

GCSA News Bulletin – February 2014

INCOG NOTE: The following items have been collected from recent emails and announcements with changes to format, not content. Some have been abbreviated or images removed.

1. EPA's 2014 MS4 Stormwater Conference in Fort Worth, Texas

INCOG NOTE: For those of you who are new to GCSA, this annual EPA Region 6 stormwater MS4 conference is considered the best of all 10 EPA regions. It brings together permittees with professionals in stormwater services, program management and permit compliance. There are many opportunities to view the latest products and services and network with others who share similar problems and strategies. Dates for next year's conference are July 27 to August 1, 2014. Visit: <http://epa.gov/region6/water/npdes/sw/ms4/2014conference/index.html> to learn more about the conference; the site will be updated frequently. Another website link to the conference is: www.scieca.org. Future conference locations being considered are Northwest Arkansas in 2015, and Oklahoma City in 2016. The Northwest Arkansas venue is probably certain, but it has not yet been announced as a final decision. Conference organizers are actively reviewing all presentation abstracts, so the first detailed agenda will be available shortly. Registration will be around \$300 - \$350, with an Early Bird discount. As usual, there will be pre-conference certification training classes starting Sunday, with Monday devoted to the certification testing and "Stormwater 101" sessions for those new to the permit program.



2. LID Design Competition and Research Symposium Update

INCOG NOTE: The Tulsa area LID Design Competition is well underway. Design Teams have been formed, and final designs are due the first part of March to start technical evaluation. The April 3rd [Great Plains Low Impact Development Research and Innovation Symposium](#) will have brief oral presentations by all contestants, with the three winners announced that evening. There are \$10,000 cash prizes for the winners of each of the three design categories.

GCSA Members are encouraged to attend the Symposium. This is a unique opportunity to have LID heavily promoted in our area, learn about the latest LID innovations from speakers representing 10 states, and meet the BMP for employee training. Visit the lid website link below and contact Dr. Vogel at OSU jason.vogel@okstate.edu for more information about attending the April 3rd LID Symposium at the Hard Rock Casino.

The Three Design Competition Sites:

1. [Mixed Use Development](#) – Elm Ridge in Broken Arrow (Lindsay Development)

2. Commercial Green Street – 6th Street in the Pearl District from Peoria to Rockford (City of Tulsa, Engineering Services)
3. Urban Residential Redevelopment – Barnard Trace, former Tulsa Elementary School (Phil Marshall Properties & Lindsay Development)

For more information about the sites, click here:

<http://lidcompetition.okstate.edu/design-competition-sites>

For information about the competition, click here:

<http://lidcompetition.okstate.edu/>

Why is the LID Design Competition Important to GCSA? There will be new requirements in the revised OKR04 for permittees to do education and outreach about LID to builders, developers and the community at large. This LID event encompasses general awareness about LID, provides detailed project development specification data about area projects, will likely lead to actual installation of LID in at least one of the projects in the near future, and will provide data that compares LID cost savings and benefits over standard development designs that lack LID. The LID Symposium will attract parties of interest from many regional states to see how LID is growing and benefiting the Tulsa area.

3. Missouri Supreme Court Rules Against St Louis Stormwater Fee (repeat)



December 20, 2013

Courts Strike Down Stormwater Fees

In mid-November, the Missouri Supreme Court ruled that the St. Louis Metropolitan Sewer District (MSD) stormwater fee is actually a tax, which violates the state's constitution because it was established without voter approval.

The [court opinion states](#), "A tax by any other name remains a tax. It cannot be transformed into a user fee by adept packaging any more than a zoologist can transform a horse into a zebra with a bucket of paint. Here, no matter how many stripes MSD paints on it, the stormwater user charge is not a user fee."

The stormwater fee, based on impervious surface area and established in 2008, was intended to help the sewer district raise nearly \$60 million per year to address stormwater budget shortfalls.

There have been a number of court cases on stormwater fees in recent years. In another case, decided in September, an [Ohio appeals court struck down](#) the Northeast Ohio Regional Sewer District's stormwater fee, ruling that the sewer district did not have the authority to enact a regional stormwater management program or fee. The Northeast Ohio Regional Sewer District is currently obligated to a \$3 billion combined sewer overflow (CSO) long-term control plan, Project Clean Lake. The decision hinders the ability of wastewater utilities to address CSOs and is impactful because it could serve as a legal precedent outside of Ohio.

The National Association of Clean Water Agencies (NACWA) and the Association of Ohio Metropolitan Wastewater Agencies [filed an amicus brief](#) in the Ohio Supreme Court to appeal the ruling.

4. Idaho Supreme Court Rules Against Lewiston Stormwater Fee (repeat)



December 5, 2011

[Idaho Supreme Court Rules Stormwater Fee Unconstitutional](#)

In early November, the Idaho Supreme Court ruled the city of Lewiston's stormwater fee unconstitutional because it qualified as a hidden tax, as it was not previously authorized by the Idaho legislature. The fee — levied in 2008 — was based on impervious surface area. However in 2009, a local state college, port, school district, irrigation district, and Nez Perce County [filed a lawsuit](#) against Lewiston. In Idaho, local governments cannot tax one another, so by classifying the stormwater fee as a tax, the plaintiffs would not have to pay.

The ruling was made in part because the Idaho Supreme Court classified the fee as revenue-generating and because the city charged property owners regardless of whether they used the stormwater system.

5. Results of INCOG's Quick GCSA Survey on Stormwater Fee Exemptions

INCOG NOTE: INCOG recently became aware of a city council meeting in Oklahoma in which the local stormwater fee was being challenged by a few businesses. The issue revolved around exemptions granted in the fee ordinance for a certain type of right-of-way (ROW). When the city tried to correct the exemption issue, a state legislator who was present and other citizens said that they would seek an Oklahoma Attorney General opinion on the local fee.

In order to update the status of local fees being used by GCSA members and exemptions they may have, INCOG conducted a quick poll of its GCSA members on whether or not they had a local stormwater fee, and if so was there a different assessment for non-residential properties, and did the city have any exemptions for ROWs or other land use characteristics (e.g., open spaces, public buildings, etc.). The overall results are summarized in the table below:

QUESTIONS TO GCSA:	20
Have Fee?	16
Separate Residential Fee?	13
Offer Exemptions?	12
Exemption Type:	
a. City Streets	9
b. Local municipal ROW	9
c. County ROW	5
d. State ROW	7
e. Federal ROW	4
f. Railroad ROW	9
g. Public parks	8
h. Municipal buildings & lots	5
i. Open space	9
j. Undeveloped parcels of land	10
k. K-12 public school properties	2
l. Private school properties	0
m. Colleges or Universities	1
n. Hospital properties	0
o. Church properties	0
p. Non-profit organization properties	0

Four GCSA members are counties (Tulsa, Wagoner and Rogers, with Creek being a co-permittee with Sapulpa), so they did not respond because counties do not have monthly utility billing systems. Of the 20 cities polled (18 GCSA cities plus Collinsville and Tulsa), 19 responded to date, with 16 having stormwater fees, and 13 having separate fees for non-residential properties. Twelve offer some forms of exemptions (numbered in the summary table above).



6. INCOG Full Survey of Stormwater Fees for GCSA and Statewide

After discussing with its GCSA members the need for an updated comprehensive fee survey, INCOG is preparing to perform a comprehensive stormwater fee survey this summer of its GCSA members, and to solicit input from other MS4 permittees statewide. It was decided in our last GCSA Meeting that a GCSA-focused survey would be more important to local management than a statewide survey, but that having statewide data would also be beneficial. INCOG will therefore assemble a comprehensive questionnaire in late Spring and Summer and submit it to its GCSA members. INCOG will also send the survey to Central Oklahoma Stormwater Alliance

(COSWA) management for non-GCSA survey participation. A final survey report will be prepared by late summer or early fall.

7. Latest Excal Visual Videos for Public Outreach



flyers? . . . utility bill inserts? . . . medallions on storm drain inlets? Now you can step it up with a multi-media outreach program!

Excal Visual has just released a 5 video set on [IDDE](#) for public education. The five videos can be used for:

- ✓ Community TV public service announcements
- ✓ City/county web sites
- ✓ Schools, service organizations
- ✓ Closed circuit TV in public buildings
- ✓ Public meetings, community events
- ✓ HOAs



The video set provides MS4s with tools to reach a wide variety of community audiences with a clear, consistent message. English and Spanish versions are included.

To watch all five videos online, please click -> [IDDE Outreach](#) or for more information contact us at 888-925-6554 or at training@excalvisual.com



INCOG NOTE: The above information is from a company familiar to many GCSA members – Excal Visual. INCOG has purchased several of their employee training videos, and we have used them in past training sessions. Likewise, several of you have also purchased the videos. This latest offering from Excal Visual takes a different track – towards public education rather than employee training.

INCOG cannot endorse any particular vendor or commercial product, so please accept this item as simply passing on information that may be of benefit to you, and consider that there are probably multiple vendors of such materials from which you may select such products.

This item illustrates the types of regional public information that can be generated / purchased for our GCSA area if desired. Several members of COSWA pool funds to purchase radio advertisement time for stormwater spots. INCOG has resources to develop our Ozone Alert! public outreach campaigns, and we could probably enlist their aid in developing a regional stormwater public outreach campaign as well. The main cost is in the purchase of media “air time” which can be expensive. We raise this issue annually just to be certain that GCSA members know of the options.

8. EPA Region 6 Quality Assurance Training Possible for a Few GCSA Members

INCOG NOTE: The following was copied from an email announcing the May 6-8, 2014 EPA training dates on Quality Assurance. This is the formal QA training that is required for those entities that collect and/or use water quality data under EPA water quality funding. While this does not include any GCSA member, the host organization for this year’s training, the Office of Secretary of Environment (OSE), has received approval from EPA to accept a few GCSA and other non-agency staff into the training if there are any seats available. Obviously the grant recipient entities have priority. INCOG will follow the class enrollment of this course, and if there will be any free seats available, GCSA members will be notified. Here is the OSE email announcement:

EPA Region 6 will be holding a QA/QC training in Oklahoma City May 6-8, 2014. The training will take place at the Oklahoma Department of Environmental Quality, 707 North Robinson in the 2nd Floor Training Room. Please see the attached announcement for details regarding the training.

There are 20 spaces reserved for State agency personnel. Because space is so limited, preference will be given to first-time attendees involved in the design or oversight of environmental data collection activities. Please complete the information on the attached spreadsheet for those from your agency needing this training and return the list to me. Depending upon response, there may be a limit on the number of attendees from each agency so please prioritize the list. Those with a lower priority will go on a waiting list in case more spaces open later.

If you have any questions, please don’t hesitate to contact me.

Thanks, Gayle

Gayle Bartholomew
Environmental Grants Manager
Office of the Secretary of Energy & Environment
100 North Broadway Suite 2350
Oklahoma City, OK. 73102
PH: 405/285-9213 X206 FAX: 405/285-9212
Gayle.Bartholomew@ee.ok.gov



9. INCOG’s April 16th GCSA Employee Training on QA, Sampling and Field Safety

EMPLOYEE TRAINING AGENDA AND WORKSHOP INFORMATION QUALITY ASSURANCE, SAMPLING AND FIELD SAFETY April 16, 2014, Tulsa Technology Center, Broken Arrow Campus

INCOG will host a one-day employee training workshop for its Phase II stormwater permittee GCSA members. The Workshop will be held **April 16, 2014 from 9:00 AM to 4:00 PM**. The purpose of the Workshop is to provide GCSA members with technical information related to their inspection and enforcement programs. The workshop venue will be **Room F215 at the Tulsa Technology Center-Broken Arrow Campus**.

The program will start with an overview of the data quality and inspection requirements in OKR04. This will be followed by methods for conducting Dry Weather Field Screening and Source Tracking inspections. The workshop will conclude with presentations about data quality and data management and safety considerations in the field. A draft agenda is presented below.

A course booklet of the presentations and handouts will be provided to each attendee. This is another employee training workshop provided to GCSA members with **no registration fee**. Lunch will be on your own. Light snacks for the two breaks will be provided. Training Certificates will be provided, along with PDH Certificates for engineers. We will also have ODEQ forms for the 4-hour renewal training for ODEQ licensed operators. **Please RSVP with the names or number of all who will attend by April 10th** so that the correct number of booklets can be prepared.

DRAFT AGENDA:

TIME	TOPIC	SPEAKER
9:00 – 9:15	Introductions & Announcements.	R. Smith
9:15 – 9:45	OKR04 Requirements for: QA, Inspections and Recordkeeping.	R. Smith
9:45 – 10:30	Dry Weather Field Screen (DWFS) Inspection Methods.	V. Seaman
10:30 – 10:45	BREAK – 10 minutes	
10:45 – 11:30	Source Tracking Inspection Methods.	V. Seaman
11:30 – 1:00	LUNCH – 1 hour 30 minutes	
1:00 – 1:30	Levels of QA, Certifications, Credentials, Defending Your Data.	R. Smith
1:30 – 2:00	Lab Reports, Field Forms, Labels, Chain of Custody.	V. Seaman
2:00 – 2:15	BREAK – 15 minutes	
2:15 – 3:15	Test Kits, Lab Analyses, Written Procedures, Data Quality Objectives.	V. Seaman
3:15 – 3:50	Field Safety, Private Property Issues, Credentials.	V. Seaman
3:50 – 4:00	Questions and Certificates	R. Smith

10. Brown-Bag Lecture on Roadblocks to LID – March 5, OSU-Tulsa

INCOG NOTE: This noontime lecture will seat a maximum of 50 people, so this is first-come, first serve. Michelle Barnett has a very insightful presentation on identifying roadblocks to LID in local communities. Identifying these has been inserted into the new OKR04 permit. This is sponsored by the Green Country Sustainability Forum, the organization hosting the LID Design Competition.

Brown Bag Lecture 3/5/14: Roadblocks to Low Impact Development by Michelle Barnett with Enercon

hosted by the Green Country Sustainability Forum

<http://lidcompetition.okstate.edu/events/brown-bag-lecture-roadblocks-to-low-impact-development>

11:45am – 1:00pm

OSU-Tulsa, 700 N Greenwood Ave.

North Hall, Room 150, Tulsa

50 Attendee max, participants to bring their own lunch

RSVP to Mary Kell by March 4th, 5:00pm

mkell@cityoftulsa.org

More detail on the program:

Roadblocks to Low Impact Development

In 2008, the Center for Watershed Protection surveyed 73 communities to better understand how these communities practice watershed planning, and to identify barriers to implementing LID and other comprehensive watershed planning efforts. And while many communities did express the physical characteristics of their geography as barriers to implementation, the greater stumbling blocks were those common throughout the United States: *a lack of good local examples and local codes that restrict innovative development practices*. This workshop will help us identify local codes and policies that restrict low impact development practices and identify alternatives that have been implemented in other communities.

11. Two Free Webinars on MS4 Permits and Managing BMPs

INCOG NOTE: This information is from an email sent by Dr. Jason Vogel at OSU:

These webinars will be offered via GoToWebinar on the following dates:

“MS4-Putting the Pieces Together”

Wednesday, March 19, 2014

12:00pm – 1:00pm ET

This webinar will provide an overview of the Chesapeake Bay TMDL and MS4 permit requirements; provide links to resources available to help communities comply with those requirements; and a discussion of developing an effective public education and outreach program.

Please register for this webinar at

<https://attendee.gotowebinar.com/register/2660759122001914625>

“Estimating Pollutant Loads & Managing BMPs”

Wednesday, March 26, 2014

12:00pm – 1:00pm ET

This webinar will provide an overview of a sampling of water quality models and tools available to estimate baseline pollutant loads, general input data requirements for model development and the pros and cons associated with each model.

Please register for this webinar at

<https://attendee.gotowebinar.com/register/4782144762005054209>

12. Possible Future OSU CLEET Training For Stormwater Inspectors (update)

INCOG NOTE: In 2013 INCOG assisted OSU with sponsoring and providing Council on Law Enforcement Education and Training (CLEET) employee training that included topics on conducting stormwater inspections. Those GCSA members who attended were enthusiastic about receiving this added dimension of information about conducting inspections and enforcement. OSU is planning more Environmental Law Enforcement Training (ELET) events as well as a Pilot ELET Conference in 2014. This will be a great opportunity for all GCSA members involved with inspections and enforcement of local stormwater codes to learn about the different local and state laws and codes that apply to enforcement, and how your tasks must interface with local law enforcement and courts. More information about these training opportunities will be forthcoming.