



# **Group Memory**

## **Clean Water Program Task Force**

**Facilitated Meeting #3 March 20, 2012**  
**Requirements for Municipal Post Construction Standards**  
**11:30 am to 1:30 pm**  
**At the Lower Platte South Natural Resources District Meeting Room**

This is a Rough Draft of a Group Memory of a facilitated meeting held Tuesday, 3-20-2012, in Lincoln, Nebraska. Note that this is the first draft of the Group Memory and is based on notes taken at the meeting, flip chart pages, comments made, and information shared with the group by presenters as part of the following agenda. The intent of creating a collective group memory is to capture the essence of the information shared, comments made, and questions presented at the facilitated meeting and it is not meant as a transcript of the meeting. This draft is subject to correction by contacting The Mediation Center at [info@themediationcenter.org](mailto:info@themediationcenter.org) by 4-17-2012.

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<b>Task Force Members present:</b>
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<b>Rick Onnen</b> <b>Dennis Scheer</b> <b>Wilbur Dasenbrock</b> <b>Donald Linscott</b> <b>David Potter</b> <b>Peter Katt</b> <b>Paul Johnson</b> <b>Tom Franti</b> <b>Carl Eskridge</b> <b>DaNay Kalkowski</b> <b>Reba Schafer</b> <b>Tim Texel</b>
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<b>Members of the Public present:</b>
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<b>Vicki Twerdochlib</b> <b>Lalit Jha</b>
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Support Staff and Resources present:
John Chess, J.B.Dixon, Miki Esposito, Jocelyn Golden, Sara Hartzell, Ben Higgins, Selma Kessler, Ed Kouma, Rock Krzycki, Jared Nelson, Roger Tiedeman, Ellen Wright, Paul Zillig
Facilitators:
Lorrie Benson, Dave Hubbard, Sandy Wolfe

**AGENDA**

**IMPLEMENTING A PROGRAM**

- |  |        |
|--|--------|
| 1. Welcome & Overview                                    | 20 min |
| - Welcome and overview of previous meeting               |        |
| - Discussion of follow-up items                          |        |
| • Technical Memo #3 Volume & Land Use Comparisons        |        |
| • Technical Memo #4 Cost                                 |        |
| 2. Post Construction Standard Processes                  | 30 min |
| - Submittals / Review                                    |        |
| - Maintenance / Inspection                               |        |
| - Compliance   |        |
| -Cost  |        |
| -Cost Share Program                                      |        |
| 3. Exploration and discussion in small group             | 30 min |
| - Break into small groups to discuss worksheet questions |        |
| - Facilitated large group de-brief                       |        |
| (Themes captured on flipchart pages)                     |        |
| 4. Omaha’s Program                                       | 20 min |
| -Omaha’s Clean Water Program Presentation                |        |
| 5. Wrap up, Closure                                      | 20 min |

**Next Clean Water Program Task Force Meeting  
Tuesday, April 17th 2012 11:30 a.m. to 1:30 p.m.**

*Reminder: this and other Task Force materials are available at  
lincoln.ne.gov keyword: clean water program*

### **Mutually Agreed Upon Ground Rules:**

*(please refer to Group Memory #1 from January 17, 2012 meeting)*

### **Discussion of follow-up items**

- Goal of discussing and formulating recommendations for stormwater ordinances
- Technical Memo #3 Volume & Land Use Comparisons handout was discussed and explained (Technical Memo #3 Volume & Land Use Comparisons is available on the Task Force website)
- Technical Memo #4 Costs handout was discussed and explained (Technical Memo #4 Costs is available on the Task Force website)

### **Post Construction Standard Processes Presentation**

- See Post Construction Standard Processes Presentation on Task Force website
- Presentation by City of 'How Lincoln Stormwater Quality Requirements Would Work'
  - Submittals / Review
    - Developer submits plans
    - Water quality standards required for new development or redevelopment if greater than specified amount of square feet
    - Cost share considered at concept stage
    - Plan reviewed through existing Planning Department processed
    - Best Management Practices reviewed by City/NRD staff, similar to existing manner in which detention ponds are reviewed
    - Sureties would be assessed
    - Maintenance Agreement
  - Maintenance/Inspections
    - Potentially owner responsible for maintenance
    - Initial inspection by City upon completion of Best Management Practice
    - Periodic inspection by City during establishment for 1 to 3 years
    - Four year inspection by City after establishment
  - Compliance
    - Education to property owners via guidance documents, checklists, inspection forms, Operation and Maintenance Plans (provided by Engineer)
    - Initial inspection by City upon completion of Best Management Practice
      - Follow up with owner as needed, use of surety if necessary
      - Partial release of surety if all OK
    - Periodic inspection by City during establishment for 1 to 3 years
      - Follow up with owner as needed, use of surety if necessary
      - Total release of surety if all OK after establishment
    - Four year inspection by City after establishment
      - Follow up with owner as needed
      - Do work and assess owner if necessary
      - Enforcement through Law Department if necessary
  - Costs to developer for incorporating water quality standards
    - Stevens Creek Master Plan had cost at \$210/acre
    - Olsson Associates Report had cost of between \$150 to \$570/acre

- Cost Appropriation
  - Cost for offsetting impacts of urban development have historically been the burden of the developer
- Cost Share
  - Current water quality cost share program with Lower Platte South NRD
  - Current case by case cost share program with the City
- Current NRD cost share program
  - Priority and eligibility based on impact to water bodies, water quality improvement potential, public outreach
  - Not currently available if required locally or by the State
  - Cost share of 50% for eligible materials and contracted labor
  - Maximum cost share of \$10,000 per project, which may be exceeded if desired by the NRD
- Task Force members had questions regarding maintenance of these projects:
  - Regarding the proposed maintenance method and keeping people from getting sued by City law Department for lack of proper maintenance
  - Risk is that people are doomed to failure trying to comply with maintenance Best Management Practices
  - Maintenance of detention cells is much different
  - Maintenance and inspections will be expensive for the commercial developer

### **Comments, Reflections, Thoughts and Questions from Small Group Discussions**

1. Water quality standards applicable to:
  - New developments over X square feet or X acre(s)
  - Redevelopments over X square feet or X acre(s)
    - covers all areas in a redevelopment, or
    - cover only any new impervious/disturbed areas in a redevelopment
  - Storm water BMP required for commercial, industrial, and multi-family developments of 3 acres or more and single-family developments/subdivisions of 10 acres or more.
  - Multi-family and commercial developments – concrete hard surface
  - Industrial? – Yes
  - Question regarding smaller family homes and infill and individual pieces and how they connect to big picture and deal with chemicals
  - Prefer regional with more City involvement
  - Regional does not need to be defined by ownership – e.g., more than one owner, when site has enough people/# of owners sharing – closer to regional
  - Want to avoid the problems of the past from such systems
  - EPA standards unknown at this time
2. Exceptions:
  - Single-family dwellings not part of a new subdivision and all infill developments
  - No exception for government or non-profits
  - No exceptions – all owners are responsible for not polluting their water
  - Necessary to have exceptions

- Single-family infill?
- Existing developments (residential) – define?
- Quality of life in the city
  - best division between public lands/private lands?
  - best mix for dealing with conflict

3. Water quality criteria based on:

- percentile rainfall event
- amount of runoff
- pollutant reduction
- Size of development and surface runoff
- Use low rainfall event criteria
- % event?
- Pollutant reduction? – should be used but what pollutants and how much reduction?
- Single-family chemicals
- Amount of runoff
- How do you go about figuring out pollutants?
- Could a private, qualified/insured contractor perform the inspections?
- Want more information on Steven’s Creek

4. Maintenance/Inspections:

- Maintenance inspections important
- Education for homeowner’s associations important as some will not care
- Devise system that people can really maintain and keep up – so much depends on owner
- Long-term sustainability of the system and inspections by regional qualified people
- Accountability
- Maintenance issue and recognize what kind of system is being set up within the government system
- Have licensed contractors or certified maintenance contractors to be available to assist developers or homeowner’s associations
- Different needs for different types of sites
- Frequent inspections in the early years
- Could be where owner’s contract maintenance/inspections to a public/private contractor (“write a check”)
- Contractor – licensed, qualified inspector
- Required
  - Homeowners
  - Business
  - Developers
  - Associations (will need education from city)
  - City
- Long-term maintenance and sustainability concerns
  - Funding
  - Who responsible
  - Frequency
- Annual – is homeowner inspection adequate?
- Long-term sustainability of maintenance by unqualified people
- Treat maintenance like street trees with 3 options:

- Owner plants with surety
- Contract with a nursery to plant
- Contract with Park & Rec Department
- The Community views street trees as a community asset with community benefit. If applied this view to BMPs regarding storm water it could support this type of model

#### 5. Compliance (in order of preference)

- Contact owner and coordinate needed inspections/corrections
- Potential use of surety (during establishment period)
- Do needed work and assess owner
- Fines/Liens
- Make BMP as part of the subdivision/land development agreement.
- City inspection on regular basis and then lien on property if necessary for maintenance

#### 6. Missing Issues

- If located in ROW then maybe city responsibility. If on private property or common area then somebody else is responsible
- We want more information about Steven's Creek Master Plan and clean water aspects (here at this meeting)
- Standards will satisfy future EPA rules
- Will EPA accept what is proposed or will other standards be applied

### **Omaha's Clean Water Program Presentation**

- See Omaha's Post Construction Ordinance Presentation on Task Force website
- Presentation by Selma Kessler, P.E. from City of Omaha Public Works Department
  - Ordinance is in Chapter 32 of the City of Omaha Ordinances
    - Article V. Post Construction Stormwater Management (criteria)
    - Article VII. Papillion Creek Watershed (fees)
  - Omaha currently has two types of stormwater permits
    - MS4 or Municipal Separate Storm Sewer Permit (similar to Lincoln's)
    - CSO or Combined Sewer Outfall Permit (required as they have combined storm sewer and sanitary sewers in east Omaha). Lincoln does not have this issue
  - In the MS4 area the criteria is to limit the first half inch of runoff and maintain the 2 year pre project runoff conditions
  - Applies to all grading work and redevelopments of at least 5,000 square feet
  - References for the ordinance can be found at the [www.omahastormwater.org](http://www.omahastormwater.org) and [www.papiopartnership.org](http://www.papiopartnership.org) websites
  - Submittal process includes:
    - Application with Drainage Study, Plan Sheets and Maintenance Agreement by owner
    - Conditional Approval by City
    - BMP Certification and As-Built Plans by owner
    - Final Approval by City
  - Preferred Best Management Practices include:
    - Infiltration, Water Quality Detention, Green Roof, Pervious Pavement/Pavers, Subsurface storage, Hydrodynamic separators, inlet filters
  - General Design Guidelines
    - Omaha Regional Stormwater Design Manual

- Chapter 8, Stormwater Best Management Practices (currently being updated)
- Maintenance
  - Maintenance agreement and easement is recorded
  - Maintenance responsibility of owner
  - Omaha has authority to charge owners for maintenance cost
- Omaha still on a learning curve. Presenter stated that Lincoln is ahead of Omaha in certain aspects of Watershed Management (e.g. the Watershed Master Plan program) is well respected in the Watershed Community
- Presenter recommended Lincoln adopt a rate and a volume criteria (e.g. X% of storm event) rather than the criteria that Omaha implemented (i.e. the half inch of runoff program)

**Parking Lot:**

No new items

**Next Task Force Meeting is**  
**April 17th, 2012 at the NRD 11:30 a.m. - 1:30 p.m.**

Thank You,

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