

Stormwater Advisory Board (SWAB)
January 20, 2012; Friday, 3:00 PM
SWAB Meeting Minutes
W.A.T.E.R. Center, 101 E Pawnee, Wichita, KS

Present: Chris Bohm, Chair; Jeff Bradley, Member; Richard Basore, ex-officio Member; David Leyh, Member; Jim Weber, Member; Hoyt Hillman, Member; Larry Henry, Member; Gary Oborny, Member; Scott Lindebak, Support Staff; Colleen Shirley, SWAB Secretary; OTHERS: Tim Austin, Poe & Associates Representative; Joe Hickle, Jim Hardesty, Mark Hall **Absent:** MS Mitchell, member; Joe Pajor, Member

Regular Agenda

A. Welcome

- i. Meeting called to order at 3:05 P.M. by Chris, SWAB chair.

B. Review and Approve/Revise Minutes from January 6, 2012 Meeting

- i. Motion by Hoyt: approve minutes from January 6th meeting; seconded by Jeff
- ii. **Vote: all members voted to approve the minutes, no members opposed, the motion passed unanimously.**
- iii. Resolved: The minutes of the January 6, 2012 meeting are approved and entered into the SWAB records.

C. SUB-COMMITTEE REPORTS

1. Operations and Maintenance (O & M) Committee

Chris asked if Jim would like to report on activities thus far. Jim replied there have been no activities in the last two weeks.

1) Water Quality Device Location / review e-mail (subject line: Wilson Estates)

Chris explained the basics of the e-mail, the case was in Wilson Estates and someone (probably a designer) proposed placing a Hydroworks manhole in a public utility stormwater easement and engineering discussed but had some reservations. Their concern is of the cleaning and maintenance of this with it being in a location, such as an easement. Chris then asked Scott if he has any information to share on this.

Scott replied; he wouldn't mind if it's in a public easement if it didn't take on any off-site runoff. However; if the manhole structure was to serve off-site runoff, which could contain pollutants from other people's developments, then it could be problematic for that owner because they would have to clean not only their sites but other sites. Scott stated he felt it's worth SWAB discussion. If they were forced to put it outside the easement it would require an additional manhole or manhole structure, but often the easement is the lowest place and it makes logistical sense. If there was off-site runoff coming into the existing system, they would probably suggest placing the proprietary device outside the easement. Scott said he wanted to hear what the Stormwater Advisory Board and particularly the O&M committee thought about this and reminded Board Members to state their name for the record.

Chris gave his thought on the topic by asking how far from a parking lot or road the inlet or Hydroworks manhole would be. The logistics of getting a vac-truck to it for future cleaning would be something for the O & M Committee to consider. He stated he is aware the City of Wichita, a couple of years ago or more, began the practice of using sanitary sewer manholes at the dead-end line of a lot, typically up to the adjacent street or property corner. This enables them to get their machinery in and maintenance is easier. He then inquired if anyone else on the Board had anything.

Larry said he believes the intent of these structures is to make sure that stormwater entering the public system is clean. He added, to him that means placing it as close to the existing system as is reasonably possible. At times the point of entry into the existing system, or adjacent to it, is where it should go. Larry stated he is unsure about the City's concern with who would be responsible to maintain it, as long as there is a clear

delineation within the records that it be maintained privately. He understands having a private improvement in a public easement and realizes it creates some difficulties but also thinks it's "just one of the weird animals that we're going to have to deal with", in regards to this type of policy. He also stated he was familiar with this case and not real sure there were many alternatives.

Jeff requested clarification; based on cleaning requirements for cleaning sanitary/sewer manholes, what is the capability/distance of a storm system vac-truck? Is it just within the radius of the truck?

Scott replied, typically within 15 to 20 feet radius of the truck. Extending the boom out too far, when sucking water and other heavy material, puts a lot of strain on the arm. Maintaining a radius of 15 to 20 feet keeps stability for the truck. He also stated it should be close to a paved surface to vacuum. (Or jet the lines, they do both. To jet they sometimes have another cleaner on the back end of the downstream manhole to push that material all the way down.)

Chris asked Larry, since he was familiar with the case, if it is close to a paved surface where a vac-truck can come in to clean.

Larry answered, "Yes," he believes it is close enough to be accessed.

Jeff inquired if it was problematic because it is in the drainage easement and if we're trying to protect the easement or something else. He stated his personal thought is the easement allows the City certain rights to it, but doesn't mean private things can't be placed in it. He continued by saying whatever is put in there should not interfere with public use. He gave the example of a sanitary sewer kick-out from a house, there might be 10 or 12 feet of private line and everyone knows it's a private line running out to the sewer line, it has to be there. He concluded by saying it could be a case by base, just make sure it doesn't interfere with what needs to be done and does not create a problem for the City.

Scott said IF there was a manhole structure was the biggest concern. He hasn't seen this area and has not been provided of a drawing or picture for this specific case. He continued by saying his concern was this main possibly serves other developments adjacent to it and not only this development. If this owner fails to complete due-diligence and keep it clean, the adjacent development may flood because of inadequate maintenance. Scott agreed with Jim's comment, he doesn't see an issue with it in a public easement unless it may interfere with offsite drainage.

Jeff summarized their thoughts; the device needs to be (perhaps) the last device/junction on the private line and then tied into the public line. Larry agreed.

Jeff followed up earlier statements by asking if any proprietary device, whether it's privately or publicly cleaned, would need to be within reach of the cleaning truck. The easements would then need to be delineated to say "you can't go any further than this".

Chris said if there were to be some kind of standard of review it would be:

- #1 It cannot be an existing main line, it has to be put to the side and make a connection.
- #2 it must be within reach of a vac-truck so it can be properly maintained.

Scott replied is seems reasonable and Chris stated there shouldn't be need of action on this item. Scott agreed and said he mainly wanted guidance.

Jim followed-up by trying to clarify these new plans would have to show the vac-truck can get to it, even if it's all in private property. He said he read the issue as putting a private facility inside a public easement.

Chris asked for other discussion and, after hearing none, requested to move on to the next committee and asked if Jeff, Gary and/or Hoyt had anything to report.

2. Liaison Committee

Jeff reported; he, Gary and Hoyt had a conference call about 4:00 Wednesday afternoon and spoke for about 45 minutes regarding their role, what they wanted to accomplish and what action items they would take. Some items discussed were exchanging e-mails and looking at issues brought up regarding issuing storm sewer credits. He stated Hoyt did some research in Pennsylvania and what they are doing. His

research showed if a developer has a large development and room for a sizeable or oversized retention pond, other adjacent developers could “piggy back”. Jim also said Hoyt brought up a proposed webinar on treatment from (possibly) Forester University, February 2nd. Hoyt commented that Jeff did a nice job of summarizing the meeting.

Chris asked if the committee had made a list of cities they may want to contact to see what they’re doing, if they have a body similar to the SWAB, a review committee or stormwater ordinance we could exchange information with.

Jeff said they had not listed any particular cities but were looking at geographic regions. They did discuss specifics about the differences in geographic location; silt, clays, rock, agricultural land, types of soils etc.

Hoyt added, they had talked about total solids and he had mentioned seeing a couple articles on sediment reduction process from WRAPS. He went back and spoke with the WRAPS coordinator at the extension office and he’ll be helping Hoyt gather more information. As explained to Hoyt, he had made some significant reductions in sediment, particularly out of the Little Ark. Hoyt stated he would be compiling some information and making it available.

3. Downstream Channel Protection Committee

1) *Sensitive Channel Map / City of Wichita GIS Mapping*
SKIPPED

2) *Proposed Modification – PW Director Response/Meeting Review*

Chris reminded the board of the recommendation forwarded to Mr. King at the previous meeting. In review, the request was asking the downstream protection channel volume be applicable only on sites 5 acres and above and only if those basins are in a sensitive area that requires the downstream protection volume. Chris asked Scott to update the Board on any conversation he had with Mr. King regarding the forwarded recommendation.

Scott stated he had a meeting with Alan King and Don Henry; they went over the recommendation together. Scott mentioned Alan was able to quickly process the information and understand the issue, he also commented that Alan asked a lot of good, detailed questions in regards to looking at other methodology or performance measures to reduce downstream channel erosion. After looking at all the information, Alan realized the committee (Board) is trying to create a simplified approach to reduce channel erosion downstream. After discussion it was suggested the Board take another look and perhaps focus on 5 acres of *disturbed* rather than 5 acres of *impervious*.

Scott also said the stormwater staff did contact KDHE, probably before the last SWAB, “What new regulations are we anticipating from EPA? We have a new permit coming up and we want to be prepared to know what might be coming down the road.”

a) Review Draft General Stormwater Construction Permit (NPDES/NOI)

Upon contacting KDHE, Scott found out a revised General Construction Permit was issued for public comment on December 28th or 29th. This was issued with a 30-day comment period which expires January 28th. Scott stated in the general permit, there are a couple specific points on insuring any sight serving an acre should provide assurance this sight would not create downstream erosion. Scott stated he sent the information to SWAB via email earlier in the day and Mark (Hall) may have that information with him. Scott also suggested Richard may have some additional information on behalf of KDHE’s thought process in regards to the modifications to the general permit.

Richard replied he has not been privy to the discussions in Topeka so he is unable to answer.

Chris recapped the conversation in the context of what is being discussed; that is the 5 acres impervious versus the 5 acres disturbed on a site, to get a waiver of downstream protection volume and suggested a quick (or not so quick) detour into the proposed modifications of this permit as comments are due in a week and a half. Chris stated he wished we had more time to look at it; the 30-day period is not a lot of time. Scott stated he received it during the holidays, over Christmas break. Chris pointed out that Mark and Scott had put an “executive summary” together and asked Scott to through each of these and get to the ‘high’ points as there is not a lot of time.

Scott began by stating a great thing about the new permit is construction involving routine maintenance would no longer require the Notice of Intent (NOI); (Page 17 end note 7: "Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility that disturbs less than 5 acres is not considered to be construction activity, and therefore is not subject to construction stormwater permitting requirements.") Scott stated this helps himself as well as Jim in regards to their stream maintenance crews; when they clean channels to regain capacity that may have been caused by sedimentation, they will not need a permit. Those are projects disturbing 5 acres or less, which is a lot of what is done in maintenance. Scott said the next item (in his opinion) is the most troubling issue from the City standpoint. The revised permit is requiring 2 NOI's - 2 stormwater permits for a residential subdivision or a partial development. One would be held by the City of Wichita or municipal government and the other would be held by the private developer. Typically, the City would go out and take the private developer's permit and build the public improvements on private property. Once the improvements are completed and the contractor has placed an erosion mat and other best management practices and things become stabilized, the City writes a letter to the developer "passing the baton" to that person to show it is their responsibility to see that best management practices are maintained and they are responsible from x point forward. After they look at it and acknowledge it's in good shape, it is their responsibility to control the builders or sub-contractors and insure the site does not violate NPDES requirements. Scott continued if the City continued that process, we would turn the permit back over to the developer and at this point it seems the developer would hold two permits for the same site, it doesn't make practical sense. Scott went on to say he is uncertain what KDHE's main thought or objective is and believes what the City is doing serves a purpose and is the most efficient way of doing things. He concluded by saying; having two Stormwater Pollution Prevention Plans (SWPPPs) for the same site does not make logistical sense.

Hoyt asked if the Board should be making decisions on these as we go or reserve decisions. He agreed that having multiple people responsible for a site at one time does not make sense. Hoyt suggested the Board make a recommendation and Scott could get back with them or the members could send out recommendations individually. He asked how the Board should proceed.

Chris responded it was a good question as the Board recently received it and had not been given a chance to look through it. Chris asked if Scott had a meeting scheduled with KDHE. Scott responded he is going to set up a conference call with Gary Jantzen and Greg Baalman; the acting City Engineer and the Construction Engineer. Scott stated he had already visited with Gary about this issue. Scott said he wants to draft a letter to KDHE, circulate it to Gary and Greg to make sure they are all in agreement on the City standpoint and then send the letter to KDHE. Scott said he would like additional thoughts, questions, etc from the SWAB members as well.

Chris said OK then asked Scott to carry on with the bulleted points. Scott continued; this next section requires the SWPPP to be submitted if the project is not closed out with a notice of termination within 18 months. Scott clarified; if you have an existing permit with the state when the general permit is issued and you don't terminate the permit within 18 months, you will need to have your consultant or design professional submit a new SWPPP to meet the current requirements, not the previous requirements. They are basically putting a sunset on the current general permit requirements. Scott finished by saying this basically gives an 18 month widow from when the permit is approved to get your project completed.

Chris asked if it would be retroactive from the date of adoption. If you had a permit open for 16 months and they adopt the new rule, you would have another 18 months to get it completed? Scott verified, "yes, 18 months, 1 ½ years." David commented that in the world of commercial development, 18 months is nothing. Chris agreed.

Gary said, from the development side it puts an element of unpredictability on the project. He stated, in a business model when you put in un-predictabilities your model ceases to be functional or economically viable. Gary continued by saying it is necessary to have an environment with predictable scenarios in order to thrive.

Mark (Hall), further explained what this section says (using New Market Square as an example). If you have a project going right now and the project is not closed out within 18 months, you will need to obtain a new SWPPP, a new permit. From that point you would follow the new regulations, not get a new permit every 18 months. You won't have to update every 18 months, you have 18 months to close out any projects currently open and if those aren't able to close in that time-frame, you basically have enough notice and time to go ahead and get your professionals in line to get that taken care of for you with the new regulations, not asking you to retroactively comply with the regulations.

Gary asked what to do in a multi-phase development where there are multiple benchmarks that have to be obtained. Would it be necessary to renew every 18 months?

Mark replied no, it is not every 18 months it is a one-time 18 month extension to meet the new regulations. Scott added it is for currently active permits at the time the new general permit goes into effect. Mark summed up by saying if you have a permit at the date of adoption and you are still going on that project 18 months from then, you will need to 're-up' everything you have going and make it in compliance with the new general permit. Otherwise, if you have completed and closed out, you are done. Gary asked if there would be cost involved to 're-up' and Mark said yes, there would be cost involved.

David continued with the New Market Square example; as of today it is a 10-year or more project. People don't realize how much is involved and the time-frame involved. It is one of the fastest projects ever in this community, a span of 20 years, pieces move and change and it won't be the same for the rest of the development. He also gave the development at North Rock Road, split north of K-96, as an example. He stated, due to the unknown today this could be somewhat problematic in regards to stormwater development and so forth.

Richard concurred with Mark regarding the intension is a one-time thing to transition from the existing state general permit into the terms of the new general permit. If you are still active on a permit, you have 18 months to close out or obtain a new permit and become compliant with the regulations. Once the new permit is in effect it will be like the old one, a 5 year permit. Richard said the KDHE does not run around routinely changing the permits within those 5 years. They adopt a general permit; get it approved by EPA and its good for 5 years, and so on. In order to know what you're dealing with and what the expectations are, once the rules change they should be the same for a 5 year window. The transition time of the 18 months is to transverse from what you have done into the new changes whatever they might be.

Jim asked for clarification, do the currently issued NOI's have an end date or are they open ended? Scott replied he'd have to check. Jim said if you have an NOI, you should be able to carry it out until the project is done unless they already have an expiration date. He said he believes Richard is saying the general permit expires in 5 years, but if the NOI expired why not grandfather those in until the project is done?

Scott clarified, the NOI doesn't expire (page 4). He expanded to say it is the SWPPP that would need to be updated. Continuing with the New Market Square example, the consultant working on it probably developed a pretty robust plan, requiring great detail and they probably meet the new general permit requirements. However, he went on to say there its unknown if all SWPPP's created by all professions would meet today's requirements. He ended by saying there could be a lot of SWPPP's out there that would meet these new guidelines.

Hoyt said when he read this he also agreed it is just the SWPPP being updated. He explained it specifically says as long as you are working any BMP's to stabilize your drainage, that you're fine. Hoyt stated he didn't see this as a problem. Chris asked if there were any other comments on this section.

Larry said it bothered him anytime horses are changed in the middle of the stream. "Developers, when they are working on a development, especially a large one or a multi-phase one, have a lot of considerations that they have to lock into when they are trying to cost out and be able to market a piece of property." He went on to say it is what troubles him when changes occur halfway through a project and suddenly there is an additional expense caused by new criteria that this project has to meet. Larry said he thinks it is one of the main issues keeping people from moving forward with things, once you begin with today's rules you assume they will be in place throughout the project and when there are other criteria to comply within the middle of a project, everything needs to be revamped.

David said he “wholeheartedly agreed”. He used the New Market Square example again with regard to a need for multiple re-draws, flexibility, etc in comparison to smaller compact projects, such as “the Quik Trip on the corner” when they are “boom, done”.

Chris suggested putting a ‘star’ on this item for later review and moving on.

OFF AGENDA – New Item – Tim Austin, Poe & Associates

Chris said he received a request from a visitor asking to speak with the Board, prior to 4pm, on an item to be discussed at the next meeting. With his discretion as SWAB Chair, with permission/indulgence from the Board, he invited Tim Austin with Poe & Associates to address the Board regarding some of the points in the letter previously received by the Board.

Chris reminded the members there should be a copy of the letter in their binder and told Tim he could begin.

After Tim thanked Chris and the Board, he stated after speaking with some SWAB members he believes there are some questions about many of the bulleted items in the letter. He apologized for being unable to attend the first few meetings as he was out of town and today has to leave by 4:00pm. Tim spent a few minutes reviewing the minutes from the previous meeting and stated there were a few items that gave him “some pause for concern”. He said he wasn’t sure what all was discussed at the previous meeting as he only had the minutes from the last (Jan 6th) meeting, however he thinks he can clarify the issue they were trying to “bring to the table” in regards to the Restrictive Covenant. Tim explained it wasn’t so much a technical issue as it was a land title issue that has some legal implications and ... Chris interjected the Board has formed a committee to look at the legal part of it.

Tim said OK, and same thing with the O & M Manual because, as it is a fluid document, it is really not the intent of the Register of Deeds to be a library for City government. He continued by stating the Register of Deeds has to do with real estate, property values, vested interest and so on. Tim suggested (and mentioned he had spoken with Scott regarding this, similar to drainage plans, etc) putting a notice in the Planning Department for review or inspection. “It flags it up; it’s on the plat and in the title and you file that separate document. We don’t actually record the document, meaning your plans are not of record. He commented it was his recommendation, in order to keep from misusing the Register of Deeds Office. (Looking at the minutes) Tim pointed out the discussion about the Private Project, he stated he ‘came in late on the water quality infrastructure’ and said they would need to follow-up on that and obtain more clarification. Tim started to speak on the sub-division for zoning changes, but switched over to the review of the MS4 Permit. (Again, following the Jan 6th minutes.) He mentioned reading that Jim talked about a timeline and said he knew we (SWAB) spoke with council members as well as Alan King discussing some immediate issues we are charged with addressing and had mentioned a 3-step process. Tim said there were some immediate issues, there are some more intermediate issues and there are some long range issues. He stated “But to be honest, I don’t see that as a five year time line, I see it really as more a 2 year timeline.” He acknowledged this is a big challenge and he really appreciates everyone who volunteered to be on this board as well as everyone who had their ‘arm twisted’ to be on this board, as it does require a time commitment and there are some long term things in terms of the regional approach which he believes may be a manageable scale for Scott’s office and would take a lot of staff time and enforcement activities out of the equation. Tim said his personal thinking is “the quicker we can get that the better off we are.”

Chris replied the Board is in the process of studying that as well.

Tim spoke about the outside counsel suggestion, after being in some of those discussions himself he appreciates the Board wanting to be economical and utilizing the City’s counsel, however it would be like going to a general practitioner for heart issues (instead of a cardiologist) and stated it is the same with lawyers. Continuing, he said dealing with business issues use a business lawyer; dealing with divorce issues use a divorce lawyer; basically it’s best to use lawyers in their specialty. Tim said he knows the City’s Law Department staff are good people; however these issues are not their specialty. He said he wants to give a context for the basis of the recommendation as the letter is ‘kind of a reflection’ or ‘a representative’ of many of his discussions with people in the commercial real

estate industry. Tim reiterated there are many nuances to environmental law, many case studies and he would like the City's Legal staff "to just get stuff on petitions and stuff in a timely manner and not spend their time researching this ... environmental real estate law, which isn't their expertise." He acknowledged there was obviously a balance, but strongly suggests they (Law Dept) continue to do "that" and he was under the impression in regards to the last discussion with Alan King, that "Alan King had accepted that in the last conversation."

Tim moved on, mentioning he was interested in the SWAB discussion of the Subdivision Zoning Changes. He said one of the things they started looking at during their initial review was how to mitigate impacts. He stated if these comments (in the minutes) are correct, he would disagree a bit with the context regarding (comments in the minutes about) planning issues and stormwater issues aren't interrelated and this board isn't really the basis for implementing changes. Tim asked if it isn't water quality issues or water volume issues that precipitate those types of changes in the planning and zoning code then what does cause those changes. He restated: "In other words, if I'm the planning commissioner and there is no valid reason to change it, why do I need to change it?" Tim says he believes it is the recommendations of this board and it is certainly his intent in contacting the SWAB, for this Board to look at ways in which it helps developers mitigate their costs and "we can do it within the planning/zone code and the discussions on parking lots, parking requirements, building increased flexibility to having reduction in parking...we do that right now. But in the zoning code you can only take a 10% reduction by administrative adjustment, you have to file a request through the office of central inspection, anything beyond 10% you've got to file a variance." He stated there are things that we can do and used the example of sub-division street standards. He explained one of the things we can do is narrow the street standards up slightly to reduce impervious area. This saves costs and allows the developer to realize a little greater value in their land and it helps on the stormwater management. Tim said he really thinks it is this Board that gives the underlying reasons, logic and rationale as to why those things should be addressed. He said, to him this is the place to start, he commented they like the flexibility but they also like the predictability. Looking at the minutes again, Tim referred to Scott and his comment about 'it's a smokescreen,' Tim contradicted that the planning and zoning requests was not a 'smokescreen'. He continued with a comparison to the mowing height code: if there is a 12" height limit on mowing, yet developers are going to do a wetlands areas in some residential subdivisions and put in cattails and there is some benefit in it, maybe it involved a simple tweak of the code and he thinks we need to make exceptions for those instances. Tim said "it's really just...what are we trying to achieve on water quality and volume and making sure that everything's reflected; pretty much like when we developed a comprehensive plan in planning and zoning". All the rules that pertain to our comprehensive plan, everything follows that plan. He summarized; the building code, the health code, the subdivision and the zoning codes; in his opinion, should all reflect, the purpose and nature of this Board. Tim stated it shouldn't be the industry having to go alone and fight to reconcile everything. Tim said he believes it is the government's job to reconcile them and they should consider the recommendations of this Board. He began to remark on the mitigation credits and Chris interposed the Board is working on that.

Tim continued he simply wanted clarification as the notes indicated the perception of the SWAB was maybe these things weren't related or interrelated and, in his opinion, they are. Tim offered to answer questions or expand further if needed.

Scott commented it would be beneficial to have something more specific, such as action items. Mentioning the grass height example that Tim used; Scott said he has seen several high-end residential neighborhoods that have tall grass as part of the landscaping for the development. He added he didn't believe it was prohibited and no citations were given because it's a part of their landscaping. He agreed there may be some inconsistencies with several different city codes that have been grandfathered or accepted over time and probably a lot of bad or old ordinances needing updated. Scott wanted to know what specific changes they (as in, the industry) wants to have made related to subdivision changes. He explained the staff CAN'T make those recommendations to the Planning Commission; however Chris Bohm, as the SWAB Chair, could make the recommendations. He suggested, rather than simply saying "hey, there are a lot of inconsistencies," if they were to zero in on the specific revisions the industry wants, the Board would be receptive to looking at those.

Tim said he believes one of the challenges is that City Hall has seen such recent turn-over, new people coming into positions and a lot of historical knowledge has been lost. He referenced back to the tall grasscode; people in residential areas placing tall vegetation or similar on their property would be an exception to the code and allowable as it is part of their landscaping. He asked if the staff responsible for code enforcement would simply drive by that area, see a violation and send a letter for the owner to mow the property or would he be aware of the exception? What about when someone new takes over that position, would they be aware? He understands it's inconvenient to deal with different kinds of situations and exceptions; but if the exceptions are acceptable and were placed into the code, everyone would be informed and everybody would know and the exceptions wouldn't be a concern. Tim also agreed there needs to be discussion back and forth and believes it's the purpose of this Board and the industry does need to make some recommendations. He suggested looking at builders and commercial people to ask for specific recommendations. He stated if the Board says "Tim would you put some recommendations to bring to this board" he would be happy to do that, and then said he needed to leave now.

Tim Austin left the meeting/building at approximately 4:02pm.

**Return to regular agenda –
Item C. Sub-Committee Reports, Section 3. Downstream Channel Protection
Committee, Entry 2) Proposed Modification – PW Director Response/Meeting Review,
subsection a) Review Draft General Stormwater Construction Permit (NPDES/NOI)**

Chris thanked the Board for the privilege afforded to Tim, in allowing him to come in and speak today. He indicated back to starred item #3, stating a determination needed to be made in regards to going forward and dedicating more time to this item and the other items on the list in order to make a formal response to KDHE, as a Board, or if action should be taken as individual members as each sees fit in offering a comment to this. Based on his understanding of the power or lack of power of this Board, he believes the only thing we are able to do is make a recommendation to the City and request the City proceed with concerns to KDHE, then asked if his understandings were correct.

Scott answered the comment period is not limited to a municipality; rather it is open to any individual or group to comment. Also, the SWAB Chair could send the letters on behalf of the group.

Chris clarified that it is an open comment period for any person or group to make comments, therefore the Board could submit a comment as a group if the Board were able to reach a consensus.

Larry expressed his belief a problem with the Board, as a group, submitting a letter would be an issue. The SWAB is an advisory group, by commenting or sending a letter from the Board it would appear we were doing so as representatives of the City of Wichita. He continued, the views expressed by this committee may not be views adopted by the City or other governing bodies we answer to. Larry said his thought would be it is more appropriate for us to individually comment, or take it back to the groups the member represent, for comment and put letters together at that point. He concluded by stating those are his thoughts on the matter, and as a true advisory committee, nothing said or done by SWAB should be viewed as the position of the City until the City adopts it.

Chris agreed debate on this topic is good for Scott to hear for when he does meet with KDHE, and the debate could continue in a moment; however it was important to have ideas to report, whether or not they ultimately reflect the City's view.

Richard said he understood what Larry meant in regards to the SWAB's advisory role, however it may be appropriate to request further clarification from KDHE and Topeka by explaining how we interpret item x and we believe the impact will be example x. He stated this allows SWAB, in its wisdom, to give better advice to the City in regards to responses.

Jeff made comment regarding a lot of this being adherence and the threat of fines. He basically wanted to know what consequences developers face if they are following an old SWPPP and don't update to the new one. What is the fine? Is there a way to get a list of fines for a developer to include the risk into his costs?

Gary questioned the flexibility of the January 28th date, as the notice was received fairly late and last minute. He voiced concern the January 28th date did not allow for a thorough review and stated a preference for allowing all affected parties time to review, provide feedback, come to a consensus and prepare an organized response.

David concurred.

Scott stated this was a surprise, as the City is used to a typical 90-day comment period for new regulations and the 30-day comment period, especially during the holidays, caught them off-guard and was not planned very well.

Chris asked a question of the Board. Could we, as a Board, ask Mr. Alan King, Director of Public Works for the City of Wichita, that he request KDHE extend the consideration period an additional 60 days? This would give Wichita and its Boards and staffs, as well as Sedgwick County, the courtesy of further review. He asked if it would be appropriate to make that a motion and offered to entertain that motion.

The motion on the floor is: The Stormwater Advisory Board respectfully asks Mr. Alan King, Director of Public Works, to consider asking, on behalf of the City of Wichita, to have the comment period for the Kansas Water Pollution Control General permit extended an additional 60 days. At that time, Mr. King would be able to elaborate on that in whatever fashion he chooses.

Jim agreed with the strategy, added we still need to be ready with some kind of comment or statement as we don't know if KDHE will extend the comment period or not.

Chris asked if we should ask Sedgwick County to do the same.

Jim responded he would think if the City staff put together a set of comments, the County would be happy to review it, and to the extent they agree with them, they would also send something. He stated he agreed with Larry's original point, as a Board our part is feeding information to the City, making recommendations and decisions are up to the governing body. Also, just because KDHE closes the public comment period does not mean they won't still accept information or hear comments our concerns. He added it would be best to get our concerns into the record to have something noted. He also agreed with Scott's point, remembering the general permit coming out between Christmas and New Year's, a bit of weird timing.

Chris amended his motion to include David Spears, Director of Public Works for Sedgwick County, and request that he also consider a similar letter.

Richard asked a final thought on this, if asking for 60 days a little too large? Originally they only gave 30 days to comment on this and perhaps a 30 day addition is more reasonable than 60. He asked how comfortable the Board was in asking for a 60 day extension which is a 90 day overall period, 3 times longer than initially intended.

Chris replied he based the 60 day extension from Scott's comment on the typical 90 day comment period and he is comfortable with that request. He added it is KDHE's choice to enact some kind of an extension or do nothing. The motion stands, he asked for any other discussion on the motion?

- i. Motion on the floor: forward a letter to Alan King, Director of Public Works for the City of Wichita and David Spears, Director of Public Works for Sedgwick County, requesting they consider asking KDHE, on behalf of the City of Wichita/Sedgwick County, to have the comment period for the Kansas Water Pollution Control General permit extended an additional 60 days. Larry stated he would second the modified motion.
- ii. **Vote: all members voted to approve the modified motion regarding the letter, no members opposed, the motion passed unanimously.**
- iii. Resolved: Chris asked Colleen (secretary) to forward a letter to Mr. Spears and Mr. King with the request as approved by the Board. Colleen replied in the affirmative.

Chris instructed the members to keep moving through the general permit, and asked Scott to continue.

Scott moved on to #4, explaining there has always been a request by KDHE to have at least 30 days notice before the construction was to take place, it was just common practice, however it is now actually written in the permit itself. Before you can break ground you must have submitted the notice of intent (NOI) a minimum of 60 days prior to construction. Scott continued, this can be problematic for a lot of people, as many do not finalize their plan until

the minute before they want to pull the permit. To have that plan figured out 60 days in advance is challenging because the SWPPP is one of the last plans they get developed as the architect and the site engineer are constantly tweaking the building plans and foot prints, etc they are usually the last thing to get solidified with the development.

David commented many times contracts are subject to building permits, the contracts don't flow through open agreement, there is a due diligence period, and continued his observation regarding common practices, money involvement and time frames.

Gary added another part is the time element driven by the seller. He said a majority of the time they see a reduced due diligence or squeezed due diligence time as part of the criteria of the seller's contract and totally out of our control. This explains the very expedited and quick movement, 60 days is getting out there fairly far to expedite and move right into construction on a development.

Jim commented he did not understand the purpose of this and asked if anyone in the room had ever had an NOI rejected by KDHE? He stated he did not know why KDHE needed 60 days to NOT look at the NOI. Hoyt stated he had a similar reaction, especially if they are never turned out.

Scott said the City has had NOI's rejected; however the City is treated to a higher standard.

Gary requested Scott elaborate on the criteria, the reasons why the City's NOI's were rejected.

Scott replied KDHE actually had a checklist (which he was previously unaware of) until the City submitted a channel improvement project in a waterway doing stream stabilization work. KDHE check marked several deficiencies that needed to be addressed by the consultant. The consultant had to resubmit a revised SWPPP and revised plan sheets to address those deficiencies. Scott said he was shocked as it was usually a 'rubber stamp' process where KDHE or EPA only acted when they physically witnessed a violation personally out in the field.

Richard commented, (stating it was an opinion, not a known fact) there is limited staff to review stormwater plans and NOI's in Topeka. Basically there are a couple of guys who get a whole stack of permits and NOI's in and all of them want to start work the next day or the next week. Richard stated he thinks the intent may be to create some lead time in order to actually have sufficient time to do a good, responsible thorough job of looking into the NOI's and permits. This allows them time to send forms back in a timely manner with questions or clarifications or approval in a timely manner, also enabling the contractor to address those issues; ultimately benefiting everyone.

Gary asked Scott if he could provide an average turn-around time.

Scott answered 30 days seems reasonable and usual. Scott expanded by saying the City doesn't usually have anything more than 5 weeks, but there are some instances we need a quick turn-around or a consultant who is trying to get a building permit with OCI, (because we won't issue a building permit downstairs unless they have an NOI and the owner's impatient) so we place a call to KDHE requesting they expedite it, they have always been very accommodating and typically, within we will receive something e-mailed or sent to us. Scott also agreed Richard's limited personnel could be an issue.

David asked about the risk of going forward with the NOI and having it be reviewed at the same time?

Scott didn't see any threat there, he provided the example of what happened in the late 90's early 2000's, KDHE wasn't reviewing any of these things, and they didn't even send a permit like they do today. KDHE has only been sending permits to us since approximately 2005 – 2006, before that time, you would send an NOI and it would simply get filed, no response or anything.

David said it sounds as if there may be a fundamental change in how KDHE is looking at doing business and maybe enforcing some rules and regulations or administrative checklists. He added what had been acceptable in the past may not be acceptable in the future.

Scott said he understand what they're trying to do with 60 days but it seems too excessive, just as they only gave 30 days to review the 17 page GPC.

Conversation between Jim and David regarding project sizes, etc

Jeff asked if there were lines on the NOI to mark the project already in process. Scott replied, there is a line with Kansas Department of Water Resources but you have to pay double permit fees if you've already begun construction. With KDHE you aren't supposed to begin construction at all until you've received the signed permit from them.

Jim asked what the current timeframe was and suggested request an extension. Scott replied right now they don't have a timeframe, so KDHE is creating a timeframe, he believes they are trying to conservative and used 60, if the Board is OK with 30 days, maybe the City could request 30. Chris said that would be great.

Scott moved on to #5, it revised the permit specification qualification requirements stating who is permitted to prepare SWPPP's. He said this is exactly what David talked about with O & M Plans and who is qualified to conduct the inspections. Scott said this is the perfect document because not only does it require the person to be a geologist, architect or engineer but also requires them to be a qualified sediment erosion control specialist (this person is required to pass a specific test to be considered qualified). Scott said we can possibly utilize and refer to this document for who is qualified to review or inspect best management practices once they are constructed, since it satisfies KDHE it satisfies us.

Scott continued; it better clarifies the requirement to keep flow rates down during channel protection and downstream bank erosion; the list requirements are more scripted than in the past. Scott said, he felt, along with the Downstream Channel Protection Committee, that the next section on page 9 is one the Board needed to look at directly. They have listed 14 requirements under 'Detailed Stormwater Pollution Plan Requirements'. Before, this was not a requirement at all, they didn't tell you specifically what you needed to include in the SWPPP. Scott stated he believed they looked at what people have been doing for years and incorporated those things into the general permit itself. However, under #1 it says 'control stormwater volume velocity within the channel to minimize soil erosion' and that seems reasonable, but #2 says "control stormwater discharges including both peak flow rates and total stormwater volume". Stormwater volume is what we are trying to do with downstream channel protection, it is to over detain for the 2-year event which usually provides the most erosive velocities on a channel. He continued; if this 'total stormwater volume to minimize erosion at the outlets and minimize downstream channel and stream bank erosion', is for sites that disturb an acre or more, Scott said revising our requirements for our manual with 5 acres threshold may not be in the spirit of what KDHE is expecting out of the City or the County, therefore it is worth discussion. He commented #3 was to minimize the amount of soil exposed during construction activity, he said he didn't want to read the entire thing but the whole section should be reviewed by the Board.

Chris said on #7, they talk about minimizing soil compaction. Chris asked Scott if that would be for areas you plan on leaving as grass or naturally covered upon completion of the project? Scott answered that would correct, although it doesn't happen very often.

Richard said #10 may be an item that hasn't been noticed before and Scott agreed stating some other points within the general permit dealing with the same issue. Richard added it's been a major consideration for everybody who does business on the west coast, Arizona and other places.

Chris said #12 mentions providing structures to divert significant flows of stormwater from off-site drainage if feasible, and there are times when that is just not feasible. Scott agreed. Chris continued; it says "if feasible", so that gives a bit of latitude, but it is still much more prescriptive than in the past. Scott agreed it's the most changes he's seen in a general permit in over 10 years.

Chris asked if everyone had the chance to 'blow through' the 14 items? Jeff commented: two words – Measured Quantity (laughter resulted).

Chris brought the discussion back to item #2, saying it goes to the language we are trying to develop for the 5 acres as the threshold for downstream channel protection volume. This indicates it is targeted for sites that disturb one acre or more, they are trying to imply you have to provide some volume control, not just peak flow control. Chris asked Scott; you expect to see a flow through of some of these requirements in the next City of Wichita permit for your stormwater discharges, correct?

Scott answered; typically this is a stand-alone permit because it is only for construction activity. "The other is about our job maintaining the 6 minimum controls, that's controlling stormwater run off. So, it's kind of a separate caveat of that, of our specific MS4 permit."

Chris requested clarification from Scott; this is for construction activities, meaning the period of construction until completion of construction? Scott replied that was correct.

Jeff stated there were a couple items that bothered him as there are no actual performance criteria in the general permit, it's basically open-ended and a matter of opinion how much storm water volume control that is needed.

Chris said he would take that one step further and say this would be volume control during construction, it doesn't translate to permanent BMP's, which are implied or dictated in the state permit held by the City of Wichita for their stormwater discharge. Chris said he realizes they are addressing that in this permit and it could flow through in other language directed toward the City or County in later issuances of their stormwater permit, however if this is construction operations we could still consider the language of 5 acres or more requiring downstream channel protection. Also, we can use the wording of disturbed versus impervious, the whole point is to get the smaller sites as they are the most problematic to try and store stormwater on. The bigger the site the more likely you have a pond or a detention facility to use some of that volume control.

David talked about seeing coupled together possibly problematic in the future. (The recording was unclear.)

Chris agreed with Jim, there is a lot of text here but it fails to provide a standard of measure for how things are to be done, that leaves it open to a regulator to make a determination. Chris stated he's known occasions where different regulators have different standards on the same verbiage or different jurisdictions. He agrees this is too prescriptive unless they are going to add standards to it and stated he has great trepidation about this section.

Jim said another thought he had is he knows this is a general permit and you can always go for an individual permit but maybe in the future there would be a way to tie local communities together with local standards and the state would go along with those. Chris said ok, and to place a star by #6 for further consideration and move on to #7.

Scott interjected he wanted to mention there are some considerations for temporary and permanent structural BMP's in the permit, but would have to go back through and read that specific language to see what it's applicability is on volume control during construction versus once the project is completed.

Chris said he sees on page 10 wording about temporary and permanent structural BMP's as well as temporary and structural non-permanent BMP's. He then asked Scott to move on to #7 in order to get through the points.

Scott said, regarding #7, he thinks this is something that has always been in the City's ordinance and is probably just being carried into the state general permit.

(Multiple people talking)

Scott continued: #8 requires all permit sites to have seven faces when disturbing 10 or more acres, he said he doesn't see that as being problematic because a lot of residential subdivisions already use their wet pond doubled up as a vegetation basin; they might over-excavate the pond a couple extra feet because they know it will fill up the first year or two with excess sediment. Scott then provided the example of Lowes in west Wichita; they constructed a large sediment basin that's still in existence. Scott moved on to #9, it requires all permanent sites disturbing 1 or more acres to have portable toilets, store construction materials away from drainage courses and have containment berms and drip pans at fuel and liquid storage tanks. It's a common practice, just never was put in permit in the past. Then, #10 will require inspections every 14 days, with an inspection sheet filled out within 24 hours of inspection, this is a practice the City has always done; again just never been included in the state requirements. Continuing to #11, Scott said it describes in greater detail the ways the SWPPP should be updated in the field with specific instruction on how to complete the updates to KDHE's satisfaction. Scott stated the SWPPP is supposed to be a living and breathing document that constantly changes. Scott provided Key Construction and Wal-Mart and other large contractors as examples of how they have probably impressed KDHE with

the way they do business, so their success and how they track and monitor things has filtered its way into the general permit.

Richard agreed. Chris said on the City projects that he's been involved with, a lot of latitude is given to the project inspectors and engineers to address spots where additional erosion control should be applied.

Scott said, lastly; section 8.3 includes new requirements associated with individual lots less than 1 acre but part of an overall development, this is really geared toward residential development. He said WABA really needs to look at that when they sell lots, however he doesn't think the City has an issue with it directly, it impacts the sales of homes and lots.

Chris said he realizes no one has had time to read the whole document through. Hoyt stated he did scan the document and came across one question for Scott. He said he believes on page 5 or 6, they talk about critical water quality management areas, he said his question involved the section stating if your water drains into a critical water quality management area or within half a mile upstream of one, you have all these controls and Hoyt said he didn't know what a critical water quality management area was or if there were any in our area.

Richard explained there would be lists containing the information and locations. Scott added Tom Stiles with KDHE would be a good source to identify all those areas that are in Sedgwick County. Richard added other things that may come into play equus beds groundwater management district. Hoyt said that was a good point.

Failing the ability for the Board to come to a consensus today, other than the action already decided regarding requesting the extension of the review period, Chris encouraged anyone on the Board concerned with any item(s) on the general permit to write a letter in response to KDHE within the original permit open hearing time. He added if an extension is given, the Board would do a more deliberate review of the general permit and perhaps invite other people affected by the proposed changes. In summary, Chris said the Board had completed the cursory review of this stormwater construction provisions and reminded the members of an item still on the table, the Downstream Channel Protection Volume of 5 acres.

Return to agenda –

Item C. Sub-Committee Reports, Section 3. Downstream Channel Protection Committee, Entry B) Proposed Modification – PW Director Response/Meeting Review

Chris stated, he personally, as a board member and as an engineer; is in favor of the idea of giving flexibility in smaller sites instead of numerous little sites with volume storage incorporated in some fashion that, he believes, over time would be abandoned or disconnected or filled in and at some point seems kind of impractical. Chris said it is why he likes the idea of going to 5 acres and identifying the streams and left it to the pleasure of the board to make comments on that. Chris stated he would personally like to see the Board pursue the issue with Mr. King, as a modification to the manual, even in light of what was reviewed during this meeting and based on the fact this is a *construction* based permit and not a permit for a facility that lasts for the length of the facility.

Jim remarked, he just wanted to say when the Board considered the verbiage last time, he heard 5 gross acres not 5 impervious acres. He said he does not have a problem with making that change, it is a pretty good size site and 5 impervious acres could turn into a much larger site. Chris said he was in agreement with that.

Richard noted a bigger site could be split to shrink the impervious impact down to 5 and that was a good deal.

Chris commented it was a good deal, but, as he recalled; Richard brought up the scenario of what would stop someone from lot-splitting it. He said, when he was writing the new verbiage, taking it directly from the manual in regards to impervious versus disturbed, he was thinking of a 5 acre site that was going to be developed for a small site, not a 150 acre site that would have 5 acres on it so the whole site ended up permanently exempt from downstream channel protection. As that was not the intent of the language, if the language needs to be changed then he is in agreement with it. With that, Chris said he would entertain a motion to change the language from 5 acres impervious to 5 acres disturbed as suggested.

Hoyt moved to resubmit the change to Alan King.

Chris asked if there was a second on that.

David seconded the motion.

Chris asked if there was further discussion about resubmitting the language with that change.

Larry asked if this closes the door on this committee's work.

Chris replied "No, oh no." He remarked they would be looking at credits when this would be impractical as well as a variety of things, including those brought in by Mr. Austin today. Chris said this motion does not close any work on anything, as a matter of fact, it could change again. He added the whole point was that downstream channel protection volume on small sites is one of the toughest things to overcome in development and he thinks Scott would agree it has been very challenging for his department to try to review the methodology used to provide that.

Scott remarked they have done a lot of channel improvement projects and it cost about a million dollars a mile, and suggested he could look at that water shed and basically put together a spreadsheet and figure out what it costs to do one of these projects, then put a dollar amount within each water shed so, "if you develop an acre within a water shed, maybe if you didn't want or we just wanted a 'kitty' of money to go out and do some channel bank work or hire a contractor to do some channel bank work, there may have to be a fee in lieu of program or something like that." Scott concluded, as Chris said, in answer to Larry's question, we're not done with that whole process. Chris agreed; it is just the first recommendation for updating the manual.

David concurred, 5 acres gets the issue out there and it's a great relief.

Larry said (direct quote per recording) "I guess the reason I asked that, we're talking about 5 acres – I guess the way I would read it is- 5 acres that may be part of a larger common plan for which a drainage may have been developed two years ago and it's being developed in phases and there is no grandfathering out then, of a project phase that is 5 acres or more that is a part of an earlier development which may entail 80 acres and with, I guess what I'm trying to get to is, as we get down to the final phases of developments, that have not yet been developed yet but are under a drainage plan that's been in place for years and all of the developers efforts to control costs and to market property under the old plan, suddenly changes and I'm right back where I was again between, ya know, changing horses in the middle of the stream. I don't see that this is a whole lot different than what the discussion was regarding the state guidelines, and I guess what I would like, maybe, for the committee to consider would be: could there be a grandfathering of drainage plans that were reviewed and in place prior to the adoption of this ordinance."

Chris responded the Board could talk about that, but there is a motion on the floor and we need to discuss that motion. We can speak about that, but it is an issue we can take aside from this motion.

Larry replied "OK" and clarified it is the reason he asked if this motion puts an end to the recommendations the Board makes to the Public Works Director regarding this. Chris again said, no, and specified this is simply the first recommendation and there may be many.

Chris asked for any other discussion regarding the motion on the table. After hearing none, he called for a vote.

- i. Motion by Hoyt: resubmit the proposed modification to Alan King, Director of Public Works, changing 5 acres impervious to 5 acres disturbed as suggested; seconded by David.
- ii. **Vote: all members voted to approve the resubmittal of the modification with the suggested change, no members opposed, the motion passed unanimously.**
- iii. Resolved: The proposed modification will be resubmitted to Alan King, Director of Public Works using 5 acres of disturbed in place of 5 acres impervious.

After the vote, Chris replied to Larry's issue about grandfathering. He explained, the original ordinance was written under the watch of Chris Carrier along with AMEC, and during the course of time there was a lot of debate about grandfathering platted properties that had a drainage plan. Stormwater then came in, rightly so, and said if anything was going to be grandfathered make sure it's a drainage plan submitted after December of 2... (Scott corrected, October 5, 2000) Chris agreed then continued; that's when the City made the more

comprehensive lot-grading plans and storm sewer system design part of the platting process. He said the more modern drainage plans were fairly detailed; pipe sizes, lot grades, slopes and easements, etc. This was accepted by the Board and actually written into the manual for a period of 10 years. Chris resumed, if you develop within 10 years of the onset of the new ordinance or new stormwater manual, you could develop originally designed. About a year and a half to two years later, when the City of Wichita was behind their cut-off date to have the new ordinance adopted there was a meeting that included KDHE and a representative from EPA, who focused the attention on that and said "No, no grandfathering." They were absolute in their determination; even if it was pre-approved, it may not be approved now. Therefore, the answer to Larry's question is; grandfathering cannot be put in the ordinance. Chris said he thinks the Stormwater Department or Sedgwick County Public Works can use some judgment in their application of the manual, based upon something that is three fourths of the way built and you're trying to do the last part of it. Also, it does allow grandfathering for stormwater facilities that are in place or were in place by March of last year. If you put your whole storm sewer system in, you are grandfathered by virtue of you have already done the planning and installation of it. Larry thanked Scott for the explanation.

Scott added, later in the meeting he was scheduled to make a presentation on several larger sites. The Wal-Mart site at Harry and Webb Road was one of those and it is about 10 acres, they had submitted their permit in October of 2010 and the time was coming around and they hadn't gotten the final permit. We were able to give them some concessions on channel protection. They had detention and volume control but hadn't yet done any water quality and they incorporated some water quality into their development so we had some flexibility. He summarized by saying their site was pretty much designed in 2010 and they were starting construction in 2011; we gave some concessions because it's very early in that planning process and we didn't push for the downstream channel protection, so we've been known to be pretty flexible on some of those in that transition period.

Chris mentioned Scott would not be making his site presentation today, (laughter) which is obvious to everyone here.

E. Update Action Items

1. Date scheduled for Tom Stiles' visit.

Richard said he spoke with Mr. Stiles and March 2nd is a good day for him.

Chris said, OK, we will schedule March 2nd for that discussion.

2. Date scheduled for City Stormwater staff.

Chris asked Scott if he would like to select a date for that meeting.

Scott replied they could do the following meeting after March 2nd. (After verification of the following SWAB Meeting – the date is scheduled for March 16, 2012.)

Chris asked if there were other action items that we should consider at this time.

Scott replied there is a brochure available (Colleen noted they were on the entry table.)

Next month; KDHE, American Consulting Engineer Council, and KSP (Kansas Society of Professional Engineers) will be hosting their annual Water Quality Seminar. Scott explained it is the engineers who are building water treatment facilities, sewer treatment facilities and the stormwater programs, and they are trying to understand what the recommendations need to be to municipalities across the state of Kansas. They host a seminar every year to see coming from EPA and/or KDHE so they can better plan and predict costs that municipalities may have in the treatment or design of their water facilities. They are focusing a lot of their energy on stormwater related issues and this is a real opportunity. It includes a nice lunch; from 10:00am until 3:00pm. Scott stated he thought some of the members of the Stormwater Advisory Board may want to go, it's usually a nice event.

Hoyt asked about the February 2nd webinar mentioned earlier in the meeting.

Scott responded, stormwater was planning on hosting a February 2nd webinar dealing with dissolved nutrients in stormwater runoff. He mentioned he does not have a whole lot of chemistry background on dissolved pollutants, especially nutrients, but he and some of the staff wanted to learn a bit more about that. Scott stated he would need to plan the webinar and he will send an e-mail to everyone. He added, they may be able to get it set up down here (W.A.T.E.R. Center) or at City Hall.

F. Next Business Items

Chris instructed Colleen to do a welcome and review and approve the minutes on the agenda for the next meeting. He followed with putting Scott's presentation as the agenda item #3. That will make sure we have time for the presentation with discussion and then go to sub-committee reports.

Colleen asked about the GIS Mapping – Sensitive Channel Map that was skipped on today's agenda.

Chris asked Scott for an estimate of how long his presentation at the next meeting would take. (Multiple people talking) Scott responded, probably 10 – 15 minutes. Chris asked if we would be able to do them both. Scott answered he planned on doing them both. Chris said OK, we'll do both of those with Scott, let's plan on an hour for Scott to go over both another site and the sensitive areas through the GIS. Next agenda item will be committee reports and that probably will be enough. With that and hearing no other items to discuss, Chris said he would entertain a motion to dismiss.

G. Adjournment

- i. Motion by Jim: Move to adjourn the meeting; seconded by Jeff
- ii. **Vote: all members voted to adjourn, no members opposed, the motion passed unanimously.**
- iii. Resolved: Meeting closed at 4:54 PM
Chris thanked everyone for coming.

ACTION ITEMS

1. Forward a letter from the Board to Alan King; Director of Public Works for the City of Wichita, and David Spears; Director of Public Works for Sedgwick County, requesting they consider asking KDHE, on behalf of the City of Wichita/Sedgwick County, to have the comment period for the Kansas Water Pollution Control General Permit extended an additional 60 days. – Colleen/Secretary

2. Resubmit the Proposed Modification to the Requirement for Downstream Channel Protection to Alan King; Director of Public Works, with the approved change: 5 acres disturbed instead of 5 acres impervious. – Colleen/Secretary

AGENDA ITEMS FOR NEXT MEETING (02/03/12)

1. Welcome – Chris B
2. Review and approve the minutes – SWAB
3. Stormwater presentation of larger sites and GIS Mapping/Sensitive Channel Map – Scott L
4. Committee Reports -
O & M Committee - Mitchell, Henry, Weber and Basore
Liaison Committee - Bradley, Oborny and Hillman
Downstream Channel Protection Committee - Bohm, Lindebak, Bradley & Hillman