

# Storm Water Advisory Board

## Meeting Minutes

August 17, 2012September 7, 2012

### I. Welcome

The regular meeting of the Storm Water Advisory Board was called to order at 3:09 pm on August 17, 2012 in The Water Center by Chris Bohm (Chair).

#### **Present**

##### Board Members

Chris Bohm  
Jeff Bradley  
Hoyt Hillman  
David Leyh  
Mitch Mitchell  
Joe Pajor  
Jim Weber

##### City of Wichita Staff

Tim Davidson  
Mark Hall  
Jim Hardesty  
Don Henry  
Scott Lindebak

##### Visitors

Rebecca Armstrong  
Joe Hickle

#### **Absent**

##### Board Members

Richard Basore  
Larry Henry  
Gary Oborny

##### City of Wichita Staff

Dale Goter

### II. Approval of Minutes

The minutes were delayed for approval until quorum was reached.

### III. Review Draft questions for Regional Cities Questionnaire

Chris Bohm (Chair): The first thing I would like to mention is Keisha Scofield, who has been working the past few months as our secretary is moving on and I would like to introduce Vicky Farley (Administrative Assistant to Public Works & Utilities, Fleet & Facilities) who will be taking over those responsibilities for transcription and monitoring the meetings. Thank you Keisha for her service and we look forward to working with Vicky.

Let's defer the minute approval until we have quorum.

Today's topic is to prepare a questionnaire that we can send to other Midwestern cities in the hopes that the Water Quality Specialist or Storm Water Director or someone in Scott Lindebak's position in another community would take the time to answer some questions. We do not want to overwhelm someone but create a questionnaire that would be relatively simple. Especially if some of these questions were "yes" or "no" or pick the answer for these and could be done fairly quickly and have a little room for comment or need for little elaboration.

We have written some things on the board (Appendix A) and Scott and Tim have put together some questions on a sheet that is on the table (Appendix B). Let's go over the items on the board (Appendix A) and everyone digest these a little bit and then we'll go over what is on the sheet (Appendix B), then we will open for discussion. Please keep in mind this questionnaire is for someone in Scott's position will need to stop in their busy day and go through this and answer these questions.

So, on the board are some questions I came up with and some questions of Hoyt Hillman's. I'll start with Hoyt's because they are more global. So, Hoyt came up with Questions #11 - #15 (Appendix A) Chris read Questions #11 - #15.

The questions we came up with in our shop are Questions #1 - #10 (Appendix A) Chris read questions #1 - #10.

Scott do you want to go over your questions?

Scott Lindebak: First there are six questions. We thought just keeping it down to a very minimal number focusing mainly on the regional approach like we talked about in the past.

He read through the "Survey of Midwestern MS4 Phase I Programs" sheet (Appendix B).

We really felt like the regional approach, reading some of the questions that are up on the board, we do not have any problem with the regional, we do regional all the time, it's the small & medium regional we see throughout the development that occurs throughout Wichita today. What we don't think is people really clearly understand what kind of a regional we are talking about. That is doing something upstream. We talked to some communities like South Dakota and they allow you to do regionals within the same water shed. What they are doing a water quality basin, a detention pond maybe a mile or two downstream that catches all this

stuff, and then a sub-division that would develop upstream that would have to meet those requirements. But nowhere do we find communities that have a regional program that allow you to discharge into a stream that had a TMDL already. By it letting it go out off untreated and then have a BMP upstream, usually have some type of BMP downstream that would capture that before it actually entered that stream that had a TMDL. So, those are the kinds we thought would be more specific to try to focus in on what I think we are really talking about is agricultural basin, no till farming, stream buffer, those types of things.

Chris Bohm: I agree this captures a good number of these elements on the board. So, let's go through this again. On #1 (Appendix B) I like the idea of how recently did you have to implement your plan. This is going to tell us a lot whether it was 6-months ago or 3- or 4-years ago on how far they have come.

Jim Weber: Chris, on that one, I guess I am thinking a little bit somehow to question them, ask when they implemented their plan and not when EPA wanted them to because not everybody wants what they are supposed to.

Jim Weber: Well let's not ask for information we really don't need. What you are looking for is what is their link of experience worth.

Chris Bohm: Okay #1 and #2 (Appendix B) could be combined into one question basically. Is what you are saying. Okay, I agree with that and that really takes #3 (Appendix B) out of the mix too, because we would know if we ask them when did you implement it we have all that information. I think we are all in agreement this is a good question to ask. Basically, how long have you had your program.

I like #4 (Appendix B). What are the most commonly used water quality treatment practices in your community. What up here on the board (Appendix A) have we already taken out already by these first two questions? Number 11 (Appendix A) is out because we are talking about upstream and regional, that is encompassed in the City questionnaire. We are asking what is the most successful approaches, so that is in there. We don't talk about measuring progress and we want to consider a question about that. Is do you have a program or could you share with us the success of your program or something like that. That would be a good one to add. We really don't talk about community outreach. How important is it to us collectively on a survey for the Scott Lindebak's of other Midwestern cities, in our view, to collect information from them or ask them about their outreach program. If they would provide us with a website for their water quality program or the summary sheet of their water quality program that would explain a lot of this information.

David Leyh: Let's talk about Community education.

Chris Bohm: Okay, let's talk about community outreach and education.

Jim Weber: I am not sure at this level for this particular survey that is important. It's a good question, If we are really trying to figure out how people are running their overall program, but we're are trying to focus on a pretty narrow area. Are you doing anything upstream?

Hoyt Hillman: So you are figure we are going to call them back if we actually find some information and then harass them further.

Jim Weber: Yes, Scott will.

Scott Lindebak: We will and that is the plan if someone says they are doing it.

Jim Weber: On this level, Scott had mentioned "survey monkey". If not survey monkey I'm probably not answering the thing. You can have a couple boxes for extensive answer on there, but it's got to be like this fourth one, pick 3 off a list or give us a date. What I think you will discover is if you send this out to 100 people and get 10 responses back and then you start drilling those people on what they are doing.

Chris Bohm: If you see something that's intriguing.

Jim Weber: Yes, intriguing. These are all good questions, but you are not going to be able to send out 20 questions.

Chris Bohm: I agree. Let's take that off this list for now.

Joe Pajor: I think Jim has a very good point. This is a screening tool. When we find right answers to the key 3 or 4 questions we will all get in a bus and go see them. We actually want to spend the day with them, sort of a level of interest. But this tool isn't so much just finishing the job, it's the prospect.

Jim Weber: I guess there was an element here where Scott has included website info and getting links would be beneficial. I think that is the best you can give your storm water program.

Chris Bohm: I would be looking for a link not to their whole policy but if they had a summary/recap sheet of what their program consists of. I don't know if Wichita has that because I haven't looked recently, but it would be nice if we had a quick

simple one page summary sheet of what our water quality program is. That would be good information to share with them as well after we do the filtering.

We won't talk in the survey about financial incentives. If they have a program for outreach or regional they are going to have some way to fund that and we can drill down the next time and maybe meet with them as Joe has kindly offered somewhere on a bus on behalf of the City of Wichita. But that kind follow-up, agreed. So we'll take that one for now.

Joe Pajor: The questions about the different techniques. When we get the answers back on that how is that going inform or change our program?

Chris Bohm: None.

Joe Pajor: Let's just assume everybody says they use dry detention ponds and that is the only thing we get back. Are we going to say we missed the bus we have to all use dry detention ponds? I'm trying to prevent some push back as to what we would do with this information. How are we going to use it to change the program we have in its current form.

Chris Bohm: Why don't we substitute that with do you have any non-standard methods and someone in Scott's position is going to know what the standard power of water quality items are. Maybe we ask the question, "is there anything beyond these normal things that you do that is unique to your community"?

Instead of asking this we could phrase the question, You probably use these things and list them or is there any other method that you use unique to your community that would be of interest to a Midwestern city? What I put on one (Appendix A, Question 8) was the ASR project. My only thought was that if do ASR and we pull this tonnage of silt out of the water from the river to inject into the ground. If we did something with that other than dump it back in the creek or river, could you take a credit for it. That would be very unique to Wichita, if you were able to do that. That would be the question. So, I'd like to hear other people talk not just me.

Jim Weber: If this could be reformulated where this list of 8-10 things is, the following things are formal and standard and we are used to seeing that. This is the place you could have that fill in the blank. What are the things that you are doing.

Chris Bohm: I like that. They might share something unique. So we have that one in there as a substitution. Do your regulations exceed the EPA mandates?

Jim Weber: Can I say this is probably a good question, but I'd like to reframe it. Mandates seem kind of prejudicial. Do your regulations exceed minimum EPA requirements?

Chris Bohm: Okay. David, did you have another comment?

David Leyh: How relevant is that question. We are trying to find techniques that will work for our community. Does it matter if we exceed their community twice, three times, five times the standard. We got four places that do five times the standard, so we should only follow that? Maybe the question should be are you meeting the standard instead of succeeding it.

Chris Bohm: Okay. Is there any discussion on that?

Joe Pajor: Same question. Let's assume we get 100 responses out the 1,000 we send out and 95% are right on the requirements and 2.5% above and 2.5% are below are we going change anything? I don't see us as a community saying or this board saying we want to go out and exceed the EPA requirements. We know the penalties for not meeting the requirements. Unless we believe we're looking for guidance or justification by a popular vote that other communities are exceeding, why ask the question?

Chris Bohm: Scott, you had a comment on this?

Scott Lindebak: Yes the regulations are not predicated by EPA, they are based on off the states, unless there is a tribe within in four states that have a permit directly, but I am not aware of that.

Chris Bohm: So we are in an agreement that for a short survey that is not necessary. This question (Appendix A, question #2) do you all offset water quality treatment instead of on-site is encapsulated in the questions that exist right now. Is there any question for the city or the county on how you do enforcement that should be included in the survey?

David Leyh: On #2 (Appendix A), I do think it needs to be very clearly stated on the survey because everyone is following what everyone else is doing. So we really need to try and find out if anyone is doing something unique. So question #2 (Appendix A) really needs to be very clear on this survey instead of just what we have right now.

Jim Weber: I am thinking #5 (Appendix B) on Scott's questionnaire starts to get there but maybe needs some modification. I agree that needs to be strong lead.

Chris Bohm: Maybe you could add a sentence that this would be outside the typical water quality treatment methods used in a city or something to that effect.

David Leyh: Yes the method can't be agricultural, but there could be other methods that someone else is doing. So don't narrow it to the box but widen it as far as offsite treatments of any sort. Beyond the normal because when you narrow it in the box where it's not agricultural specific, you are filtering out what we really want to capture.

Chris Bohm: Number two (Appendix A) on the board and number five (Appendix B) on the sheet asks the same question – but #2 broader and is better question. Correct?

Scott Lindebak: The issue is we do #2 (Appendix A) already.

Joe Pajor: While we were taking the survey we answer yes.

Scott Lindebak: Absolutely and it provides us no information really. If I was answering the question I would say absolutely. Cattle Rock Lake would be a regional approach because we took 22,000 acres and redeveloped 80 acres of it and allowed those 80 acres that developed to use Cattle Rock Lake as a source of water quality treatment and wet land enhancements. So we are doing that already. There are other examples that we do that all over the place. You can think of out examples like at Kellogg and Webb Road where that strip center developed 10-years ago. They put two storm water management facilities that developed all 80 acres of that and those two facilities can be considered regional because you have multiple out locks that drain to those and provide storm water management. I see where you are coming from. I don't want to discount the fact that someone upstream could build a regional detention facility upstream or a wetland. I think those are two other possibilities upstream within the water shed that you can construct. I know that what we've been focusing on was looking more at agricultural based BMPs because of the cost effectiveness of getting that done. The fact that coming up with millions of dollars to buy and purchase right-of-way and build a regional detention facility is probably not practical or feasible in the next 10 years, unless there is a huge support for that similar to what we have out at 167<sup>th</sup> and 21<sup>st</sup> Street where we are looking at a regional facility out there. That is the only one I know where we are looking at a major flood control detention water quality treatment facility in the rural areas.

Chris Bohm: Okay, so does question number five (Appendix B) that Scott has stand? Has your community considered implementing an off-site agricultural

based regional post-construction BMP for water quality treatment that replaces on-site treatment. Does that work for everybody?

Joe Pajor: Does that question have to be modified with up-stream? Has your community considered an upstream off-site agricultural?

Hoyt Hillman: It goes back to what number 11 (Appendix A) is up there.

Joe Pajor: It goes back to what Scott said earlier about communities allowing it in the drain basin or before the receding water.

Jim Weber: Can that, in some cases, be off-stream. I mean as we talk about upstream it just needs to be in the same basin doesn't it?

Scott Lindebak: How do you define your basin? Is it going to be a HUP 14, HUP 10, HUP 12? Are you going to say you can go to Louisiana and put in a wet one down there and as long as it treats it before it gets to the ocean we're cool. It's the size and scope of the regional BMP that we are talking about. I think we're talking about a HUP 14, it's a lot smaller and it is an easy thing to accept. It's how much rope do we want to extend ourselves.

Chris Bohm: But for the question though does it matter upstream or downstream? If the community has done something successfully upstream or successfully downstream is it okay?

Joe Pajor: I think that is a good point, because in my mind I was thinking we were going upstream so that our degradation would be pre-clean so we would allowed to \_\_\_\_\_. But Scott's point, if you consider the point of compliance for the KDHE it would be the overall \_\_\_\_\_. Then upstream or downstream would seem to be workable either one.

Chris Bohm: So I think the question stands.

Joe Pajor: So far yeah.

David Leyh: We want to find what other people are doing to see if we can tag off it or utilize that or adapt it, whatever.

Chris Bohm: The next question on board is about enforcement or maintenance of private facilities. If we get a summary sheet or web link to other programs we could probably easily find their program for enforcement. Is that a question this group really wants to deal with on this survey?

Hoyt Hillman: No

Chris Bohm: Hoyt says no. Does anyone else?

Scott Lindebak: Would it be a future question with other surveys?

Chris Bohm: Sure we could follow-up.

Scott Lindebak: Because we still have another O&M sub-committee that would be a more specific thing about that.

Chris Bohm: Remember this has to be quick and they need to be able to it like Jim had mentioned, he wouldn't fill out anything very lengthy at all. So we are going to get about a 10% return on these if we are lucky. So, let's leave this out right now.

This number 4 and number 7 (Appendix A) link together. Scott, I don't know on the city arterial streets what is the policy now. It's been in and out. Do you care what other communities do for their own projects?

Scott Lindebak: Not really. We are implementing a lot of our streets. The recent one we are putting three water quality units that drain into barefoot bay off of 29th between Hoover and Ridge Road. The neighborhood demanded that. They did not want dirty water going into their recreational lakes. There is another project where LaFarge required us to put one in because we are draining Broadway over the viaduct south of Pawnee. It was also going into the ground water lake. They demanded it be cleaned or treated. So almost every single arterial street project that we are doing now has a policy to implement water quality units we doing it we're putting it behind curbs. We already check all these structures four times a year. So if we pop it and it is full of sediment we vacuum it out. It is part of our routine maintenance plan now to implement these within any street project.

Chris Bohm: Does anyone else think that is a question that should be on the survey or can we eliminate it?

Joe Pajor: Yes. I think we going backwards if we found out others were not doing it. The impact if they were parties under \_\_\_\_\_ just because we say we found "X" number of other cities that allow it.

David Leyh: Maybe later on we can do service to find better techniques.

Chris Bohm: Grandfathering provisions? Same as before, we can drill down to that later. I know we have our own.

Jim Weber: I don't think that really drills into what we are trying to get to here.

Chris Bohm: We've kept number eight (Appendix A), we think it is encompassed in question number five. Redevelopment handle would be in the same vein.

The drinking water sources for your town would be outside of what we are trying to do right now, unless there is a corollary between that and their using credits for water quality treatment. But that is a pretty deep question for someone to get into on a survey. So let's take out number 8 (Appendix A) for now.

We started a list of complaints from a design side, a development side or a regulatory side. Do you want to ask the question, "are there things that you don't like or are there problems or what is the biggest problem with your program?"

Hoyt Hillman: Maybe we could stick our general upstream/downstream question in as C. In other words, A, B and C, C being upstream or downstream. So that they could indicate that their concerns for upstream or downstream for their community. It would make them to start thinking generically within that question. We are down to five questions now which is fine. If we end up with four questions that is even better. The current #5 (Appendix B) on the page here is "offsite agricultural based regional post-construction BMPs" you could stick upstream or downstream there as well. There is different places to get them to think away from the city is all I am asking. Because there may be some information that all they have to do is say yes and then we are going to call them.

Chris Bohm: If they say yes you can say is it upstream or downstream if you want to find that out. If you answered yes to that question do you do that program upstream or downstream.

Hoyt Hillman: Yes and then we will call them.

Joe Hickle, PPC: I think question #9 (Appendix A) on the board about the biggest complaints with the channel protection volume is equally important as the water quality that you are addressing in all the questions. Previously we had detention rules, now we have these storm water regulations that require water quality and general volume protection. I would be interested in how the communities are dealing with general volume protection and it could be things that help us.

Chris Bohm: Okay. If we ask someone in another community about how they handle general protection volume how can we state that in the form of an easily answered question? Do you have it as a yes or no, if you do then how are you going to deal with it?

Scott Lindebak: I think most people don't know what channel protection volume is. I think what we need to say is how does your community address stream bank erosion associated with new development.

David Leyh: Why don't we, instead the standard answers, ask what do you do that is unique? Because we already know the standards, we're doing the standards. We know most communities are doing the standards. So we ask what are you doing that is unique and that's where we might learn something.

Chris Bohm: So do you do it as a yes or no. If yes, is there anything unique that you do to address it.

Jim Weber: I think you might have to go back over what we talked about on a earlier question and write a short list of the standard things people do and ask if you are doing something else.

Chris Bohm: We could do that. So we have the volume detained on-site and we have mostly volume on-site or some spot downstream armory. In certain situations do you do anything other than these to address channel erosion or stream bank stabilization. However you want to word it.

Hoyt Hillman: Having gone out in the field and looking at some of the Cheney projects. I was expecting to see reoccurring buffers and spring bank protection as the major way they saving and dealing with their soil. What I found was huge expanses of grazing lands properly maintained for retaining the soil simply from the way they were growing stuff. We really need to look at not just the edges and the collector point but we need to look at the whole system. I guess my question would be are they dealing with land owners to retain their soil. Because we're not just talking about washing out here, we're talking about a quarter inch over a couple hundred thousand acres.

Chris Bohm: I think that goes to Scott's question #5 (Appendix B), is there a program in place that addresses the agricultural either upstream or downstream. Because stream bank erosion is going to be common to that same process. If you are doing good management upstream or downstream to help prevent erosion, theoretically your stream bank migration has been reduced at least or maintained.

Hoyt Hillman: I guess you are right. As long as it's being addressed.

Chris Bohm: I think so, not specifically but I think almost by inference.

Scott Lindebak: While we're drafting questions I pulled it out what we are discussing inclusion of stream buff. Actual examples of farming examples like stream buffers, no-till terracing, things like that. We thought that was getting down into the weeds a little bit. We could enter that stuff back in if we want more examples for the survey taker.

David Leyh: One thing we could take a look at, we understand the portions we're asking. The people who receive this might not quite understand. So when we talk about post-construction BMPs that is one component, but there are lots of other agriculture uses we could employ that they may \_\_\_\_\_ in the community isn't a post-construction BMP. We may want to have a question that is a little broader in that scope to find out some of the techniques that they are implementing that is not a construction BMP.

Chris Bohm: That is towards Scott's question #5 (Appendix B) correct?

David Leyh: Yes, it's really going to break that component into two parts. If a person just reads this it's like what am I constructing? I am not constructing anything with that farmer. That is not a construction item. I have a program with that farmer where he grows more crops and then take his tillage to the end. There are certain types of tillage that handles his land even better, but I am not constructing anything, so I won't check that box.

Chris Bohm: I see your point.

Joe Pajor: It's almost like an institution or practice BMP. It's not a structure.

David Leyh: It's not a structure. What we are talking about is agricultural aspect upstream is not of any structure. It is techniques, methodologies and rotation of good resource management. So to talk about construction a person who is not familiar with this body here is going to say we're not building any upstream.

Hoyt Hillman: Good example would be over grazing. That certainly nothing constructive, but it makes a huge difference in soil lose. That is the kind of thing we are looking at.

Chris Bohm: Okay, so maybe the question should say something like, "has your community considered implementing an off-site agricultural based program that reduces upstream or downstream erosion that you then can then use as a credit for your community in lieu of your post-construction on-site BMPs". Something like that.

They can say we have this awesome program, but we don't do construction.

That would follow up with that question. Do we want to drill down into a community if they have complaints, what are your biggest complaints or check three. Do we want to go there?

Jim Weber: I would just change it to most common complaints.

Chris Bohm: And give them a list to click, top three?

Jim Weber: Personally that is not that important to me, but if it helps people to serve a line where Wichita is against other communities. I mean are we getting the same kind of push back that other communities that help answer that question, I don't know how.

Chris Bohm: Is that important to us in the context of this survey?

David Leyh: I would think that it is important in that respect. That is very subjective because you are looking at an individual that may not be out there in the community and just looking at they are doing. It's going to be handed off to someone else that is really within our scope.

Jim Weber: I don't think it makes an impact. We have to address all complaints from our community and their complaints may be different.

David Leyh: I don't disagree, I wasn't advocating to keep it in there. But if we're going to use it ...

Chris Bohm: We can take it out. That is a great follow-up once we know more about \_\_\_\_\_. Is there any other questions? We have about five questions. Is there another question that we can ask or give them a space to provide some comments on what has been the most \_\_\_\_\_.

Jim Weber: You might give them the opportunity \_\_\_\_\_, this is a question about what are you doing. But we haven't asked them okay you are not doing it, what have you thought about doing? What things are out there that we might not have thought of.

David Leyh: Considering implementing, reviewing, thinking about, whatever. Something that might work.

Jim Weber: I personally think the concept we're talking about has been pretty well wrestled down. I am not sure if doing anything more aggressive than what we are talking about doing, but maybe it is out there. I am just saying to ask it as a question.

Joe Pajor: The neat thing about that question is folks that really are innovative are going to be predisposed to want to tell their story. They are going to feel a little more like they are the innovators. So if anybody who asks and some that don't I'm going to talk about it. We'll get the information and that is the value for us.

Chris Bohm: So we have about 5 questions with a comment. What else, if anything, do we want to consider in this survey. Or have we gotten off to a good start that is reasonable in scope.

Hoyt Hillman: Can I make a suggestion that we put it together in a "survey monkey" format and bring it back to us next time and have our speakers review it and maybe speak to it. Maybe make some final suggestions.

Chris Bohm: It would be good to see it in that format.

David Leyh: It would be nice to have it a week or so before the next meeting. It would give us time so we could have input.

Hoyt Hillman: Perhaps send it to the speakers as well. As a potential list of things that we are putting together and maybe you have suggestions.

Chris Bohm: If we are that far along then do you have a list of cities Scott that you have considered.

Scott Lindebak: Yes we do. The next piece of paper (Appendix C). We thought it was important to go in and identify the states that surround Kansas and find out how many Phase I communities and how many Phase II communities there are. We have listed the different cities from each of these states in the attachments. If everyone would agree that Kansas is Wyandotte, Topeka and Wichita. We have 53 Phase II communities. All 53 communities are also required to implement post-construction BMP programs as well. Then Oklahoma only has two – Oklahoma City and Tulsa. Colorado has four – Colorado Springs, Denver, Pueblo and

Jim Weber: How wide are you planning on putting us out?

Scott Lindebak: We've planning on send them all to the Phase I communities because they are going to be a lot further along than we are. They are going to probably be as far along as we are or further along. If you'd like we can seek out questionnaires to all of the Kansas Phase II communities. I think being in Kansas there might be strength in numbers. We talk to the other smaller communities in Kansas that may want to participate with us at a State level and

with KDHE. If there are other smaller towns in other states we can focus on them as well. One thing we found that was interesting through conversations is that the Rance Walker of Iowa and that person is in charge of the municipal storm water program for all of Iowa. Their list only recommends Des Moines and Cedar Rapids. Those are the only two Phase II communities. They only recommend them to consider implementing water quality BMPs. He said because EPA hasn't required it upon them. It is quite unique because EPA is pushing this stuff on State of Kansas. I made the suggestion is this happening because in past surveys Kansas ranked 49<sup>th</sup> in the nation in terms of water quality? I can say that Nebraska, Missouri and Kansas are in EPA region 7 do require post-construction BMPs. It's interesting that Iowa is not one of those. Maybe that is subject to change before too long.

David Leyh: I would make a suggestion that we probably send this to all of Phase I and Phase II of Kansas and see what we get back and go from there. There's about 300-400 or so here.

Chris Bohm: If we look at the front sheet he's got the Phase I and Phase II permit holders. Are you thinking about the communities in Kansas as well?

David Leyh: I think we would want to do the Phase I in the surrounding states and Phase II in Kansas as a primary to get out and see what we get back.

Jim Hardesty: Phase II regulations tend to be a State-wide issue as opposed to individual municipal principalities. Phase I tend to be written for the individual city. Oklahoma City has theirs and Tulsa has theirs where the rest of the smaller communities in Oklahoma are covered by a Phase II general State-wide program. So for Oklahoma we would have to contact 48 small municipalities. We can go to the State website and get the general permit for Phase II. That would not be difficult to do. We can directly contact the Phase I communities and go to the website for each state's general permit for Phase II.

Scott Lindebak: The trick with that is how are each of those communities, the 144 Phase II communities in Missouri, implementing that general permit.

Joe Pajor: This is not a comparison of regulations it is a comparison of programs. We are trying to find innovative aspects of the program to comply with.

David Leyh: Trying to find a contact person is one to communicate something very unique in what their program is with us.

Joe Pajor: I maintain that all the Phase I on the list and the Phase II for Kansas is a good starting point. Because those two are going to be about the same whether we do that or hit them all eventually or hit them all now. So we might as well wait and see what we get. We have the best chance with that first group.

Chris Bohm: Is there any way to sweeten the pot for somebody to answer the questions? For instance, if Alan King wrote a cover letter physically mailed to these communities and mention they will be receiving an email survey from us soon and could you please have your storm water director fill this out? I am looking for a way to increase our hit rate on these things. Anybody have any ideas on that?

Joe Pajor: For me the greatest value for when I get a survey and whoever is putting the survey out says, "If you participate we will share your results." That is a pretty big incentive. I like the idea of the Alan King letter. We could say that in the letter and say that in the transmittal for the survey monkey link too.

Hoyt Hillman: I was curious. Region 7 is fairly rigorous in their efforts. I am sure there are other regions that may be even more progressive. If our goal is innovation then we probably need to look outside of region 7 at least on a few cases and see what is being done in other places that might be done very cost effectively.

Scott Lindebak: Hoyt, three of those states are in another region outside of Region 7. Oklahoma is in a separate region. Colorado is in a separate region. I believe South Dakota is as well. We will be sending things out to at least four states in four separate regions.

Chris Bohm: EPA regions. You may not see them as different.

Hoyt Hillman: I understand EPA regions very much and what they do in Oklahoma is not a step up. So I was looking for higher quality regions, more rigorous review. Not that I am requiring people to do more and I don't want us to do more down the line. But under duress people can come with very innovative solutions and that is what we are looking for.

David Leyh: I whole-heartedly agree with you, but that might be after these are sent back we can see what the responses are and do a further expansion.

Joe Pajor: Hoyt, I guess I have a question. Do you know which of the EPA regions is the ones you are thinking of?

Hoyt Hillman: I have people within Region 7 administrators that can tell me off the cuff. So I can get with Scott.

Joe Pajor: If we are talking about another dozen cities in two or three other states, in other regions, that is not much to add.

Hoyt Hillman: For instance, in Pennsylvania they are very rigorous right now. They have a very strong program up there and they are being very successful in a number of areas.

David Leyh: Hoyt, would you explain what you mean by a very strong program and what they are doing up there. I mean are they being very creative or do they have really hard EPA rules they abide by.

Hoyt Hillman: I don't know how to tactfully say this. Each state negotiates with EPA individually to either allow them to come in and run their program or to allow the state to run the program. There is constant battle going back and forth for the minimum amount that the state can do and still get away with keeping EPA out. Some states have done a good job of stepping up and exceeding or more than meeting requirements and they have properly staffed agencies and some don't. Texas would be a good example of an understaffed operation and Oklahoma would be a good example.

Chris Bohm: What about Texas. Would it be smart to capture a few communities in Texas? Would it be very difficult? Any other ideas or thoughts on this survey.

Jim Weber: Let me go back to the Texas thing. There are a whole cluster of them in the north-central Texas cog, in that whole Dallas/Ft. Worth area. If you wanted to go to Texas that might be a place to look.

Scott Lindebak: Our manual is based on the Dallas, Texas cog. Our manual is very similar to that, as well as Georgia's manual.

Chris Bohm: It would be interesting to see if they've come to some of the same conclusions. Is there a way we can handle this a little different.

Jim Weber: I would also support the ideas of sending out 73 in the first trial and see what you get back. Because I think no matter how good a job we are think we are doing, some of these questions are not going to work or we are not going to get the right kind of answers. So maybe before we go wider we see what we get locally.

Joe Pajor: That is a good point Jim. We haven't really tested this.

Jim Weber: I don't think we want to repeatedly go back to the same bunch. My gut feel is that we won't get a lot of good information from Kansas because we have already talked to everybody, but it is a good place to test it. But if you go beyond these I have no problem with the rest of this list with the Phase I programs. But I'd like to get out farther to more unique places. I think we want to tune it up to see what we get. See what kind of percentage of responses we get.

Chris Bohm: Other comments from anybody?

Joe Pajor: That is an interesting point Jim. The one bite of the apple that we get with the majors, the Phase I communities, it causes me to think should we send it to the 53 first and see how it plays in the minor leagues. Then possibly refine it, call that a beta test before we send it to the Phase I? It adds a little time, because we have to let the cycle run twice.

Jim Weber: The thing I like about that is I think we are going to find that with only 20 Phase I in the survey, we are not going to get half a dozen responses. So, I think when you go to Phase I you may want to go to a much broader area and try to get 50 in the Phase I list you might have to go to some other states. So testing it out on the Phase II in Kansas is not a bad theory at all. At one point I was almost suggesting that you might want to parcel this out. A batch that you can tract is just being the Phase II and a batch you can tract just being the batch Phase I. Not in the same issue of the survey but it could all be put together where the City could track where it is coming from. Despite the fact that they are answering your questions, you would be able to get that data into pots that might help you.

Chris Bohm: That's a good idea.

Joe Pajor: It's to that point where I think we need to add a characteristic question which is are you a Phase I or Phase II community. It's a really easy drop down menu response. It's almost a filter in and of itself. Make sure the person who gets assigned responding knows the answer to that question or they probably shouldn't be the one responding.

Jim Weber: I think when we go to Phase II we will have a lot people that are actually working the program getting the survey that aren't going to know how they got there. I mean I'd have trouble answering that questions, I'll just call Scott and ask him if I am a Phase I or Phase II.

Chris Bohm: Do a beta blast to the Phase II communities and see what happens as the first rounds. Refine it and hit the Phase I communities. We may find a better delivery method by the first test as well. We did all this in an hour and 10 minutes.

Scott Lindebak: Do you want us to wait till the next meeting to do the beta blast or would you like us to post a demo version of the survey monkey and have the board members look at it within the next two weeks. If everybody responds that this looks great or provides comment to everybody then we can maybe get the thing rolling soon than later. It's going to take us a while to find all 53 contacts because we want to send this survey or email it to the exact person in that municipality. There are some municipalities where that person might hold five hats. We want to make sure we get it to the right person.

Chris Bohm: So hoping in a month from now you would have some survey results from the Phase II communities in Kansas in hand.

Scott Lindebak: Possibly. That would be the idea.

Joe Pajor: What is the pleasure of the board on that.

Jim Weber: My experience on a survey monkey they are going to answer right there or not. In two weeks time you will have the data or you are never going to get it. The thing that makes it work is that you can just do it, click the button and be done and it is off your desk.

Chris Bohm: That's a good idea. Let's try that.

Scott Lindebak: Maybe if they send it back we can give them a free pen or something like that.

Chris Bohm: Well that was our agenda item for the day.

#### **IV. Review and Approve/Revise Minutes from July 30, 2012**

Chris Bohm: The thing we need to, since we have a quorum, is to review and do something with the meeting minutes last month. There are a few blanks in the text. So if you take a minute to look at those. Can anyone give any insight to any of the blanks or is it necessary to fill in those blanks. A lot of it could be in context.

Hoyt Hillman: These are numbered. On page nine on the bottom under HH is the paragraph above the bottom. The second line there is not "condensed" but

“construct”. I am still not sure what the blank we identified. You could just make it “the consequences for doing this.” and just cross this out.

Chris Bohm: Does anybody where the blanks occur in text is the essence of what was said still conveyed even with the blanks? Because the minutes do not have to capture every word that we say so long as they convey the essence of what was said. A lot of these read right through the blanks.

Unless anyone sees a consequence for not filling in the blanks and you agree the essence of the conversation was captured. I would entertain a motion that we approve the minutes from last month’s meeting.

Motion by Joe Pajor to accept the minutes of July 30, 2012 by Keisha Scofield  
Second by Jim Weber.

Vote: Unanimously accepted.

#### **V. Agenda Items for Next Meeting: September 21, 2012**

Preliminary results from Phase I of survey

Water quality at the reservoir

Tom Stiles will attend

Approval of minutes for August 17, 2012

#### **VI. Adjournment**

Motion for meeting to adjourn was made at 4:15 pm by Jim Weber

Seconded by Mitch Mitchell.

Vote: Unanimously accepted.

## APPENDIX A

Questions written on White Board of SWAP meeting on August 17, 2012 for the “Survey of Midwestern MS4 Phase I and Phase II Programs”.

1. Do your regulations exceed EPQ mandates?
2. Do you allow offsite water quality treatment instead of onsite?
3. How do you handle enforcements/maintenance of private facilities (permit process/inspection)?
4. Any credits for non-structural methods (i.e., parking lot sweeping/street sweeping)?
5. Any grandfathering provisions?
6. How is redevelopment handled?
7. Do city projects fall under water quality standards?
8. Any non-standard methods unique to your area that you allow? (ASR)
9. Biggest complaints?
  - a) Channel Protection volume
  - b) Small physical outlets-plugging
10. What are the drinking water sources for your town?
11. Any upstream approaches to improve water quality for your city?
12. Which approaches are most successful?
13. How are you measuring progress (TSS, tons, acres, enrolled, % effective)
14. What community outreach programs do you host or provide?
15. What incentive/financial support, if any, do you provide for upstream water quality?

## APPENDIX B

### City of Wichita

#### Survey of Midwestern MS4 Phase I and Phase II Programs

The Stormwater Management Division of The City of Wichita is asking for your participation in a brief survey regarding Best Management Practices required in Development/Redevelopment.

There has been an expression of interest in amending permanent BMP's required by our MS4 Permit. Please take a minute to fill out this 6 question survey so as to help us gauge methods currently in use to fulfill BMP requirements. Survey results will be available for your viewing and Thank You in advance for your input.

<<Link goes here>>

- 1) Has your community implemented a Post-Construction Development/Redevelopment water quality program for your community requiring permanent BMP's?
  
- 2) Commonly used water quality treatment practices include: Stormwater Pond, Dry Detention Pond, Vegetative Filter Strip, Grassed Channel, Bioretention/Rain garden areas, Stormwater Wetland, Proprietary Treatment Systems, etc.,. Does your community allow, or has it considered, any unique methods for water quality treatment not commonly used? If so, please briefly describe.
  
- 3) Has your community considered implementing an off-site agricultural based program that reduces upstream or downstream pollution, that can then be used as a credit for your community in lieu of permanent on-site BMP's for Development/Redevelopment?
  
- 4) Other than water volume control, or stream bank armoring, does your community use any unique methods to control stream bank erosion?
  
- 5) If you would like to provide any additional input/clarification to these questions, please do so, or provide the City with a web link to reference the information.

## APPENDIX C

### City of Wichita

#### Summary of Midwestern MS4 Permits

<b>State:</b>	<b>Phase 1 Permits:</b>	<b>Phase 2 Permits:</b>
Kansas	3	53
Oklahoma	2	48
Colorado	4	117
Nebraska	4	18
Iowa	2	40
South Dakota	1	11
Missouri	4	144

Following is summary of conversations held with different States regarding requirements for Development/Redevelopment BMP's as per their MS4 Permit:

- Nebraska Dept Environmental Quality, Blayne Renner: Lincoln and Omaha have Post-Construction BMP requirements. They are on-site, and not off-site, credit trading, or fee-in-lieu of. Omaha floated the idea of up-stream detention, but NDEQ considered it flood control (and it was). Any detention facility can open a new set of problems, as you have created a pond that is now subject to TMDL's etc.,. Trading credits in stormwater is different than trading credits for air quality. Air mixes much more readily, and stormwater trading creates polluted segments in front of 'clean' segments.
- Iowa Dept Natural Resources, Joe Griffin: Des Moines and Cedar Rapids encourage consideration of Post-Construction BMP's during the design, but those BMP's are not required.
- City of Sioux Falls, SD, Andy Berg: Sioux Falls has a system where you pay into a sub-watershed fund that builds extended detention stormwater ponds that replace on-site BMP's. Many of the sub-watersheds do not have those ponds, and the Developer has to pay anyway. These ponds require hiring consultants, and must be platted. The system isn't working very well for the City or the Developers, because there are not detention ponds where they are needed.
- Missouri Dept of Natural Resources: They do not have a program for off-site BMP's, fee-in-lieu-of, etc.,.
- Oklahoma and Colorado have not yet returned phone calls.