



Group Memory

Clean Water Program Task Force

Facilitated Meeting # 8 June 11, 2013

Follow Up Meeting Requirements for Municipal Post Construction Standards

This is a Group Memory of a facilitated meeting held Tuesday, 6-11-2013, in Lincoln, Nebraska. This is based on notes taken at the meeting, pictures taken, 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 raised during the meeting and it is not meant as a transcript of the meeting.

Task Force Members present:
Wilbur Dasenbrock Pam Dingman Carl Eskridge Paul Johnson Don Linscott Milo Mumgaard Rick Onnen Dave Potter Reba Schafer Tim Texel Jim Wathen

Members of the Public present:
None

Support Staff and Resources present:
John Chess, Jocelyn Golden, Sara Hartzell, Ben Higgins, Ed Kouma, Rock Krzycki, Jared Nelson, Frank Uhlarik, Ellen Wright
Facilitators:
Lorrie Benson, Dave Hubbard

AGENDA

1. Welcome and Introductions 10 min
2. Addressing Concerns from 1st Follow Up Meeting (May 28th) 20 min
3. Drainage Criteria Manual; Overview with Q & A 20 min
4. CAPSTONES: 60 min

Small Group Discussions followed by round robin style Large Group
Debrief with large sticky notes available to capture your personal reflections
and comments and post on flip chart pages at end of the Large Group Discussion

Q: What are some things you personally learned about Stormwater Management?

Q: What Concerns do you have and how would you improve the Clean Water program?

Q: What are the Strengths of the clean water program as Currently Drafted?

5. Next Steps, Congratulations, Thank You's, and Closure 10 min

Please note you can e-mail the Clean Water Program at watershed@lincoln.ne.gov with additional comments that can be taken into consideration while the ordinance is being refined for City Council action.

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

Addressing Concerns from 1st Follow Up Meeting (May 28th)

Jocelyn Golden responded to concerns raised by Peter Katt regarding a recent Maryland case:

The case decided in January 2013 was instead a Virginia case challenging the EPA's establishment of Total Maximum Daily Load (TMDL) rule for stormwater runoff rather than sediment under the Clean Water Act, which was determined by the federal Virginia court to exceed its statutory authority. A case decided in Virginia is not binding on Nebraska courts.

Ben Higgins addressed concerns regarding:

Qualified Individual

- The term 'qualified individual' is in the proposed ordinance language related to owner inspections of BMPs (Best Management Practices). The proposed ordinance requires that a qualified individual inspect the BMPs. The definition in the proposed ordinance states that a qualified individual shall be knowledgeable about BMPs and as currently written does not require a qualified individual to be certified.
- The definition was put in place to strike a balance, be flexible, and not require owners of BMPs (e.g. Homeowner associations, business associations, etc) to hire an engineer.
- Task Force members were asked if there was an interest in a City or City-sponsored class for BMP property owners to attend for training on inspecting BMPs. The purpose of the class is to offer such a class to BMP property owners who don't have previous knowledge of BMPs.
- BMP owners could decide to spend the necessary dollars for an engineer to inspect or have a BMP owner representative take the class.
- Some of the Task Force members made the following comments/suggestions regarding this topic:
 - o Concern getting individuals to take the time to attend the class
 - o Class could be posted on website with contact information
 - o Concern with consistency using lay people vs. engineers
 - o Concern with cost of having an engineer do the inspection (could be a minimum of \$250 with document review), [note: no formal report is required; there are inspection forms in the Drainage Criteria Manual for each recommended BMP]
 - o Concern that maybe the inspection should be done by an expert

Re-inspection Fees

- It was explained that the re-inspection fee is intended only for the City to do inspections when the City does not receive an inspection form from the owner of a BMP.

Overall Fairness and Clarity

- The draft ordinance reflects the concerns, thoughts and input from the Task Force. All Task Force members can continue to review the draft ordinances on-line and are definitely welcome to contact watershed@lincoln.ne.gov or call Ben at 402-441-7589 regarding on-going concerns. The intent of the draft ordinances is to follow the general guidance provided earlier by Task Force members.

Regional versus Development Sized BMPs

- Based on past experiences with local flood control projects dating back to the early 1990's, the approach in Lincoln has been to stay with development sized or distributive type projects for water quantity and quality management. Reasons for this are that there are higher overall capital costs, adverse environmental impacts, sequencing difficulty, and inequitable land distribution with regional facilities.
- The prevailing practice is based on other existing community standards nation wide, past studies and research that water quality in a stream is from a distributed source and needs to be treated on a distributed not regional basis. The principle is to bring the stream flow to a natural hydrology which is best done on a distributed basis.
- The Beal Slough master plan from 2000 included smaller regional facilities on a voluntary basis (with the City paying for them) and to date none have been constructed.

Maintenance by the City or by BMP Property Owners

- Currently no funding and no impact fees are available for maintenance. Stormwater bonds and any grant funding can only be used for capital projects.
- The City wants to avoid long term sustainability issues such as those that are occurring with the currently underfunded sidewalk program that is City-maintained.
- The City has learned many lessons over the years through constructing demonstration projects and feel that the Drainage Criteria Manual provides valuable information for maintaining BMPs.

Miscellaneous

- The City has a cost-share program for BMPs on individual lots.
- The City will work with developers on the design of BMPs and where funding is available may provide cost-share on a case-by-case basis for developers desiring to do Low Impact or Conservation developments.
- The City will take into consideration the many good ideas and adjust the ordinance as appropriate.
- Amendments to the Drainage Criteria Manual can be made through a City administrative rule making process. However it has been and will continue to be the practice of the Watershed Management Division of Public Works to bring forward any changes through a public hearing process with City Council.

Drainage Criteria Manual; Overview with Q&A

Jared Nelson reviewed BMP design standards (PowerPoint available on website).

- An overview of Drainage Criteria Manual was given including standards and maintenance. The Power Point presentation is on-line at Lincoln.ne.gov, keyword 'clean water program'.
- Jared used the bioretention BMP as an example of how to use and apply the Drainage Criteria Manual.
- Need to decide in advance whether want wilder or more manicured BMPs as it will impact maintenance needs and requirements.

Waivers and Credits

Q: Are credits limited to a watershed for a reason? Or could it be by jurisdiction?

A: Having in watershed helps meet overall goals for water quality. {see discussion above on Regional versus Development Sized BMPs}

CAPSTONES:

Q: What are some things you personally learned about Stormwater Management?

- How complex it can be
- Lots can be done
- Lots of different practices
- Different projects and demographics around town
- Always new stuff to learn
- Opportunities to learn from others
- Some ideas work great (others do not)
- Lots of information, lots of resources, sharing with others, web, opened a whole new world
- Opened my thought process to see all the different examples
- Government is worried and cares about our health and our community's water quality and we are making progress.
- Water quality and quantity are very important
- How the regulations impact different people/individuals and impact different development projects
- The City is here to help
- Importance of the educational component

Q: What Concerns do you have and how would you improve the Clean Water program?

- Dealing with issue of qualified inspectors and how to train and educate
- The process is manageable when you address the small building blocks, i.e., the homeowner
- Education of the public will be a key
- How you frame the problem is important – simplify when we educate – may make it easier to educate
- Zoning code changes inside City limits and dealing with current developments
- Lack of knowledge is a concern
- Costs if something goes wrong, i.e., balancing inspection costs with the need to inspect on a more formal basis
- Big educational process for the public and issues of implementation dealing with established areas
- Funding/costs of maintenance
- Not having a plan to address emergency issues and problems
- Maintenance: construction, inspections by 'qualified inspectors'
- Qualified inspectors should be reviewed by City and the City should send out updated lists of qualified inspectors
- Stormwater needs ongoing funding source in this community and a stormwater utility is needed

Q: What are the Strengths of the clean water program as Currently Drafted?

- Good balance – have NOT gone overboard
- Glad City is doing the Clean Water Program and BMPs
- Waivers possible
- Open door for creativity
- Criteria is defined
- Working ahead of EPA and Federal Government
- Lots of flexibility, i.e., showed best ways and how to solve
- Home grown progress
- Acknowledged problem and trying to correct it

Next Steps

- 1) Conversation can continue by contacting watershed@lincoln.ne.gov
- 2) Presentations can be requested by contacting watershed@lincoln.ne.gov
- 3) Invited to attend the public hearings

Congratulations & Thank You

- 1) Lots accomplished by the CWP Task Force! – Impressed and appreciative.
- 2) Democracy in action
- 3) Job well done!
- 4) Great example of civic engagement
- 5) Your efforts are appreciated