

Meeting Minutes
Wednesday, August 7, 2013

Stormwater Local Government Advisory Committee
DEQ Piedmont Regional Office
4949-A Cox Road, Glen Allen, VA

Committee Members Present: Bill Johnston, Allyson Sappington, Steve Hubble, Erin Hawkins, Jacob Dorman, Jenny Tribo, Norm Goulet, Keith White, Joe Wilder, Bruce McGranahan, Larry Land, Dan Rublee, Joe Lerch, Barbara Brumbaugh, Sam Johnson.

Committee Members Absent: Wayne Strickland, Debbie Byrd, Chris Pomeroy, Todd Flippen, Danielle Bishop, Brian Daniel.

Other Attendees: Ginny Snead, Joan Salvati, Gerry Seeley, John McCutcheon, Shawn Smith, Erin Ervin Belt, Liz Schassele, Lee Hill, Jenny Johnson, Chris French, Jeff Perry, Adrienne Kotula, Jackie Rickards, Carolyn Howard, Joe Battiatia, Leslie Middleton, Julie Morris, John Fowler, Chip England, Drew Hammond, Bob Crawford, Kevin Vaughn, Gary Graham.

Meeting convened: 10:04 a.m.

Adjourned: 12:30 p.m.

1. The attendees were welcomed, they introduced themselves, and the meeting agenda was reviewed.
2. Updates Presented on Relevant DEQ Activities and Regulatory Actions (Ginny Snead).
 - a. Local Program Request for Proposal (RFP) Update: Second RFP was published in June, applications were due in July, and the 1, 905,000 applications received are being evaluated. Expect to award contracts in August '13.
 - b. Stormwater Local Assistance Loan Program: The proposed guidelines have been published for public comment. (Status, documents, and comments are available on the Virginia Regulatory Town Hall; and future notices will be sent by email to those who have signed up on the Town Hall for State Water Control Board (SWCB) notices.) The public comment period ends September 19. A public meeting will be held on August 14. The guidelines will be presented to the SWCB at the September 30-October 1 meeting. If all goes as planned, the deadline for applications will be November 15 and the funding list will be developed in December. \$35,000,000 in funding will be available.

- c. MS4 Regulatory Update: The general permit regulation became effective on July 1. Permit coverage letters have been issued. The Arlington Phase I MS4 permit went final and was effective at the end of June.
 - d. Chesapeake Bay TMDL Action Plan Guidance Update: First meeting of the committee is Thursday, August 15th.
 - e. Nutrient Trading Regulatory Advisory Panel (RAP) Update: RAP Discussions continue. Next meeting is August 22nd.
 - f. Handbook Update: Ready to be published for public comment for 30 days. If you have not signed up for notices from the Virginia Regulatory Town Hall for the DEQ SWCB, please do so.
 - g. Construction General Permit Update: Comments are in. EPA's comments reflected general concerns. The most significant concern was regarding handling of TMDL waters and not the effluent guidelines.
3. Training Update: (Kevin Vaughan).
- a. DEQ Office of Training Services (OTS) staffing: Team has increased from 4 to 9. OTS anticipates having 2 teams of trainers for new Stormwater Management (SWM) training.
 - b. Scheduling 12 basics courses with facilities right now. OTS anticipates running SWM Basic classes starting in October, 2013. DEQ hopes to announce dates/locations via email and website during the week of September 9, 2013.
 - c. Also scheduling 14 Inspector courses. Content is still being designed. OTS anticipates running SWM Inspector classes starting in January, 2014.
 - d. Plan Review course is still being designed. OTS anticipates running SWM Plan Review classes starting in March, 2014.
 - e. In addition to design and delivery of SWM classes, OTS is also redesigning the Erosion & Sediment Control courses to make them more user-centric and align the content closer with new SWM regulations.
 - f. Modernization initiatives already implemented include on-line course enrollment, and online credit card payments.
 - g. Another modernization initiative still in the planning process is changing the way people recertify for both ESC and SWM. Currently, people have to take a test every three years. OTS staff are exploring the possibility of people being able to recertify by meeting continuing education requirements. OTS is exploring models like the PE certification that requires 16 contact hours during each renewal cycle. More information about this initiative will be discussed at future meetings.
 - h. Another modernization initiative in process is changing the way exams are managed. DEQ is looking to model the SWM and the ESC examinations after the wastewater program, where a professional company is hired to do the testing. DEQ anticipates releasing the RFP for examination services in August and hope to have a vendor in place by November. One of the primary benefits of having a professional company manage the examination services will be that users will be

able to schedule their exam directly with the company without having to wait for an exam to be scheduled.

- i. OTS anticipates that exams will be ready for people to take by March, 2014 and will cost between \$100-\$250. Questions:
 - i. Q: A \$100 fee is a lot of money. Is there going to be a price break for more than one course/test? A: No, but the courses are free this first year.
 - ii. Q: Do county administrators need to be certified? A: The regulation could be interpreted either way. Those actually doing plan reviews will need the review course. *[Post-meeting clarification – the regulations do not specifically state that localities need a certified SWM administrator, but DEQ is required to offer the SWM exam. DEQ highly recommends that localities to have certified SWM Administrators, but the regulations do not specifically require it.]*
 - iii. Q: What do counties do for employees that need certification in the next few months? A: Proceed using the current certification requirements. Once you enroll in a course, you are provisionally certified for 12 months.
 - iv. Q: Is the completion of recent courses getting entered in the Knowledge Center. A: Yes, but previous training history is not going to be uploaded.
4. e-Permitting Update (Gerry Seeley):
- a. As of July 1, 2013, the stormwater permitting program (including e-Permitting) was transferred to DEQ.
 - b. The contract with the website developer ends on August 31st of this year. The DEQ will evaluate the e-Permitting product at the end of the contract period and make modifications as necessary to integrate it into their Comprehensive Environmental Data System (CEDs).
 - c. With less than a full year to go, there has been a strategic decision made to reduce the project scope to assure that the essential elements are completed on time, including:
 - i. Submission and processing of registration applications.
 - ii. The capability to modify, transfer, and terminate permits.
 - iii. Administrative functions, e.g. the capability to add additional personnel to the system as Program Administrators and Plan Reviewers.
 - iv. A public access interface.
 - v. On-line payment of state fees. (Localities will continue to collect local fees on their own.)
 - d. The initial version will not include construction compliance inspection or post-construction BMP performance tracking. This may be added later.
 - e. The System should go live before the July 1, 2014 deadline so that permit applications for current active projects can be done, probably sometime between January and April.
 - f. There should be training on the system offered on-line.
 - g. e-Permitting questions:

- i. Q: Will e-Permitting substitute for the required Annual Report? A: This has not been determined yet but if not, there should be a capability to get information out of the system for the Annual Report.
 - ii. Q: Is there a commitment that the system will be operational by July 1? A: Yes.
 - iii. Q: If there are local computer outages, will localities be able to process permits through an alternative means? A: No. System outages would only be temporary.
 - iv. Q: The permit 90-days prior to land disturbance requirement is currently enforced according to local requirements. Will that change? A: Do business as usual; the requirement that is in regulation is that general permit coverage should be sought 90 days prior to land disturbance.
 - v. What happens to plans in some intermediate phase of approval on July 1? A: If it is going to be close to the deadline, conform to the new requirements.
- h. Migration of the current database is in progress. Database questions:
- i. Q: Much of the information on the current database is inaccurate or missing, particularly the facility location information. Will the current database be fixed or scrapped? A: It is still DEQ's intention to use the information in the current database. This is the data that has been reported by permittees. Over time, and with the request for permit fees for coverage under the new general permit and for ongoing maintenance fees, terminations will clean up the information in the database. Localities will be responsible for information concerning the facilities in their area. DEQ is currently also cleaning up some information in the database.
 - ii. Q: What do localities do about projects that currently do not have permit coverage? A: Those facilities requiring coverage will need to get permit coverage. DEQ can help by generating a list of permits for localities out of the current database. DEQ will inform localities by email when the migration is complete and lists can be generated. Contact Holly Sepety or Drew Hammond at DEQ for lists. DEQ is going to evaluate the best course of action and will let the committee and localities know the process to follow.
 - iii. Q: Is DEQ going to make any effort prior to July 1 to fix permit compliance issues? A: No decision has been made; this will be part of ongoing discussions between DEQ and localities.
 - iv. Q: There is concern about the schedule prior to July 1 because local boards have to approve local fees to support staffing by October-November to submit to DEQ by December 15th. A: Local ordinances, final plans, and fees need to be final by April 15th, 2014, but localities must tell DEQ what is being submitted by December 15th. This December date is just for the preliminary plans and they can be changed prior to April.

- v. Q: If there are projects nearing completion by July 1, is there some level of completion that will mean that the facility does not need a permit under the new system? A: No, if the project is not complete by July 1st, it will need a permit under the new system; this is a federal requirement.
- vi. Q: What is the new fee schedule based on? A: Land disturbance acreage.
- vii. Q: Localities will need funds for inspection and enforcement. Are localities going to get any of the money from state fees? A: This will be part of ongoing discussions between DEQ and localities.
- viii. Q: On July 1st, is the acreage for fees going to be based upon what the original land disturbance acreage was or what the uncompleted acreage is? A: This will be part of ongoing discussions between DEQ and localities.

5. Local Program Development Update (Joan Salvati)

- a. Two tools for use by DEQ in the review final local VSMP programs have been finalized and will be made available to localities later this month. DEQ central office staff will begin training the regional office staff on the use of these tools on August 15th. DEQ regional office staff will then work with localities to help with the development of their VSMP programs. The goal is to have local programs that are deemed consistent with the VSMP regulations by December 15, 2013.

6. Other Issues:

- a. Guidance: Development ongoing.
- b. Procedures: Development ongoing.

7. Next Meeting: October 2013.