

## Stormwater Advisory Board

June 12, 2015

I. Welcome and Call to Order the regular meeting of the Stormwater Advisory Board. The meeting was called to order at 8:02 am on June 12th, 2015 in the W.A.T.E.R. Center by Chris Bohm (Chair).

### **Present**

#### **Board Members**

Rich Basore  
Chris Bohm  
Hoyt Hillman  
David Leyh  
Mitch Mitchell  
Gary Oborny  
Joseph Pajor  
Jim Weber

### **Absent**

#### **Board Members**

Greg Allison  
Don Kirkland

### **City of Wichita Staff**

Jim Hardesty  
Mark Hall  
Joe Hickle

### **City of Wichita Staff**

Dale Goter (CMO)  
Don Henry

### **Visitors**

Ron Graber  
Daniel Schrant  
John Covey  
Tom Stiles  
Mike Tate  
Ted Francis  
Scott Lindebak

## **II. Approval of Minutes**

Bohm opened the meeting by welcoming everyone and stating that he was kicking off the meeting with the review of the March 13<sup>th</sup>, 2015 minutes. Hillman stated that there are about four places where the minutes say undecipherable and he wanted to take a minute to review those. Bohm asked Hillman to point those out. Hillman said the first one was on page 5, Graber said that it was Running Turkey Creek. Hillman made a suggestion that in the future if there are sections that are undecipherable to highlight those and send them out ahead of time. Pajor made a motion to approve the minutes pending corrections, board seconded. Motion approved.

## **III. Public Comment Period**

Bohm asked if anyone from the public would like to speak. No public comment, item closed.

## **IV. Off Site BMP Program**

Discussion began over the BMP Program, Bohm stated to the board that everyone should have received the report via email. He went on to say that the board could go over the changes or clarifications to the report. There were a few actions that needed to be reviewed.

**ACTION:**

1. Accept the KDHE required 2:1 ratio sediment credit ratio
2. Design the program with the ability to replace 100% of all no-till farm fields, if necessary, outside of the city in the Little Ark Watershed every 5 years.
3. For the Director of Public Works & Utilities to determine an annual fee per acre to participate in the program.
4. And for City staff to develop an implementation plan and formal policy statement for inclusion in the Stormwater Manual, for SWAB review, to move the program forward for City Council approval.

Bohm said that number three needs to have a caveat that it is reevaluated every X number of years. He said that he is not sure if the board needs to officially take action on these but they can go over that too. Bohm said that he was hoping that Tom could talk about KDHE's stance on what has been presented so far. Stiles took the floor and talked about the ratios. He said that the 2:1 ratio has to be at some level of certainty to the regulators whether it be KDHE or EPA that the net gain is going to be positive. He said they are pushing 2:1 initially because of the uncertainty. They would be open to revisiting after there is five years of experience with the next stormwater permit. He went on to say that he hesitates to call this a requirement but his strong recommendation that all three entities to have a unified front when going to EPA. 2:1 seems an appropriate way to get the foot in the door. Either way through WRAPS or through the stormwater program they should start seeing out puts; bank stabilization or expansion of no-till fields, gathering that information and in five years let's revisit establishing the ratio. Stiles went on to say that he strongly encourages the committee to endorse it and move forward because it is premature to argue over fine details, levels of sophistication are just not there to fight about ratios. Oborny asked what can be done to make sure they are monitoring correctly and are able to have the calculations. Stiles said that WRAPS has models assessment and ongoing monitoring at watershed levels to see what the rural practices are typically going to do. There is a fairly long level of baseline on subwatersheds, he said that there may be a lot of transfer of credits on paper that don't give a lot of data that tells what is coming out of the subwatershed and that is where the uncertainty lies. There is output tracking and that is good for KDHE and EPA. Oborny asked how to formalize this process with KDHE & EPA, is it an agreement so that there is seamless process. Bohm asked a question tagging on to Oborny's question, asking how is the money transferred to the bmp projects? Is there a slush fund? Stiles, no. Stiles said that there is a formal mechanism through the city's stormwater management program document that has annual reporting back to KDHE. KDHE will then summarize it present it to EPA. Mike Tate with KDHE then took the floor, he informed the board it was a good to write a letter to EPA about the plan, not asking permission but telling them what the plan is. Basically tell them not ask. Pajor than went back to the question on money. He said that the City of Wichita is the permit holder and through the program and the Stormwater manual that the alternative is auditable. The tracking should be not only be how many dollars go to what practices for modeling purposes but what projects would go where and when. Stiles said that signage is a good way to create transparency. Bohm asked if the 5 yr. guide is good. Stiles said that it's a good spot but wouldn't use that as a shot to look at the good done in the watershed. Hickle said the five yrs. comes from a typically contract with a farmer. Graber said that is correct and went on to explain the payment process to the farmers. Basore asked Graber to go over the WRAPS funding. Graber said that they are already tracking where the funding is going. The critical watershed is where they need to focus on, that should be on their watershed plan. With this program Graber said that Sand Creek would be the closest to Wichita and that is where the work would start. Bohm asked when the WRAPS program has to have their reports in, Graber replied by saying that he

does quarterly reports and then he has an annual report that is on a fiscal year cycle July 1<sup>st</sup> through June 30<sup>th</sup>, he asked when the MS4 permit is done. Hardesty replied calendar year. Bohm said that if the first reporting period July 1<sup>st</sup> of 2018 if the program could get off the ground the bank would have kicked in and in the WRAPS and then there would be two more years of money coming that would show up in the July 1<sup>st</sup> 2018 report, then the MS4 permit in December 2019 it would be part of that submittal. . Hardesty said that the annual report will include this yearly work. Bohm asked if it would be wise if the first evaluation of the program be in 2018 where it could be part of the July 2018 report. He said that would kick the five year cycle off and it would be six months before the MS4 permit. Pajor said that this is a good idea and said that he was glad that all of these were on the table because they all interact. In terms of reviewing the fee there is this question of 100% or something less than 100% for renewal for no-till. He said that it doesn't make any sense until the outcome is known for the first five year cycle to require a change of the participation fee. He went on to say that it doesn't seem productive that the director looking at changing fee when no one knows what really happened at the end of the first five years. He went on to say to require it to be done every five to seven years at a maximum pick a number in that range and then allow or recommend the director make adjustments sooner than that should the financial information is available to justify a change. Bohm said that he doesn't want to get lost in the context of the program, he said it would be nice to know when the first snapshots of the rates officially. If that is five years that is fine, he just thought that it would be nice that it correspond with an annual program. Weber said he didn't know why the board was trying to tie down a date, he said as a good business practice if the director sees the annual report and he sees he in trouble he will increase the rate and if everything is going well then the rate will lower. He said that putting it a five or seven year is putting a limitation on it and you want to keep things fluid. Oborny then took the floor and said that items two through four is something that additional meetings need to be on. He went on to say that action one could get done at the meeting but to get real agreement actions two through four need to have meetings with others involved. Bohm then asked Hickle to talk to the board about the 50% no-till vs 100% no-till cost. Discussion went on between Pajor and Oborny and Oborny said that there is still discussion in his industry about whether or not this is a city-public cost or is it something that the last man in continues to pay. Are we looking at water quality as a community issue or last man in pays in each time? He went on to say that there is an ERU plan and they want to make sure that that money is utilized for what it is intended to and his industry has a lot of questions. Bohm said that in his mind that the math from one and two make three, the board knows the cost. The 2:1 credit ratio was decided on last month and KDHE said that they are comfortable with that. 50% stays in no till, Bohm said that personally he doesn't like the 100% no-till and he thinks that there is enough historical data from WRAPS in even the worst case, he went on to say that he doesn't think there is a need to double up on the no-till. Hickle then took the floor. He went over his spreadsheet with the board and choose different cost scenarios for examples. Bohm asked if Mr. King was comfortable with the spreadsheet as it is right now, Pajor said that Mr. King has been engaged with Stormwater Staff and he is comfortable with it. The board went back over the action items hearing opinions from the members, Oborny gave his opinion and said that with the development community there are many people that have the opinion that they shouldn't be paying anything for this. He went on to say that bullet number five is missing and that is support by the constituent industry that is going to be paying for it for the most part. He said that he is trying to be transparent. He said that this something that is going to have workshops so that they understand it or they will go to the council about it. Pajor said that there are representatives on the board that represent industries and when it is said that items two through beyond need more work to make it productive, he is fine making a motion that two through four be put on the table for 60 days and next meeting in two months. Bohm said to hold the motion for a moment and for the SWAB members to figure out how to engage with CCIM, invite them all to Cowtown or something and discuss? Pajor said to plan on three meetings and if two is needed then that would be fine. Discussion went on

between the board members about topics for the meeting agenda for the constituents. Weber asked for the motion again that Pajor brought up earlier so the board could vote. Pajor gave the motion again, it was, recommendation that action item number one be incorporated into the stormwater program which is the 2:1 sediment ratio for the off-site alternative to the on-site water quality BMPs, put action items 2, 3, 4 table those items and reconvening on September 11<sup>th</sup> and have up to three meetings with interested industry participants. Bohm asked if there was any discussion about the motion and Leyh said that the 2:1 ratio needs to be reviewed in five years or so. Pajor amended his motion to include the 2:1 has to be documented and the ratio needs to be reviewed after five years for its effectiveness. After the amendment the motion passed by the board. The board went on to write down what they would like the agenda to look like for the additional meetings, the board worked out the agenda. The board also settled on the first date of Wednesday, July 29<sup>th</sup> from 3p-5pm, the location was not decided on at this meeting. The other two meetings dates were tentatively scheduled for August 12<sup>th</sup> & August 26<sup>th</sup>. Weber wanted to make clarification that there would be no meeting in July and Bohm said that there would be no formal meeting until September but Bohm said that he would like everyone at the July 29<sup>th</sup> meeting.

#### **V. Adjournment**

Bohm made a motion to adjourn after the date discussion and several members of the board seconded. Meeting ended at 9:44am.