

What is TMC Chapter 13.35?

TMC Chapter 13.35 consists of the City's code sections that regulate stormwater quality at new land developments and redevelopments that disturb more than 1 acre of land. These code sections are required by the Environmental Protection Agency (EPA) and Kansas Department of Health and Environment (KDHE) via Topeka's municipal stormwater permit. Informally, the permit's name is the *MS4 Permit*.

Why is Utilities revising TMC Chapter 13.35?

TMC Chapter 13.35 is being revised for two primary reasons.

1. Topeka must improve the code sections to comply with all of the stormwater quality requirements of the MS4 Permit and to comply with requirements under the Agreed Order of Consent.
2. Topeka's current stormwater detention requirements are outdated and disconnected from stormwater quality design requirements. Today, we have a better understanding of how Topeka's watersheds and streams respond to storms and how designs can achieve multiple objectives.

What is changing in Topeka's stormwater quality requirements?

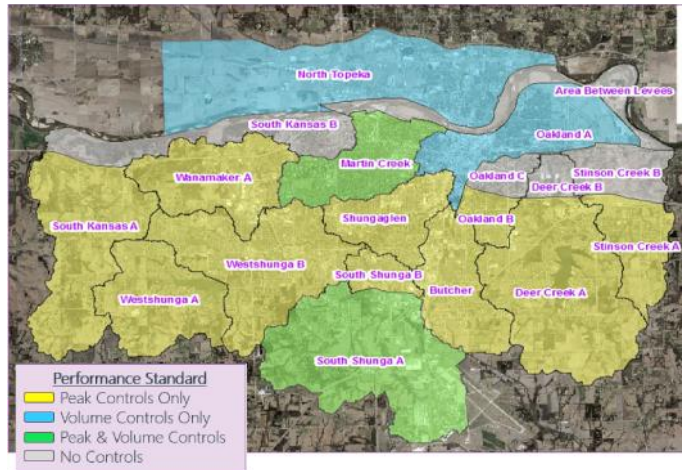
TMC Chapter 13.35 is being revised to better clarify the main stormwater quality treatment requirement. The revision requires the use of a Level of Service-based method for designing stormwater quality best management practices (BMPs). So, revising TMC Chapter 13.35 to use this method will ensure Topeka remains in compliance with its current MS4 permit and places the City in position to comply with expected future permit requirements. It also provides developers and engineers with a familiar and flexible design requirement, as many of them already use this method. Finally, the method aligns well with the vision for growth and pillars for prosperity outlined in Topeka's *Land Use and Growth Management Plan*.

Beyond that, the revisions to TMC Chapter 13.35 are largely administrative in nature, primarily to comply with administrative deficiencies identified by EPA during their 2019 audit of Topeka. First, the revisions clarify and expand on the requirements for stormwater design plans. Topeka Utilities has gradually instituted these requirements over the past year via a comprehensive design plan checklist, so much of this is already familiar to developers and site designers. Second, the revisions add new requirements for an as-built plan and a site inspection when construction is done. These are necessary to confirm that stormwater treatment practices are constructed properly and are clean and functional when construction is finished, and the new property owner takes over. This is critically important since owners are responsible for the operation and maintenance of stormwater practices on their property.

What is changing in Topeka's detention requirements?

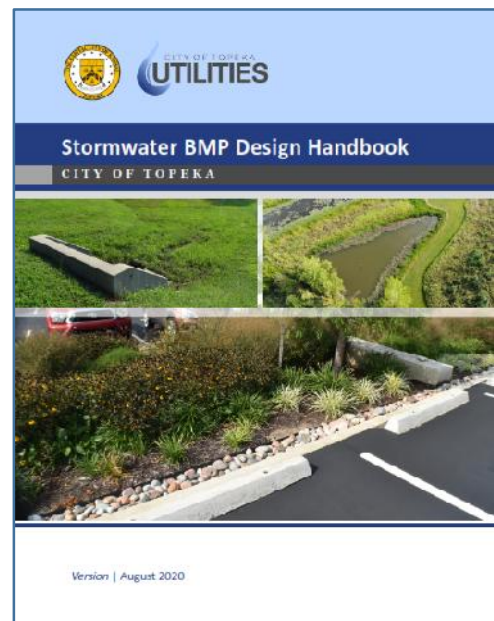
Topeka's current stormwater detention (i.e., stormwater quantity) requirement, now in the City's *Design Criteria and Drafting Standards*, is outdated. First, it doesn't recognize that stormwater quality treatment is now a common part of stormwater design. Today, municipalities will credit the stormwater removed from the system by certain stormwater quality controls and will include design specifications for stormwater practices that control both stormwater quality and quantity. So, the proposed revisions to Topeka's stormwater quantity code includes these modern approaches.

Second, there was a need for Topeka to have a “tailored” approach to stormwater detention and volume requirements to ensure that the correct type or level of stormwater controls was implemented based on characteristics of the basin. With advances in engineering analysis, stormwater practitioners know that “one size fits all” standards can result in worsening flood conditions as a municipality grows, or unnecessary requirements in some areas. In Topeka, we now have a good understanding of City watersheds and streams and how they respond to storms. In 2019, the Kansas Department of Agriculture awarded the City a grant to develop computer models of our watersheds and streams. The models helped us understand how to optimize Topeka’s stormwater quantity standards based on watershed and stream sensitivity to stormwater runoff. As a result, the proposed code revision varies the required flood protection control depending on the watershed a proposed land development is located in. The map shown to the right is a graphical depiction of the required standards. The map is provided to make it easy for site designers to understand which watershed their development is located in and the relevant performance requirement.



Will TMC Chapter 13.35 replace Topeka’s *Design Criteria and Drafting Standards*?

No. Topeka Utilities proposes to remove the outdated detention and design plan requirements from the *Design Criteria and Drafting Standards* and include the revised standards in TMC Chapter 13.35. The current stormwater system design standards (for street-side inlets, pipes, ditches, etc.) will remain in the *Design Criteria and Drafting Standards*. In addition, policies, design specifications, and design guidance to support the requirements of the revised TMC Chapter 13.35, such as the map shown above, will be provided in a new *City of Topeka Stormwater BMP Design Handbook*. The cover of the Handbook is shown on the right.



Were design stakeholders involved in the update?

Yes. A meeting in December 2019 educated stakeholders on the proposed revisions. Numerous listening sessions occurred in the months that followed to gather stakeholder comments. Changes to the proposed code were made based on the comments. An additional workshop was held in August 2020.

Will developers and engineers be trained on the revised requirements?

Yes. Topeka Utilities plans to provide virtual training on both TMC Chapter 13.35 and the Stormwater BMP Design Handbook after adoption of the code revisions.