



MS4 Stakeholder Group

Carrie Gudorf

Representative for: Mesa County

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Email: carrie.gudorf@mesacounty.us

Each number (from 1-5) next to a question denotes that person's level of agreement with that question. One denoted that they strongly disagreed and choosing five denoted they strongly agreed with the question. If there was no number, the person did not answer that question.

Did you attend the MS4 workgroup meetings?: Yes

FEE PROPOSAL SCENARIOS

	With New Services	Without New Services	Cat./ Sub-cat.	Cat/Sub-Cat Description	No. of Entities	Scenario 1		Scenario 2		Scenario 3		Current cat/ subcat	Current fee
						incl. new services	no new services	incl. new services	no new services	incl. new services	no new services		
Scenario 1:	1	1	06-01	Individual permits	5	\$19,106	\$14,083	\$19,000	\$14,000	\$13,750	\$8,500	23	\$4,360-\$10,580
Scenario 2:	1	1	06-02	General permit <10,000 population	46	\$704	\$503	\$700	\$500	\$530	\$355	07-23	\$355
Scenario 3:	2	2	06-03	General permit >= 10,000 and <50,000 population	44	\$1,508	\$1,106	\$1,500	\$1,100	\$1,160	\$810	07-22	\$810
			06-04	General permit >= 50,000 and <100,000 population	14	\$3,620	\$2,716	\$3,600	\$2,700	\$2,800	\$2,020	07-21	\$2,020
			06-05	General permit >= 100,000 population	8	\$7,341	\$5,432	\$7,300	\$5,400	\$5,700	\$4,050	07-20	\$4,050

Scenario Comments:

Mesa County does not support new fees. Currently Western Colorado is still recovering from the economic recession, and putting the increased fees on smaller communities that have not recovered from the recession, puts us in a financially difficult position. It should be the responsibility of the division to live within the allocated general funds.

DISCHARGE PERMIT APPLICATIONS, APPLICATION SUPPLEMENTS AND PERMIT MODIFICATIONS

Applications and supplementals: fee is 50 percent of the annual fee for new permitted entitie 3

Permit modifications: fee of 25 percent for minor amendments and 50 percent for major amendments. 3

Discharge Permit Comments:

A LA CARTE

Compliance assistance: 3

Administrative Action: 3

Low complexity service: 3

Medium/low complexity service: 3

Medium complexity service: 3

High to very high complexity service: 3

Service Type	Application Fee	Example Actions
Compliance assistance	no fee	Compliance assistance inspection or audit, upon request
Administrative action	\$80	Permit transfer
Low complexity service	\$600	Not anticipated at this time for MS4.
Medium/low complexity service	\$1,100	Not anticipated at this time for MS4.
Medium complexity service	\$3,800	Not anticipated at this time for MS4.
High to very high complexity service	\$3,800 submitted with application, additional - see hourly rates above	Not anticipated at this time for MS4.

A la carte Comments:

It is currently the duty and responsibility of the division to support compliance assistance, and this should not be an additional fee for a service that should already be completed by the division. Mesa County does not support an new fees that are proposed.

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WORK GROUP RECOMMENDATIONS

- 1. Promote and expand qualifying local program (QLP) to include compliance as part of new services scenarios. 1
- 2. Fee associated with conversions in the event of a withdrawal. 3
- 3. Do not accrue fund balances to a level that puts general fund at risk. 1

Recommendation Comments

Compliance assistance should already be covered as part of the current services.

POLICY CONSIDERATIONS FOR OVERALL SUCCESS

In developing concepts for a fee structure, stakeholders identified the need to strike a balance between certainty and flexibility. A more certain structure, for example, one with dollars in statute has trades offs in the ability to evolve services and spend additional time on complex issues. A more flexible system can result in a higher rate of change in fee amounts. Accountability was also an important concept expressed by stakeholders.

- 1. Certainty: 1
- 2. Flexibility: 5
- 3. Accountability: 4
- 4. Rationale for setting fees: 2
- 5. Subsidies for permit holders: 3
- 6. What do you think is an appropriate frequency to review fees and fee structure? (Select one): 5 Years

If selected Other, please explain:

7. What do you think is the best manner to adjust for inflation?: We need to live within our means, Mesa County has had to make cut back, and at this time, because the economy has not recovered on the western portion of the state, it should be the responsibility of the CDPHE to find efficiencies, and live within their means.

Statute v. Commission

There are a number of considerations when assessing the roles of the Water Quality Control Commission and statutory authority. A different solution may be appropriate for each sector.

- 1. Fees established by the Water Quality Control Commission. 1
- 2. Fees established in statute with a statutory cap and periodic adjustment made as necessary by the Water Quality Control Commission. 1
- 3. A la carte services and fees established and managed by the Water Quality Control Commission. 1
- 4. A la carte services and fees established in statute. 5
- 5. Fee formulas in statute. 4
- 6. Fees in statute with an inflation clause. 2
- 7. Fees in statute without an adjustment for inflation (current model). 5

Fee Comments

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General Fund

There are different schools of thought for how general fund should be distributed in the Clean Water Program that range from no general fund to completely funded with general fund dollars.

- 1. The division has the discretion to spend as needed. 2
- 2. The only permit holders to receive general fund are those which involve governmental entities such as public utilities, local governments, or state agencies (e.g. Colorado Department of Transportation). 4
- 3. All permit holders receive some general funds but it should largely go to governmental entities. 4
- 4. All permit holders receive equal distribution based on a percentage. 3
- 5. All permit holders receive a percentage based on the department's discretion and other to be determined factors. 1
- 6. No permit holder general fund as it should be a completely cash funded program. 1
- 7. Only small public and private entities receive general fund. 1
- 8. Allocate general fund to program areas or permit activities with small numbers of permittees to keep fees reasonable. 2

General Fund Comments

Final Ratings

- 1. Small workgroup meetings were helpful in increasing my understanding of sector specific fees and having dialogue about how to improve the fee structure for the specific group. 4
- 2. Large group meetings were helpful in understanding the department's position and providing an avenue for large group discussion on cross cutting topics of interest. 4
- 3. Meeting materials increased my overall level of understanding about the history of Clean Water Program fees and their history, overall department and division funding and how the division manages clean water program permitted activities. 4
- 4. Facilitation was effective and objective. 2
- 5. This process was successful at creating a trusting, open atmosphere to discuss issues of interest. 2
- 6. This process was helpful in building professional relationships with peers that I did not have before this process. 4

Final Comments

Pam Acree

Representative for: City of Northglenn (Individual)

Phone: 303-450-8792

Email: pacre@northglenn.org

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Did you attend the MS4 workgroup meetings?: Yes

FEE PROPOSAL SCENARIOS

	With New Services	Without New Services	Cat./ Sub-cat.	Cat/Sub-Cat Description	No. of Entities	Scenario 1		Scenario 2		Scenario 3		Current cat/ subcat	Current fee
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Scenario Comments:

At this time, it is difficult to provide meaningful feedback on the three MS4 fee scenarios as they do not provide information sufficient to demonstrate Division funding shortfalls, what is included as a new service or how these proposed fee increases will make the Division whole. At the beginning of the workgroup process, it was communicated that the stakeholders would be provided information on the Divisions current deliverables and specific permit program and staffing issues to justify proposed increases/modifications. After several stakeholder meetings, and with Division staff in the meeting providing explanations, stakeholders were unable to make the fee increases and the budget numbers add up to the provided handouts. At multiple times during these workgroup sessions, starting with the initial meeting, numerous stakeholders asked for relevant and critical Division financial information (see workgroup and CSC notes) and received limited information.

After several stakeholder meetings, permittees understand from the Division's staff that the Division does not track the information in a way to show: 1) how the funds are spent, and 2) where the specific gaps are noted at the level requested. It would be beneficial moving forward to attempt to track sufficient information to provide explanation of how resources are utilized.

The proposed structure for general and individual permits rationale is reasonable and makes sense. However, there is no explanation or justification for why Phase I permit fees are double the cost of Phase II fees for similar populated entities. Since the permit conditions for Phase I and Phase II permit holders are nearly identical, the fee difference needs to be justified. Transparency and accountability require major improvement moving forward. Without those key partnering attributes, increased permit fees for no additional services are difficult to support.

DISCHARGE PERMIT APPLICATIONS, APPLICATION SUPPLEMENTS AND PERMIT MODIFICATIONS

Applications and supplementals: fee is 50 percent of the annual fee for new permitted entitie 2

Permit modifications: fee of 25 percent for minor amendments and 50 percent for major amendments. 1

Discharge Permit Comments:

It is not clear what constitutes a major or minor amendment. Review time should be minimal for changes to stormwater permits. The proposed 25% to 50% charges seem high.

A LA CARTE

Pam Acre

Representative for: City of Northglenn (Individual)

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- Compliance assistance: 4
- Administrative Action: 4
- Low complexity service: 3
- Medium/low complexity service: 3
- Medium complexity service: 3
- High to very high complexity service: 3

Service Type	Application Fee	Example Actions
Compliance assistance	no fee	Compliance assistance inspection or audit, upon request
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A la carte Comments:

The "a la carte" service is a good collaborative effort to come up with a solution to some of the minor stated Division finance issues. This would allow for existing MS4s that do not want or require additional services to not elect the "a la carte" option. In addition, new or struggling MS4s can take advantage of the compliance assistance option. However, if they are new or struggling, they may not have appropriate funds available to take advantage of this option as it appears that the charges proposed are a high percentage of the regular permit fee. Other than the permit auditing by the Division, these are all new deliverables for the MS4 group and should have appropriate budgeting and staffing to be successful.

As long as the last four items in the table do not apply to MS4, no comment. If they are to be implemented, the level of agreement would be 'Strongly Disagree'. The charges proposed are a high percentage of the regular permit fee, and the extent of the "service" has not been identified.

Without information related to overall budgeting and FTE's, stakeholders are not sure of the true fiscal requirements of this program.

WORK GROUP RECOMMENDATIONS

- 1. Promote and expand qualifying local program (QLP) to include compliance as part of new services scenarios. 5
- 2. Fee associated with conversions in the event of a withdrawal. 4
- 3. Do not accrue fund balances to a level that puts general fund at risk. 5

Recommendation Comments

The qualifying local program (QLP) is a valuable asset to the Division. If workload is the major issue and the major justification for the Division to propose increasing fees, then the QLP needs to be promoted, encouraged and expanded to refocus the Construction Program workload to the MS4s who are responsible for operations and local water quality programs. This single change will return a significant amount of funding and staff to the Division's budget for potential reassignment. Without knowing the actual budget numbers we cannot accurately describe the projected costs or savings by adopting this recommendation.

POLICY CONSIDERATIONS FOR OVERALL SUCCESS

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- 1. Certainty: 2
- 2. Flexibility: 5
- 3. Accountability: 1
- 4. Rationale for setting fees: 3
- 5. Subsidies for permit holders: 4
- 6. What do you think is an appropriate frequency to review fees and fee structure? (Select one): 3 Years

If selected Other, please explain:

7. What do you think is the best manner to adjust for inflation?: All government entities have to account for these financial externalities. Inflation should be accounted for and built into annual budgets, similar to any government agency. The answer is certainly not to raise fees (reactively covering the cost of inflation) annually on local governments and districts that have to deal with those same external budgetary factors.

Statute v. Commission

There are a number of considerations when assessing the roles of the Water Quality Control Commission and statutory authority. A different solution may be appropriate for each sector.

- 1. Fees established by the Water Quality Control Commission. 1
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- 5. Fee formulas in statute. 4
- 6. Fees in statute with an inflation clause. 4
- 7. Fees in statute without an adjustment for inflation (current model). 5

Fee Comments

It was strongly vocalized during the stakeholder meeting process that fees should be established in statute. Evidence projects shortfalls that are significantly greater than past deficits. It is recommended that fees should be set in statute with a sunset provision that are re-evaluated in 3-5 years. A vast majority of local government and district representatives strongly support this outcome.

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7. Only small public and private entities receive general fund. 1
8. Allocate general fund to program areas or permit activities with small numbers of permits to keep fees reasonable. 2

General Fund Comments

General fund money should be available to spend at the Divisions discretion to cover unfunded program areas, buffer the fluctuations in permit numbers, or temporary, high-resource projects. However, it should NOT be used to grow existing Division programs or staffing once fees adequately cover these activities.

Final Ratings

1. Small workgroup meetings were helpful in increasing my understanding of sector specific fees and having dialogue about how to improve the fee structure for the specific group. 4
2. Large group meetings were helpful in understanding the department's position and providing an avenue for large group discussion on cross cutting topics of interest. 4
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Final Comments

The stakeholders appreciate the opportunity to have all parties meet and discuss the future of the MS4 program. Due to the tight schedule, the homework and other materials distributed before each meeting were valuable tools to help stakeholders understand the process and proposals from the Division. Nathan Moore's analysis and presentations at small group meetings were helpful. His efforts were especially appreciated.

However, the structure of the stakeholder process did not stimulate a collaborative environment. The initial meetings included questions focused on "what would you like the Division to do for you?" This did not promote productivity in stakeholders that were looking for answers from the Division on what the Division was currently doing.

Additionally, the process did not endorse a truly trusting, and open atmosphere. The stakeholders impression of the process is that it lacked the financial transparency and accountability to allow for all parties to make sound decisions. The condensed schedule led to rushed reviews and meetings/subjects that were concluded before consensus on subject matter could build. The Division was aware that the stakeholder process must occur back in February. Waiting until June to begin the process and initially only proposing a 90 day schedule did not make the process as constructive as it could, or should

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have been. There are still questions that remain unanswered and stakeholders look forward to additional discussion.

Wanda DeVargas

Representative for: City of Greenwood Village (Individual)

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Did you attend the MS4 workgroup meetings?: Yes

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Scenario Comments:

1. Thank you for retaining the current structure of the general permit classifications based on population. The proposed structure for general and individual permits rationale is reasonable and makes sense.
2. Although this does not affect our Local Agency, can the division provide justification as to why the Phase I permit fees are double the cost of Phase II fees (in some cases, the permit conditions for Phase I and Phase II permit holders are similar).
3. For our particular local agency, looking at the Scenarios for Cat/subcategory 06-03, it appears that the fee difference (regardless of new or no new services) is minimal amongst the Scenarios. For example, Scenario 1 and Scenario 2 (with new services) is a difference in \$8. For Scenario 1 and 2 (without new services) the difference is \$6. These are quite minimal. Providing meaningful feedback on the three MS4 fee scenarios is challenging as these scenarios do not provide information sufficient to demonstrate Division funding shortfalls, what is included as a new service or how these proposed fee increases will make the Division whole. Can the scenarios further outline what are the pros/cons for each scenario for the permittee? For the Division? At the beginning of the workgroup process, it was communicated that the stakeholders would be provided information on the Divisions current deliverables and specific permit program and staffing issues to justify proposed increases/modifications. After several stakeholder meetings, and with Division staff in the meeting providing explanations, stakeholders were unable to make the fee increases and the budget numbers add up to the material distributed. During these workgroup sessions, starting with the initial meeting, numerous stakeholders asked for relevant and critical Division financial information (see workgroup and CSC notes) and received limited information. Moving forward with the stakeholder process, perhaps it is beneficial to track how resources are utilized, how the funds are spent, and where the specific gaps are noted at the level requested.

DISCHARGE PERMIT APPLICATIONS, APPLICATION SUPPLEMENTS AND PERMIT MODIFICATIONS

Applications and supplementals: fee is 50 percent of the annual fee for new permitted entitie 3

Permit modifications: fee of 25 percent for minor amendments and 50 percent for major amendments. 3

Discharge Permit Comments:

Comments to permit modifications: Please provide clarity on what constitutes a "major or minor" amendment to the permit. For example, should a local agency submit a minor permit revision to the education and outreach program such that "it is better to target a specific audience via a newsletter article rather than a brochure as brochures were found to be ineffective," is it fair to charge 25% of a permit fee to revise this program area? At times, review time should be minimal for changes to stormwater permits. The proposed 25% and 50% charges seem substantial. Perhaps minimal changes can be addressed on a hourly basis and not a % of an annual permit fee.

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- 2. Flexibility: 1
- 3. Accountability: 2
- 4. Rationale for setting fees: 3
- 5. Subsidies for permit holders: 5
- 6. What do you think is an appropriate frequency to review fees and fee structure? (Select one): 5 Years

If selected Other, please explain: Throughout this process, the WQCD struggled with justification of changing the current structure to the modified structure.

One suggestion would be for a formal public stakeholder process to be conducted every 5 years concurrent with the permit term so the Division can justify the need for additional fees or a change in structure. To prepare for such stakeholder process, the Division should (in the interim years and on an annual basis), internally account budgets, staff time, etc., through checks and balances in order to have this type of information readily available in the time of revenue-need reviews.

7. What do you think is the best manner to adjust for inflation?: All government entities have to account for these financial externalities. Inflation should be accounted for and built into annual budgets, similar to any government agency. The answer is certainly not to raise fees (reactively covering the cost of inflation) annually on local governments and districts that have to deal with those same external budgetary factors.

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Fee Comments

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General fund money should be available to spend at the Divisions discretion to cover unfunded program areas, buffer the fluctuations in permit numbers, or temporary, high-resource projects. However, it should not be used to grow existing Division programs or staffing once fees adequately cover these activities.

Final Ratings

1. Small workgroup meetings were helpful in increasing my understanding of sector specific fees and having dialogue about how to improve the fee structure for the specific group. 4
2. Large group meetings were helpful in understanding the department's position and providing an avenue for large group discussion on cross cutting topics of interest. 3
3. Meeting materials increased my overall level of understanding about the history of Clean Water Program fees and their history, overall department and division funding and how the division manages clean water program permitted activities. 4
4. Facilitation was effective and objective. 5
5. This process was successful at creating a trusting, open atmosphere to discuss issues of interest. 5
6. This process was helpful in building professional relationships with peers that I did not have before this process. 5

Final Comments

Thank you for the opportunity to have all parties meet and discuss the future of the MS4 program. Due to the tight schedule, the homework and other materials distributed before each meeting were valuable tools to help stakeholders understand the process and proposals from the Division. Nathan Moore's analysis and presentations at small group meetings were helpful. His efforts were especially appreciated. Eliza and Megan are good facilitators that kept the process moving along.

However, the structure of the stakeholder process did not initially stimulate a collaborative environment. The initial meetings included questions focused on "what would you like the Division to do for you?" Although it is refreshing to see a customer service oriented approach, this did not promote much productivity in stakeholders that were looking for answers from the Division.

The process initially lacked the financial transparency and accountability to allow for all parties to make sound decisions.

Wanda DeVargas

Representative for: City of Greenwood Village (Individual)

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wdevargas@greenwoodvillage.com

Each number (from 1-5) next to a question denotes that person's level of agreement with that question. One denoted that they strongly disagreed and choosing five denoted they strongly agreed with the question. If there was no number, the person did not answer that question.

The condensed schedule led to rushed reviews and meetings/subjects that were concluded before consensus on subject matter could build. The process was not as constructive as it could, or should have been. I received clarity on items at the last stakeholder meeting and there are still questions that remain unanswered and stakeholders look forward to additional discussion.

Rick Willard

Representative for: CDOT (Group)

Phone: 303-757-9343

Email: richard.willard@state.co.us

Each number (from 1-5) next to a question denotes that person's level of agreement with that question. One denoted that they strongly disagreed and choosing five denoted they strongly agreed with the question. If there was no number, the person did not answer that question.

Did you attend the MS4 workgroup meetings?: Yes

FEE PROPOSAL SCENARIOS

	With New Services	Without New Services	Cat./ Sub-cat.	Cat/Sub-Cat Description	No. of Entities	Scenario 1		Scenario 2		Scenario 3		Current cat/ subcat	Current fee
						incl. new services	no new services	incl. new services	no new services	incl. new services	no new services		
Scenario 1:	1	3	06-01	Individual permits	5	\$19,106	\$14,083	\$19,000	\$14,000	\$13,750	\$8,500	23	\$4,360-\$10,580
Scenario 2:	1	3	06-02	General permit <10,000 population	46	\$704	\$503	\$700	\$500	\$530	\$355	07-23	\$355
Scenario 3:	1	1	06-03	General permit >= 10,000 and <50,000 population	44	\$1,508	\$1,106	\$1,500	\$1,100	\$1,160	\$810	07-22	\$810
			06-04	General permit >= 50,000 and <100,000 population	14	\$3,620	\$2,716	\$3,600	\$2,700	\$2,800	\$2,020	07-21	\$2,020
			06-05	General permit >= 100,000 population	8	\$7,341	\$5,432	\$7,300	\$5,400	\$5,700	\$4,050	07-20	\$4,050

Scenario Comments:

How does the Division define "modernization" for this sector?

DISCHARGE PERMIT APPLICATIONS, APPLICATION SUPPLEMENTS AND PERMIT MODIFICATIONS

Applications and supplementals: fee is 50 percent of the annual fee for new permitted entitie 3

Permit modifications: fee of 25 percent for minor amendments and 50 percent for major amendments. 3

Discharge Permit Comments:

"minor" and "major" amendments need to be fully defined

A LA CARTE

Compliance assistance: 4

Administrative Action: 3

Low complexity service: 3

Medium/low complexity service: 3

Medium complexity service: 3

High to very high complexity service: 3

Service Type	Application Fee	Example Actions
Compliance assistance	no fee	Compliance assistance inspection or audit, upon request
Administrative action	\$80	Permit transfer
Low complexity service	\$600	Not anticipated at this time for MS4.
Medium/low complexity service	\$1,100	Not anticipated at this time for MS4.
Medium complexity service	\$3,800	Not anticipated at this time for MS4.
High to very high complexity service	\$3,800 submitted with application, additional - see hourly rates above	Not anticipated at this time for MS4.

A la carte Comments:

How often are MS4 permits transferred (e.g., above in Administrative action)?

WORK GROUP RECOMMENDATIONS

1. Promote and expand qualifying local program (QLP) to include compliance as part of new services scenarios. 3

2. Fee associated with conversions in the event of a withdrawal. 3

3. Do not accrue fund balances to a level that puts general fund at risk. 3

Recommendation Comments

The following recommendation forwarded by the construction workgroup is more applicable to this category and CDOT strongly agrees with it: The department could be the sole authority in a multi-MS4 project per all party agreement. This would be funded by a fee to MS4 operators.

POLICY CONSIDERATIONS FOR OVERALL SUCCESS

Rick Willard

Representative for: CDOT (Group)

Phone: 303-757-9343

Email: richard.willard@state.co.us

Each number (from 1-5) next to a question denotes that person's level of agreement with that question. One denoted that they strongly disagreed and choosing five denoted they strongly agreed with the question. If there was no number, the person did not answer that question.

In developing concepts for a fee structure, stakeholders identified the need to strike a balance between certainty and flexibility. A more certain structure, for example, one with dollars in statute has trades offs in the ability to evolve services and spend additional time on complex issues. A more flexible system can result in a higher rate of change in fee amounts. Accountability was also an important concept expressed by stakeholders.

1. Certainty: 2
2. Flexibility: 2
3. Accountability: 2
4. Rationale for setting fees: 5
5. Subsidies for permit holders: 5
6. What do you think is an appropriate frequency to review fees and fee structure? (Select one): 5 Years

If selected Other, please explain:

7. What do you think is the best manner to adjust for inflation?: Language in State Statute

Statute v. Commission

There are a number of considerations when assessing the roles of the Water Quality Control Commission and statutory authority. A different solution may be appropriate for each sector.

1. Fees established by the Water Quality Control Commission. 2
2. Fees established in statute with a statutory cap and periodic adjustment made as necessary by the Water Quality Control Commission. 4
3. A la carte services and fees established and managed by the Water Quality Control Commission. 3
4. A la carte services and fees established in statute. 3
5. Fee formulas in statute. 4
6. Fees in statute with an inflation clause. 4
7. Fees in statute without an adjustment for inflation (current model). 2

Fee Comments

General Fund

There are different schools of thought for how general fund should be distributed in the Clean Water Program that range from no general fund to completely funded with general fund dollars.

1. The division has the discretion to spend as needed. 3
2. The only permit holders to receive general fund are those which involve governmental entities such as public utilities, local governments, or state agencies (e.g. Colorado Department of Transportation). 3
3. All permit holders receive some general funds but it should largely go to governmental entities. 3
4. All permit holders receive equal distribution based on a percentage. 3
5. All permit holders receive a percentage based on the department's discretion and other to be determined factors. 3
6. No permit holder general fund as it should be a completely cash funded program. 3
7. Only small public and private entities receive general fund. 3
8. Allocate general fund to program areas or permit activities with small numbers of permittees to keep fees reasonable. 3

General Fund Comments

Rick Willard

Representative for: CDOT (Group)

Phone: 303-757-9343

Email: richard.willard@state.co.us

Each number (from 1-5) next to a question denotes that person's level of agreement with that question. One denoted that they strongly disagreed and choosing five denoted they strongly agreed with the question. If there was no number, the person did not answer that question.

Final Ratings

- 1. Small workgroup meetings were helpful in increasing my understanding of sector specific fees and having dialogue about how to improve the fee structure for the specific group. 4
- 2. Large group meetings were helpful in understanding the department's position and providing an avenue for large group discussion on cross cutting topics of interest. 3
- 3. Meeting materials increased my overall level of understanding about the history of CleanWater Program fees and their history, overall department and division funding and how the division manages clean water program permitted activities. 3
- 4. Facilitation was effective and objective. 3
- 5. This process was successful at creating a trusting, open atmosphere to discuss issues of interest. 3
- 6. This process was helpful in building professional relationships with peers that I did not have before this process. 3

Final Comments

Time allotted prevented full completion of discussions

Cal Youngberg

Representative for: City of Longmont (Individual)

Phone: 303-651-8399

Email: cal.youngberg@ci.longmont.co.us

Each number (from 1-5) next to a question denotes that person's level of agreement with that question. One denoted that they strongly disagreed and choosing five denoted they strongly agreed with the question. If there was no number, the person did not answer that question.

Did you attend the MS4 workgroup meetings?: No

FEE PROPOSAL SCENARIOS

	With New Services	Without New Services	Cat./ Sub-cat.	Cat/Sub-Cat Description	No. of Entities	Scenario 1		Scenario 2		Scenario 3		Current cat/ subcat	Current fee
						incl. new services	no new services	incl. new services	no new services	incl. new services	no new services		
Scenario 1:	2	4	06-01	Individual permits	5	\$19,106	\$14,083	\$19,000	\$14,000	\$13,750	\$8,500	23	\$4,360-\$10,580
Scenario 2:	2	3	06-02	General permit <10,000 population	46	\$704	\$503	\$700	\$500	\$530	\$355	07-23	\$355
Scenario 3:	2	2	06-03	General permit >= 10,000 and <50,000 population	44	\$1,508	\$1,106	\$1,500	\$1,100	\$1,160	\$810	07-22	\$810
			06-04	General permit >= 50,000 and <100,000 population	14	\$3,620	\$2,716	\$3,600	\$2,700	\$2,800	\$2,020	07-21	\$2,020
			06-05	General permit >= 100,000 population	8	\$7,341	\$5,432	\$7,300	\$5,400	\$5,700	\$4,050	07-20	\$4,050

Scenario Comments:

While we are not against fee increases in general, there is not enough information at this time to provide meaningful feedback. In order to support fee increases, we need to understand where the shortfalls are and what the new services are. The Division has not provided a clear explanation of the relationship between existing funding and the ability or inability to provide current, required/core services, much less new ones. The alignment of staff and duties in the Division may or may support the most efficient use of the current funds so it is difficult to assess the actual need for any fee increases. Even if past tracking doesn't allow for complete analysis, justification and rationale for moving forward are needed before proceeding.

DISCHARGE PERMIT APPLICATIONS, APPLICATION SUPPLEMENTS AND PERMIT MODIFICATIONS

Applications and supplementals: fee is 50 percent of the annual fee for new permitted entitie 3

Permit modifications: fee of 25 percent for minor amendments and 50 percent for major amendments. 2

Discharge Permit Comments:

Without understanding what would be considered a minor or major modification, it is difficult to comment on the suggestion. Initially it seems like modifications could be a flat fee based on Division time rather than scaled by percent of permit fees. If permit modifications require additional work, such as modifications caused by stream standard changes or site-specific conditions, then there could be justification for charging additional fees but these would not be up-front percentages of the permittees' original fees.

A LA CARTE

Compliance assistance: 5

Administrative Action: 5

Low complexity service: 2

Medium/low complexity service: 2

Medium complexity service: 2

High to very high complexity service: 2

Service Type	Application Fee	Example Actions
Compliance assistance	no fee	Compliance assistance inspection or audit, upon request
Administrative action	\$80	Permit transfer
Low complexity service	\$600	Not anticipated at this time for MS4.
Medium/low complexity service	\$1,100	Not anticipated at this time for MS4.
Medium complexity service	\$3,800	Not anticipated at this time for MS4.
High to very high complexity service	\$3,800 submitted with application, additional - see hourly rates above	Not anticipated at this time for MS4.

A la carte Comments:

The a la carte service could be a good solution for meeting both permittee and Division needs. We encourage the Division to explore this option further and continue dialogue with permittees. Although low to very high complexity services are not anticipated for MS4s at this time, without more information on what may fall into each complexity of service and without a better understanding of overall budgeting and FTEs, we cannot support the suggested fees.

Cal Youngberg

Representative for: City of Longmont (Individual)

Phone: 303-651-8399

Email: cal.youngberg@ci.longmont.co.us

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WORK GROUP RECOMMENDATIONS

- 1. Promote and expand qualifying local program (QLP) to include compliance as part of new services scenarios. 4
- 2. Fee associated with conversions in the event of a withdrawal. 5
- 3. Do not accrue fund balances to a level that puts general fund at risk. 5

Recommendation Comments

We support the QLP and do believe that it could result in some savings for the Division. However, from current construction projects, if we participated in the QLP, it would cover 25% of our construction projects. For us, the effort to meet the QLP does not balance with the benefit for being the responsible agency for these 10 projects.

POLICY CONSIDERATIONS FOR OVERALL SUCCESS

In developing concepts for a fee structure, stakeholders identified the need to strike a balance between certainty and flexibility. A more certain structure, for example, one with dollars in statute has trades offs in the ability to evolve services and spend additional time on complex issues. A more flexible system can result in a higher rate of change in fee amounts. Accountability was also an important concept expressed by stakeholders.

- 1. Certainty: 3
- 2. Flexibility: 4
- 3. Accountability: 1
- 4. Rationale for setting fees: 2
- 5. Subsidies for permit holders: 5
- 6. What do you think is an appropriate frequency to review fees and fee structure? (Select one): 5 Years

If selected Other, please explain:

7. What do you think is the best manner to adjust for inflation?: Use a consistent and thorough method to assess your future needs and set your fees for the next cycle accordingly. Relying on CPI or other indexes does not necessarily reflect the actual Division needs.

Statute v. Commission

There are a number of considerations when assessing the roles of the Water Quality Control Commission and statutory authority. A different solution may be appropriate for each sector.

- 1. Fees established by the Water Quality Control Commission. 1
- 2. Fees established in statute with a statutory cap and periodic adjustment made as necessary by the Water Quality Control Commission. 2
- 3. A la carte services and fees established and managed by the Water Quality Control Commission. 2
- 4. A la carte services and fees established in statute. 5
- 5. Fee formulas in statute. 1
- 6. Fees in statute with an inflation clause. 1
- 7. Fees in statute without an adjustment for inflation (current model). 4

Fee Comments

If fee authority were to go to the WQCC, their authority and limitations would have to be defined in statute.

Cal Youngberg

Representative for: City of Longmont (Individual)

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Email: cal.youngberg@ci.longmont.co.us

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General Fund

There are different schools of thought for how general fund should be distributed in the Clean Water Program that range from no general fund to completely funded with general fund dollars.

1. The division has the discretion to spend as needed. 4
2. The only permit holders to receive general fund are those which involve governmental entities such as public utilities, local governments, or state agencies (e.g. Colorado Department of Transportation). 1
3. All permit holders receive some general funds but it should largely go to governmental entities. 1
4. All permit holders receive equal distribution based on a percentage. 1
5. All permit holders receive a percentage based on the department's discretion and other to be determined factors. 1
6. No permit holder general fund as it should be a completely cash funded program. 4
7. Only small public and private entities receive general fund. 2
8. Allocate general fund to program areas or permit activities with small numbers of permits to keep fees reasonable. 1

General Fund Comments

Final Ratings

1. Small workgroup meetings were helpful in increasing my understanding of sector specific fees and having dialogue about how to improve the fee structure for the specific group.
2. Large group meetings were helpful in understanding the department's position and providing an avenue for large group discussion on cross cutting topics of interest.
3. Meeting materials increased my overall level of understanding about the history of Clean Water Program fees and their history, overall department and division funding and how the division manages clean water program permitted activities.
4. Facilitation was effective and objective.
5. This process was successful at creating a trusting, open atmosphere to discuss issues of interest.
6. This process was helpful in building professional relationships with peers that I did not have before this process.

Final Comments

Unfortunately we weren't able to participate in more than one of the stakeholder meetings but have been updated through CSC and KICP. We appreciate the Division coordinating this process to have dialogue and input from stakeholders. However, at this time there is not enough information to provide meaningful feedback on the scenarios. The financial justification and accountability for increases did not appear to be explained and there appear to be many unanswered questions. Even if tracking of funds previously did not allow for complete analysis, moving forward there should be justification of where the funds will be allocated.

Carrie Powers

Representative for: City of Glendale (Individual)

Phone: 303-596-9287

Email: cpowers@glendale.co.us

Each number (from 1-5) next to a question denotes that person's level of agreement with that question. One denoted that they strongly disagreed and choosing five denoted they strongly agreed with the question. If there was no number, the person did not answer that question.

Did you attend the MS4 workgroup meetings?: Yes

FEE PROPOSAL SCENARIOS

	With New Services	Without New Services	Cat./ Sub-cat.	Cat/Sub-Cat Description	No. of Entities	Scenario 1		Scenario 2		Scenario 3		Current cat/ subcat	Current fee
						incl. new services	no new services	incl. new services	no new services	incl. new services	no new services		
Scenario 1:	3	3	06-01	Individual permits	5	\$19,106	\$14,083	\$19,000	\$14,000	\$13,750	\$8,500	23	\$4,360-\$10,580
Scenario 2:	3	3	06-02	General permit <10,000 population	46	\$704	\$503	\$700	\$500	\$530	\$355	07-23	\$355
Scenario 3:	4	5	06-03	General permit >= 10,000 and <50,000 population	44	\$1,508	\$1,106	\$1,500	\$1,100	\$1,160	\$810	07-22	\$810
			06-04	General permit >= 50,000 and <100,000 population	14	\$3,620	\$2,716	\$3,600	\$2,700	\$2,800	\$2,020	07-21	\$2,020
			06-05	General permit >= 100,000 population	8	\$7,341	\$5,432	\$7,300	\$5,400	\$5,700	\$4,050	07-20	\$4,050

Scenario Comments:

DISCHARGE PERMIT APPLICATIONS, APPLICATION SUPPLEMENTS AND PERMIT MODIFICATIONS

Applications and supplementals: fee is 50 percent of the annual fee for new permitted entitie 2

Permit modifications: fee of 25 percent for minor amendments and 50 percent for major amendments. 4

Discharge Permit Comments:

A LA CARTE

Compliance assistance: 5

Administrative Action: 5

Low complexity service: 3

Medium/low complexity service: 3

Medium complexity service: 3

High to very high complexity service: 3

Service Type	Application Fee	Example Actions
Compliance assistance	no fee	Compliance assistance inspection or audit, upon request
Administrative action	\$80	Permit transfer
Low complexity service	\$600	Not anticipated at this time for MS4.
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Medium complexity service	\$3,800	Not anticipated at this time for MS4.
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A la carte Comments:

WORK GROUP RECOMMENDATIONS

1. Promote and expand qualifying local program (QLP) to include compliance as part of new services scenarios. 5

2. Fee associated with conversions in the event of a withdrawal. 1

3. Do not accrue fund balances to a level that puts general fund at risk. 5

Recommendation Comments

We would also like the Division to explore taking over administration of the MS4 Construction Program as well.

POLICY CONSIDERATIONS FOR OVERALL SUCCESS

Carrie Powers

Representative for: City of Glendale (Individual)

Phone: 303-596-9287

Email: cpowers@glendale.co.us

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In developing concepts for a fee structure, stakeholders identified the need to strike a balance between certainty and flexibility. A more certain structure, for example, one with dollars in statute has trades offs in the ability to evolve services and spend additional time on complex issues. A more flexible system can result in a higher rate of change in fee amounts. Accountability was also an important concept expressed by stakeholders.

1. Certainty: 3
2. Flexibility: 5
3. Accountability: 1
4. Rationale for setting fees: 2
5. Subsidies for permit holders: 4
6. What do you think is an appropriate frequency to review fees and fee structure? (Select one): 10 Years

If selected Other, please explain:

7. What do you think is the best manner to adjust for inflation?:

Statute v. Commission

There are a number of considerations when assessing the roles of the Water Quality Control Commission and statutory authority. A different solution may be appropriate for each sector.

1. Fees established by the Water Quality Control Commission. 1
2. Fees established in statute with a statutory cap and periodic adjustment made as necessary by the Water Quality Control Commission. 1
3. A la carte services and fees established and managed by the Water Quality Control Commission. 4
4. A la carte services and fees established in statute. 3
5. Fee formulas in statute. 4
6. Fees in statute with an inflation clause. 5
7. Fees in statute without an adjustment for inflation (current model). 3

Fee Comments

General Fund

There are different schools of thought for how general fund should be distributed in the Clean Water Program that range from no general fund to completely funded with general fund dollars.

1. The division has the discretion to spend as needed. 3
2. The only permit holders to receive general fund are those which involve governmental entities such as public utilities, local governments, or state agencies (e.g. Colorado Department of Transportation). 3
3. All permit holders receive some general funds but it should largely go to governmental entities. 5
4. All permit holders receive equal distribution based on a percentage. 3
5. All permit holders receive a percentage based on the department's discretion and other to be determined factors. 2
6. No permit holder general fund as it should be a completely cash funded program. 1
7. Only small public and private entities receive general fund. 2
8. Allocate general fund to program areas or permit activities with small numbers of permittees to keep fees reasonable. 3

General Fund Comments

Carrie Powers

Representative for: City of Glendale (Individual)

Phone: 303-596-9287

Email: cpowers@glendale.co.us

Each number (from 1-5) next to a question denotes that person's level of agreement with that question. One denoted that they strongly disagreed and choosing five denoted they strongly agreed with the question. If there was no number, the person did not answer that question.

Final Ratings

1. Small workgroup meetings were helpful in increasing my understanding of sector specific fees and having dialogue about how to improve the fee structure for the specific group. 4
2. Large group meetings were helpful in understanding the department's position and providing an avenue for large group discussion on cross cutting topics of interest. 4
3. Meeting materials increased my overall level of understanding about the history of CleanWater Program fees and their history, overall department and division funding and how the division manages clean water program permitted activities. 3
4. Facilitation was effective and objective. 4
5. This process was successful at creating a trusting, open atmosphere to discuss issues of interest. 2
6. This process was helpful in building professional relationships with peers that I did not have before this process. 4

Final Comments

It is difficult for the City to trust the Division to spend resources wisely and follow through with commitments when they cancel the release of the MS4 Phase II General Permit less than 24-hours before the Pre-Public Notice.

The justification given for the delayed release is a need for "more stakeholder involvement," but the Division has failed to provide information on how it plans to change the process for stakeholder involvement. Does the Division plan to delay issuing all general permits until this issue of public involvement is addressed?

These are the problems with accountability that make it difficult to support the Division's reported need for increased fees.

Susan Strong

Representative for: City of Fort Collins Utilities

Phone: 970-416-2325

Email: sstrong@fcgov.com

Each number (from 1-5) next to a question denotes that person's level of agreement with that question. One denoted that they strongly disagreed and choosing five denoted they strongly agreed with the question. If there was no number, the person did not answer that question.

Did you attend the MS4 workgroup meetings?: No

FEE PROPOSAL SCENARIOS

	With New Services	Without New Services	Cat./ Sub-cat.	Cat/Sub-Cat Description	No. of Entities	Scenario 1		Scenario 2		Scenario 3		Current cat/ subcat	Current fee
						incl. new services	no new services	incl. new services	no new services	incl. new services	no new services		
Scenario 1:	4	1	06-01	Individual permits	5	\$19,106	\$14,083	\$19,000	\$14,000	\$13,750	\$8,500	23	\$4,360- \$10,580
Scenario 2:	4	1	06-02	General permit <10,000 population	46	\$704	\$503	\$700	\$500	\$530	\$355	07-23	\$355
Scenario 3:	3	1	06-03	General permit >= 10,000 and <50,000 population	44	\$1,508	\$1,106	\$1,500	\$1,100	\$1,160	\$810	07-22	\$810
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			06-05	General permit >= 100,000 population	8	\$7,341	\$5,432	\$7,300	\$5,400	\$5,700	\$4,050	07-20	\$4,050

Scenario Comments:

Nathan Moore discussed that "new services" would fund an auditing and oversight program to include a compliance assistance approach. Based on this information, the City of Fort Collins (COFC) agrees that these new services are needed. However, COFC would like to see a more detailed description of what these new services would entail.

It is understood that the Division intends to apply one scenario across all sectors. As a municipality with permits in all sectors, it is difficult to comment on each scenario individually and provide consistent feedback. COFC staff attended stakeholder sessions for some sectors, but not all. COFC is responding to the Division in a way that it believes would be best for the municipality, as a whole.

DISCHARGE PERMIT APPLICATIONS, APPLICATION SUPPLEMENTS AND PERMIT MODIFICATIONS

Applications and supplementals: fee is 50 percent of the annual fee for new permitted entitie 4

Permit modifications: fee of 25 percent for minor amendments and 50 percent for major amendments. 3

Discharge Permit Comments:

It is difficult to comment on permit modification fees without knowing what constitutes a major or minor amendment. This should be defined.

A LA CARTE

Compliance assistance: 5

Administrative Action: 4

Low complexity service: 3

Medium/low complexity service: 3

Medium complexity service: 3

High to very high complexity service: 3

Service Type	Application Fee	Example Actions
Compliance assistance	no fee	Compliance assistance inspection or audit, upon request
Administrative action	\$80	Permit transfer
Low complexity service	\$600	Not anticipated at this time for MS4.
Medium/low complexity service	\$1,100	Not anticipated at this time for MS4.
Medium complexity service	\$3,800	Not anticipated at this time for MS4.
High to very high complexity service	\$3,800 submitted with application, additional - see hourly rates above	Not anticipated at this time for MS4.

A la carte Comments:

It is difficult to vote for Scenario 2 with new services (aside from compliance assistance and administrative action) based on services that are "not anticipated at this time" for MS4. Its difficult to provide feedback for something that is not defined at this time but might be added later.

Susan Strong

Representative for: City of Fort Collins Utilities

Phone: 970-416-2325

Email: sstrong@fcgov.com

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WORK GROUP RECOMMENDATIONS

1. Promote and expand qualifying local program (QLP) to include compliance as part of new services scenarios.
2. Fee associated with conversions in the event of a withdrawal.
3. Do not accrue fund balances to a level that puts general fund at risk.☒

Recommendation Comments

Please define "new services to promote and expand the QLP" and where they would fit into the complexity of the a la carte fee structure.

POLICY CONSIDERATIONS FOR OVERALL SUCCESS

In developing concepts for a fee structure, stakeholders identified the need to strike a balance between certainty and flexibility. A more certain structure, for example, one with dollars in statute has trades offs in the ability to evolve services and spend additional time on complex issues. A more flexible system can result in a higher rate of change in fee amounts. Accountability was also an important concept expressed by stakeholders.

1. Certainty:
2. Flexibility:
3. Accountability:
4. Rationale for setting fees:
5. Subsidies for permit holders:
6. What do you think is an appropriate frequency to review fees and fee structure? (Select one): 3 Years

If selected Other, please explain:

7. What do you think is the best manner to adjust for inflation?: Given that the expenses are mainly for labor rather than capital, it would be appropriate to adjust for inflation with the consumer price index.

Statute v. Commission

There are a number of considerations when assessing the roles of the Water Quality Control Commission and statutory authority. A different solution may be appropriate for each sector.

1. Fees established by the Water Quality Control Commission. 1
2. Fees established in statute with a statutory cap and periodic adjustment made as necessary by the Water Quality Control Commission. 5
3. A la carte services and fees established and managed by the Water Quality Control Commission. 3
4. A la carte services and fees established in statute. 4
5. Fee formulas in statute. 4
6. Fees in statute with an inflation clause. 4
7. Fees in statute without an adjustment for inflation (current model). 2

Fee Comments

Susan Strong

Representative for: City of Fort Collins Utilities

Phone: 970-416-2325

Email: sstrong@fcgov.com

Each number (from 1-5) next to a question denotes that person's level of agreement with that question. One denoted that they strongly disagreed and choosing five denoted they strongly agreed with the question. If there was no number, the person did not answer that question.

General Fund

There are different schools of thought for how general fund should be distributed in the Clean Water Program that range from no general fund to completely funded with general fund dollars.

1. The division has the discretion to spend as needed.
2. The only permit holders to receive general fund are those which involve governmental entities such as public utilities, local governments, or state agencies (e.g. Colorado Department of Transportation).
3. All permit holders receive some general funds but it should largely go to governmental entities.
4. All permit holders receive equal distribution based on a percentage.
5. All permit holders receive a percentage based on the department's discretion and other to be determined factors.
6. No permit holder general fund as it should be a completely cash funded program.
7. Only small public and private entities receive general fund.
8. Allocate general fund to program areas or permit activities with small numbers of permittees to keep fees reasonable.

General Fund Comments

Final Ratings

1. Small workgroup meetings were helpful in increasing my understanding of sector specific fees and having dialogue about how to improve the fee structure for the specific group.
2. Large group meetings were helpful in understanding the department's position and providing an avenue for large group discussion on cross cutting topics of interest.
3. Meeting materials increased my overall level of understanding about the history of Clean Water Program fees and their history, overall department and division funding and how the division manages clean water program permitted activities.
4. Facilitation was effective and objective.
5. This process was successful at creating a trusting, open atmosphere to discuss issues of interest.
6. This process was helpful in building professional relationships with peers that I did not have before this process.

Final Comments

While staff was unable to attend the MS4 stakeholder meetings, staff reviewed the materials posted on the Division's web site, attended the presentation to the Colorado Stormwater Council, and participated in a conference call with Eliza to discuss concerns and questions. This helped staff formulate our feedback and we appreciate her willingness to address our specific questions and comments.

Steve Miller

Representative for: Arapahoe County Government (Individual)

Phone: 303-795-4578

Email: smiller@arapahoegov.com

Each number (from 1-5) next to a question denotes that person's level of agreement with that question. One denoted that they strongly disagreed and choosing five denoted they strongly agreed with the question. If there was no number, the person did not answer that question.

Did you attend the MS4 workgroup meetings?: Yes

FEE PROPOSAL SCENARIOS

	With New Services	Without New Services	Cat./ Sub-cat.	Cat/Sub-Cat Description	No. of Entities	Scenario 1		Scenario 2		Scenario 3		Current cat/ subcat	Current fee
						incl. new services	no new services	incl. new services	no new services	incl. new services	no new services		
Scenario 1:	2	3	06-01	Individual permits	5	\$19,106	\$14,083	\$19,000	\$14,000	\$13,750	\$8,500	23	\$4,360-\$10,580
Scenario 2:	2	3	06-02	General permit <10,000 population	46	\$704	\$503	\$700	\$500	\$530	\$355	07-23	\$355
Scenario 3:	4	5	06-03	General permit >= 10,000 and <50,000 population	44	\$1,508	\$1,106	\$1,500	\$1,100	\$1,160	\$810	07-22	\$810
			06-04	General permit >= 50,000 and <100,000 population	14	\$3,620	\$2,716	\$3,600	\$2,700	\$2,800	\$2,020	07-21	\$2,020
			06-05	General permit >= 100,000 population	8	\$7,341	\$5,432	\$7,300	\$5,400	\$5,700	\$4,050	07-20	\$4,050

Scenario Comments:

After several stakeholder meetings it was apparent that the Division does not track the use of funds and where the gaps are for the level of fees being requested. Also, it was not clear what all the cost inputs are to the following categories: Personal Services, Operating, Contracts and Overhead.

DISCHARGE PERMIT APPLICATIONS, APPLICATION SUPPLEMENTS AND PERMIT MODIFICATIONS

Applications and supplementals: fee is 50 percent of the annual fee for new permitted entitie 4

Permit modifications: fee of 25 percent for minor amendments and 50 percent for major amendments. 5

Discharge Permit Comments:

Major and minor amendments need to be defined.

A LA CARTE

Compliance assistance: 5

Administrative Action: 5

Low complexity service: 4

Medium/low complexity service: 3

Medium complexity service: 2

High to very high complexity service: 2

Service Type	Application Fee	Example Actions
Compliance assistance	no fee	Compliance assistance inspection or audit, upon request
Administrative action	\$80	Permit transfer
Low complexity service	\$600	Not anticipated at this time for MS4.
Medium/low complexity service	\$1,100	Not anticipated at this time for MS4.
Medium complexity service	\$3,800	Not anticipated at this time for MS4.
High to very high complexity service	\$3,800 submitted with application, additional - see hourly rates above	Not anticipated at this time for MS4.

A la carte Comments:

WORK GROUP RECOMMENDATIONS

1. Promote and expand qualifying local program (QLP) to include compliance as part of new services scenarios. 3

2. Fee associated with conversions in the event of a withdrawal. 5

3. Do not accrue fund balances to a level that puts general fund at risk. 4

Recommendation Comments

Currently the Division does not actively promote the qualifying local program; however, if this program is valuable to the Division in terms of reducing workload, it should be promoted and expanded to shift some of the construction site workload to the MS4s. If this program becomes more robust then the Division may have the ability to forestall some fee increases.

Steve Miller

Representative for: Arapahoe County Government (Individual)

Phone: 303-795-4578

Email: smiller@arapahoegov.com

Each number (from 1-5) next to a question denotes that person's level of agreement with that question. One denoted that they strongly disagreed and choosing five denoted they strongly agreed with the question. If there was no number, the person did not answer that question.

POLICY CONSIDERATIONS FOR OVERALL SUCCESS

In developing concepts for a fee structure, stakeholders identified the need to strike a balance between certainty and flexibility. A more certain structure, for example, one with dollars in statute has trades offs in the ability to evolve services and spend additional time on complex issues. A more flexible system can result in a higher rate of change in fee amounts. Accountability was also an important concept expressed by stakeholders.

- 1. Certainty: 1
- 2. Flexibility: 4
- 3. Accountability: 3
- 4. Rationale for setting fees: 2
- 5. Subsidies for permit holders: 5
- 6. What do you think is an appropriate frequency to review fees and fee structure? (Select one): 5 Years

If selected Other, please explain:

7. What do you think is the best manner to adjust for inflation?: I think it would be accurate to use standard indexes like the CPI or building funds inflation factor.

Statute v. Commission

There are a number of considerations when assessing the roles of the Water Quality Control Commission and statutory authority. A different solution may be appropriate for each sector.

- 1. Fees established by the Water Quality Control Commission. 1
- 2. Fees established in statute with a statutory cap and periodic adjustment made as necessary by the Water Quality Control Commission. 2
- 3. A la carte services and fees established and managed by the Water Quality Control Commission. 1
- 4. A la carte services and fees established in statute. 3
- 5. Fee formulas in statute. 4
- 6. Fees in statute with an inflation clause. 5
- 7. Fees in statute without an adjustment for inflation (current model). 3

Fee Comments

Steve Miller

Representative for: Arapahoe County Government (Individual)

Phone: 303-795-4578

Email: smiller@arapahoegov.com

Each number (from 1-5) next to a question denotes that person's level of agreement with that question. One denoted that they strongly disagreed and choosing five denoted they strongly agreed with the question. If there was no number, the person did not answer that question.

General Fund

There are different schools of thought for how general fund should be distributed in the Clean Water Program that range from no general fund to completely funded with general fund dollars.

1. The division has the discretion to spend as needed. 5
2. The only permit holders to receive general fund are those which involve governmental entities such as public utilities, local governments, or state agencies (e.g. Colorado Department of Transportation). 2
3. All permit holders receive some general funds but it should largely go to governmental entities. 4
4. All permit holders receive equal distribution based on a percentage. 2
5. All permit holders receive a percentage based on the department's discretion and other to be determined factors. 2
6. No permit holder general fund as it should be a completely cash funded program. 1
7. Only small public and private entities receive general fund. 1
8. Allocate general fund to program areas or permit activities with small numbers of permittees to keep fees reasonable. 2

General Fund Comments

Final Ratings

1. Small workgroup meetings were helpful in increasing my understanding of sector specific fees and having dialogue about how to improve the fee structure for the specific group. 4
2. Large group meetings were helpful in understanding the department's position and providing an avenue for large group discussion on cross cutting topics of interest. 3
3. Meeting materials increased my overall level of understanding about the history of Clean Water Program fees and their history, overall department and division funding and how the division manages clean water program permitted activities. 4
4. Facilitation was effective and objective. 4
5. This process was successful at creating a trusting, open atmosphere to discuss issues of interest. 4
6. This process was helpful in building professional relationships with peers that I did not have before this process. 4

Final Comments

I thank Nathan Moore for developing the additional homework material. These documents provided greater clarity of the proposal elements and helped us stay on task during the meetings. I think the Division should have started this process earlier in the year in order to provide enough time to cover the complexity of the budget process, and to help the stakeholders understand all the sources and uses of funds and funding gaps. The stakeholders had difficulty reconciling the numbers presented in all the proposal handouts. Greater clarity of Division operations and accounting practices would have helped us understand the funding gaps and the need for fee increases. With structural improvements (longer process time and greater outreach to stakeholders outside of the metro area) this process should be expanded to all the Divisions in CDPHE. Thank you for being good listeners and considering our comments and suggestions.

Forrest Dykstra

Representative for: Highlands Ranch Metro District (Individual)

Phone: 303-791-2041

Email: fdykstra@highlandsranch.org

Each number (from 1-5) next to a question denotes that person's level of agreement with that question. One denoted that they strongly disagreed and choosing five denoted they strongly agreed with the question. If there was no number, the person did not answer that question.

Did you attend the MS4 workgroup meetings?: Yes

FEE PROPOSAL SCENARIOS

	With New Services	Without New Services	Cat./ Sub-cat.	Cat/Sub-Cat Description	No. of Entities	Scenario 1		Scenario 2		Scenario 3		Current cat/ subcat	Current fee
						incl. new services	no new services	incl. new services	no new services	incl. new services	no new services		
Scenario 1:	1	1	06-01	Individual permits	5	\$19,106	\$14,083	\$19,000	\$14,000	\$13,750	\$8,500	23	\$4,360- \$10,580
Scenario 2:	1	1	06-02	General permit <10,000 population	46	\$704	\$503	\$700	\$500	\$530	\$355	07-23	\$355
Scenario 3:	3	5	06-03	General permit >= 10,000 and <50,000 population	44	\$1,508	\$1,106	\$1,500	\$1,100	\$1,160	\$810	07-22	\$810
			06-04	General permit >= 50,000 and <100,000 population	14	\$3,620	\$2,716	\$3,600	\$2,700	\$2,800	\$2,020	07-21	\$2,020
			06-05	General permit >= 100,000 population	8	\$7,341	\$5,432	\$7,300	\$5,400	\$5,700	\$4,050	07-20	\$4,050

Scenario Comments:

Our concern is that without a detailed history, it's difficult to project what current services and new services will cost. The stakeholders did request that information and to my knowledge it was not afforded to them.

DISCHARGE PERMIT APPLICATIONS, APPLICATION SUPPLEMENTS AND PERMIT MODIFICATIONS

Applications and supplementals: fee is 50 percent of the annual fee for new permitted entities

Permit modifications: fee of 25 percent for minor amendments and 50 percent for major amendments. 2

Discharge Permit Comments:

I would think that a clear definition of minor and major amendments would be helpful. I understand there is an effort and associated cost with revising a permit but since most of the MS4 permits are general permits any modifications would apply to all permit holders so how would the permit modifications be charged?

A LA CARTE

Compliance assistance:

Administrative Action:

Low complexity service:

Medium/low complexity service:

Medium complexity service:

High to very high complexity service:

Service Type	Application Fee	Example Actions
Compliance assistance	no fee	Compliance assistance inspection or audit, upon request
Administrative action	\$80	Permit transfer
Low complexity service	\$600	Not anticipated at this time for MS4.
Medium/low complexity service	\$1,100	Not anticipated at this time for MS4.
Medium complexity service	\$3,800	Not anticipated at this time for MS4.
High to very high complexity service	\$3,800 submitted with application, additional - see hourly rates above	Not anticipated at this time for MS4.

A la carte Comments:

I think an admin fee of \$80 to remove or modify an outfall from an MS4 permit is not correct. These may be applicable to individual permits but not general permits.

WORK GROUP RECOMMENDATIONS

- Promote and expand qualifying local program (QLP) to include compliance as part of new services scenarios.
- Fee associated with conversions in the event of a withdrawal.
- Do not accrue fund balances to a level that puts general fund at risk.

Forrest Dykstra

Representative for: Highlands Ranch Metro District (Individual)

Phone: 303-791-2041

Email: fdykstra@highlandsranch.org

Each number (from 1-5) next to a question denotes that person's level of agreement with that question. One denoted that they strongly disagreed and choosing five denoted they strongly agreed with the question. If there was no number, the person did not answer that question.

Recommendation Comments

POLICY CONSIDERATIONS FOR OVERALL SUCCESS

In developing concepts for a fee structure, stakeholders identified the need to strike a balance between certainty and flexibility. A more certain structure, for example, one with dollars in statute has trades offs in the ability to evolve services and spend additional time on complex issues. A more flexible system can result in a higher rate of change in fee amounts. Accountability was also an important concept expressed by stakeholders.

- 1. Certainty: 3
 - 2. Flexibility: 3
 - 3. Accountability: 1
 - 4. Rationale for setting fees:
 - 5. Subsidies for permit holders: 1
 - 6. What do you think is an appropriate frequency to review fees and fee structure? (Select one): 3 Years
- If selected Other, please explain:
- 7. What do you think is the best manner to adjust for inflation?:

Statute v. Commission

There are a number of considerations when assessing the roles of the Water Quality Control Commission and statutory authority. A different solution may be appropriate for each sector.

- 1. Fees established by the Water Quality Control Commission. 1
- 2. Fees established in statute with a statutory cap and periodic adjustment made as necessary by the Water Quality Control Commission. 3
- 3. A la carte services and fees established and managed by the Water Quality Control Commission. 2
- 4. A la carte services and fees established in statute.
- 5. Fee formulas in statute. 5
- 6. Fees in statute with an inflation clause. 4
- 7. Fees in statute without an adjustment for inflation (current model). 4

Fee Comments

Fees should be established by statute.

Forrest Dykstra

Representative for: Highlands Ranch Metro District (Individual)

Phone: 303-791-2041

Email: fdykstra@highlandsranch.org

Each number (from 1-5) next to a question denotes that person's level of agreement with that question. One denoted that they strongly disagreed and choosing five denoted they strongly agreed with the question. If there was no number, the person did not answer that question.

General Fund

There are different schools of thought for how general fund should be distributed in the Clean Water Program that range from no general fund to completely funded with general fund dollars.

1. The division has the discretion to spend as needed. 4
2. The only permit holders to receive general fund are those which involve governmental entities such as public utilities, local governments, or state agencies (e.g. Colorado Department of Transportation). 5
3. All permit holders receive some general funds but it should largely go to governmental entities. 4
4. All permit holders receive equal distribution based on a percentage. 2
5. All permit holders receive a percentage based on the department's discretion and other to be determined factors.
6. No permit holder general fund as it should be a completely cash funded program. 1
7. Only small public and private entities receive general fund. 1
8. Allocate general fund to program areas or permit activities with small numbers of permittees to keep fees reasonable. 3

General Fund Comments

Since water quality affects all aspects of commerce and recreation which in turn has a direct affect on residents of Colorado, it's appropriate that this program be funded from the General Fund as well. The benefits of keeping our water clean affect all of us.

Final Ratings

1. Small workgroup meetings were helpful in increasing my understanding of sector specific fees and having dialogue about how to improve the fee structure for the specific group. 5
2. Large group meetings were helpful in understanding the department's position and providing an avenue for large group discussion on cross cutting topics of interest.
3. Meeting materials increased my overall level of understanding about the history of Clean Water Program fees and their history, overall department and division funding and how the division manages clean water program permitted activities. 5
4. Facilitation was effective and objective. 3
5. This process was successful at creating a trusting, open atmosphere to discuss issues of interest. 2
6. This process was helpful in building professional relationships with peers that I did not have before this process. 4

Final Comments

Jill Piatt Kemper

Representative for: City of Aurora Water Department (Individual)

Phone: 303-739-7390

Email: jpiatt@auroragov.org

Each number (from 1-5) next to a question denotes that person's level of agreement with that question. One denoted that they strongly disagreed and choosing five denoted they strongly agreed with the question. If there was no number, the person did not answer that question.

Did you attend the MS4 workgroup meetings?: Yes

FEE PROPOSAL SCENARIOS

	With New Services	Without New Services	Cat./ Sub-cat.	Cat/Sub-Cat Description	No. of Entities	Scenario 1		Scenario 2		Scenario 3		Current cat/ subcat	Current fee
						incl. new services	no new services	incl. new services	no new services	incl. new services	no new services		
Scenario 1:	1	2	06-01	Individual permits	5	\$19,106	\$14,083	\$19,000	\$14,000	\$13,750	\$8,500	23	\$4,360- \$10,580
Scenario 2:	1	2	06-02	General permit <10,000 population	46	\$704	\$503	\$700	\$500	\$530	\$355	07-23	\$355
Scenario 3:	3	4	06-03	General permit >= 10,000 and <50,000 population	44	\$1,508	\$1,106	\$1,500	\$1,100	\$1,160	\$810	07-22	\$810
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			06-05	General permit >= 100,000 population	8	\$7,341	\$5,432	\$7,300	\$5,400	\$5,700	\$4,050	07-20	\$4,050

Scenario Comments:

It is difficult to provide meaningful feedback on the three MS4 fee scenarios as there is insufficient information to demonstrate Division funding shortfalls. Discussion of what new services would be provided was not clear in the work group meetings, and I followed up with Nathan Moore to clarify.

After several stakeholder meetings, including ones with Division staff providing explanations, stakeholders were still unable to make the increases and budget numbers match the handouts.

There is no explanation or justification for why Phase I permit fees are double Phase II fees for entities that are the same size. Since the permit conditions for Phase I and Phase II permittees are nearly identical, the difference is not justified or acceptable.

DISCHARGE PERMIT APPLICATIONS, APPLICATION SUPPLEMENTS AND PERMIT MODIFICATIONS

Applications and supplementals: fee is 50 percent of the annual fee for new permitted entitie 2

Permit modifications: fee of 25 percent for minor amendments and 50 percent for major amendments. 2

Discharge Permit Comments:

It isn't clear what constitutes a major or minor amendment. Review time should be minimal for changes to stormwater permits and 25% and 50% charges seem high.

A LA CARTE

Compliance assistance: 4

Administrative Action: 3

Low complexity service: 3

Medium/low complexity service: 3

Medium complexity service: 3

High to very high complexity service: 3

Service Type	Application Fee	Example Actions
Compliance assistance	no fee	Compliance assistance inspection or audit, upon request
Administrative action	\$80	Permit transfer
Low complexity service	\$600	Not anticipated at this time for MS4.
Medium/low complexity service	\$1,100	Not anticipated at this time for MS4.
Medium complexity service	\$3,800	Not anticipated at this time for MS4.
High to very high complexity service	\$3,800 submitted with application, additional - see hourly rates above	Not anticipated at this time for MS4.

A la carte Comments:

As long as the last four items in the table do not apply to MS4, our level of agreement is neutral. If they are to be implemented, the level of agreement would be strongly disagree. The charges proposed are a high percentage of the regular permit fee.

Jill Piatt Kemper

Representative for: City of Aurora Water Department (Individual)

Phone: 303-739-7390

Email: jpiatt@auroragov.org

Each number (from 1-5) next to a question denotes that person's level of agreement with that question. One denoted that they strongly disagreed and choosing five denoted they strongly agreed with the question. If there was no number, the person did not answer that question.

WORK GROUP RECOMMENDATIONS

- 1. Promote and expand qualifying local program (QLP) to include compliance as part of new services scenarios. 5
- 2. Fee associated with conversions in the event of a withdrawal. 3
- 3. Do not accrue fund balances to a level that puts general fund at risk. 5

Recommendation Comments

The QLP is a valuable asset to the Division. If workload is a major issue and a significant reason to increase fees, the QLP needs to be encouraged and expanded to refocus the construction program workload to MS4s who are responsible for operations and local programs. This single change will return a significant amount of funding and staff to the Division's budget for other uses.

POLICY CONSIDERATIONS FOR OVERALL SUCCESS

In developing concepts for a fee structure, stakeholders identified the need to strike a balance between certainty and flexibility. A more certain structure, for example, one with dollars in statute has trades offs in the ability to evolve services and spend additional time on complex issues. A more flexible system can result in a higher rate of change in fee amounts. Accountability was also an important concept expressed by stakeholders.

- 1. Certainty: 1
- 2. Flexibility: 3
- 3. Accountability: 2
- 4. Rationale for setting fees: 4
- 5. Subsidies for permit holders: 5
- 6. What do you think is an appropriate frequency to review fees and fee structure? (Select one): 3 Years

If selected Other, please explain:

7. What do you think is the best manner to adjust for inflation?:

Statute v. Commission

There are a number of considerations when assessing the roles of the Water Quality Control Commission and statutory authority. A different solution may be appropriate for each sector.

- 1. Fees established by the Water Quality Control Commission. 2
- 2. Fees established in statute with a statutory cap and periodic adjustment made as necessary by the Water Quality Control Commission. 2
- 3. A la carte services and fees established and managed by the Water Quality Control Commission. 2
- 4. A la carte services and fees established in statute. 3
- 5. Fee formulas in statute. 3
- 6. Fees in statute with an inflation clause. 4
- 7. Fees in statute without an adjustment for inflation (current model). 4

Fee Comments

Strongly support keeping fees in statute rather than set by WQCC.

Jill Piatt Kemper

Representative for: City of Aurora Water Department (Individual)

Phone: 303-739-7390

Email: jpiatt@auroragov.org

Each number (from 1-5) next to a question denotes that person's level of agreement with that question. One denoted that they strongly disagreed and choosing five denoted they strongly agreed with the question. If there was no number, the person did not answer that question.

General Fund

There are different schools of thought for how general fund should be distributed in the Clean Water Program that range from no general fund to completely funded with general fund dollars.

- 1. The division has the discretion to spend as needed. 4
- 2. The only permit holders to receive general fund are those which involve governmental entities such as public utilities, local governments, or state agencies (e.g. Colorado Department of Transportation). 2
- 3. All permit holders receive some general funds but it should largely go to governmental entities. 3
- 4. All permit holders receive equal distribution based on a percentage. 3
- 5. All permit holders receive a percentage based on the department's discretion and other to be determined factors. 3
- 6. No permit holder general fund as it should be a completely cash funded program. 1
- 7. Only small public and private entities receive general fund. 1
- 8. Allocate general fund to program areas or permit activities with small numbers of permittees to keep fees reasonable. 2

General Fund Comments

General fund money should be available to spend at the Division's discretion to cover unfunded program areas, buffer the fluctuations in permit numbers, or temporary high-resource projects. It should not be used to grow existing Division programs or staffing once fees adequately cover these activities.

Final Ratings

- 1. Small workgroup meetings were helpful in increasing my understanding of sector specific fees and having dialogue about how to improve the fee structure for the specific group. 4
- 2. Large group meetings were helpful in understanding the department's position and providing an avenue for large group discussion on cross cutting topics of interest. 3
- 3. Meeting materials increased my overall level of understanding about the history of Clean Water Program fees and their history, overall department and division funding and how the division manages clean water program permitted activities. 4
- 4. Facilitation was effective and objective. 2
- 5. This process was successful at creating a trusting, open atmosphere to discuss issues of interest. 3
- 6. This process was helpful in building professional relationships with peers that I did not have before this process. 3

Final Comments

The initial large group meeting did not get the process off on the right foot. The suggested ground rule "silence = agreement", e.g. was not productive. However, the Division's willingness to form a separate MS4 small group was much appreciated and progress was made after the first couple of meetings. In particular, Nathan Moore's analysis and presentations at small group meetings were helpful and his efforts are much appreciated.

The initial meetings where the questions focused on "what would you like the Division to do for you?" didn't result in much that was productive. Repeated questions as to where the numbers on the cost breakdown handouts came from were not answered clearly. There still is uncertainty as to how the 2015 projections were arrived at and what the real need for funding is.

The tight schedule led to rushed reviews and materials were not usually distributed enough ahead of time to ensure a productive discussion at the meetings. Finally, a separate distribution list to a select number of individuals did not help to foster an attitude of full cooperation. We recommend all correspondence be shared among all stakeholders in order to create an atmosphere of trust and openness.

Jill Piatt Kemper

Representative for: City of Aurora Water Department (Individual)

Phone: 303-739-7390

Email: jpiatt@auroragov.org

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Adam Lancaster

Representative for: City of Canon City (Individual)

Phone: 719-269-9011

Email: atlancaster@canoncity.org

Each number (from 1-5) next to a question denotes that person's level of agreement with that question. One denoted that they strongly disagreed and choosing five denoted they strongly agreed with the question. If there was no number, the person did not answer that question.

Did you attend the MS4 workgroup meetings?: No

FEE PROPOSAL SCENARIOS

	With New Services	Without New Services	Cat./ Sub-cat.	Cat/Sub-Cat Description	No. of Entities	Scenario 1		Scenario 2		Scenario 3		Current cat/ subcat	Current fee
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			06-05	General permit >= 100,000 population	8	\$7,341	\$5,432	\$7,300	\$5,400	\$5,700	\$4,050	07-20	\$4,050

Scenario Comments:

We did not see any benefit or receipt of any type of services currently - why pay more for nothing

DISCHARGE PERMIT APPLICATIONS, APPLICATION SUPPLEMENTS AND PERMIT MODIFICATIONS

Applications and supplementals: fee is 50 percent of the annual fee for new permitted entitie 4

Permit modifications: fee of 25 percent for minor amendments and 50 percent for major amendments. 4

Discharge Permit Comments:

A LA CARTE

Compliance assistance: 5

Administrative Action: 4

Low complexity service: 3

Medium/low complexity service: 3

Medium complexity service: 3

High to very high complexity service: 3

Service Type	Application Fee	Example Actions
Compliance assistance	no fee	Compliance assistance inspection or audit, upon request
Administrative action	\$80	Permit transfer
Low complexity service	\$600	Not anticipated at this time for MS4.
Medium/low complexity service	\$1,100	Not anticipated at this time for MS4.
Medium complexity service	\$3,800	Not anticipated at this time for MS4.
High to very high complexity service	\$3,800 submitted with application, additional - see hourly rates above	Not anticipated at this time for MS4.

A la carte Comments:

WORK GROUP RECOMMENDATIONS

1. Promote and expand qualifying local program (QLP) to include compliance as part of new services scenarios. 4

2. Fee associated with conversions in the event of a withdrawal. 3

3. Do not accrue fund balances to a level that puts general fund at risk. 4

Recommendation Comments

POLICY CONSIDERATIONS FOR OVERALL SUCCESS

Adam Lancaster

Representative for: City of Canon City (Individual)

Phone: 719-269-9011

Email: atlancaster@canoncity.org

Each number (from 1-5) next to a question denotes that person's level of agreement with that question. One denoted that they strongly disagreed and choosing five denoted they strongly agreed with the question. If there was no number, the person did not answer that question.

In developing concepts for a fee structure, stakeholders identified the need to strike a balance between certainty and flexibility. A more certain structure, for example, one with dollars in statute has trades offs in the ability to evolve services and spend additional time on complex issues. A more flexible system can result in a higher rate of change in fee amounts. Accountability was also an important concept expressed by stakeholders.

- 1. Certainty: 4
- 2. Flexibility: 3
- 3. Accountability: 2
- 4. Rationale for setting fees: 1
- 5. Subsidies for permit holders: 5
- 6. What do you think is an appropriate frequency to review fees and fee structure? (Select one): 5 Years

If selected Other, please explain:

- 7. What do you think is the best manner to adjust for inflation?: CPI

Statute v. Commission

There are a number of considerations when assessing the roles of the Water Quality Control Commission and statutory authority. A different solution may be appropriate for each sector.

- 1. Fees established by the Water Quality Control Commission. 4
- 2. Fees established in statute with a statutory cap and periodic adjustment made as necessary by the Water Quality Control Commission. 4
- 3. A la carte services and fees established and managed by the Water Quality Control Commission. 4
- 4. A la carte services and fees established in statute. 2
- 5. Fee formulas in statute. 2
- 6. Fees in statute with an inflation clause. 2
- 7. Fees in statute without an adjustment for inflation (current model). 2

Fee Comments

General Fund

There are different schools of thought for how general fund should be distributed in the Clean Water Program that range from no general fund to completely funded with general fund dollars.

- 1. The division has the discretion to spend as needed. 4
- 2. The only permit holders to receive general fund are those which involve governmental entities such as public utilities, local governments, or state agencies (e.g. Colorado Department of Transportation). 4
- 3. All permit holders receive some general funds but it should largely go to governmental entities. 5
- 4. All permit holders receive equal distribution based on a percentage. 2
- 5. All permit holders receive a percentage based on the department's discretion and other to be determined factors. 1
- 6. No permit holder general fund as it should be a completely cash funded program. 4
- 7. Only small public and private entities receive general fund. 5
- 8. Allocate general fund to program areas or permit activities with small numbers of permittees to keep fees reasonable. 3

General Fund Comments

Adam Lancaster

Representative for: City of Canon City (Individual)

Phone: 719-269-9011

Email: atlancaster@canoncity.org

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Final Ratings

- 1. Small workgroup meetings were helpful in increasing my understanding of sector specific fees and having dialogue about how to improve the fee structure for the specific group. 3
- 2. Large group meetings were helpful in understanding the department's position and providing an avenue for large group discussion on cross cutting topics of interest. 3
- 3. Meeting materials increased my overall level of understanding about the history of CleanWater Program fees and their history, overall department and division funding and how the division manages clean water program permitted activities. 3
- 4. Facilitation was effective and objective. 3
- 5. This process was successful at creating a trusting, open atmosphere to discuss issues of interest. 3
- 6. This process was helpful in building professional relationships with peers that I did not have before this process. 3

Final Comments

Seth Plas

Representative for: City of Westminster (Individual)

Phone: 303-658-2096

Email: splas@cityofwestminster.us

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Did you attend the MS4 workgroup meetings?: Yes

FEE PROPOSAL SCENARIOS

	With New Services	Without New Services	Cat./ Sub-cat.	Cat/Sub-Cat Description	No. of Entities	Scenario 1		Scenario 2		Scenario 3		Current cat/ subcat	Current fee
						incl. new services	no new services	incl. new services	no new services	incl. new services	no new services		
Scenario 1:	1	1	06-01	Individual permits	5	\$19,106	\$14,083	\$19,000	\$14,000	\$13,750	\$8,500	23	\$4,360-\$10,580
Scenario 2:	1	2	06-02	General permit <10,000 population	46	\$704	\$503	\$700	\$500	\$530	\$355	07-23	\$355
Scenario 3:	1	5	06-03	General permit >= 10,000 and <50,000 population	44	\$1,508	\$1,106	\$1,500	\$1,100	\$1,160	\$810	07-22	\$810
			06-04	General permit >= 50,000 and <100,000 population	14	\$3,620	\$2,716	\$3,600	\$2,700	\$2,800	\$2,020	07-21	\$2,020
			06-05	General permit >= 100,000 population	8	\$7,341	\$5,432	\$7,300	\$5,400	\$5,700	\$4,050	07-20	\$4,050

Scenario Comments:

It was disappointing that throughout the workgroup process, stakeholders were never given justification for the proposed permit fee increases. Even with Division staff in the meeting providing explanations, stakeholders were unable to make the fee increases and the budget numbers add up to the provided handouts. At multiple times during these workgroup sessions, starting with the initial meeting, numerous stakeholders asked for relevant and critical Division financial information (see workgroup and CSC notes) and received nothing. Permittees understand from the Division's staff that the Division does not track the information in a way to show: 1) how the funds are spent, and 2) where the specific gaps are noted at the level requested. As of this date, none of the requested financial information is available to demonstrate Division funding shortfalls or how these proposed fee increases will make the Division "whole." The implication at the beginning of this work group process was that stakeholders would be shown the Division's current deliverables AND the specific permit program/staffing issues that justify the increase. This did not and has not happened. Transparency and accountability require major improvement moving forward. Without those key partnering attributes, increased permit fees and services are difficult to support.

DISCHARGE PERMIT APPLICATIONS, APPLICATION SUPPLEMENTS AND PERMIT MODIFICATIONS

Applications and supplementals: fee is 50 percent of the annual fee for new permitted entitie 3

Permit modifications: fee of 25 percent for minor amendments and 50 percent for major amendments. 1

Discharge Permit Comments:

It isn't clear what constitutes a major or minor amendment. Review time should be minimal for changes to stormwater permits. The proposed 25% and 50% charges seem high. Permit modifications are allowable and can be expected throughout the 5-year permit duration. A permit modification fee is a disincentive to maintain permit compliance.

A LA CARTE

- Compliance assistance: 5
- Administrative Action: 4
- Low complexity service: 3
- Medium/low complexity service: 3
- Medium complexity service: 2
- High to very high complexity service: 2

Service Type	Application Fee	Example Actions
Compliance assistance	no fee	Compliance assistance inspection or audit, upon request
Administrative action	\$80	Permit transfer
Low complexity service	\$600	Not anticipated at this time for MS4.
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Medium complexity service	\$3,800	Not anticipated at this time for MS4.
High to very high complexity service	\$3,800 submitted with application, additional - see hourly rates above	Not anticipated at this time for MS4.

A la carte Comments:

The "a la carte" service was a good collaborative effort to come up with a solution to only some of the minor stated Division finance issues. This would allow for existing MS4s that do not want or require additional services to not elect the "a la carte"

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option. In addition, new or struggling MS4s can take advantage of the compliance assistance option. A criticism, the charges proposed are a high percentage of the regular permit fee. Other than the permit auditing by the Division, these are all new deliverables for the MS4 group and should have appropriate budgeting and staffing to be successful. Without information related to overall budgeting and FTE's, stakeholders are not sure of the true fiscal requirements of this program.

WORK GROUP RECOMMENDATIONS

1. Promote and expand qualifying local program (QLP) to include compliance as part of new services scenarios. 5
2. Fee associated with conversions in the event of a withdrawal. 3
3. Do not accrue fund balances to a level that puts general fund at risk. 5

Recommendation Comments

The qualifying local program (QLP) is a valuable asset to the Division. If workload is the major issue and the major justification for the Division to propose increasing fees, then the QLP needs to be promoted, encouraged and expanded to refocus the Construction Program workload to the MS4s who are responsible for operations and local water quality programs. This single change will return a significant amount of funding and staff to the Division's budget for potential reassignment. Without knowing the actual budget numbers we cannot accurately describe the projected costs or savings by adopting this recommendation.

POLICY CONSIDERATIONS FOR OVERALL SUCCESS

In developing concepts for a fee structure, stakeholders identified the need to strike a balance between certainty and flexibility. A more certain structure, for example, one with dollars in statute has trades offs in the ability to evolve services and spend additional time on complex issues. A more flexible system can result in a higher rate of change in fee amounts. Accountability was also an important concept expressed by stakeholders.

1. Certainty: 3
2. Flexibility: 4
3. Accountability: 1
4. Rationale for setting fees: 2
5. Subsidies for permit holders: 5
6. What do you think is an appropriate frequency to review fees and fee structure? (Select one): 5 Years

If selected Other, please explain:

7. What do you think is the best manner to adjust for inflation?: All government entities have to account for these financial externalities. Inflation should be accounted for and built into annual budgets, similar to any government agency. The answer is certainly not to raise fees (reactively covering the cost of inflation) annually on local governments and districts that have to deal with those same external budgetary factors.

Seth Plas

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Statute v. Commission

There are a number of considerations when assessing the roles of the Water Quality Control Commission and statutory authority. A different solution may be appropriate for each sector.

- | | |
|--|---|
| 1. Fees established by the Water Quality Control Commission. | 1 |
| 2. Fees established in statute with a statutory cap and periodic adjustment made as necessary by the Water Quality Control Commission. | 5 |
| 3. A la carte services and fees established and managed by the Water Quality Control Commission. | 3 |
| 4. A la carte services and fees established in statute. | 1 |
| 5. Fee formulas in statute. | 1 |
| 6. Fees in statute with an inflation clause. | 4 |
| 7. Fees in statute without an adjustment for inflation (current model). | 1 |

Fee Comments

It was strongly vocalized during the stakeholder meeting process that fees should be established in statute. Evidence projects shortfalls that are significantly greater than past deficits. It is recommended that fees should be set in statute with a sunset provision that are re-evaluated in 3-5 years. A vast majority of local government and district representatives strongly support this outcome.

General Fund

There are different schools of thought for how general fund should be distributed in the Clean Water Program that range from no general fund to completely funded with general fund dollars.

- | | |
|---|---|
| 1. The division has the discretion to spend as needed. | 4 |
| 2. The only permit holders to receive general fund are those which involve governmental entities such as public utilities, local governments, or state agencies (e.g. Colorado Department of Transportation). | 4 |
| 3. All permit holders receive some general funds but it should largely go to governmental entities. | 2 |
| 4. All permit holders receive equal distribution based on a percentage. | 4 |
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| 6. No permit holder general fund as it should be a completely cash funded program. | 1 |
| 7. Only small public and private entities receive general fund. | 2 |
| 8. Allocate general fund to program areas or permit activities with small numbers of permittees to keep fees reasonable. | 1 |

General Fund Comments

General fund money should be available to spend at the Divisions discretion to cover unfunded program areas, buffer the fluctuations in permit numbers, or temporary, high-resource projects. However, it should NOT be used to grow existing Division programs or staffing once fees adequately cover these activities.

Seth Plas

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Final Ratings

1. Small workgroup meetings were helpful in increasing my understanding of sector specific fees and having dialogue about how to improve the fee structure for the specific group. 4
2. Large group meetings were helpful in understanding the department's position and providing an avenue for large group discussion on cross cutting topics of interest. 4
3. Meeting materials increased my overall level of understanding about the history of CleanWater Program fees and their history, overall department and division funding and how the division manages clean water program permitted activities. 1
4. Facilitation was effective and objective. 4
5. This process was successful at creating a trusting, open atmosphere to discuss issues of interest. 1
6. This process was helpful in building professional relationships with peers that I did not have before this process. 2

Final Comments

The stakeholders always appreciate the chance to have all parties meet and discuss the future of the MS4 program. Due to the tight schedule, the homework and other materials distributed before each meeting were valuable tools to help stakeholders understand the process and proposals from the Division. Nathan Moore's analysis and presentations at small group meetings were helpful. His efforts were especially appreciated. However, the structure of the stakeholder process did not stimulate a collaborative environment. The initial meetings included questions focused on "what would you like the Division to do for you?" This did not promote productivity in stakeholders that were looking for answers from the Division. Additionally, the process was not acceptable in regards to endorsing a truly trusting, and open atmosphere. The stakeholder's impression of the process is that it lacked the financial transparency and accountability to allow for all parties to make sound decisions. Another disappointing aspect of the process was the schedule. The condensed schedule led to rushed reviews and meetings/subjects that were concluded before consensus on subject matter could build. The process was, unfortunately, not as constructive as it could, or should have been.

The Division should consider hiring an unbiased 3rd party meeting facilitator to help with the transparency and develop better collaboration. There are still questions that remain unanswered and stakeholders look forward to additional discussion.

Carrie Powers

Representative for: City of Castle Pines (Individual)
 Employed by: CP Compliance

Phone: 303-596-9287
 Email: cpowers@cp-compliance.com

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Did you attend the MS4 workgroup meetings?: Yes

FEE PROPOSAL SCENARIOS

	With New Services	Without New Services	Cat./ Sub-cat.	Cat/Sub-Cat Description	No. of Entities	Scenario 1		Scenario 2		Scenario 3		Current cat/ subcat	Current fee
						incl. new services	no new services	incl. new services	no new services	incl. new services	no new services		
Scenario 1:	1	1	06-01	Individual permits	5	\$19,106	\$14,083	\$19,000	\$14,000	\$13,750	\$8,500	23	\$4,360-\$10,580
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			06-05	General permit >= 100,000 population	8	\$7,341	\$5,432	\$7,300	\$5,400	\$5,700	\$4,050	07-20	\$4,050

Scenario Comments:

We have concerns that some services the Division considers "new services" are things the Division already does. A list of new services and a documented commitment to those new services would need to be included somewhere to ensure fees increases for new services go toward providing those services.

DISCHARGE PERMIT APPLICATIONS, APPLICATION SUPPLEMENTS AND PERMIT MODIFICATIONS

Applications and supplementals: fee is 50 percent of the annual fee for new permitted entitie 3

Permit modifications: fee of 25 percent for minor amendments and 50 percent for major amendments. 4

Discharge Permit Comments:

How was 50% of the annual fee determined for new permitted MS4s? Is this fee reflective of the cost to issue a new MS4 Permit Certification/process and application?

A LA CARTE

Compliance assistance: 5

Administrative Action: 5

Low complexity service: 3

Medium/low complexity service: 3

Medium complexity service: 3

High to very high complexity service: 3

Service Type	Application Fee	Example Actions
Compliance assistance	no fee	Compliance assistance inspection or audit, upon request.
Administrative action	\$80	Permit transfer
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Medium complexity service	\$3,800	Not anticipated at this time for MS4.
High to very high complexity service	\$3,800 submitted with application, additional - see hourly rates above	Not anticipated at this time for MS4.

A la carte Comments:

How would new services committed to be written into a bill? Is the plan to document the new services these fees pay for within the bill?

WORK GROUP RECOMMENDATIONS

1. Promote and expand qualifying local program (QLP) to include compliance as part of new services scenarios. 5

2. Fee associated with conversions in the event of a withdrawal. 2

3. Do not accrue fund balances to a level that puts general fund at risk. 5

Recommendation Comments

Carrie Powers

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POLICY CONSIDERATIONS FOR OVERALL SUCCESS

In developing concepts for a fee structure, stakeholders identified the need to strike a balance between certainty and flexibility. A more certain structure, for example, one with dollars in statute has trades offs in the ability to evolve services and spend additional time on complex issues. A more flexible system can result in a higher rate of change in fee amounts. Accountability was also an important concept expressed by stakeholders.

1. Certainty: 4
2. Flexibility: 5
3. Accountability: 1
4. Rationale for setting fees: 2
5. Subsidies for permit holders: 3
6. What do you think is an appropriate frequency to review fees and fee structure? (Select one): 10 Years
If selected Other, please explain:
7. What do you think is the best manner to adjust for inflation?:

Statute v. Commission

There are a number of considerations when assessing the roles of the Water Quality Control Commission and statutory authority. A different solution may be appropriate for each sector.

1. Fees established by the Water Quality Control Commission. 1
2. Fees established in statute with a statutory cap and periodic adjustment made as necessary by the Water Quality Control Commission. 1
3. A la carte services and fees established and managed by the Water Quality Control Commission. 4
4. A la carte services and fees established in statute. 3
5. Fee formulas in statute. 5
6. Fees in statute with an inflation clause. 5
7. Fees in statute without an adjustment for inflation (current model). 3

Fee Comments

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General Fund

There are different schools of thought for how general fund should be distributed in the Clean Water Program that range from no general fund to completely funded with general fund dollars.

1. The division has the discretion to spend as needed. 2
2. The only permit holders to receive general fund are those which involve governmental entities such as public utilities, local governments, or state agencies (e.g. Colorado Department of Transportation). 3
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4. All permit holders receive equal distribution based on a percentage. 3
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6. No permit holder general fund as it should be a completely cash funded program. 1
7. Only small public and private entities receive general fund. 2
8. Allocate general fund to program areas or permit activities with small numbers of permittees to keep fees reasonable. 3

General Fund Comments

Final Ratings

1. Small workgroup meetings were helpful in increasing my understanding of sector specific fees and having dialogue about how to improve the fee structure for the specific group. 4
2. Large group meetings were helpful in understanding the department's position and providing an avenue for large group discussion on cross cutting topics of interest. 4
3. Meeting materials increased my overall level of understanding about the history of Clean Water Program fees and their history, overall department and division funding and how the division manages clean water program permitted activities. 3
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6. This process was helpful in building professional relationships with peers that I did not have before this process. 3

Final Comments

Anne Beierle

Representative for: City of Golden (Individual)

Phone: 303-384-8153

Email: abeierle@cityofgolden.net

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Did you attend the MS4 workgroup meetings?: Yes

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			06-05	General permit >= 100,000 population	8	\$7,341	\$5,432	\$7,300	\$5,400	\$5,700	\$4,050	07-20	\$4,050

Scenario Comments:

Regardless of outcome from this process, the Division should improve how they track spending. It is difficult to support any funding change when the Division struggles to link funding to expenses or how resources are utilized within different programs.

DISCHARGE PERMIT APPLICATIONS, APPLICATION SUPPLEMENTS AND PERMIT MODIFICATIONS

Applications and supplementals: fee is 50 percent of the annual fee for new permitted entitie 4

Permit modifications: fee of 25 percent for minor amendments and 50 percent for major amendments. 4

Discharge Permit Comments:

A LA CARTE

Compliance assistance: 3

Administrative Action: 3

Low complexity service:

Medium/low complexity service:

Medium complexity service:

High to very high complexity service:

A la carte Comments:

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WORK GROUP RECOMMENDATIONS

1. Promote and expand qualifying local program (QLP) to include compliance as part of new services scenarios. 5

2. Fee associated with conversions in the event of a withdrawal. 3

3. Do not accrue fund balances to a level that puts general fund at risk. 5

Recommendation Comments

The QLP could be a valuable tool for the Division. If the Division cannot meet the workload related to construction permits, the QLP should be promoted - rather than simply tolerated which seems to be the current position of the Division. It is also very important that the Division not create cash balances that put general funds at risk.

POLICY CONSIDERATIONS FOR OVERALL SUCCESS

Anne Beierle

Representative for: City of Golden (Individual)

Phone: 303-384-8153

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- 1. Certainty:
- 2. Flexibility:
- 3. Accountability: 1
- 4. Rationale for setting fees: 2
- 5. Subsidies for permit holders:
- 6. What do you think is an appropriate frequency to review fees and fee structure? (Select one): 5 Years

If selected Other, please explain:

7. What do you think is the best manner to adjust for inflation?: Local governments face the same pressure to respond - not to inflation, which has been negligible - but to other increasing costs like insurance and other employee related costs. I'm not sure the answer is automatic regular increases, especially if the increases are not paired with efforts to control costs.

Statute v. Commission

There are a number of considerations when assessing the roles of the Water Quality Control Commission and statutory authority. A different solution may be appropriate for each sector.

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- 2. Fees established in statute with a statutory cap and periodic adjustment made as necessary by the Water Quality Control Commission. 1
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- 4. A la carte services and fees established in statute. 3
- 5. Fee formulas in statute. 3
- 6. Fees in statute with an inflation clause. 4
- 7. Fees in statute without an adjustment for inflation (current model). 5

Fee Comments

Those who attended the stakeholder meetings were clear that fees should be established by the legislature. Since the projected shortfalls used to justify the increases are significantly different than recent shortfalls, fees should be set in statute with a sunset provision and re-evaluated in 3-5 years. This would also allow the Division time to track spending in a meaningful way.

Anne Beierle

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- 8. Allocate general fund to program areas or permit activities with small numbers of permits to keep fees reasonable. 1

General Fund Comments

It is totally appropriate for the Division to use general fund money at their discretion to address funding issues that are not addressed through fees. Unfunded program areas (like the recent pesticide permit), permit number fluctuations (which should be expected in economy sensitive construction permits) or for high resource projects (the S. Platte hearing next year might qualify) are all appropriate areas to use general funds. Once fees are adequate to cover permit activities, general funds should NOT be used to grow Division programs or staffing.

Final Ratings

- 1. Small workgroup meetings were helpful in increasing my understanding of sector specific fees and having dialogue about how to improve the fee structure for the specific group. 4
- 2. Large group meetings were helpful in understanding the department's position and providing an avenue for large group discussion on cross cutting topics of interest. 4
- 3. Meeting materials increased my overall level of understanding about the history of Clean Water Program fees and their history, overall department and division funding and how the division manages clean water program permitted activities. 4
- 4. Facilitation was effective and objective. 4
- 5. This process was successful at creating a trusting, open atmosphere to discuss issues of interest. 3
- 6. This process was helpful in building professional relationships with peers that I did not have before this process. 3

Final Comments

This was an odd process to undertake when the Division was without a Director. It does not seem possible to make commitments to how the Division provides services or tracks spending or operates in general in the absence of a top executive position. Nor does it seem fair to a new Director to come in and have his leadership limited by promised made in this type of process.

I also hope that the MS4 permit renewal was not delayed to avoid controversy and improve the outcome of this process.

Carrie Powers

Representative for: City of Lafayette (Individual)
 Employed by: CP Compliance

Phone: 303-596-9287
 Email: cpowers@cp-compliance.com

Each number (from 1-5) next to a question denotes that person's level of agreement with that question. One denoted that they strongly disagreed and choosing five denoted they strongly agreed with the question. If there was no number, the person did not answer that question.

Did you attend the MS4 workgroup meetings?: Yes

FEE PROPOSAL SCENARIOS

	With New Services	Without New Services	Cat./ Sub-cat.	Cat/Sub-Cat Description	No. of Entities	Scenario 1		Scenario 2		Scenario 3		Current cat/ subcat	Current fee
						incl. new services	no new services	incl. new services	no new services	incl. new services	no new services		
Scenario 1:	2	2	06-01	Individual permits	5	\$19,106	\$14,083	\$19,000	\$14,000	\$13,750	\$8,500	23	\$4,360-\$10,580
Scenario 2:	3	3	06-02	General permit <10,000 population	46	\$704	\$503	\$700	\$500	\$530	\$355	07-23	\$355
Scenario 3:	3	4	06-03	General permit >= 10,000 and <50,000 population	44	\$1,508	\$1,106	\$1,500	\$1,100	\$1,160	\$810	07-22	\$810
			06-04	General permit >= 50,000 and <100,000 population	14	\$3,620	\$2,716	\$3,600	\$2,700	\$2,800	\$2,020	07-21	\$2,020
			06-05	General permit >= 100,000 population	8	\$7,341	\$5,432	\$7,300	\$5,400	\$5,700	\$4,050	07-20	\$4,050

Scenario Comments:

It is our understanding from Division staff that the Division does not track hours/costs in a way to easily share where staff time is spent. It would be beneficial moving forward to attempt to track sufficient information to provide explanation of how resources are utilized. Accountability to stakeholders and permittees is important to us.

DISCHARGE PERMIT APPLICATIONS, APPLICATION SUPPLEMENTS AND PERMIT MODIFICATIONS

Applications and supplementals: fee is 50 percent of the annual fee for new permitted entitie 3

Permit modifications: fee of 25 percent for minor amendments and 50 percent for major amendments. 3

Discharge Permit Comments:

Would like to know who is assessed a fee for minor or major amendments for a general permit? How are minor and major amendments defined and where are these definitions documented?

A LA CARTE

Compliance assistance: 5

Administrative Action: 5

Low complexity service: 3

Medium/low complexity service: 3

Medium complexity service: 3

High to very high complexity service: 3

Service Type	Application Fee	Example Actions
Compliance assistance	no fee	Compliance assistance inspection or audit, upon request
Administrative action	\$80	Permit transfer
Low complexity service	\$600	Not anticipated at this time for MS4.
Medium/low complexity service	\$1,100	Not anticipated at this time for MS4.
Medium complexity service	\$3,800	Not anticipated at this time for MS4.
High to very high complexity service	\$3,800 submitted with application, additional - see hourly rates above	Not anticipated at this time for MS4.

A la carte Comments:

WORK GROUP RECOMMENDATIONS

1. Promote and expand qualifying local program (QLP) to include compliance as part of new services scenarios. 5

2. Fee associated with conversions in the event of a withdrawal. 3

3. Do not accrue fund balances to a level that puts general fund at risk. 5

Recommendation Comments

In addition, the construction workgroup discussed an option of the Division administering the MS4 Construction Program. We would like the Division to investigate this option further.

Carrie Powers

Representative for: City of Lafayette (Individual)
Employed by: CP Compliance

Phone: 303-596-9287
Email: cpowers@cp-compliance.com

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POLICY CONSIDERATIONS FOR OVERALL SUCCESS

In developing concepts for a fee structure, stakeholders identified the need to strike a balance between certainty and flexibility. A more certain structure, for example, one with dollars in statute has trades offs in the ability to evolve services and spend additional time on complex issues. A more flexible system can result in a higher rate of change in fee amounts. Accountability was also an important concept expressed by stakeholders.

- 1. Certainty: 3
 - 2. Flexibility: 5
 - 3. Accountability: 1
 - 4. Rationale for setting fees: 2
 - 5. Subsidies for permit holders: 4
 - 6. What do you think is an appropriate frequency to review fees and fee structure? (Select one): 10 Years
- If selected Other, please explain:
- 7. What do you think is the best manner to adjust for inflation?:

Statute v. Commission

There are a number of considerations when assessing the roles of the Water Quality Control Commission and statutory authority. A different solution may be appropriate for each sector.

- 1. Fees established by the Water Quality Control Commission. 1
- 2. Fees established in statute with a statutory cap and periodic adjustment made as necessary by the Water Quality Control Commission. 1
- 3. A la carte services and fees established and managed by the Water Quality Control Commission. 3
- 4. A la carte services and fees established in statute. 4
- 5. Fee formulas in statute. 5
- 6. Fees in statute with an inflation clause. 5
- 7. Fees in statute without an adjustment for inflation (current model). 3

Fee Comments

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General Fund

There are different schools of thought for how general fund should be distributed in the Clean Water Program that range from no general fund to completely funded with general fund dollars.

1. The division has the discretion to spend as needed. 2
2. The only permit holders to receive general fund are those which involve governmental entities such as public utilities, local governments, or state agencies (e.g. Colorado Department of Transportation). 3
3. All permit holders receive some general funds but it should largely go to governmental entities. 3
4. All permit holders receive equal distribution based on a percentage. 3
5. All permit holders receive a percentage based on the department's discretion and other to be determined factors. 2
6. No permit holder general fund as it should be a completely cash funded program. 1
7. Only small public and private entities receive general fund. 2
8. Allocate general fund to program areas or permit activities with small numbers of permittees to keep fees reasonable. 4

General Fund Comments

Final Ratings

1. Small workgroup meetings were helpful in increasing my understanding of sector specific fees and having dialogue about how to improve the fee structure for the specific group. 3
2. Large group meetings were helpful in understanding the department's position and providing an avenue for large group discussion on cross cutting topics of interest. 4
3. Meeting materials increased my overall level of understanding about the history of Clean Water Program fees and their history, overall department and division funding and how the division manages clean water program permitted activities. 3
4. Facilitation was effective and objective. 3
5. This process was successful at creating a trusting, open atmosphere to discuss issues of interest. 2
6. This process was helpful in building professional relationships with peers that I did not have before this process. 3

Final Comments

Jim Moody

Representative for: Colorado Contractors Association (Group)

Phone: 303-290-6611 x15

Email: jmoody@ccainfo.org

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Did you attend the MS4 workgroup meetings?: Yes

FEE PROPOSAL SCENARIOS

	With New Services	Without New Services	Cat./ Sub-cat.	Cat/Sub-Cat Description	No. of Entities	Scenario 1		Scenario 2		Scenario 3		Current cat/ subcat	Current fee
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Scenario Comments:

DISCHARGE PERMIT APPLICATIONS, APPLICATION SUPPLEMENTS AND PERMIT MODIFICATIONS

Applications and supplementals: fee is 50 percent of the annual fee for new permitted entitie 3

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Discharge Permit Comments:

A LA CARTE

Compliance assistance: 5

Administrative Action: 3

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Medium complexity service: 3

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A la carte Comments:

WORK GROUP RECOMMENDATIONS

1. Promote and expand qualifying local program (QLP) to include compliance as part of new services scenarios. 3

2. Fee associated with conversions in the event of a withdrawal. 3

3. Do not accrue fund balances to a level that puts general fund at risk. 4

Recommendation Comments

POLICY CONSIDERATIONS FOR OVERALL SUCCESS

Jim Moody

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In developing concepts for a fee structure, stakeholders identified the need to strike a balance between certainty and flexibility. A more certain structure, for example, one with dollars in statute has trades offs in the ability to evolve services and spend additional time on complex issues. A more flexible system can result in a higher rate of change in fee amounts. Accountability was also an important concept expressed by stakeholders.

- 1. Certainty: 1
- 2. Flexibility: 3
- 3. Accountability: 3
- 4. Rationale for setting fees: 3
- 5. Subsidies for permit holders: 5
- 6. What do you think is an appropriate frequency to review fees and fee structure? (Select one): 3 Years

If selected Other, please explain:

7. What do you think is the best manner to adjust for inflation?: Permit fees should be adjusted pursuant to an inflation clause agreed upon by the stakeholders. WQCD and stakeholders should meet periodically to determine whether the inflation clause is adequately funding the services agreed upon by stakeholders in the 2014 Clean Water Fee Structure stakeholder process.

Also, we were unclear how to communicate the meaning behind our response to #5 above. CCA supports ending construction's subsidy of the other service categories.

Statute v. Commission

There are a number of considerations when assessing the roles of the Water Quality Control Commission and statutory authority. A different solution may be appropriate for each sector.

- 1. Fees established by the Water Quality Control Commission. 1
- 2. Fees established in statute with a statutory cap and periodic adjustment made as necessary by the Water Quality Control Commission. 2
- 3. A la carte services and fees established and managed by the Water Quality Control Commission. 4
- 4. A la carte services and fees established in statute. 2
- 5. Fee formulas in statute. 4
- 6. Fees in statute with an inflation clause. 5
- 7. Fees in statute without an adjustment for inflation (current model). 2

Fee Comments

Permit fees should be set by the legislature, preferably with an inflation clause or formula which ensures that inspection rates remain at a level which supports an 'upstream' compliance assistance model. Legislative involvement ensures that any proposed shift away from the agreed-upon compliance assistance model is first debated by the legislature.

A la carte services and fees are viewed differently. Because a la carte services only come into play when a permit holder / permit seeker wants the service, it is important to give the WQCC the ability to adjust prices when necessary, thus guarding against desired services atrophying or disappearing if the a la carte price no longer covers the cost of those services.

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General Fund

There are different schools of thought for how general fund should be distributed in the Clean Water Program that range from no general fund to completely funded with general fund dollars.

- 1. The division has the discretion to spend as needed. 1
- 2. The only permit holders to receive general fund are those which involve governmental entities such as public utilities, local governments, or state agencies (e.g. Colorado Department of Transportation). 3
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- 5. All permit holders receive a percentage based on the department's discretion and other to be determined factors. 2
- 6. No permit holder general fund as it should be a completely cash funded program. 4
- 7. Only small public and private entities receive general fund. 4
- 8. Allocate general fund to program areas or permit activities with small numbers of permittees to keep fees reasonable. 2

General Fund Comments

Final Ratings

- 1. Small workgroup meetings were helpful in increasing my understanding of sector specific fees and having dialogue about how to improve the fee structure for the specific group. 4
- 2. Large group meetings were helpful in understanding the department's position and providing an avenue for large group discussion on cross cutting topics of interest. 2
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Final Comments

Sandra McDonald

Representative for: City of Arvada (Individual)

Phone: 720-898-7811

Email: smcdonald@arvada.org

Each number (from 1-5) next to a question denotes that person's level of agreement with that question. One denoted that they strongly disagreed and choosing five denoted they strongly agreed with the question. If there was no number, the person did not answer that question.

Did you attend the MS4 workgroup meetings?: Yes

FEE PROPOSAL SCENARIOS

	With New Services	Without New Services	Cat./ Sub-cat.	Cat/Sub-Cat Description	No. of Entities	Scenario 1		Scenario 2		Scenario 3		Current cat/ subcat	Current fee
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Scenario Comments:

Without appropriate financial information and accounting of individual time that can be directly allocated to specific programs, it is difficult to provide meaningful feedback on the fee scenarios. Requesting a 32.2% increase across the board is significant. It was understood at the time of the stakeholder meetings that vacancy savings had been used for some time, but it appears that no adjustments were made in that time to reduce spending.

As for "new services", it would be beneficial moving forward to track sufficient information to provide an explanation of how resources are utilized before requesting funds for new services. During the stakeholder meetings, new services were said to be additional FTE to support an auditing program, which should be a core program element already covered under existing programs.

DISCHARGE PERMIT APPLICATIONS, APPLICATION SUPPLEMENTS AND PERMIT MODIFICATIONS

Applications and supplementals: fee is 50 percent of the annual fee for new permitted entities 4

Permit modifications: fee of 25 percent for minor amendments and 50 percent for major amendments. 3

Discharge Permit Comments:

It is unclear what is considered major and what is considered minor. However, we agree that allowing the fee to cover the permittee until the next annual fee is charged, and not calculating an interim fee is sound and lessens the permit fee complexity.

A LA CARTE

Compliance assistance: 4

Administrative Action:

Low complexity service: 4

Medium/low complexity service: 3

Medium complexity service: 3

High to very high complexity service: 3

Service Type	Application Fee	Example Actions
Compliance assistance	no fee	Compliance assistance inspection or audit, upon request
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A la carte Comments:

The "a la carte" service is a good collaborative effort and would allow existing MS4s that do not require these services to opt out. However, it is unclear what the true fiscal requirements of this program would be.

Sandra McDonald

Representative for: City of Arvada (Individual)

Phone: 720-898-7811

Email: smcdonald@arvada.org

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WORK GROUP RECOMMENDATIONS

1. Promote and expand qualifying local program (QLP) to include compliance as part of new services scenarios. 4
2. Fee associated with conversions in the event of a withdrawal. 3
3. Do not accrue fund balances to a level that puts general fund at risk. 5

Recommendation Comments

Promotion and support for Qualifying Local Programs could assist the Division in allocating resources to other needed areas.

POLICY CONSIDERATIONS FOR OVERALL SUCCESS

In developing concepts for a fee structure, stakeholders identified the need to strike a balance between certainty and flexibility. A more certain structure, for example, one with dollars in statute has trades offs in the ability to evolve services and spend additional time on complex issues. A more flexible system can result in a higher rate of change in fee amounts. Accountability was also an important concept expressed by stakeholders.

1. Certainty: 2
2. Flexibility: 3
3. Accountability: 1
4. Rationale for setting fees: 1
5. Subsidies for permit holders: 2
6. What do you think is an appropriate frequency to review fees and fee structure? (Select one): 5 Years

If selected Other, please explain:

7. What do you think is the best manner to adjust for inflation?: Inflation should be accounted for and built into annual budgets. Address inflation as other state governmental entities do.

Statute v. Commission

There are a number of considerations when assessing the roles of the Water Quality Control Commission and statutory authority. A different solution may be appropriate for each sector.

1. Fees established by the Water Quality Control Commission. 1
2. Fees established in statute with a statutory cap and periodic adjustment made as necessary by the Water Quality Control Commission. 2
3. A la carte services and fees established and managed by the Water Quality Control Commission. 1
4. A la carte services and fees established in statute. 4
5. Fee formulas in statute. 4
6. Fees in statute with an inflation clause. 3
7. Fees in statute without an adjustment for inflation (current model). 3

Fee Comments

Fees should be established in statute and not at the will of the Water Quality Control Commission. If necessary, fees can be revisited in 5 years. A vast majority of local government and district representatives strongly support this.

Sandra McDonald

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General Fund

There are different schools of thought for how general fund should be distributed in the Clean Water Program that range from no general fund to completely funded with general fund dollars.

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- 7. Only small public and private entities receive general fund. 3
- 8. Allocate general fund to program areas or permit activities with small numbers of permittees to keep fees reasonable. 3

General Fund Comments

General Fund money should be available to cover unfunded program areas, buffer fluctuations in permit numbers or fund temporary, high resource projects. However, General Fund should not be used to grow existing Division Programs or staffing.

Final Ratings

- 1. Small workgroup meetings were helpful in increasing my understanding of sector specific fees and having dialogue about how to improve the fee structure for the specific group. 4
- 2. Large group meetings were helpful in understanding the department's position and providing an avenue for large group discussion on cross cutting topics of interest. 2
- 3. Meeting materials increased my overall level of understanding about the history of Clean Water Program fees and their history, overall department and division funding and how the division manages clean water program permitted activities. 4
- 4. Facilitation was effective and objective. 3
- 5. This process was successful at creating a trusting, open atmosphere to discuss issues of interest. 2
- 6. This process was helpful in building professional relationships with peers that I did not have before this process. 2

Final Comments

The stakeholders appreciate the opportunity to have all parties meet and discuss the future of the MS4 program funding. Handouts were helpful, but should be made available prior to meetings for study and to formulate questions. The process, although much better than others, still did not provide the answers stakeholders requested on financial transparency and accountability. We understand that the fee increases are to "stop the bleeding", but challenge the Division to proactively develop performance measures that will prioritize needs so our future conversations do not point to such an imminent need, and instead focuses on more of a collaborative effort.

Don Stahurski

Representative for: City of Federal Heights (Individual)

Phone: 303.412.3539

Email: dstahurski@fedheights.org

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Did you attend the MS4 workgroup meetings?: No

FEE PROPOSAL SCENARIOS

	With New Services	Without New Services	Cat./ Sub-cat.	Cat/Sub-Cat Description	No. of Entities	Scenario 1		Scenario 2		Scenario 3		Current cat/ subcat	Current fee
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			06-05	General permit >= 100,000 population	8	\$7,341	\$5,432	\$7,300	\$5,400	\$5,700	\$4,050	07-20	\$4,050

Scenario Comments:

There are concerns of when "new services" would be implemented and questions on how the Division would be held accountable to implement these new services.

DISCHARGE PERMIT APPLICATIONS, APPLICATION SUPPLEMENTS AND PERMIT MODIFICATIONS

Applications and supplementals: fee is 50 percent of the annual fee for new permitted entitie 3

Permit modifications: fee of 25 percent for minor amendments and 50 percent for major amendments. 3

Discharge Permit Comments:

How are major and minor amendments defined and where would those definitions be documented?

A LA CARTE

Compliance assistance: 5

Administrative Action: 5

Low complexity service: 3

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Recommendation Comments

POLICY CONSIDERATIONS FOR OVERALL SUCCESS

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6. What do you think is an appropriate frequency to review fees and fee structure? (Select one): 10 Years

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Fee Comments

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General Fund Comments

Don Stahurski

Representative for: City of Federal Heights (Individual)

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Final Ratings

1. Small workgroup meetings were helpful in increasing my understanding of sector specific fees and having dialogue about how to improve the fee structure for the specific group.
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3. Meeting materials increased my overall level of understanding about the history of CleanWater Program fees and their history, overall department and division funding and how the division manages clean water program permitted activities.
4. Facilitation was effective and objective.
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Final Comments

Tom Repp

Representative for: Douglas County (Group)
 Employed by: Alternate contact: Jim Dederick,
 jdederic@douglas.co.us

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 Email: trepp@douglas.co.us

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Did you attend the MS4 workgroup meetings?: Yes

FEE PROPOSAL SCENARIOS

	With New Services	Without New Services	Cat./ Sub-cat.	Cat/Sub-Cat Description	No. of Entities	Scenario 1		Scenario 2		Scenario 3		Current cat/ subcat	Current fee
						incl. new services	no new services	incl. new services	no new services	incl. new services	no new services		
Scenario 1:	3	3	06-01	Individual permits	5	\$19,106	\$14,083	\$19,000	\$14,000	\$13,750	\$8,500	23	\$4,360-\$10,580
Scenario 2:	3	3	06-02	General permit <10,000 population	46	\$704	\$503	\$700	\$500	\$530	\$355	07-23	\$355
Scenario 3:	3	3	06-03	General permit >= 10,000 and <50,000 population	44	\$1,508	\$1,106	\$1,500	\$1,100	\$1,160	\$810	07-22	\$810
			06-04	General permit >= 50,000 and <100,000 population	14	\$3,620	\$2,716	\$3,600	\$2,700	\$2,800	\$2,020	07-21	\$2,020
			06-05	General permit >= 100,000 population	8	\$7,341	\$5,432	\$7,300	\$5,400	\$5,700	\$4,050	07-20	\$4,050

Scenario Comments:

The ability of the WQCD to continue to retain and maintain its MS4 Program by meeting the requirements put forth by the EPA is very important to Douglas County. All permit and other fees collected from MS4s by the WQCD should go towards funding that program. We dont want to subsidize other programs, nor do we expect to be subsidized by other programs.

In our opinion, the fee options are not as important as the process to obtain the fees and the justification/accountability of the fee increase.

DISCHARGE PERMIT APPLICATIONS, APPLICATION SUPPLEMENTS AND PERMIT MODIFICATIONS

Applications and supplementals: fee is 50 percent of the annual fee for new permitted entitie 3

Permit modifications: fee of 25 percent for minor amendments and 50 percent for major amendments. 3

Discharge Permit Comments:

A LA CARTE

Compliance assistance: 4

Administrative Action: 4

Low complexity service: 3

Medium/low complexity service: 3

Medium complexity service: 3

High to very high complexity service: 3

Service Type	Application Fee	Example Actions
Compliance assistance	no fee	Compliance assistance inspection or audit, upon request
Administrative action	\$80	Permit transfer
Low complexity service	\$600	Not anticipated at this time for MS4.
Medium/low complexity service	\$1,100	Not anticipated at this time for MS4.
Medium complexity service	\$3,800	Not anticipated at this time for MS4.
High to very high complexity service	\$3,800 submitted with application, additional - see hourly rates above	Not anticipated at this time for MS4.

A la carte Comments:

We would like to see any compliance assistance offered/performed by the WQCD to be charged a la carte, or as needed, to those who either apply for it or are determined to require it by the WQCD.

We would like to see adequate justification regarding the WQCD's desire/need to obtain sufficient funding to increase MS4 Program Staff from about 1.5 FTEs to an estimated 3.2 FTEs or so, based on the Division's preliminary numbers. We are inclined to believe the increase is necessary, but would like better justification so that we can support the increase. It appears to us that the additional staff could assist in field compliance, particularly at construction sites.

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WORK GROUP RECOMMENDATIONS

- 1. Promote and expand qualifying local program (QLP) to include compliance as part of new services scenarios. 1
- 2. Fee associated with conversions in the event of a withdrawal. 5
- 3. Do not accrue fund balances to a level that puts general fund at risk. 5

Recommendation Comments

We believe that a QLP Program should be first justified objectively - How does the QLP benefit the taxpayer? What incentives are offered to an MS4 by taking on the QLP responsibility?

POLICY CONSIDERATIONS FOR OVERALL SUCCESS

In developing concepts for a fee structure, stakeholders identified the need to strike a balance between certainty and flexibility. A more certain structure, for example, one with dollars in statute has trades offs in the ability to evolve services and spend additional time on complex issues. A more flexible system can result in a higher rate of change in fee amounts. Accountability was also an important concept expressed by stakeholders.

- 1. Certainty: 5
- 2. Flexibility: 3
- 3. Accountability: 1
- 4. Rationale for setting fees: 2
- 5. Subsidies for permit holders: 4
- 6. What do you think is an appropriate frequency to review fees and fee structure? (Select one): Other

If selected Other, please explain: Every 5 years a formal public stakeholder process should be conducted, so the Division can justify the need for additional fees or a change in structure. In the interim years, internally the Division should account annually through checks and balances in order to have this type (budgets, etc.) of information readily available in the time of revenue-need reviews (every 5-years through the stakeholder process). Throughout this process, the WQCD struggled with justification of changing the current structure to the modified structure.

- 7. What do you think is the best manner to adjust for inflation?: Using a standard accounting method that is supported by the accounting industry and can be validated within the accounting industry.

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Statute v. Commission

There are a number of considerations when assessing the roles of the Water Quality Control Commission and statutory authority. A different solution may be appropriate for each sector.

- 1. Fees established by the Water Quality Control Commission. 1
- 2. Fees established in statute with a statutory cap and periodic adjustment made as necessary by the Water Quality Control Commission. 1
- 3. A la carte services and fees established and managed by the Water Quality Control Commission. 1
- 4. A la carte services and fees established in statute. 5
- 5. Fee formulas in statute. 5
- 6. Fees in statute with an inflation clause. 5
- 7. Fees in statute without an adjustment for inflation (current model). 1

Fee Comments

The fees determination should remain in statutes, not with the WQCC. The small stakeholder group strongly supported that the current statutory process for setting fees not be changed. We strongly believe that if the WQCD ignores the consensus, which does exist, of the stakeholders to only set fees through the legislative process, the WQCD will lose the support it now enjoys from its clientele. The WQCD now has a substantial base of support that it has built among its users through the stakeholder process and it would risk losing that, as would the CDPHE in general, if the decision is made to pursue giving the Commission the power to set fees. As we have progressed through this process, it appears to us that the MS4 category will remain unchanged in the current statute form, with the addition of the clarification language developed by participants, possible fee increases based on the justified need to maintain the current program, and the potential for compliance assistance (if needed and fee based on the individual applicant need). It is our opinion that the fee justification was not explained in enough detail and was therefore difficult for the WQCD to quantify its shortcomings to its stakeholders. This accounting problem should be resolved prior to moving forward with the legislative process.

Separating out categories in any legislative proposal should also be discouraged. The fees should continue to be evaluated in their entirety to also preserve the general fund.

It has been asked before, and we would still like to know the WQCDs formal position regarding having the fee process set by the Commission rather than the legislature, and why? Also, does it make any difference to the WQCD that the stakeholders want the legislature to set the fees? This topic has been generally avoided and yet is a constant stated issue in every group we have attended.

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Final Comments

To maintain what we consider to be our excellent working relationship with the WQCD in general, and the MS4 Program staff in particular, we sincerely hope that you all understand our input in this process is not personal, and that we genuinely care about trying to do our best with our MS4 Program, based on MEP and the resources available to both you and us.

All in all it was a good learning and participatory process. That being said, we have four exceptions to how the process was handled and how two are still being handled:

First, the start of the process could have been less positional from the WQCD's perspective. The term "silence equals agreement" was used immediately in the first meeting when setting ground rules. In fact, as a permit holder, we were not informed of the first meeting by the Division. If we were not present due to the lack of formal invites, we could not have developed a negotiated process of publicly stating an organizational opinion. Setting this position early on increased the lack of initial trust and reduced productivity in the early stages of the process. This could have been avoided through open invitations and less positional structure from the Division.

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Second, the whole concept of defining a consensus as being something less than the true meaning of the word defies the whole notion of consensus, in other words the Division's use of the "minus one" idea. One very significant example is, at one stakeholder large group meeting, there was one dissident that the WQCD was never willing to disclose at the meeting that may have been the "minus one." This example, in part, relates to this being an open and public process, but a "sense of fairness" seemed to be compromised in that there might be a "secret voter" that has the Division's "ear" and is just as, or more so, influential as the participating stakeholders. Assuming that to be true, why even have the stakeholder process if such an occurrence can control the outcome despite the stakeholder process.

Third, sometimes process took priority over substance. This was unfortunate and should be avoided in the future. What is the outcome desired, efficiency in process or a credible outcome that has legitimacy and authenticity?

Lastly, the facilitators basically did a good job representing the WQCD's interests, but perhaps inadvertently in some instances, caused stakeholder "comfort levels" to be reduced during some of the meetings. At times, the facilitators were pushy towards the stakeholders when trying to obtain information if nothing was forthcoming by stakeholders (e.g., singling out a stakeholder representative at times to try to facilitate further discussion). In all fairness, the WQCD should allow silence at times when the stakeholders present may not be in a position to immediately offer information to share and may need another meeting to discuss this issues.