

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

Present:Chris Bohm, Chair; Hoyt Hillman, Member; MS Mitchell, Member; Jim Weber, Member; Larry Henry, Member; Joe Pajor (arrived 3:06 pm), Member; David Leyh (arrived 3:06 pm), Member; Gary Oborny (arrived 3:09 pm), Member; Richard Basore (arrived 3:22pm), ex-officio Member; Jeff Bradley (arrived 3:15pm), Member; Scott Lindebak, Support Staff; Colleen Shirley, Secretary **Others:** Joe Hickle, Tim Austin (Poe & Assoc.), Jim Hardesty, Wess Galyon (WABA) **Absent:**None

Regular Agenda

I. Welcome and Call to Order

Quorum requirements met, meeting called to order at 3:05 P.M. by Chris, SWAB chair.

II. Review and Approve/Revise Minutes from January 20, 2012 Meeting

Jim pointed out several blanks in the document (missed by the recorder and secretary notes) and asked if they should be filled in or left. Hoyt noticed there were also several words run together and typos. Chris said the blanks on page 13 should be "equus beds" and "management district" and (after speaking with Larry) said the blank on page 14 should probably be "drainage". Chris asked Scott if the blank on page 15 should be "planning" and Scott said yes.

Hoyt asked if the blanks indicated the microphones were not working properly. Chris and Colleen explained the microphones don't pick everything up and, at times, there are multiple people speaking or mumbling and it can be difficult to decipher.

Chris (after talking with Tim Austin) stated Tim would give Colleen the corrections for the blanks related to his discussion. At this time Chris said he would entertain a motion to accept the minutes with the revisions indicated. Per Chris and Scott, page 11 blank should be "the channel".

- i. Motion by Hoyt: approve minutes from January 20th meeting with revisions; seconded by Jim.
- ii. **Vote: seven members voted to approve the minutes; Chris Bohm, Hoyt Hillman, Jim Weber, Larry Henry, David Leyh and Jeff Bradley. One member opposed; Gary Oborny, and two members abstained; Joe Pajor and MS Mitchell.** Chris asked Gary if he would give the reason for his opposition; Gary asked if approving the minutes meant accepting the items to be included with the O & M Plan. Chris explained these are just the minutes of the meeting and not action items. Gary withdrew his opposition after the explanation. **The motion passed.**
- iii. Resolved: The minutes, of the January 20, 2012, meeting, with revisions, are approved and entered into the SWAB records. **NOTE from Colleen – SWAB Secretary. After making the revisions as listed and fixing the typos, words that were run together, etc; I noticed the minutes being reviewed/approved at the January 20, 2012 meeting were listed as the January 20, 2012 minutes but should have been listed as "January 6, 2012". This correction was sent out as a notification to SWAB members via e-mail.*

III. Discussion of the "Kansas Water Pollution Control General Permit and Authorization to Discharge Stormwater Runoff from Construction Activities"

Chris reminded the Board we reviewed the Kansas Water Pollution Control General Permit and Authorization at the last meeting; it came out from the state over the holidays. KDHE had attached a 30-day comment period for review. The Board went through it and asking for a 60-day extension. Alan King, Director of Public Works & Utilities graciously wrote a letter to Don Carlson at KDHE asking for that extension. Chris said he would bring the Board up-to-date on what has happened since that time. Don Carlson had called Chris earlier in the week and Don had also spoken with Scott; Chris said he would try to summarize what was discussed as concisely as possible. State of Kansas has been working on revisions to this policy (stormwater control during construction) for the last few months, at the end of 2011, under pressure from the EPA to get it done. Before the end of the year EPA sent forth, through government channels, a new construction

standard (construction erosion control standard) that included a requirement for turbidity testing (physical testing for turbidity limits in stormwater from construction sites). KDHE understood it had been put forth for final review before publication. Before Christmas, EPA pulled that out temporarily (possibly to revisit the turbidity limit issue or to change a number for turbidity limits) and KDHE decided they have this construction phase permit they need to get passed, had already worked with EPA on the language (the same permit we have for review/comment) If it can be passed and in effect for Kansas on/before March 5th it will be in effect for 5 years, even if the EPA puts forth these new regulations, including turbidity limits, in the requirements for states to adopt. KDHE worked “furiously” to get it done and is the reason for the 30-day review period. They have extended the comment period to the end of *THIS* month, (February) however they do not want to go any later than necessary. Getting it passed in this form (or close to it) will give 5 more years. Chris said that after Don at KDHE’s discussion with him, Scott, Wess Galyon (who is in the audience from WABA) and Alan King, everyone is in agreement that we can review and slight changes may be appropriate for comment; however it really needs to be done before the end of February so these can be passed and do not have to include in the Kansas State permit, turbidity limits. He commented that it was just not time for that yet. One of the elements we discussed in the permit as it exists was the 18 months timeframe to close, (aka grandfathering) then after 18 months it would be necessary for reapplication of the site permit which would be in effect for the length of the project and subject to the new requirements. Mr. Carlson related the timeframe KDHE had requested was 2 years, but EPA said zero months/days with no grandfathering. After discussing the issue, KDHE & EPA compromised on the 18 months timeframe. It will be up to the Board if we want to comment further; however if it’s more than a “tweak” or clarification, it could slow the process down.

Joe pointed out there is no bright line between a tweak and a substantial change. However far we move or don’t move we have an ever increasing risk of not having it done in time and we need to keep that in mind.

Chris mentioned that he asked Don if EPA had approved this in its current version and the answer was “yes”; if Kansas adopted this now as it stands, it has been approved for adoption by the EPA.

Scott added that Joe & he visited with Alan King after his discussion with Don, and he (Alan) agreed to listen and take the recommendations of the Board into consideration regarding how the Board wants the City to react/respond to KDHE. Scott said he already discussed it with Jim (Weber) to see how the County would react, no problem with it.

Jim said he was going back over his notes from the first review, on 8 through 12 there was no big argument, and #7 is ok. He said he would start with #1, it is fine as its simply routine maintenance; no notes on the 2nd one and he can’t recall any issues with it. The third one is the 18 months and thinks we are probably “stuck” with it. He also commented that at the previous meeting we were unaware how much negotiation had already taken place between KDHE & the EPA. The fourth one is in regards to the 60-day for NOI and the Board had discussed 30-day, and it may still be worth suggesting to KDHE. The fifth one, no real comment – we should focus on #4.

Chris recalled #2 was the provision of passing a project from a public entity to a private entity (like a special assessment project) it would ultimately require 2 NOIs. One for the construction phase for the governmental entity funding it, another for the owner, the ‘pass-off’ permit. He asked verification of this summary from Scott. Scott confirmed.

Chris agreed the 30-day notice instead of 60 could be recommended, KDHE could always say “no” as it seems to be a reasonable request. He also commented it’s an internal timeframe and he didn’t believe EPA would care. Jim agreed as they do not have a time limit now.

Scott informed the Board; Don Carlson mentioned Richard would try to be at this meeting but he had a personal appointment, he might be in later and they would try to send someone from the district here to explain the permit.

Chris asked when the next meeting would be and Colleen said it would be the 17th. Chris said he liked to 30 day and maybe the Board should entertain the idea of sending a recommendation to Alan King, as the final day for comments is the 29th we can discuss it more and determine final comments at the next meeting. Chris challenged everyone to go through the permit again during the meantime and if there were any comments or issues, bring to the next meeting so we can complete the review and pass the comments along to the state of Kansas.

Richard Basore arrived at 3:22PM

Chris provided a brief summary to Richard about the meeting and the current discussion.

Richard said he did not know what the EPA will do or what course of action they will take. He said we are buying ourselves 5 years if we don't delay the permit. It's not perfect, but waiting won't make it more/less 'perfect'.

Chris said we might need to make a list. On the list 30 days is better than 60 referring to item #4 (from Scott's letter). He said it should be the second agenda item to discuss at the next meeting after approval of the minutes. Jim said if we are going to look at this again in 2 weeks, perhaps get City staff to list what they think on this issue, they could shorten up the list. Maybe they could send a list out next week so the Board would know what to focus on. Chris asked Scott if that would be possible

Scott said they could certainly try, but he hoped the Board would make recommendations so the City didn't overstep.

Chris reviewed there was no problem with #1 and #2 was in regards to the multiple NOI...we could work with that and it was not a deal breaker. Same document, just in two forms; one for construction phase and one for ownership phase.

Gary asked if there would be additional fees, filing costs and such associated with the dual NOIs. Scott said yes and Gary asked what those might be. Scott said hiring a consultant to develop two separate plans and paying at least \$60 a year for those two separate permits for the exact same site. Scott said it seems burdensome for the developer and for the City. Gary stated it was redundant and (speaking to Richard) wanted to know if there was a way to avoid the duplication and just have one NOI that applied to both parts.

Richard said he can't say, but it seemed to him if it's all part of one deal, someone being constructive in developing the SWPPP could do a template; then have the construction information and the rest could carry over to the permanent side and just do a cut and paste kind of thing so you don't have to totally start over on both NOI's. You might still have to do both, but he thinks there should be a way to approach them from a design efficiency point of view. The NOI is not really a big deal. Looking at the entire project you really have them both encompassed anyway, "what are you doing during construction phase" and "left on a permanent basis" and they generally try to work those together so they are not in conflict, they buttress each other. He said the Board can always ask Topeka if they could be rolled together but... Gary asked Chris what he thought in regards to costs for a third party.

Chris said he didn't know why you wouldn't use the same plan for both. You're going to address the construction phase and permanent in the plan, whether it's for the City of Wichita/Sedgwick County in conjunction with a project and then post stabilization and maintenance. There would be an additional fee and you may have to tweak the final plan to "omit section #-# for the construction phase" otherwise there is no reason to make it more difficult than it has to be. Jim said its more about passing responsibility from party to the next and KDHE chose to do it by using the dual NOIs.

Scott added the way KDHE could have handled it was by having a separate form where there is a notice of transfer from a public entity to a private entity as they have similar forms for a notice of transfer or other similar forms. Chris commented the Board should give it some thought and address it at the next meeting as an action item.

Joe referred back to what Jim talked about of the 60 versus 30 to see if Richard had any insight, check on that at some point.

Chris said to cover that when that item was reached. He said bullet point #3 looks like we are stuck with 18 months. He and Joe agreed it's probably lucky to have the 18 months. Chris went on to #4 and stated it appeared there was a group consensus we would like to see 30 days versus the 60 days... Joe interjected unless Richard had any insight.

Richard said his conversation with Don on that was the City is welcome to submit comments at this point of time and past the 30 day window, but anything more than a 'tweak' is taking a risk with the EPA as it may cause them to want to review the entire document. Smaller changes may be discussed and there is no harm in asking, no guarantee of changes though.

Jim asked Richard if the EPA cared about the 30 day versus 60 day timeframe or if it was a procedure inside KDHE that EPA shouldn't/wouldn't care about. Richard said he didn't know, KDHE does not always receive great clarity from the EPA and it was a judgment call from Topeka staff if it were an issue with EPA or not. He added as a reminder, KDHE is looking for more lead time for the staff and their workload, to be able to respond in a constructive manner to these things rather than hurry and miss something important.

Chris moved on to bullet point 5 and said it was to clarify who is authorized to prepare the SWPPP plans and said there was no issue there; #6 is clarifications that this document provides for downstream protection channel and stream bank erosion, and they are more prescriptive than in the past. He reminded the Board this is a construction phase permit not the permanent BMP's site permit. He asked Scott speaking if he could comment on #6 at the next meeting on behalf of City staff and what it entails. Regarding #7 there is no real change, #8 no difference, #9 is housekeeping and no change and #10 is the requirement for inspection every 14 days and inspection form filled out within 24 hours. He asked Scott if it was different than previous. Scott replied it was no different for the City of Wichita process, the state has simply added it to their permit. Richard commented the state was 30 days and they've just moved it to 14.

Gary asked about separate inspections for the state and city or could they migrate together so all parties could use the same document, also, were there costs and fees associated with all of that, both sides. Scott said it was up to the contractor to perform the inspection; the City does not perform the inspections on private developments. Scott said the City inspects projects on City property weekly and reports the information.

Chris went on, #11 is greater detail of the SWPPP updated in the field, more the inspection log; which is already required by the City anyway. He went on to #12, referring transfer of ownership of lots. He asked Scott, if he remembered correctly it was not in opposition to anything that exists in the City already. Scott said he would defer to Wess Galyen from Wichita Area Builders Association (WABA) or someone in the building industry, as it is a financial or real estate transaction and the City doesn't usually get involved with. Chris said that as Wess was in the audience, he asked him to look at page 13 of 17, section 8.3 where it deals with requirements when a property is transferred and ownership in regard to the construction SWPPP. He asked Wess if he would review it and respond by the next meeting in two weeks. Wess said he would. Chris said that takes us down to items #2 for City of Wichita staff comment and #6. Those will be the two points the Board discusses at the next meeting after receiving some drill down information from the City.

IV. Site Presentation/GIS Mapping-Sensitive Channel Map

Before starting, Scott said he wanted to go over a couple things. First is the downstream channel protection map, formal map of the area within the watershed and those areas that need channel protection has not yet been created. He stated they have identified watersheds like the Wichita Drainage Canal, the Big Arkansas River, the Little Arkansas River, the Wichita-Valley Center flood control project; these are projects where the channels are well formed, the banks have been well armored over the years and there is very little stream work that would be caused by what we would consider a 2-year event. The watersheds we typically need to see some type of downstream channel protection volume or the control of volume for a 2-year rain-event are in the unregulated urban streams: Gypsum Creek, the east fork of Chisholm Creek, Cowskin Creek and Calfskin Creek. These are still changing their dynamic and they are largely on private property. As more development occurs there is more impervious run-off, basically more of those channels degrade. Scott, using a laptop and projector, showed several maps, O & M Plans, etc. ***Note from Colleen/SWAB Secretary: Most mapping descriptions, explanations, etc will not be covered in the minutes if/when they specify information on the screen, however I will try to cover as much information provided as possible – notes stating “these” indicate an item on the map.*** Scott continued they will try to come up with a map that is color-coded; it may have different transparencies to highlight and name the middle of the watershed areas where we would recommend the downstream channel protection volume. He stated it wouldn't be as large (indicating the displayed map) it would take all “these” watersheds in Sedgwick County/City of Wichita and condense them down to an actual watershed basin. “These” are already basins but they are broken up to about 700-900 acre limits, so we will color-code them and put watershed names to them. Scott said after he has a chance to really edit it he will bring it back to the sub-committee and they can go look and inspect a few of “these” Jeff Bradley, Chris Bohm and Scott, also maybe Hoyt or whoever else is interested can visually look at some of them. There is one basin Scott said he had a quick comment about one basin, someone had e-mailed him about a watershed called Big Slough North and if downstream channel protection volume would be required. Scott's answer was that it's difficult as he does not believe there would be much benefit in that watershed. However, there are people downstream who have had their retaining walls flushed-out; there has been a lot of channel erosion

downstream. We (the City) have gone in to do a lot of repairs and he thinks we've done most of the solving. From where the City limits are all the way to the flood control project are a series of lakes – one lake after another after another - no real channel, it's more of a lake system. There is a lot of judgment involved; engineering judgment and practical judgment so he will bring this map back to the sub-committee for comments and concurrence how to run the stats. Scott continued the other thing he wanted to share with the Board, they are in the process of having collected almost all the stormwater conduits for the City of Wichita, we're continuing to collect new ones and add them to the map. One of the things that we've done is started to connect these storm flow systems in the upper end of the basin so we can view (what's called in GIS) the downstream trace so you could actually determine how many miles does it take to get from Auburn Hills Golf Course to the Arkansas River in Derby. What that has involved is basically taking and putting a virtual stream network together and basically adding structures (pointed out specifics on the map of northwest Wichita, West 21st & 119th area – county sub-division now annexed to the City which drains underneath 21st) they have created a series of virtual structures as well as virtual conduit. The virtual conduits are basically a flow path from the lakes, they've set the 'structures' basically in the middle of the lakes trying to understand how water gets from one neighborhood to the next. Starting to develop better watershed plans, coding in "these" conduits as a private pond, we can start looking at the water quality benefits – take credit for the water quality treatment. Stormwater management facilities are already in line, determining how long it takes to get from point A to point B. It's just an additional project, also when you end up going through an open channel or creek, like the Cowskin Creek, and it is being coded as natural channel versus a channel the City maintains, we are identifying who owns it. Channel maintenance is a big issue with flood control and making sure our drainage systems are maintained as far as taking a more active interest and defining those flow paths. Scott went on with his presentation, reminding the Board of his review of a smaller site (BMP's etc) and everyone was interested in a bigger development. Looking at 2011 unfortunately they were unable to find any big developments, like a new Wal-Mart. We saw large sites but mostly redevelopment sites; existing sites were modified or retrofitted. He gave the example of Davis Moore Nissan {*now in notes as DMN*} (east Kellogg between Greenwich and Webb Road). Using the map, Scott pointed out the DMN site on the map and also indicated the Mazda dealership and Carmax for reference. He explained they were able to use an already an existing detention pond but they did not have water quality or downstream channel protection accomplished. They were able to meet the goals for this marketing site by modifying the flow meter. (BMP and O&M for the site were shown on the projector.) Basically they went in and cut additional slot in existing weir & reshaped it and achieved both the water quality as well as the downstream channel protection requirements for the site. Scott showed the 6 page operation plan that basically included a checklist for the owner in the future to biannually inspect the stormwater management facility and they can go through and make sure the vegetation is established, no shoreline erosion, etc. He showed estimated costs; doing inspection work approximately \$1000 or less, the whole annual inspection is \$5,450 including removing algae or other things they might find. Scott said in regards to a large site, this was a shared BMP. He also said he thinks as DMN expands and they build more in the back, the same BMP will serve that facility. They won't have to do anything because it's already been sized and accounted for in that modified weir.

Hoyt said he was curious, thinking within 48 hours of rain will there be water in that? Does it tend to hold, it's fairly closed soil but eventually most of it will sink in. How is it set up and how long does it hold water?

Scott replied the pond was set up to be a wet pond. He explained wet ponds will always have a static pool, wet ponds are defined as having at least 80% total suspended solid treatment, it's deemed as a good BMP. A dry detention facility, experts say, only provides about 70% treatment. What happens is, the sediment falls out and the next storm (intense rain event) on a dry facility pushes the same pollutants downstream. The nice thing about a wet pond, the pollutants are in that water but eventually the holding time will force that pollutant/sediment to the bottom of that pond. Scott said he would have to look at the exact specifications, but they were supposed to keep the average hold time for that pond to about 24 hours.

Hoyt said, if you keep that pond full and it's already saturated, then adding additional water is not going to cause significant stormwater spike downstream. Scott said that was correct. Chris added it was storage only anything under the static pool was not storage in any way, shape or form.

Scott clarified they have excavated that storage below natural ground so they created a depression where that water can store itself, the spike will slowly diminish over the 24 hours period and regain capacity – per our stormwater manual they have to regain capacity within a 4 day period.

Chris said math starts with the static pool. If the pond is below the static pool before a stormwater event, it's just 'bonus'. Hoyt said he understood. Chris requested Scott return to the previous slide so he could ask a question. (Slide returned to view of DMN, Mazda, and etc area.) If a different owner purchased the south part of the DMN facility and made a private agreement in transferring the property (including cost of the pond, etc) and they turn in a plan saying they are paving the whole thing and the pond can handle it; how do you deal with that when the permit Wichita has been issued by KDHE says each site has to provide its own on-site BMPs.

Scott answered they would submit a plan for their stormwater drain system and it would be filed as a private project. The engineer will have to submit a stormwater certification stating they meet the rules and regulations, if they write in their narrative referencing this stormwater master plan for the overall development (which the City would know about already) and showing it is part of an overall common plan greater than one acre, the City would have no additional review. There would still be a few things they would have to do, but basically they've already met requirements through a previous project.

Larry asked Scott if this was on a sensitive channel. Scott said yes, it drains into Spring Branch; which has erosions. The City did some channel work between 127th and Greenwich. People in the neighborhood of 143rd and Harry still have identified channel erosion issues. This is in one of those areas upstream of those neighborhoods and we don't want to create additional bank or channel erosion. This is an unregulated stream, certainly worth more review.

Richard asked if Scott was saying those ponds, when initially built, took into consideration the whole quadrangle (the four properties; DMN, Carmax, Mazda, etc)? He continued, and at a certain erosivity or non-soaking in level and the bottom two sites are developed and they are developed differently than the original calculations, were they designed to take 100% impervious from all four sites. Scott said it could be; they figured it was about 95% impervious; they were planning for it to be a car lot.

Scott then moved on to another site; the new Neighborhood Wal-Mart at Harry & Webb. This one was a little different because the site/drainage plan was done in 2010. Wal-Mart said they understood there was some downstream channel protection, they had detention and would throw in the water quality; it wasn't part of the original plan or in the follow-up. Scott said it was one of those projects drafted during the 'grace period'. The sizing of the basins was only for detention as well as the water quality. (He showed a map of the area on the projector.) Scott continued with the Neighborhood Wal-Mart example, he noted it was approximately a 20-acre site, most of site drained to north and into a City street or Webb Road. The back part drained south into a residential area. To meet detention requirements for the back area, they shifted the drainage line taking more water to the north, basically reducing the area that fell into the residential area to the south. What they ended up doing by pushing more water to the north they did some over-detention within their detention basin. He went over more information for this site going over specifics of the run-off, grates, clean-up, etc.

Scott mentioned he spoke with a guy from Atlanta bidding on a project in Wichita and he said they must perform 6 month inspections on all stormwater management facilities. Scott asked if he was nervous about the site he was going to bid as it had a lot of underground detention. The man said no, they do it all the time in Atlanta and they've been doing it for years and years. Scott returned to the Neighborhood Wal-Mart site and went over a few more specifics. He stated Wal-Mart did a very detailed O & M and said Wal-Mart is pretty particular (this one is 24 pages). He said that all of them are different; some are 3 pages (not usually smaller than 3 pages) but typically about 8 or 9 pages on an O & M Plan. Each consultant does what he thinks is necessary.

Scott mentioned one thing the City likes to see is consultants putting their calculations on the engineering plans themselves. When we're looking at the plans we can see the calculations right there. It may not be in the same detail as in their offices, but we are able to see some calculations as an accounting for water quality. Scott showed another site: West Wichita Assisted Living. He said it was a big site for us, but it was actually a continuation of an existing development off of south Maize Road. Real Estate broker, Matt Lillie, went in and platted what used to be a catholic church; and he designed a master plan with a detention plan in the south corner. (He pointed out information on the map, showing an older sub-division, Hidden Lakes, it always had a lot of flooding, many of the homes had been flooded, a lot of the homes have been bought, these people were really concerned about

anything being developed, so they ended up doing a small detention pond in the corner to control the run-off. All of this was designed and built in the mid-2000's before any of these regulations were in place. They did have detention requirements and they complied with peak run-off requirements. These were both wet ponds holding water and having static pool. They ended up, on the next phase of the development and were adding a new assisted living facility. Since they were taking on a lot of run-off to this pond they had to go in and modify the outfall of the weir. They provided some channel protection as well as some extended detention for water quality. Scott provided detailed information on how they accomplished this, he also mentioned the City received notification that the site met all the stormwater requirements. He believes everyone is learning how to build these drainage structures so they will be low maintenance.

Scott moved on to a site called TOPS North, located near 25th & Arkansas in Evergreen Park. He said they basically took excess park area and built a school, a pre-K or Headstart program, for kids. Because of small, undersize storm sewers or no storm sewers at all, as well as street flooding concerns, they incorporated both rain gardens & a dry detention facility into their development. Scott said he was unsure how well the rain gardens are working and explained it was an early attempt to meet requirements. On the screen he showed an example of a planning sheet including where the engineer put his calculations. Scott gave detailed information on their drainage plans including under drains, wet basins, curb inlets and rain gardens.

Mitch asked who this was owned by. Scott replied it was owned and operated by TOPS, and they are leasing the land from the Park Board on a 100 year deal. Several comments were made regarding the large amount of parking, especially as this is a school for little children. Scott said the parking may be due to Planning Department requirements. David commented this was a good example of reducing parking space could result in better utilization of water control features at this site. Scott said he tended to agreed.

Chris asked what would happen if the rain gardens become a problem; they don't hold vegetation, too soggy or collect trash resulting in complaints. Scott said that hasn't been an issue yet and he isn't sure. Mitch mentioned today would have been a good day to see it (due to all the rain). Scott agreed it would have been a great example to see if it was working. Scott concluded his presentation at this time and asked if there were any questions or comments.

Jeff referred back to DMN and the four properties there; he asked if the City of Wichita acts as a facilitator to get shared agreements; saying, "Work with your neighbor and if it doesn't work, come back" as far as maintenance agreements, cost agreements and things of that nature. Scott said luckily the DMN area was platted several years ago and it was entirely platted with the intention of being fully developed. He added the City does not get involved with private negotiations dealing with regional issues. Usually the developer will work with the adjacent landowners to make those off-site arrangements and they will provide the City with a copy of an off-site drainage agreement demonstrating they have the adjacent property's permission to use that adjacent land for their stormwater management needs.

Richard asked if, in that situation for example, the bottom two lots are sold and DMN says "no you can't drain" what happens in that situation.

Scott replied fortunately the construction plans require the stormwater detention facility to be put in the public easement or a public drainage reserve. During the platting process or development process places for cross-lot grade agreements are put in, it gives legal right to the landowners. The City would not approve a plan if there was a disagreement as long as we have agreement with the previous owner.

Richard said he just wondered what "safety net" was there as everyone does not always agree. Scott provided an example stating the DMN site detention pond seems to be valuable. The landowner who wanted to buy the land to the south could decide they want to put their building where the detention pond is. The City would not be opposed to vacating that reserve, filling it in and relocating the pond; basically placing it between DMN and a new facility, as long as they can make the drainage work out.

Chris asked if there were other sites the Board wanted to see or have Scott present on within the next few months. Jim asked Scott to keep an eye out for any interesting sites the Board may be interested in, especially a large site. Richard suggested as we are currently receiving a good rain, which we haven't had in a long time, if there are any calls of interest or occurrences during this rain, Scott could bring pictures or diagrams to the group and indicate what did/did not work.

V. Sub-Committee Reports

i. O & M Committee (Larry, Jim and Richard)

Jim said there was nothing to report.

ii. Liaison Committee (Jeff, Gary and Hoyt)

Jeff said there has been no action since the last meeting except individual follow-up. Hoyt stated he spoke with Ron Graber specifically about getting good quality documentation on sediment reduction particularly coming downstream from Little Arkansas and what is going on in basins above us. Hoyt said he does not have results yet but was making progress and he would like the committee to meet again before next SWAB.

Chris added local consultants have offices in different states/cities and it may be of value to meet with them. Obtaining a quick statement from them may be easier than finding Scott's counterpart in a different town.

Mitch asked Hoyt which part of the Little Arkansas was going to be reported on. Hoyt responded he would know better when he receives the data, but Ron basically covers the greater part of the Little Ark basin as it flows into Sedgwick County. Hoyt added it was part of the early on discussion regarding sediment. Richard said he knows they have done some compared watershed studies there and they should have some fairly specific data from some monitoring points. Mitch asked if it was above or below Sedgwick and Rich said he believed it was mostly above.

iii. Downstream Channel Protection Committee (Chris, Scott, Jeff, Hoyt & Mitch)

Chris directed the Board's attention to the letter/memo from Alan King to the Development Community. Chris re-capped the new verbiage recommended by the Board and summarized the changes. He said the next step for this committee is to meet and work with Scott on creation of the sensitive watershed map.

Jim asked Scott if there were any other official changes to the manual or if this is the first. Scott replied this is the first change. Scott went on to show the website where they store all of the Stormwater Manual volumes (Volume I, II & III) and a bulleted tab called "Design Aids" which include spreadsheets that may help with the review. Also, there is a new bullet called "Amendments" and the approved changes/amendments will be posted in that section. Once the Board has completed their recommendations and they have been approved, the Stormwater Manual will be updated; this ensures that every volume is updated consistently. He finished by saying the manual will be an 'interim manual' for a while and it will be final after the Board has been able to complete their review.

VI. Review Response Letter to Poe & Associates

Chris reviewed the letter of response to Poe & Associates. He wanted to know if the answers he provided on the letter properly characterized the Board's comments and concerns. He reviewed each statement and asked if they were fair reflections from the Board.

At bullet point 4 on page 2, Joe made a suggestion to change 'attorney' to 'counsel' for consistency, Chris thanked Joe and agreed to the change. Chris continued his review of bullet point 4, the secondary point made in regards to the utilization of an off-site facility for detention or water quality. He reminded the Board they have discussed how an equity fee could be charged or if someone had a facility others could utilize, how does that work. He said it is a valid concern if it's off-site. Chris stated the Board does need to look at this and asked if anyone remembered if it was already assigned to a committee. Responses received were – no one recalled. He asked the Board if they believed it was something we ought to look at, and if so, how. On private sites, the City is not privy to costs for downstream channel protection; however, they would on publicly funded projects. Chris asked for recommendations. How can we do this?

Scott suggested it would possibly be a good task for the Liaison Committee. As he recalled, this was a year 2 or 3 project, where the Board could look at a regional solution maybe amending our permit for off-site. Scott said he believed there was big regional and little regional. With big regional there would be a need for additional input from KDHE, but little regional is really coming up with local engineers or staff coming up with costs. He said it would be hard because every site is different.

Chris said it is a good idea for the Liaison Committee; as they communicate with other municipalities, if they have established a policy, cost, chart or something, they could obtain a copy to see how they have handled it. Chris added we could start from scratch, but it would be nice to have some base information. Joe said even if we start from scratch, the question would still come up; how do other communities handle this. Chris said the Board would add this as a task for the Liaison Committee, while they are collection information, if there is an equity chart, equivalency table or costs

(fee in lieu of), they could collect that information as well. He added he would add that the Liaison Committee is being charged with this to the response letter.

Chris continued with response to Poe & Associates letter, regarding the need for outside counsel. Scott said the City of Wichita legal staff may want to have a 'stab at it' first. Scott suggested the SWAB make recommendations to City legal staff & City legal staff may forward to an environmental attorney, but we will have to follow protocol and send it through the City Attorney's Office first prior to seeking outside legal counsel.

Chris said if the Liaison Committee finds stark contrasts with other Midwest communities, and the Board believes it would be a better fit for Wichita, the Board can ask for it to be done. Scott said he believe that was perfectly fine. Chris continued the review with #6, where some of the sub-division codes and zoning regulations were at odds with the use of stormwater management practices. Chris stated he believes the Board agreed they would like the trade industries to bring forward a list of items that should be addressed, then the Board can forward the list (or request it be forwarded) to the Planning Department for consideration.

Chris asked Wess Galyen if, as a representative of a trade organization, he believed they would be willing to provide a list. Wess responded yes; then reiterated one thing talked about from an earlier discussion was having the Planning Department adopt a policy allowing the director the ability to make administrative adjustments if there were conflicts. This would basically allow them to recognize when a change needs to take place and make adjustments without having to wait and go "through all that".

Chris said he would add a sentence to the letter stating the SWAB believes Planning should recognize the need for possible use of administrative adjustment (to prevent long delays and extra work) or something to that effect. Mitch said they would not want anything deferred. Chris agreed, not deferred but addressed. Chris continued the second to last long-term point in the letter was #7 regarding the Mitigation Credits. His hope is the Liaison Committee will find other communities allow that or that it is a standard practice. (MULTIPLE PEOPLE TALKING) Chris went on to the final long-term point and reviewed his response.

Scott informed the Board on the 13th or 15th of February there is a meeting in Kansas City at the EPA headquarters on the EPA's new integrated approach regarding stormwater management and waste water. He said this may be an opportunity to begin a dialogue. Scott said he believes there may be a little uncertainty on the direction EPA will take. He commented on an area the EPA is concerned with and how they are looking at regional solutions, and he went on to say he doesn't know why we couldn't look at regional solutions as an alternative in places where we have separate systems. Scott said he planned to attend, however the EPA will be conducting audit of the City's MS4 the same week, but suggested some SWAB members may want to attend.

Chris asked if Scott to email the information about the meeting, Scott replied that he would. Gary asked if staff could start to work on some of the small and regional ideas of where that might work or in the basin or watershed areas. Scott responded, due to staffing levels (currently 174 positions short) Alan King has identified he will be looking to hire consultants to assist in getting certain things accomplished. Scott stated, in his opinion that would be a good project to assign to a firm to start identifying those potential areas. Scott said he could, but his timeframe would take much longer.

Chris said ok and asked if Scott was comfortable speaking with Alan King about it as far as the long-range view of regional facilities, Scott replied that he was. Chris said he will make the additional changes to the letter and have it available for final review at the next meeting, and then we can forward it to Alan King. Larry suggested changing the wording on #7 to "will be considered" rather than "should be" Chris said OK.

VII. Next Business Items

Chris went on to the agenda items for the next meeting (scheduled February 17, 2012). First item is approval of the February 3rd minutes. Second we will revisit the construction permit specifically for those two items, approximately 15 – 20 minutes of time for that. Third item, Chris stated he has been approached by Joe Hickie regarding a couple of items he would like to address the Board about regarding redevelopment credits and methodology of calculation, put in about 30 minutes. After that would be committee reports. He added those probably total 1 ½ hours of items.

Hoyt commented Scott mentioning a Sedgwick County watershed map. Discussion occurred between several members regarding the need of/use for a contour map in identifying areas of focus. (No motions or actions at this time.)

Chris asked if there were any other agenda items. Richard asked if the Board would like Don Carlson to attend on the next meeting, February 17, 2012 to speak on the construction permit. Richard mentioned Don could join by conference call. Chris mentioned the Board would converse for about 30 minutes then conference in with Don and speak with on the 30-day verse 60-day issue and maybe the dual permits. If any other concerns come up they could also discuss those. Chris asked Richard to schedule. The conference call time was set 3:30/3:35. Chris commented the item after that would be Joe Hinkle's presentation and then committee reports.

Scott made a special request; the City has a flood ordinance that has to pass before May 2nd because they have a physical map revision that is taking place in west Sedgwick County and west Wichita on the Calfskin Basin. The change requires the flood protection ordinance be revised. Although it is not in the specific by-laws but is related to stormwater and involves similar industries, he would like to take the draft ordinance that has been on the website for the last few years and have the Board's input. Chris asked Scott to provide copies to the Board at the next meeting and it would be reviewed by the Board at the meeting after that (March 2, 2012). Scott said he could do that.

E. Adjournment

- i. Motion by Mitch: Move to dismiss the meeting; seconded by Jim.
- ii. **Vote: all members voted to adjourn, no members opposed, the motion passed unanimously.**
- iii. Resolved: Meeting closed at 5:03 PM
Chris thanked everyone for coming.

AGENDA ITEMS FOR NEXT MEETING (02/17/12)

1. Welcome – Chris B
2. Review and approve the minutes – SWAB
3. Revisit General Construction Permit – SWAB
4. Conference call with Don Carlson - KDHE
5. J. Hickle presentation
6. Committee Reports -
O & M Committee – Larry, Jim and Richard
Liaison Committee–Jeff, Gary and Hoyt
Downstream Channel Protection Committee–Chris, Scott, Jeff, Hoyt and Mitch
7. Next Business Items
8. Adjournment