

# **Water Quality Management Fee Incentives Workgroup Meeting Notes October 23, 2009**

## **Revised Schedule & Meeting Location**

**Next Meeting:** Friday, November 13th  
Town Branch Wastewater Treatment Plant

**Future Meetings:** November 20<sup>th</sup> & December 3<sup>rd</sup>  
301 Lisle Industrial Ave., Lexington, KY

## **Water Quality Management Fee Incentive Workgroup Voting Members in Attendance**

Kelly Breeding, Fayette County Schools  
Patrick Brewer, LexMark,  
LFUCG Councilmember Linda Gorton  
Andy Haymaker, Representing Commercial Developers  
Sanford Levy, Small Business Owner Representative

## **Water Quality Management Fee Incentive Workgroup Voting Members Absent**

Emma Tibbs, Representing Fayette County Neighborhood Council  
Bob Wiseman, University of Kentucky  
Knox van Nagell, Fayette Alliance

## **Others in Attendance**

Sandy Camargo, CDP Engineers, Inc.  
Chad Harpole, Commerce Lexington  
Chris Howard, CARMAN  
Yvette Hurt, Tree Board  
Eddie Mesta, BTM Engineering  
Amy Sohner, Bluegrass Pride  
John Steinmetz, Hazen & Sawyer  
Andrew Stoeckinger, Smith Management Group

## **Staff**

Cheryl Taylor, Depart. Of Environmental Quality  
Charles Martin, Division of Water Quality  
Susan Plueger, Division of Water Quality  
Julie Mantrom, Division of Water Quality  
Richard Walker, Tetra Tech, CD Program Manager

## **Discussion**

The Water Quality Management Fee Incentive Workgroup Voting Members updated the future calendar of meetings to accommodate the upcoming holiday schedule. The upcoming meetings dates are Friday November 13<sup>th</sup>, Friday November 20<sup>th</sup>, Thursday December 3<sup>rd</sup>, and if necessary, Friday December 11<sup>th</sup>.

Susan Plueger went over the changes she had made to page 3 of the draft Water Quality Management Fee Incentive Grant Program Application Packet for Class B Parcels. Ms. Plueger pointed out the following bullet was added.

- All grant funded projects must be completed per the plan outlined in the grant award documents. The Division of Water Quality must approve, in writing, proposed changes to the plan once a grant is awarded. Unapproved changes which alter the project's purpose or effect may disqualify it from receiving the grant match.

The Workgroup approved the **Project Guidelines** with the inclusion of the above bullet.

The Workgroup discussed the importance of education, and Commissioner Cheryl Taylor mentioned that the disappointing results of the recent stormwater survey demonstrated the importance of education. Councilmember Gorton asked if the education grant funds were

intended for the general public's education, and Commissioner Taylor said no. The Division of Environmental Policy manages funds from the Water Quality Management Fee budget for public education, and Commissioner Taylor mentioned the Water Quality Management Fee campaign starting in November.

For **1. Project Development** under **Specific Guidelines for Water Quality Education Programs**, Richard Walker clarified that funding for the employee training on pollution prevention was not to be used to do required state and federal permit training requirements. Ms. Plueger said she would clarify that on page 2 under **Other eligibility requirements to be aware of** approved by the Workgroup at the last meeting.

Also under **1. Project Development**, Ms. Plueger had added a sentence about encouraging creative elements, and suggested applicants refer to EPA. Patrick Brewer was concerned that EPA was the primary reference. Charlie Martin said that was only a resource, and the Workgroup asked Susan to include other resources—not just EPA.

Under **2. Funding Amounts** the Workgroup agreed that grants could be awarded for 100% of an education project cost up to \$2,500, but substituted the word “may” for the word “will” be awarded 100% up to \$2,500. The section was revised and the Workgroup did not include a cap on the maximum education grant that could be awarded:

**Funding Amounts:** Educational Grants **may** be awarded for 100% of the project cost up to \$2,500.00. Above that amount, grants will be awarded as a match up to 50%, based on the actual project costs.

Ms. Plueger then went over the new section she drafted, **Specific Guidelines for Structural BMPs (Best Management Practices)**—which were expanded by Ms. Plueger to include **Water Quality and/or Water Quantity**. Councilmember Gorton asked that the reference to “Aesthetic features area secondary consideration” be removed, and the Workgroup supported that change so as not to give the impression the program is intended for aesthetic improvements—if it looks nice great, but the purpose is improving water quality.

Councilmember Gorton hoped that not all these funds go to new development that some effort is made to encourage improvement to existing systems. Mr. Martin said that when the scoring system is developed, additional points/consideration could be built in for redevelopment projects. In **d.** Mr. Brewer requested and the Workgroup agreed the word “consideration” should be added to the end of the first sentence so it would now read:

BMPs currently listed in the *LFUCG Stormwater Manual* are automatically eligible for ~~the~~ grant program **consideration**.

Ms. Plueger said she did as the Workgroup had previously requested, and tied the examples in **d.** back to the Engineering Manuals. The Workgroup pointed out that the BMPs included in this section are the current standards so as more is learned the list of the sample BMPs could be expanded and probably updated in the future.

During the discussion of **e.** the Workgroup asked for clarification on who should be qualified to write the report outlining the environmental benefits of the proposal, and it was agreed that the report could be prepared by a professional engineer or by a landscape architect—as long as the language matched any changes adopted in the Subdivision Ordinance. Finally in **e.** the Workgroup again requested that the list of resources be expanded to more than EPA.

During the discussion of **Funding Amounts**, the Workgroup discussed how to balance innovation with good stewardship. The Workgroup considered ways to encourage new technologies, but at the same time fund things that are successful. Mr. Brewer suggested a grant award must somehow be conditioned on a positive result, and not simply funding feasibility studies that develop into cottage industries with no project or improvement to water quality. Ms. Plueger said she would further define what feasibility costs will be covered. Mr. Martin suggested that only one feasibility grant would be eligible for award per project, and through the application process applicants will establish a track record.

Mr. Breeding and Councilwoman Gorton suggested that the section on **Reporting** include the requirement that 10% will be retained until the project is completed in an acceptable manner with a plan submitted on how the property will be maintained. The Workgroup wanted to require that a plan needed to be in place and documented for regular maintenance of the BMP for design and performance. Ms. Plueger said she would work to incorporate those requirements as requested.

In the **Maintenance/Monitoring** Section, the Workgroup discussed the term “monitoring easement.” The Workgroup wanted to reinforce that properly operating and maintaining what was installed had to be a condition of the grant. There was no limit established on how long LFUCG would have access to the property to monitor, but the Workgroup asked staff to define what access meant rather than use the term “monitoring easement.” The question was raised, if a project LFUCG funded was properly maintained, and through no fault of the applicant the technology did not deliver all that was promised, would the applicant keep the reduced ERUs? Mr. Martin said that would be up to the Water Quality Fees Board, but he thought if proper maintenance could be documented the ERUs would remain reduced.

Ms. Plueger explained that she is also working on guidelines for constructed pervious surface that will be attached to the grant application/program.

### **Next Meeting**

The next meeting was scheduled for Friday, November 13<sup>th</sup>. The Workgroup agreed to focus on scoring at the next meeting.