

**Stormwater Advisor Board  
Meeting Minutes  
May 17, 2013**

- I. **Welcome and Call to Order** the regular meeting of the Stormwater Advisory Board at 3:15 pm on May 17, 2013 at the W.A.T.E.R. Center by Hoyt Hillman (Co-Chair).

Present

Board Members

Richard Basore

Jeff Bradley

Hoyt Hillman

Jim Weber

Joseph Pajor

Greg Allison

Mitch Mitchell

Gary Oborny (by telephone)

City of Wichita Staff

Jim Hardesty

Scott Lindebak

Absent

Board Members

Chris Bohm

David Leyh

Visitors

Ron Graber

Brian Glenn (AMEC)

- II. **Approval of Minutes.** Hillman asked the committee to look over the minutes from April 19 for any revisions that need to be made. Weber indicated that on last page change transition to translation. Weber moved for approval of minutes and Bradley second, all approved.  
**Action:** Revise the April 19, 2013 minutes.

- III. **Review Draft/Framework Offsite BMP Implementation Policy.** Hillman turned the floor over to Lindebak to read the revised draft of the document from comments received at the last meeting, also allowing for discussion by the committee. Tom Stiles has reviewed and provided comments.

There were some changes made to Section II. Lindebak begins reading document. At the end of Section III (Banking Options), Hillman asks Graber if the document makes sense. Graber responded, yes and would like to see Department of Conservation included in this list of partnerships. The two primary sources of funding are the DOC and NRCS. Bradley inquirers if the tons annually are all on a per ton basis. Yes this is a unit of measure. Oborny joined the meeting via telephone at 3:25. Lindebak brought him up to date on the meeting.

Allison asked if the COE would be able to mitigate. Lindebak responded that this would be covered in Section VI, even though it is really a separate matter. Corp wants things to be dedicated for life and in this case the BMPs may not be for life. Farming practices use a 10 year agreement and it is unknown if the Corp will sign off on that. Weber stated that the BMP is more reasonably cost because of renting instead of owning. The high costs come from the permanent fixtures come from the ownership and on-going maintenance. Allison asked how the maintenance of the BMPs would be enforced. Lindebak stated that staff will begin renegotiations in year 8 or 9, so that a commitment for the BMP agreement to continue. Allison asks how these agreements are going to be enforced. City would take the lead to encourage continued participation in the program. Pajor interjected that the cost of the original deal would have to include the continued

maintenance/improvement/replacement. It is not just the cost of doing a 10 year deal....it is the cost of doing a 110 year deal.

Graber responds that there have been several successful projects such as terrace or waterways, which are for the most part a permanent thing. After about 20 years extensive maintenance or rebuilding is needed. A less expensive option is the no-till practice and is not as permanent, but tends to take more time for stabilization and the benefits can be seen. No-till also involves different equipment. There are significant penalties associated with bailing out of the program early because of reduced production. There is a time commitment included in the agreement. Partial payment up front and in year three, if the no-till practice is still in place another payment will come into play. This is one way to keep people involved in the projects. Hillman asks if there is a significant drop from the program. Graber states that there is not a drop in participation. There has only been one project drop out and that was due to a change in ownership.

Bradley states that the developer pays for the street, water, sewer and the owner pays through specials, once they are paid off and repairs are needed; the action is to go to the City for repair/replacement saying that it has already been paid for...Pajor states that in that analogy that the ongoing funding source is the property tax. One time, upfront payment by the developer that is used by the City then the only logical choice is the ERU charge. Safe to say that part of the cost is upfront and paid by the developer and the rest is expensed to the ERU in the future. Hillman states that in the long run there would be less sediment and less processing costs associated with the program.

This appears that the developer has no choice than to go through the bank, is that true? Hillman responded that the assumption is not true, look at Section I, there are three choices. Do we want this program to provide an alternative rather than going to the City for funding. Pajor says we need to work with what we have and implement betterments as time goes by. Weber states that he does not think it will be economically feasible for the developer. This program places the long term liability with the City unless the ownership can be transferred. Try to get enough stuff under contract to cover two years at all times. Rolling average will need to add so much tonnage to the inventory. Always have to maintain the amount that is banked.

Moving on to Section IV. Graber states that incentives are provided annually for a 10 year period to keep people involved with the programs. The CRP program administered through FSA is 10 or 15 year annual rental payment equal to what the land would produce if it were farmed, with a penalty for early withdrawal. Most cases, this is a wildlife enhancement activity through planting trees or prairie grass. Pajor asked if the costs and time were reasonable. Grabber replied yes, every two years for an inspection is reasonable.

Lindebak clarified that the amount of removal would be since inception of the project. Sampling would only be done in the quantity and locations according to our permit. The permit would be renewed and we would not do any additional sampling unless KDHE requires it. Discussion occurs about the definition of pollutants. Program is being established to track the reduction of TSS. We have set up to report just the TSS; however KDHE may require us to track other substances. The nature of TSS removal will automatically remove other types of sediments, pollutants and nutrients. Section II a) identifies the definition of pollution. Pajor indicates that with this plan, we may open the door for reporting substances other than TSS.

Lindebak states that Section V was tabled last meeting because the consensus of the group was to settle Sections I – IV before identifying funding sources. Items A through E are listed as options and possibly are not even close to what they should be. Financing has to come after the rest of the program has been identified. The translation table is also needed to help identify costs. Lindebak has talked to staff at AMEC about creating the scope and fee regarding development of the translation table. Want to be able to take the program w/the translation table to Alan King and the City Manager, and be able to show the costs of this program annually. Pajor is not clear about who we are talking about in regards to the owner/developer. Translation table is for the use of the city in the amount of TSS being disturbed and would also need to include the amount of filtering a buffer would produce. Lindebak reports that the rolling average will be developed by the city based on 200 acres of disturbed area. AMEC will develop a formula that is Wichita specific, based on our rainfall, the impervious area that will translate to an actual pound of TSS. Weber associates this program with the purchase of a cemetery plot. We have to fund it and then need a reserve fund to continue ongoing maintenance into the future for many years. Pajor asks if the translation table will also be for the partners to follow to measure each area. The translation table will be a guide for us and implementation plans already in place will be able to provide definite data to assist with the creation of the table and identifying the total costs. Tom Stiles wants us to focus on work inside our own community, but still have an impact on locations outside this county. Pajor asks why the ratios are not reducing the further out from the City of Wichita limits. Lindebak answered by stating that the 1:1 ratio has little effect to the watershed. The further out you go more treatment is needed for the runoff. Pajor states that the watershed is bad and that measurements can be taken before and after and there will be little change to the watershed. We should have the same leverage everywhere or require more on the outer limits so that the impact is seen. Lindebak reports that Tennessee is trying to start a program much like this one and they are requiring that the first 1.2 inches have to stay on the property and not runoff. The higher ratio is being used to keep the TSS on site. Tennessee requires a 3:1 ratio that has to be within the MS4 and within the HUC14. Hillman asks a question of Graber, after 10 or 20 years and many of these projects will there be a noticeable difference within these projects as it pertains to the watershed. There are dairy farms in Sedgwick County that need fixed. Graber replied that it depends on the objective; the closer we are to that point the quicker we will see results. The 9 element plan for the Little Arkansas Watershed is a 40 year implementation plan. The question is....What is the goal? If everything is available during that time period there will be a noticeable change in the water. Pajor states that maybe we need to have some verbiage in Section III that explains the reasons for these numbers or maybe as an appendix entry. Everyone in this room might have a different reason for using these numbers.

Lindebak told Tom Stiles that I will need to take this document to Alan King and maybe the City Manager, a letter from KDHE and EPA will need to be included expressing support of this program; at minimum a support letter from KDHE. Stiles also want to take this plan to the NPDES permit folks for their support (Rance Walker). We are at least 2-3 months from obtaining the translation table. It could take 6-8 weeks just to get a contract.

**Action:** Revise document and send it out to the group. Write a scope of services for obtaining the translation table. Prepare documentation to present to Alan King.

**IV: Review Draft Survey – Cost of Water Quality & Downstream Channel Protection:** Allison reports that committee has met as a group. Gary was to put together the survey – have not heard anything.

**V: Committee Reports:** None

**Action:** Lindebak was asked for an action item to disband the committees.

Mitchell inquires if there is indication from commercial developers that they would support and pay the upfront costs. Lindebak does not think so. The water quality in this community should be funded by property taxes and/or ERU fees. Allison asks what the cost to date for developers. Lindebak states that this varies widely.

**VI: Schedule Future Meetings – through November 2013:** After discussion, membership decided to hold off scheduling meetings. Over the next 60-days all members will be kept informed of progress of the translation table, with a goal for July.

**Action:** Take Framework Offsite BMP Implementation Policy to Alan King for review and report back to the group. Membership need 2-3 weeks lead time for next meeting. In the meantime, Pajor moved and Weber second, for a status report to be sent by email every 30-days until a future meeting is scheduled, all approved.

**VII: Meeting adjourned** at 4:48.