC	Annual Totals
Amherst Co.	NA	\$4,120	\$4,120	NA	\$32,516	\$32,516
Buckingham Co.	NA	\$1,050	\$1,050	NA	\$43,498	\$43,498
Charlotte Co.	NA	\$450	\$450	NA	\$5,000	\$5,000
Cumberland Co.	NA	\$2,800	\$2,800	NA	\$34,470	\$44,470
Giles Co.	NA	\$375	\$375	NA	\$1,000	\$1,000
King William Co.	NA	\$30,180	\$30,180	NA	\$15,000	\$15,000
Mecklanburg Co.	NA	\$350	\$350	NA	\$250	\$250
Nelson Co.	NA	\$9,050	\$9,050	NA	\$17,340	\$17,340
Powhatan Co.	NA	\$29,054	\$29,054	NA	\$119,750	\$119,750
Surry Co.	NA	\$750	\$750	NA	\$24,000	\$24,000
Westmoreland Co.	\$580	\$23,750	\$24,330	\$3,452	\$24,454	\$27,906
Wythe Co.	NA	\$230	\$2,300	NA	\$20,000	\$20,000

Locality Name	Total Annual Cost of Programmatic Operations: '15-'16			Number of Stormwater and ESC Staff		Do fees cover your current annual expenses?	How much is neededd?
	SWM	ESC	Annual Totals	'14- '15	15- '16		
Amherst Co.	NA	\$32,516	\$32,516	1	1	No	\$28,000
Buckingham Co.	NA	\$33,362	\$33,362	1	1	No	\$45,000
Charlotte Co.	NA	\$5,000	\$5,000	1	1	No	\$5,000
Cumberland Co.	NA	\$34,470	\$44,470	1	No	No	\$41,670
Giles Co.	NA	\$1,000	\$1,000	1	1	Yes	NA
King William Co.	NA	\$40,000	\$40,000	1	1	Yes	NA
Mecklanburg Co.	NA	\$150	\$150	1	1	Yes	NA
Nelson Co.	NA	\$20,400	\$20,400	2	4	No	\$11,350
Powhatan Co.	NA	\$126,200	\$126,200	2	2	No	\$100,000
Surry Co.	NA	\$24,000	\$24,000	2	2	No	\$24,000
Westmoreland Co.	\$575	\$33,661	\$34,236	0	0	No	\$45,053
Wythe Co.	NA	\$20,000	\$20,000	0	0	No	\$20,000

SWM and ESC Fee Survey

FY '15 - '16

Authorities Respondents Results



Background

The 2016 Virginia General Assembly enacted legislation directing the Department Environmental Quality (DEQ) to evaluate fees related to the consolidated Virginia Erosion and Stormwater Management Program (VESMP) to determine whether the program can be funded adequately under the current fee structure. (HB 1250 / SB 673). As part of this evaluation localities are required to provide DEQ information regarding their stormwater management and erosion & sediment control program operation and fee information.

Respondents Additional Comments, Concerns and Thoughts

Abingdon, Town of

The Town of Abingdon has two full-time staff members who operate the ESC and SWM Program; however, these duties are not the only responsibilities that they have. The operation of ESC and SWM Program requirements make up approximately 1/6 of the duties of both full-time employees. Consideration should also be made that development within the Town has slowed over the past 5 years and collection of fees as well as the time required for Program duties has decreased. The numbers provided are 1/6 of each FTE's salary package. Approximately \$10,000 to \$15,000

Arlington, County of

The insufficient funds are covered by the stormwater sanitary district tax.

Ashland, Town of

The Town uses the equivalent of one full-time inspector and one full-time engineer to run the stormwater and Erosion & Sediment Control programs. Above programmatic costs include benefits and overhead for staff.

Bedford, County of

FY14-FY15 columns only reflect FY14 information. No stormwater permits or funding in FY14 - Effective date of program was 07-01-14 (beginning of FY15) FY-15 & FY 16 information is combined in second columns above.

Buckingham, County of

\$45,000 is a minimum and is considering existing employees taking on extra duties. The start-up of a full or part-time position would require the purchase of a vehicle and other additional costs.

Buena Vista, City of

We are a one stop shop and have very few plans. Some years we have no plans others we may have one or two. We budget .3 FTEs for SW/ES regardless. Fees most likely do not pay for the program. Our E&S fees are too low and need raised.

SWM and ESC Fee Survey

FY '15 - '16

Authorities Respondents Results



Blacksburg, Town of

The programs would need an additional \$113,000 per year to pay for the programmatic operations for this program.

Bristol, City of

The fee of \$290.00 for <1 acre does not cover review and inspection time if a full blown SWM system is required. The actual cost could be as high as \$1,000.00.

Charlottesville, City of

VSMP fees listed above exclude the State's 28%. Operational costs determined by estimating the number of hours each employee contributes to the E&S/SWM Programs and converting that to a percentage of the City's cost to employ each of those staff members. This does not include equipment, vehicles, or other resources required to employ personnel. Total Shortage \$279,311-\$30,045 = \$249,266

Chesapeake, City of

Stormwater Revenue in FY15 was from the DEQ payout for 2014 permits issued. Program costs are approximate and contain salary/benefit information only. Overhead such as vehicles, office space, equipment, etc. was not included. Indirect staff support was also not included (i.e. Accounting, Admin). Permits issued include all Land Disturbing Permits including single family home land disturbing permits. Stormwater Permits for FY15 include those permits issued and reissued by DEQ after July 1, 2014. Additional FTEs are anticipated for future years as there are currently some vacancies in the Inspection Program. Approximately \$1,024,151.

Chesterfield, County of

Chesterfield County does not differentiate costs of Erosion Control and Stormwater programs for either Operations or Personnel. The FTEs involved are in Plans Review (9), Construction Inspections (13), BMP Inspection and Maintenance (6.5) and Department Administration (1.3). E&S permits total include single family building permits (1734 in FY 2015 and 1961 in FY 2016).

Christiansburg, Town of

14-15 Permits issued include VAR10 permit applications submitted to DEQ prior to June 30, 2014 and approved by DEQ as VAR10 permittees. 14-15 Stormwater Fee revenue Collected DO NOT include VAR 10 reissuance fees transmitted by DEQ to the VSMP, equaling the 72% of those fees paid to DEQ. Total annual cost does NOT include any annual depreciation for vehicles. No vehicles were purchased in these two fiscal years. The amount listed as needed to meet expected annual expenses DOES include annual vehicle depreciation plus additional FTE.

SWM and ESC Fee Survey

FY '15 - '16

Authorities Respondents Results



Cumberland, County of

Cost to administer program= 500 miles per month, 7 days per month of inspector time, 3 days per month of administrator time, and annual contribution to PFSWCD who performs review function

Danville, City of

Brian Dunevant remains the combined administrator for the City of Danville E&S and Stormwater programs. Most of the program management is performed by Bryce Simmons (hired June 2015) under the supervision of Mr. Dunevant.

Dinwiddie, County of

We are a rural locality and any development that is done, usually is located within the Enterprise Zone, in which the County does not charge fees.

Fairfax, County of

1) Per the instructions, the values above reflect only the program activities specified. 2) "Total Annual Cost of Programmatic Operations" is based on staff allocations to the programs, The split between VSMP and VESCP has not been tracked; therefore, data is not available. 3) Other VSMP support programs including MS4, BMP maintenance, enforcement, etc. include 145 additional staff/\$48,642,120 program cost in FY15 and 149 additional staff/\$56,032,297 program cost in FY16. When these values are added to the VSMP/VESCP values above, the total program is consistent with the 2014 "Funding and Staffing Plan" submitted to the DEQ at that time.

Fauquier, County of

E&S and SWM budget has been combined

Fredericksburg, City of

Note: FY14-15, Fee Revenue Collected from DEQ \$49,300.00 of this figure.

Grayson, County of

Erosion and Sediment Control/ Stormwater Management budget is a combined budget and equally split between the two programs. Annual fee amount cannot be derisibly met for an area of this size.

Goochland, County of

Staffing levels shifted from FY14-15 to FY15-16 even though number of positions looks the same. FY 14-15 includes an Environmental Planner position to help set up program, in FY15-16 the planner shifted to other responsibilities and a Stormwater Engineer was hired. \$283,394 (currently)

SWM and ESC Fee Survey

FY '15 - '16

Authorities Respondents Results



Greenville, County of

Stormwater Reviews are completed by a third party. County staff reviews all Erosion and Sediment Control submissions.

Hampton, City of

Constructions of single family homes requiring a LD permit have decreased significantly since the ordinance change. SW utility fees are used to supplement the program.

Hanover, County of

FY 14-15 (67) VSMP permit were reissued by DEQ: Hanover County only charges E&S inspection fees this fee covers approximately 80percent of the cost of inspections, the remaining 20 percent is covered by the General Fund; Hanover does not charge the local portion of the VSMP fee. Stormwater cost are primarily engineering plan review and BMP inspection program oversight and do not include other MS4 program cost. All inspection cost are shown under E&S program cost but these inspection cost cover the inspection portion of VSMP. The cost for flood plain, drainage, CBPA compliance reviews are not entirely separable from the plan review cost for SWM. Significant BMP long term maintenance cost are left in the MS4 program and not included in these cost. FY15 would be \$357,939

Harrisonburg

(Stormwater Permits Issued FY '14-'15) Does not include DEQ issued permits. Does not include 11 SF home projects under CPD requirements."(Stormwater Permits Issued FY '15-'16) Does not include 8 SF home projects under CPD requirements." "(Fee Revenue Collected FY '14-'15 & '15-'16) 2400.00 in FY 14-15 for SF/CPD projects (\$1800.00 FY 115-16)." (Total Cost of Programmatic Operations) Average of two analyses; one using FTE/salary data, one based on estimated time per task per employee and average number of projects per year; includes misc. costs. Data not available to separate E&S from SWM. "(How Much is Needed) Based on overall deficiency. City acknowledged at program inception that permit fees would not fund program, and adopted DEQ-recommended fees. \$150,000 +/- (5)"

Hopewell, City of

If not for MS4 responsibilities, City would contract ESC & SWM plan review, construction inspections, and long term O&M inspectionsMS4 responsibilities ESC & SWM is part of the MS4 program costs.

Isle of Wight, County of

Annual Operating Budget is not split between programs; however, total annual budget only includes E&S and SW. Annual Operating Budget to run Erosion and Sediment Control and Stormwater Programs is approximately 1 million dollars.

SWM and ESC Fee Survey

FY '15 - '16

Authorities Respondents Results



James City, County of

Full supporting information is attached in PDF files. Fund deficiencies outlined above include costs which do not go to the locality but go to DEQ for the state portion of VAR10 registrations. Taking out the portions which go to the state then deficiencies are slightly higher FY15-\$361,400.40 and FY16-\$319,012.22. Eleven (11) persons in our division handle the 9.8 FTE needed for the outlined programs. Program costs based on adopted budgets and expenses and salaries from County fiscal years FY15 and FY16. FY15-\$349,450.40; FY16-\$300,868.22.

King George, County of

These numbers may not be 100% accurate. Some projects have been reviewed but have chosen not to move forward or are otherwise incomplete. We will also keep better track knowing DEQ will be requesting this information each year. The amount of time and effort we need to put towards the stormwater program, the program does not allow us the ability to hire additional staff.

King William, County of

King William County is an "opt out" locality for stormwater management, therefore we do not administer the stormwater permits or generate budget/revenue for them.

Nelson, County of

This survey form amount does not include any cost of the 3rd party -Plan Review by the Soil & Water Conservation District or county employee training / certification requirements; that Nelson County provides its 4 FTE (s).

Norfolk, City of

Dollar amounts reflected under Total cost include salary & benefits for employees who implement the VSMP and E&S program components. These estimates do not include other expenses such as equipment, equipment repairs, fuel, etc. This does not include overhead expenses such as computers, office supplies, phones, electricity, etc. Currently these programs are subsidized by the storm water utility and general fund.

Petersburg, City of

Programmatic costs are estimated based on percentage of related duties and FTE salaries. Probably would need to collect another \$2,000 in fees to cover minimal necessary expenses.

Poquoson, City of

Administering the program is difficult for our small locality, as stormwater is only one of the many roles served by the designated employees. Since none of our employees is wholly dedicated to the stormwater program achieving the training and certifications, implementation of the program and the numerous other related duties (i.e. monthly

SWM and ESC Fee Survey

FY '15 - '16

Authorities Respondents Results



reports, surveys, continuing education, etc.) has been burdensome and leaves limited time for completing other unrelated but equally important job duties. The cost of the program for this small city is disproportionately high as well. Administering the program is challenging for our small locality, as stormwater is only one of the many services provided by the designated employees. Since none of our employees is wholly dedicated to the stormwater program achieving the training and certifications, implementation of the program and the numerous other related duties (i.e. monthly reports, surveys, continuing education, etc.) has been burdensome and leaves limited time for completing other unrelated but equally important job duties. The cost of the program for this small city is disproportionately high as well, as we do not enjoy the economy of scale that larger communities have.”

Prince Edward, County of

Currently the Town of Farmville reviews and approves Erosion and Sediment Plans for the Prince Edward County in exchange for the County managing the Program Administration for Stormwater. The Town of Farmville performs all Erosion and Sediment Control Inspections on projects located within the Town limits.

Prince William, County of

It is very difficult to make a direct comparison. Prince William County does not collect separate E&S and SWM fees. In addition, site development plan review and inspection programs incorporate and implement activities beyond E&S and SWM, such as, landscaping, enforcement of proffer conditions, etc. In general, the collected fees appear to be slightly short as compared to the overall program costs for E&S, SWM and VSMP.

Radford, City of

Currently we are using consultants experienced with E&S and Stormwater Management.

Richmond, City of

Programmatic costs are a combined total of E & S and Stormwater together and for salary only. Because the city does not take in very many permits each year, to raise the fees to an amount to cover even one plan review salary would be cost prohibitive.

Roanoke, County of

The total annual cost of programmatic operations does not include any overhead, benefits, equipment, training, or certification costs.

Spotsylvania, County of

Stormwater Actual Cost minus Received (2014-1205) 53,791.49 - 37,088.00 = 16,703.49 (2015 - 2016) 174,240.22 - 88,192.00 = 86,048.22. Our stormwater fees

SWM and ESC Fee Survey

FY '15 - '16

Authorities Respondents Results



collected (line 14) do not match the operations costs (line20). Our erosion control fees have been our regular fee rate for many years with no state standard fee.

Staunton, City of

No additional fees are required; City's Stormwater Utility Fee & General Fund make up the difference.

Suffolk, City of

The City of Suffolk imposes plan review fees and inspection fees based on project size. The fees are lump sum and include not only stormwater related activities, but also activities related to infrastructure improvements such as roadway construction, sidewalk construction, and bridge construction. Under our current fee schedule it is impossible to break out only stormwater related or E&S related revenue from these fees. The City of Suffolk also imposes a stormwater utility fee that is based on impervious area of improved properties. These fees combined support our Erosion and Sediment Control program as well as our Stormwater management program. It is impossible to break out the fees between the two activities. No - Anticipate fees will need to increase to cover planned capital projects and increase in staffing. Amount needed will vary annually based on Capital Improvement plan programming.

Virginia Beach, City of

Virginia Beach issues combined E&S/SWM permits for land disturbance projects. The 401 permits issued for FY 14/15 is from a previous report that does not differentiate by permit type; therefore, this number may include single family permits less than 1 acre. The FTEs are estimates of plan reviewers and inspectors. Data for Fee Revenue Collected and Total Annual Cost of Programmatic Operations are not tracked by the City specifically for SWM/E&S.

Waynesboro, City of

The City did not track the # of VSMP Permits issued during the first year as an authority, I would estimate it to be between 3-5. Our ESC permit totals include single family houses that can cause a significant amount of administrative and inspection related work. Permit totals for FY '16 will be available when the MS-4 Annual Report is sent to VRO.

Westmoreland, County of

A 40% to 50% increase.

Winchester, City of

Approximately \$500,000 per year (this is salary, equipment and consultant costs)

SWM and ESC Fee Survey

FY '15 - '16

Authorities Respondents Results



Wythe, County of

FTEs are across Engineering and Building Official Departments with clerical help being 50/50 expensed across Departments. Fees are dependent upon work activity; expenses (salary, etc.) must be otherwise programed. Required: \$20,000/yr +/- .Approximately \$500,000 per year (this is salary, equipment and consultant costs)

SURVEY RESPONDENT LIST

RECEIVED	NOT RECEIVED
Abingdon, Town of	Albermarle Co. -Contacted
Alexandria, City of	Augusta Co.
Ashland, Town of	Botetourt Co.
Arlington Co.	Bridgewater, Town of
Blacksburg, Town of	Colonial Heights, City of
Bristol, City of	Fairfax, City of
Charlottesville, City of	Falls Church, City of
Chesapeake , City of	Henrico Co.
Chesterfield Co.	Herndon, Town of
Christiansburg, Town of	Leesburg, Town of
Danville, City of	Loudoun Co.
Fairfax Co.	Lynchburg, City of
Fauquier Co.	Manassas, City of
Fredericksburg, City of	Manassas Park, City of
Hampton, City of	Newport News, City of
Hanover Co.	Roanoke, City of
Harrisonburg, City of	Stafford Co.
Hopewell, City of	Vinton, Town of
Isle of Wight Co.	Williamsburg, City of
James City Co.	NON MS4 VSMP's
Montgomery Co.	Accomack Co.
Norfolk, City of	Alleghany Co.
Petersburg, City of	Amelia Co.
Portsmouth, City of	Bluefield, Town of
Poquoson, City of	Bowling Green, Town of
Prince William Co.	Campbell Co.
Radford, City of	Charles City Co.
Richmond, City of	Covington, City of
Roanoke Co.	Craig Co.
Salem, City of	Franklin, City of
Spotsylvania Co.	Frederick Co.
Staunton, City of	Gloucester Co.
Suffolk, City of	Greene Co.

SWM and ESC Fee Survey

FY '15 - '16

Authorities Respondents Results



RECEIVED	NOT RECEIVED
Vienna, Town of	Lexington, City of
Virginia Beach, City of	New Kent Co.
Waynesboro, City of	Occoquan, Town of
Winchester, City of	Page Co.
York Co.	Patrick Co.
NON MS4 VSMP's	Pulaski, Town of
Bedford Co.	Smyth Co.
Buena Vista, City of	South Hill Co.
Dinwiddie Co.	Southampton Co.
Franklin Co.	ESC
Galax, City of	Appomattox Co.
Grayson Co.	Bath Co.
Goochland Co.	Bland Co.
Greensville Co.	Brunswick Co.
King George Co.	Buchanan Co.
Norton, City of	Caroline Co.
Prince Edward Co.	Carroll Co.
Rockbridge Co.	Clarke Co.
Rockingham Co.	Culpeper, Town of
Washington Co.	Dickenson Co.
Wise Co.	Emporia, City of
ESC	Essex Co.
Amherst Co.	Floyd Co.
Buckingham Co.	Fluvanna Co.
Charlotte Co.	Halifax Co.
Cumberland Co.	Henry Co.
Giles Co.	Highland Co.
King William Co.	King and Queen Co.
Mecklanburg Co.	Lancaster Co.
Nelson Co.	Lee Co.
Powhatan Co.	Louisa Co.
Surry Co.	Lunenburg Co.
Westmoreland Co.	Madison Co.
Wythe Co.	Martinsville, City of
	Mathews Co.
	Middlesex Co.
	Northampton Co.
	Northumberland Co.
	Nottoway Co.
	Orange Co.

SWM and ESC Fee Survey

FY '15 - '16

Authorities Respondents Results



RECEIVED	NOT RECEIVED
	Pittsylvania Co.
	Prince George CO.
	Pulaski Co.
	Rappahannock Co.
	Richmond Co.
	Russell Co.
	Scott Co.
	Shenandoah, Town of
	Sussex Co.
	Tazewell Co.
	Warren Co.

Attachment C

DEQ Stormwater Program Revenue History and Projections FY2015 and FY2016

DEQ Stormwater Revenue History and Projections

9/27/16 1:05 PM

For FY 2016 (July 1, 2015 to June 30, 2016)	FY 2015 Scenario				FY 2016 Scenario		FY 2016 Actual	
	New Permits Issued FY 2015	Issued Dollars FY2015	Original Projection Annual Permits	Original Projection Dollars	1500 Permits - (same ratios as FY15 issued)	Estimated Revenue (on these 1500 permits)	New Permits Issued FY 2016	Issued Dollars FY 2016
DEQ Revenue Category								
Public/Private projects where DEQ is currently the VSMP	86	\$292,290	345	\$1,122,792	177	\$601,835	142	\$471,180
State/Federal projects only excluding VDOT	49	\$149,100	113	\$383,860	101	\$307,329	81	\$245,290
VDOT projects only	76	\$48,000	120	\$61,200	156	\$98,526	81	\$47,250
Total new DEQ permits	211	\$489,390	578	\$1,567,852	434	\$1,007,690	304	\$763,720
Public/Private projects where localities are currently the VSMP	519	\$400,218	934	\$849,985	1066	\$822,028	914	\$761,268
Net permit revenue	730	\$889,608	1512	\$2,417,837	1500	\$1,829,718	1218	\$1,524,988
MS4 maintenance fees		\$364,145		\$423,800		\$360,000		\$421,830
Permit maintenance fees (will begin FY16)		\$0		\$405,850		\$353,000		\$207,809
Water Quality Enhancement fees (on nutrient credits)*		\$288,941				\$275,000		\$664,534
Misc: transfers, mods, credit card revenues, interest, etc.		\$18,781				\$20,000		\$47,085
Civil penalties		\$81,250				\$80,000		\$6,863
Total Revenues on Issued Permits excluding Reissues	730	\$1,642,725	1512	\$3,247,487	1500	\$2,917,718	1218	\$2,873,109

Timing differences between Issued Permits and Paid Permits	\$140,552	\$0	\$0	\$111,810
Total Paid Revenue excluding Reissues	\$1,783,277	\$3,247,487	\$2,917,718	\$2,984,919

*Water Quality enhancement fees will likely end in the next 6-18 months.

Attachment D

DEQ's Stormwater Construction General Permit and Erosion and Sediment Control Program
Revenue and Expenditure Projections

DEQ Stormwater Construction General Permit and E&S Programs
 Revenue and Expenditure Projections

Ongoing Annual Revenue

	Permit Projections	Total Revenue Projections
Revenues:		
Permits where DEQ is the VSMP, including Standards and Specs. (100%)	337	\$884,251
Projects where localities are currently the VSMP (28% of revenue to DEQ)	863	\$732,296
Estimated Permit Revenue	1,200	\$1,616,547
Permit maintenance fees		\$300,000
Other Revenues		\$50,000
Total Estimated Ongoing Revenues for the Construction GP Program	1,200	\$1,966,547

Ongoing Annual Expenditures

Expenditures:	
Salaries and Benefits based on current staffing	\$4,307,918
Other Direct Costs	\$479,735
Total Estimated Direct Costs *	<u>\$4,787,653</u>
Sources of Funds:	
General Fund	\$1,200,000
Federal Funds	\$300,000
Ongoing Revenues from the Construction GP Program	\$1,966,547
Total Sources of Funds	<u>\$3,466,547</u>
Estimated Annual Shortfall	(1,321,106)

* Direct costs exclude costs like rent, HR and Finance

DEQ

Stormwater Construction General Permit and E&S Staffing
Full Time Equivalent (FTE) Positions

Stormwater Staffing				
	Region	FTEs	Vacant	Filled FTEs
	NRO	9.00	2.00	7.00
	BRRO	8.00	2.00	6.00
	PRO	8.00	2.00	6.00
	TRO	6.00	1.00	5.00
	VRO	5.00	1.00	4.00
	SWRO	3.00	0.00	3.00
	Total Regions	39.00	8.00	31.00
	Central Office	8.50	0.00	8.50
	Total Managers including 6 Regional Offices and Central Office	7.75	0	7.75
	Total Administrative Support	2.60	0	2.60
	Total Stormwater CGP and E&S Staffing	57.85	8.00	49.85

DEQ
 Stormwater Construction General Permits Analysis
 Assumptions

Assumptions

- A. Permits issued per year 1,200
- B. Number of Active Sites 6,000
- C. Average Hourly Rate includes salary and benefits
- D. One Full Time Equivalent Position equals 1,735 hours per year

Paid Permits per Year by Category			
	1 to <10 acres	10 or greater acres	Total
When DEQ is the VSMP	194	57	251
When a locality is the VSMP	717	146	863
Subtotal before S&S	911	203	1,114
DEQ Annual Standards and Specs.			86
Annual Total Statewide Permits			<u>1,200</u>

DEQ

Stormwater Construction General Permits

Current Staffing by Function and Costs

Current Staffing

<u>Program Function</u>	FTEs	Hourly Rate	Total Hours	Staff Costs
Permit Processing	3.00	48	5,205	\$249,840
SW/E&S Plan Review and Tech. Assistance	10.00	48	17,350	\$832,800
Regional Compliance/Compliance Assistance	22.00	48	38,170	\$1,832,160
Technical Development	3.00	48	5,205	\$249,840
Central Office Formal/Informal Enf.	1.50	48	2,603	\$124,920
Program Management	7.75	65	13,446	\$874,006
Administrative Support	2.60	32	4,511	\$144,352
Vacant Positions	0.00	48	-	\$0
Total Salary and Benefit Costs	49.85		86,490	\$4,307,918

* Excludes direct costs like travel/training and indirect costs like rent, HR and Finance

DEQ
 Stormwater Construction General Permits Analysis
 Average Hours per Activity

When DEQ is the VSMP

Staff Time per Activity

Average Hours per Activity

1 to <10 **10 or greater**
acres **acres**

Permit Processing	4.7	4.7
Plan Review ***	32.0	49.0
Inspection **	24.0	24.0
Technical Development	4.7	4.7
Central Office Formal/Informal Enf.	2.3	2.3
Program Management	12.1	12.1
Total Average Hours per Permit	79.8	96.8

Estimated Direct Salary Costs per Permit *

\$4,033 \$4,849

DEQ Time when Localities are the VSMP

Staff Time per Activity

Average Hours per Activity

1 to <10 **10 or greater**
acres **acres**

Permit Processing	4.7	4.7
Plan Review ***	-	-
Inspection **	24.0	24.0
Technical Development	4.7	4.7
Formal/Informal Enforcement	2.3	2.3
Program Management	12.1	12.1
Total Average Hours per Permit	47.8	47.8

Estimated Direct Salary Costs per Permit *

\$2,497 \$2,497

* Excludes direct costs like travel/training and indirect costs like rent, HR and Finance

** Inspections exclude time assisting with Enforcement, Compliance Assistance to localities, Compliance Assistance to permittees, Pollution Response for sites that are no longer permitted, and assistance with training

*** Plan Review excludes E&S reviews

DEQ

Stormwater Construction General Permits Analysis
Comparison of Hours

<u>Total Hours by Function</u>	<u>Total Hours</u>
Permit Processing	5,205
SW/E&S Plan Review and Tech. Assistance	17,350
Regional Compliance/Compliance Assistance	38,170
Technical Development	5,205
Central Office Formal/Informal Enf.	2,603
Program Management	13,446
Administrative Support	4,511
Total	<u>86,490</u>

<u>Total Hours by Permit Activity</u>	<u>Estimated Hours</u>
Permit Processing	5,205
Plan Review ***	9,001
Inspection **	26,736
Technical Development	5,205
Formal/Informal Enforcement	2,603
Program Management	13,446
Total Estimated Hours	<u>62,196</u>

<u>Comparison of Hours</u>	<u>Total Hours</u>
Permit Processing	-
Plan Review ***	8,349
Inspection **	11,434
Technical Development	-
Formal/Informal Enforcement	-
Program Management	-
Administrative Support	4,511
Total	<u>24,294</u>

** Inspections exclude time assisting with Enforcement, Compliance Assistance to localities, Compliance Assistance to permittees, Pollution Response for sites that are no longer permitted, and assistance with training

*** Plan Review excludes E&S reviews

Attachment E

Meeting notes -Stakeholder Group for fees related to the consolidated Virginia Erosion and Stormwater Management Program

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.

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.

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.