

Stormwater Advisory Board
Meeting Minutes
January 18, 2013

I. Welcome and Call to Order the regular meeting of the Stormwater Advisory Board was called to order at 3:10 pm on January 18, 2013 in The W.A.T.E.R. Center by Hoyt Hillman (Vice-Chair). Hillman informed the committee that he would chair the meeting today. Hillman also informed the committee of the new member Greg Allison and asked that everyone go around the room and state their name for the new board member and introduced two guest speakers from KDHE; Rance Walker and Tom Stiles.

Present

Board Members

Greg Allison
Richard Basore
Jeff Bradley
Hoyt Hillman (Vice-Chair)
Mitch Mitchell
Joe Pajor
Jim Weber

Absent

Board Members

Chris Bohm
David Leyh
Gary Oborny

City of Wichita Staff

Tim Davidson
Mark Hall
Jim Hardesty
Scott Lindebak

City of Wichita Staff

Dale Goter (CMO)
Don Henry

Visitors

Brian Glenn, AMEC
Joe Hickle
Tom Stiles (KDHE)
Rance Walker (KDHE)
Ron Craber

II. Approval of Minutes

Hillman asked the committee to look over the minutes from October 19th & November 16th for any revisions that need to be made. Hillman said that he saw several times in the October minutes he was listed as 'Chair' and that needed to say 'Acting Chair'. Hillman asked for suggestions on what was said on page two, second paragraph of the November minutes. Bradley responded that it should read: conditions/analysis. The other missing statement from Bradley should read: pollutants, in the same paragraph. Hillman stated that at this time there would not be a vote on the minutes until a full quorum was met.

Action: *Renee Batchman to revise the October 19, 2012 & November 16, 2012 minutes.*

III. Stormwater Trading Program and its existence in other locations

Jim Hardesty presented a PowerPoint presentation on the Water Quality Trading Programs. The EPA has seven programs in existence and they are working on four more. They are concentrated in the Chesapeake Bay and Great Lakes area. This area has major urbanization, highly degraded waters and

protection of drinking water supplies. Hardesty spoke about the facility at Boeing and how they can trade between its own permitted outfalls, a municipality can trade between its own permitted outfalls, a group of permitted outfalls within a watershed can trade between each other; Hardesty used the example that if Boeing was high in their discharge they could buy the credits from a place like York in the same discharge. What they have in common is that they are all permitted discharges. Development & redevelopment are not permitted discharges, they are a different classification. In conversation with KDHE a statewide program is not an option for Kansas and it is not necessary to pursue a statewide program to get what SWAB wants for development & redevelopment BMPs. A regional off-site BMP trading program is a possible solution to on-site stormwater BMPs for development & redevelopment in the Wichita area and surrounding areas. The city ordinance has flexibility that we can add a section or chapter in our stormwater manual that could address this type of program. This would not have to go to the city council to change the ordinance but it would have to meet criteria that everyone is satisfied with. Common elements that are found nationwide with the trading program; trades within the same watershed, require a padded trade ratio, permanent which means it cannot be set up for a couple of years and it is forgotten about and it is often tied to the deed. Hardesty turned over the conversation to KDHE representatives.

Tom Stiles with KDHE opens with stating that SWAB could get latitude from KDHE to pursue trades especially stormwater or sediment. Stiles stated that in dealing with issues on the Arc, issue number one has been the wastewater treatment plants and approving the nutrient output coming out of it, second is the ag runoff carrying nutrient and sediment down from the Little Ark into the big river, a distant third is urban stormwater under MS4. This area is not like the east coast there is not an issue like Chesapeake Bay, to force KDHE to create these things. What Wichita does have is permit requirements that are imposed on MS4s but there is a lot of flexibility on how to address water quality. When talking about BMP trading there are ways for KDHE to help push the trading program and there are ways to frame it but it will not get away from front end modeling; to look at the differential of what estimated pollutant loads might be from a development within the city as it exits out of a jurisdiction into the Arc vs. a counterpart up in rural areas up on the Little Arc or northern Sedgwick by the Cowskin. Because of demographic and lack of a major national interest of water is why we(KDHE) doesn't see a need nor can they justify the investment in creating some type of statewide program when it comes to this type of trade. Stiles made sure to clarify that this is for stormwater trading from urban parcels of land trading with the Ag and rural counterparts, waste water is off the table. Stiles went on to say that the city can look at other ways to pursue other arrangements for trading like organizations such as WRAPS or contractual arrangements and moving them out of the city to places like Sedgwick or Harvey County Conservation Districts. Stiles stated that there is a lot of leeway for the city to explore this; the latest version of the draft Phase II MS4 permits are providing a notice to MS4 jurisdictions to explore trading opportunities that lie outside the MS4 jurisdiction; eluding to WRAPS. From the perspective of KDHE there are four trades while EPAs are centered on wastewater issues. The four trading opportunities are:

- 1) One parcel vs. another parcel
- 2) Wichita vs. with unincorporated Sedgwick
- 3) MS4 to MS4
- 4) City working through the WRAPS

Stiles stated that KDHE is open to working with the group on this but they will not dictate how it should be but suggests that any arrangements go through KDHE so that it will be Wichita & KDHE working together on an abatement program for runoff in the Arc basin. Beyond that the flexibility is there, a modeling requirement will be on the front end, while a monitoring requirement will be on the back end just because of the aspect of accountability and evaluation that will need to be done for EPA and to satisfy a management process in the city to determine if the city will place money outside the

jurisdiction and the cost effectiveness. Stiles stated that this is KDHE's perspective on handling this kind of program. Mr. Stiles turned the conversation over to Rance Walker also with KDHE to talk about the actual permitting.

Mr. Walker opened by stating that they (KDHE) would like to offer the municipality, the county or whomever else the opportunity to do some trading, not so much pollutant trading but BMP trading. There are at times some problems with development sites more so with redevelopment sites where it is difficult to fit in the structural BMPs and going off site would be preferred. In this case the suggestion would be to change the manual and incorporate the provision to some kind of organized system for allowing the program. Some modeling should be incorporated to document what is a reasonable equivalency or trade. Walker also suggested looking at what will be coming down the pipe from EPA, heard from them in the last two years that they will be coming out with some new municipal stormwater regulations. Walker stated that KDHE was trying to hold off on the new MS4 permits to incorporate the new EPA regulations but they have decided to go ahead and go on with their new phase II stormwater permit in the next six months. The emphasis will be with the TMDLs with the new permit. Walker stated that from what he has heard the EPA will be looking at post construction stormwater management will be one of the areas of emphasis and there will be some changes there. One of the provisions that may be allowed is the concept of if you can't fit in a swale concentrator or detention basin onto a small redevelopment tract then look at incorporating it into some grand plan into some regional structural BMP that will serve this area and other areas that need to be served. Look at trading to that; funds can be set aside instead of building a vortex removal system on a redevelopment site to contributing to some planned structural BMP serving a broader area within the city. If that will not work look at moving elsewhere up in the basin and identifying some kind of trade that could occur there. Walker also mentioned if there is a revised plan or chapter to submit it to KDHE and they can provide feedback and comments to help support the board if EPA steps in. Walker concluded his portion of the discussion reminding the group that the MS4 permits are joint state and federal permits and KDHE will work with the board on their plan as much as they can.

Hillman thanked both Mr. Stiles and Mr. Walker for their input and asked the board if there were any questions. Joe Pajor motioned he did; Pajor asked if KDHE understood the mechanism that we have with EPA trying to get them to approve something in advance of doing it. Are there safe harbors that they offer? Walker answered by saying that if a logical and appropriate process is laid out it would be easier to deal with them if they do raise concern. Walker asked about existing program and Lindebak stated that when the city was audited last February there was no negative feedback about the existing program however there was a letter of warning to improve the stormwater education outreach program. The discussion continued with KDHE members and the board about different ways to approach the trading program and how to work with other organizations. Hillman did ask Lindebak if there was a time that the board could take a field trip to see a successful operation. Lindebak said that Jim Weber is working on a project in Clear Water. Lindebak also thanked Rance Walker & Tom Stiles for coming to the meeting and for being willing to help the board, Lindebak also thanked Jim Hardesty for his hard work on the trading program information.

Action: *Scott Lindebak to set up a field trip to Clear Water to see the project on the Ninnescah.*

IV. Stormwater Manual Update

Lindebak noted that nothing was changed in the ordinance but asked for the board to flip to chapter 3, page 3-8. The policy statement changed now stating that the downstream stabilization standards would not be required for sites that were five acres or less. It was something that was going to be required for five acres or more and so we wanted to incorporate that into the manual. Also changing was the

requirement for redevelopment it was only for new development. This is the only change for Chapter 3. Lindebak went on to the next change in the manual Section 3.2.2 Extended Dry Detention Pond page 3-49. In the *Inlet and Outlet Structures* additional language was added giving the design engineer more flexibility in sizing an orifice that could achieve the goals. Lindebak stated that the same language was extended in Chapter 4 under *Hydrologic Analysis* page 4-43. An example was included for the design engineers on how to calculate water quality volumes for redevelopment. On page 4-47 the language that was used in Chapter 3 is used to talk about *Water Quality Volume Extended Detention*. The detention period needs to be 24 hours and the volume needs to be released over a reasonable period of time. On number four same page there needed to be additional clarification using the same language stating that approximately 90% of the water quality volume is detained for 24 hours and the rest can be discharged over a reasonable amount of time which is about 2-4 days. On page 4-52 *Channel Protection Volume*, trying to keep the consistency with the language that the stormwater facility could be drained over a reasonable amount of time which is 2-4 days. Page 4-53 provide an example using the Centroid Method in previous version there wasn't one. Lindebak stated that this concludes the changes but mentioned the errata sheet that explains the modifications in the manual. If the board adopts the changes the errata sheet and the revised manual changes will be posted to the website.

V. Channel Protection& Compensatory Storage Maps

Lindebak started off with Appendix G-1 and explained the reason for the maps and stated that it is to help identify the watersheds where downstream stabilization standards should be used in developments that are five acres or larger. On the map areas in white is where this standard would not be required. A second map, Appendix G-2, that serves the same purpose but it zooms in on the Wichita urban growth limits, where you can see the potential for additional channel erosion may occur. Lindebak went on to the Compensatory Storage Basin map. Lindebak explained that this shows watersheds where the City and the County would require compensatory for floodplain fill. If you want to develop in a FEMA or local floodplain where there is a known flood hazard area if you are going to place fill in the area the same amount of fill at the same incremental elevation out to balance it so you cause any flooding on to someone else. Hillman asked if anyone wanted to motion to accept and or modify the manual update and Pajor motioned; Mitchell seconded the motion.

VI. Draft Bi-Annual Stormwater O & M Inspection Notice Letter

Lindebak explained the letter as a notice to land owners that it has been two years since BMPs have been installed and it is now time to notify owners of their responsibility to insure long term operation and maintenance of BMPs as stated in the permit with KDHE. The letter was developed that will be sent to land owners thirty days in advance of their bi-annual anniversary date of when the BMP was as-built. Lindebak wanted to know of the board's feedback or modifications to this letter. Allison and Pajor suggested that there be an additional sentence added at the beginning of the letter to inform the recipient of the importance to complete the letter and giving the property owners sixty days to complete. A suggestion was also made to change the date of mailing from the two year anniversary date to a date that captures everyone at one time.

VII. Committee Reports

Hillman asked about committee reports. There were none but Lindebak asked if Greg Allison would like to be on one of the three committees. Hillman asked Lindebak to explain each of the committee's, they were explained but nothing else was noted.

VIII. Approval of Previous Minutes with Full Quorum

Hillman asked that the board go back and take a motion to approve the two minutes that were previously not voted on, now that a full quorum was met. Weber motion; Mitchell seconded. The board unanimously approved the two minutes. Also mentioned were action items for the next meeting. Lindebak to work on field trip for board, first official first day of brain storming for trading program.

Action: *Lindebak to work on field trip*

IX. Adjournment

Motion for meeting to adjourn was made at 4:50 by Hillman. Seconded by Weber and Mitchell.

DRAFT