

**Stormwater Advisory Board**  
Meeting Minutes  
February 15, 2013

I. Welcome and Call to Order the regular meeting of the Stormwater Advisory Board was called to order at 3:07pm pm on February 15, 2013 in The W.A.T.E.R. Center by Chris Bohm (Chair).

Present

Board Members

Chris Bohm (Chair)

Jeff Bradley

Hoyt Hillman (Vice-Chair)

David Leyh

Mitch Mitchell

Gary Oborny

Joe Pajor

Jim Weber

Absent

Board Members

Greg Allison

Richard Basore

City of Wichita Staff

Mark Hall

Jim Hardesty

Scott Lindebak

City of Wichita Staff

Tim Davidson

Dale Goter (CMO)

Don Henry

Visitors

Brian Glenn, AMEC

Joe Hickle

Tom Stiles, KDHE

**II. Approval of Minutes**

Bohm asked the board to review the minutes from last month. Pajor made a motion to approve the minutes and Weber seconded.

**III. Design/Brainstorm the Framework for BMP Trading Program**

Scott Lindebak opened the discussion by saying that last month's meeting was very informative and found that through KDHE that they are supportive and receptive of looking at alternative to do BMPs offsite rather within the same watershed but after further discussion they were not interested in a state trading program because of size and interest but they can support a local trading program. The meeting today will come up with what the BMP trading program looks like. Lindebak said in looking at the research there isn't a place in the country that is doing what we want to do. It is done on a specific pollutant basis but not on a broad BMP basis. Main goal is to reduce pollutants getting into the watershed; upstream, onsite both of those would achieve the same goal. Maybe doing something on a larger scale, outside the city limits would be more effective at reducing TSS. Lindebak said that he would like to hear from the board. Pajor asked if there should be broad goals and objectives. The program should be as broad and as inclusive as possible, should start with everything is eligible to be part of the program and then cut out anything that doesn't make sense. Second thing is offer development

community flexibility. Third point, would be nice as a committee and effort if there could be some degree of additional public good out of this trading program. Hillman asked if this would be addressing upstream as well, Pajor stated that he would like a point source point of compliance; saying that if we could allow downstream in addition to upstream that would be a good thing. Bohm stated that starting in Sedgwick County there are areas downstream if Wichita that might be beneficial to look at for some kind of treatment, how easily that could be moved outside of the county is unknown. Lindebak said that last month Tom Stiles stated that the permit with the state is for the boundary limits of Wichita, so treatment should happen before it leaves the city limits at some point with the particular watershed involved. Hillman directed the board to read the minutes from January and stated that in those previous minutes Mr. Stiles mentioned that trading could occur with others outside of the municipality if they wanted to do so and he didn't want to leave the county if not an MS8 out of the overall process and wanted to hear from them. Pajor said that the board needs to remember when work is completed that it is going to have to be shipped off to KDHE for approval. KDHE is going to look at several things and one of them is how would EPA look at this. Since the permit is technically the corporate limits of the city that it should say that the area in which you could offer the offsite trade would be within the watershed of the site that you are offering the trade for (original site to be developed) and would have to be upstream of any discharge that crosses the city limit lines. The city limit line would be the point of compliance even though we don't technically have that. Bradley said that it needs to start with two parties, measurable, validated by both parties, and approved by governing body and documented and then presented to KDHE. Hillman said that some modeling needs to be incorporated, reading back to prior minutes Hillman said that KDHE is not asking for all of the documentation and validation upfront they are asking for modeling. Bohm said that there is some kind of trade that makes it equivalent. Mitchell asked if we are trading BMPs or results, unknown respondent stated that it was results trading. Weber asked to go back to Pajor's number one and said that it needs to stick with TSS. Bradley asked if starting the trading program if there needed to be a monetary value to TSS. How do they start the trading process? Bohm explained the Water Department main benefit fee and said that there could be a "bank account" where money could be "banked" until a project could be initiated, the public benefit would be if a channel was regressed and is a park or golf course and money is better spent on a spot where you can show a result than on equipment that may or may not take out the same amount of TSS. Leyh stated that the example that Bohm made is a Central Banking System, Central Using System, and Central Exchange System. If someone had to go to each developer and try to negotiate individually would create a lot of chaos and disconnection, the city would become a part of the Central Banking System. Leyh stated that the issues that are at hand are not the site or the developer or the end use it is a community problem. Overall the water quality is our community and doing something like that is a community solution that can best utilize the resources as a whole and the best location for the community as a whole instead of doing this piece mill patch work that we have been talking about. This is long term solution where you get more bang for the buck. Oborny stated an example of the Gilbert & Mosley area giving a waiver to those who developed; looking at the city taking on water quality, city would go into basin area by tract of land that would give 10 yrs of water quality and would be able to work with KDHE. Become more competitive to outside cities and states as a unique place to develop with no cost, because there is an additional business there would be additional density on site. Maintain a better tax base, cut down on urban sprawl because of dense sites. Could work in areas with higher water quality issues in the basin or along creek areas above us, could we get a lot of impact at a cheaper cost. Bohm asked Leyh if his proposal was no development fee and that the city or county would take that responsibility on. Leyh replied that it was correct, because we would get tax revenue and get benefit, it would cut down on infrastructure cost because better density, city would be unique market place because of no infrastructure or site cost. On large farm sites can we come in and do water quality infrastructure on site take care of our water quality, attach it to the deed pay for the install and the farmers maintain for life of land ownership and

let them participate in that. Leyh stated that with Oborny's example would be simple for out of state developers and engineers with no guess work on what BMPs that they think that may or may not work. It accomplishes what the board is trying to do and doesn't complicate the parties that are looking at developing in Wichita. Bohm asked the board if they had any thoughts and asked representatives from the city and county their thoughts about taking on a program like the example. Weber said he had some concerns; one was about moving the cost over to the public because the money is not there to take on a program like that and he stated that the commissioners are not going to raise taxes. His second concern was the watershed and running out of places to work. Pajor stated that he agreed with Weber on the financial challenge that the project will face if it is paid for by the incremental taxes that occur off of sites. In terms of a program design if we don't do some of this we may be reaching too far for flexibility and incentive out of a 100% publicly funded program. Might be able to leave that part of it to a little later in the design process, if we get a program that is workable and approvable by KDHE then all we would have to do is discuss the financing of it and it might be more productive to do that discussion after we have more of a sense of how the program will look. Bohm stated that somebody needs to oversee where we are going to do this and where will the credits be placed. Weber stated that we shouldn't be doing this unless we've done a basin study or watershed plan so that we know what makes sense.

Discussion was turned over to Tom Stiles with KDHE; he began by passing out handouts for the board. He started by saying that the EPA is intrigued and engaged in the program. He went on to say that the points that were on the while board were good but he noted not to call it "Trading". When talking to EPA Kansas City about the Water Trading program they weren't interested; Stiles said that after a brief explanation of the type of program that the board wants to put together EPA said that it is called Offsite Implementation. Stiles went over his handout *Main Points of Agreement between EPA Region VII and KDHE re: MS4 BMP Trading*. Bohm stopped discussion and said that he wanted to frame up the information that was just given to the board. 1.) EPA would be willing to have KDHE implement w/ Wichita/Sedgwick County a program with Offsite Implementation of BMPs 2.) A vehicle already exists which is WRAPS recognized by the EPA as a proper agency to take funding and implement it 3.) Wichita & Sedgwick County need to figure out an equivalency of development vs. what is the offsite BMP implementation. Bohm said that these things could be done in a few weeks to implement a policy, the last thing is money. How does the money happen to move it to the WRAPS. Hillman stated that he would like to just forge ahead and not do a pilot program; Bohm said that he would like to do that to but we cannot dismiss the fact that we have figure out how this is funded. Lindebak mentioned that he agreed with Leyh's comment about this being a community water quality issue and one aspect that could get buy in from everyone is the ERU fee. Lindebak said that there are not funds right now because the rate has been at two dollars since 2005. A small incremental amount ten to twenty cents spread among the entire community allows everybody to participate. The ten to twenty cents could be dedicated to utilizing those funds to work directly with WRAPS, Soil Conservation Service and implement those. Bohm asked Tom Stiles if we could come up with something to present to KDHE. Stiles said that there needs to be a sit down work session to work out the dialects of how we look at runoff and water quality and to compare what does that translate to in the Little Ark in load reduction and cost. Bohm asked the board where do we go now. Pajor said that the sticky part is the financing and the committee needs to think about when to talk to the decision makers in City Hall. Now or do we need to have another meeting to develop a financing plan. Bohm asked Lindebak & Stiles if there is anyone on the board when they have their discussions. Lindebak said that Ron Graber would be invaluable. Bohm asked if there was anyone that Leyh or Oborny could go to and seek out the development community and see what they would be willing to do and see if there is support. Bohm asked if they could come back at next months meeting with some ideas. Oborny said that they need to see the framework of the

design so that they could come back. Pajor said that, that is a good idea on both the public and private side. Bohm asked Lindebak & Stiles what kind of time frame to put some framework together. Lindebak said that it would take a couple months. Stiles said April would be a good time to check back with them.

**Action:** *Lindebak & Stiles to start discussions on framework for implementation*

#### **IV. Discussion of March Field Trip**

Bohm asked about the field trip, Weber said that the project should be substantially complete by the time of the next meeting that the board can go and see. Oborny proposed at the March meeting the board come back and talk about financial ramifications of the program as it exists.

**Action:** *Lindebak to gather data about different locations and the BMPs used*

#### **V. Letter of Approval for Stormwater Manual Modifications Signed by Public Works & Utilities Director**

Lindebak informed the group that the letter has been signed and the consultants have been told to make corrections and the revised manual will be posted to the website. Bohm said that we would forgo the committee reports for now.

#### **VI. Adjournment**

Bohm asked if there were any other issues for this meeting and if not would accept a motion to adjourn. Weber motioned and group seconded. Meeting adjourned at 5:00pm