



**“A Funny Thing Happened on the Way to Wet
Weather Enforcement – Regional Collaboration
(Successful Relationships with Satellites)!”**

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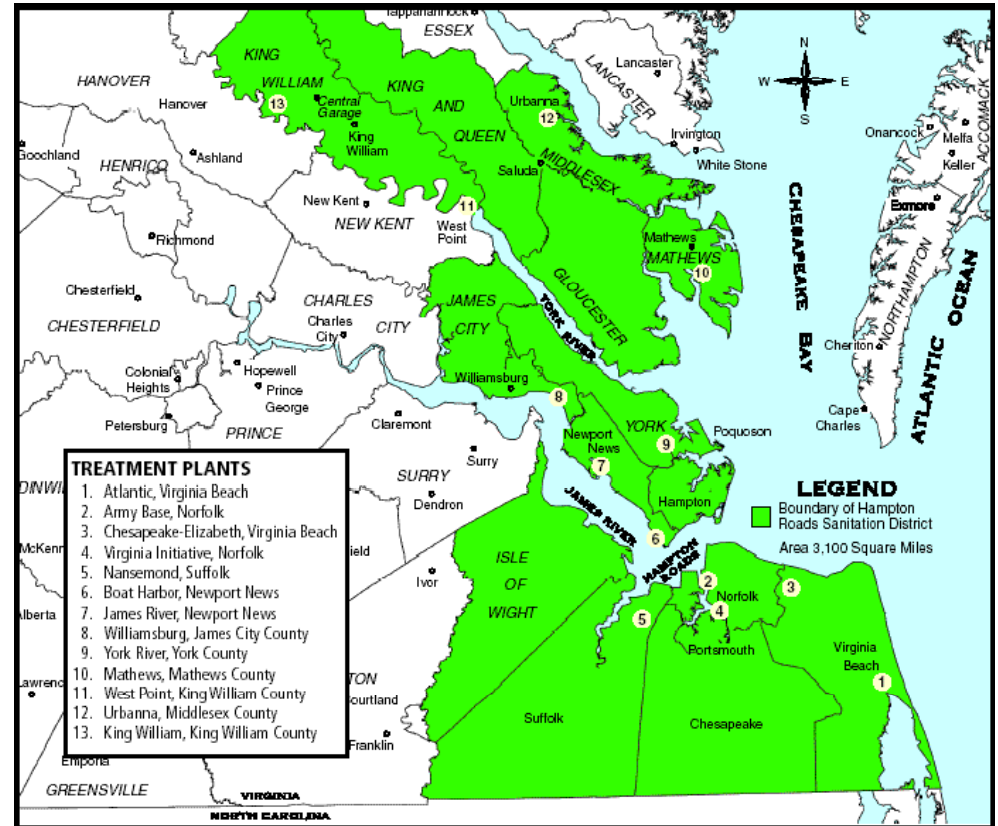


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HRSD

- Regional wastewater treatment agency
- Serve 17 localities in southeastern Virginia
- 1.6 million people – 450,000 accounts
- Average daily flow 150 MGD
- Only 500 miles of interceptor pipelines
 - 450 miles pressure pipe – large diameter
- Few basements – Reduces available storage
- No in-house counsel



HRSD SSO Enforcement History

- 2005 EPA notifies region of pending enforcement action on SSOs (“We’re here to help”)
- August 2007 EPA issues Unilateral Administrative Order to HRSD
- September 2007 SWCB approves Special Order by Consent between VADEQ, HRSD and 13 satellite localities
- February 2008 Consent Decree negotiations begin with EPA/DOJ and VA DEQ
- September 2009 HRSD signs Consent Decree – EPA lodges prior to end of FY
- February 23, 2010 Consent Decree is entered

Negotiations with DOJ can be Fierce!



The Region had a History of Finger Pointing



Prior to 2007:

HRSD design criteria = 560 gpd/eru

Localities design criteria = 1000 gpd/eru

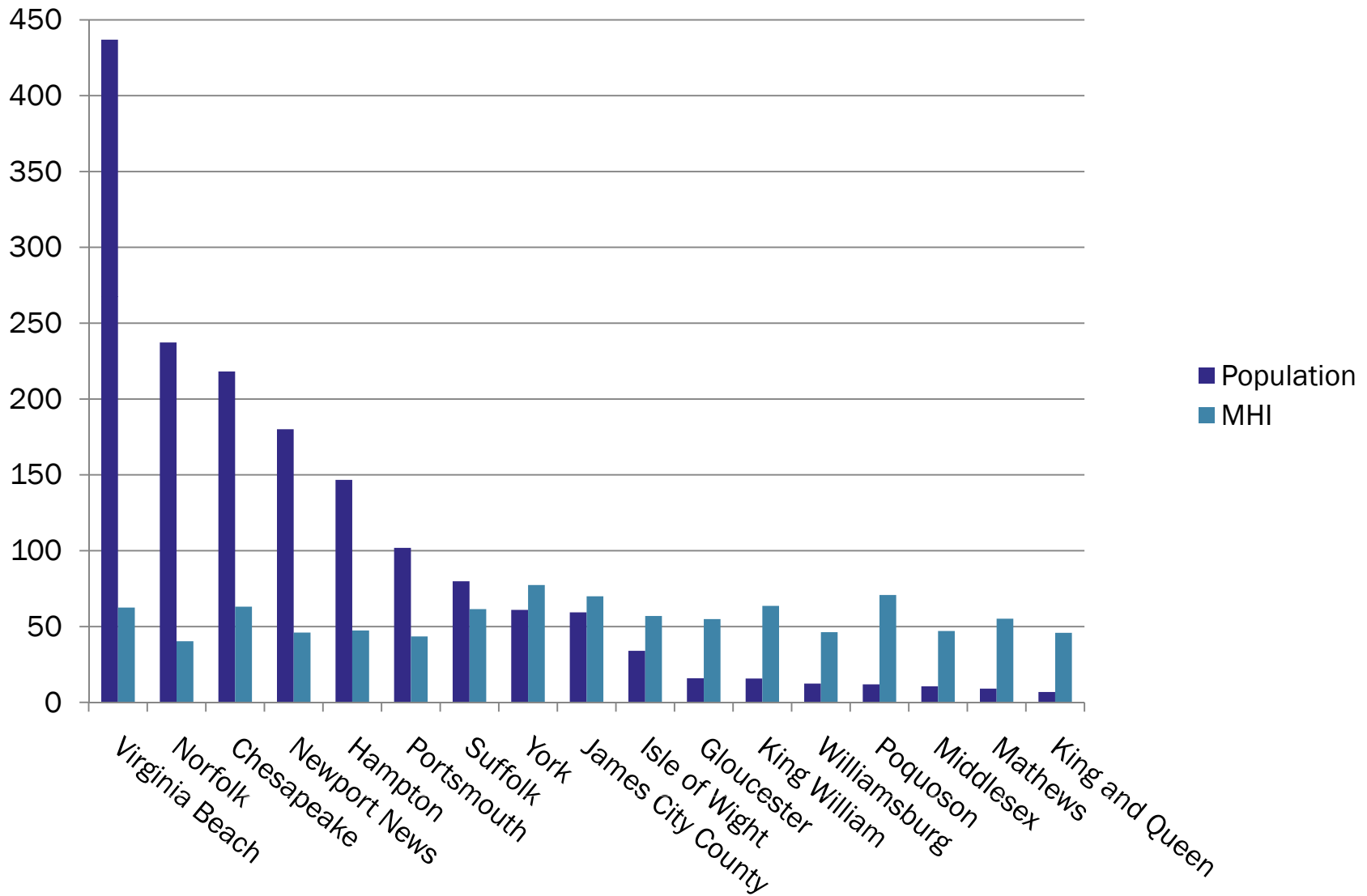
Localities involved in the State Order:

- Chesapeake
- Hampton
- Newport News
- Poquoson
- Portsmouth
- Suffolk
- Virginia Beach
- Norfolk
- Williamsburg
- Gloucester
- Isle of Wight
- York
- James City Service Authority
- Smithfield

Regional Sewer Network:

- 1.6 million population served
- 5,800 miles of gravity sewer
- 1,500 PS
- 1,200 miles FM

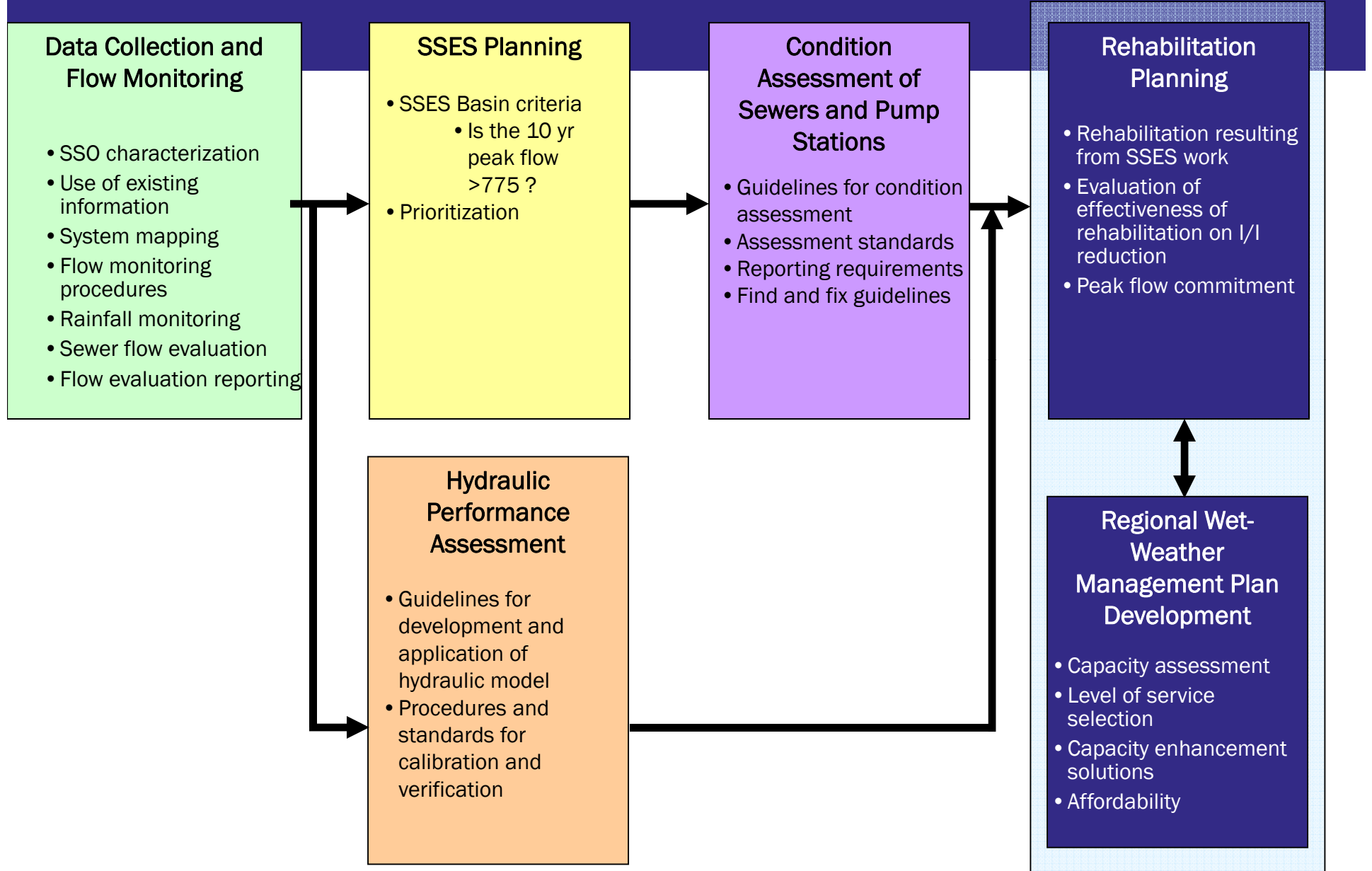
Widely Different Localities



VDEQ Special Order by Consent

- Memorandum of Agreement
 - Agreement between HRSD and Localities
 - Provides for dispute resolution process
- Regional Technical Standards
 - Provides guidelines for flow monitoring, SSES, Rehab Planning, Hydraulic Modeling and Preparation of the Regional Wet Weather Management Plan
 - Extensive negotiations and development period of 2 years with Localities (the Capacity Team) and then VDEQ
 - Ongoing interpretation/revisions with Capacity Team
- Regional Design Guidelines
 - Provides for a consistent approach to facilities design (775 gpd/eru) until a Level of Service(LOS) is selected in the RWWMP

State Consent Order Overview



Major Requirements of the Federal Consent Decree

- Flow, Pressure and Rainfall Monitoring
- Regional Hydraulic Model and Assessment
- Condition Assessment Plan
- Interim System Improvements
- MOM
- Regional Wet Weather Management Plan
- Post RWWMP Implementation Monitoring and Performance Assessment

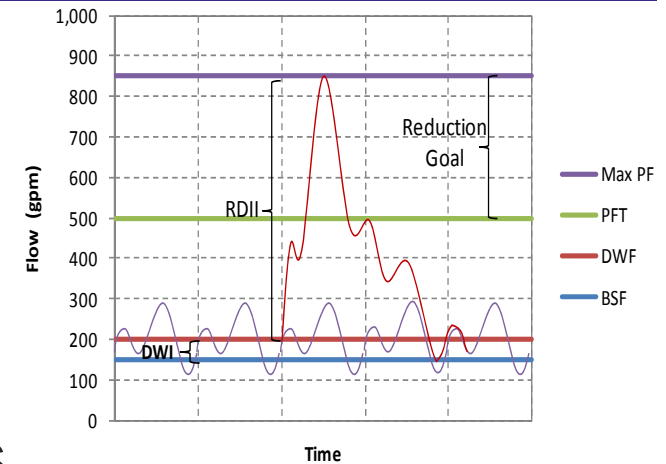
SSES Investigations- Looking for Ways to Reduce I/I



- Basins where the 10 year peak flow exceeds 775 gpd/eru (Peak Flow Threshold) are deemed SSES Basins.
- Localities performing SSES to identify defects as basis for development of a Rehab Plan
- Regional committee composed of Locality and HRSD representatives reviewed the SSES Plans and provided feedback to HRSD and Localities
- Results are shared at regular Capacity Team meetings

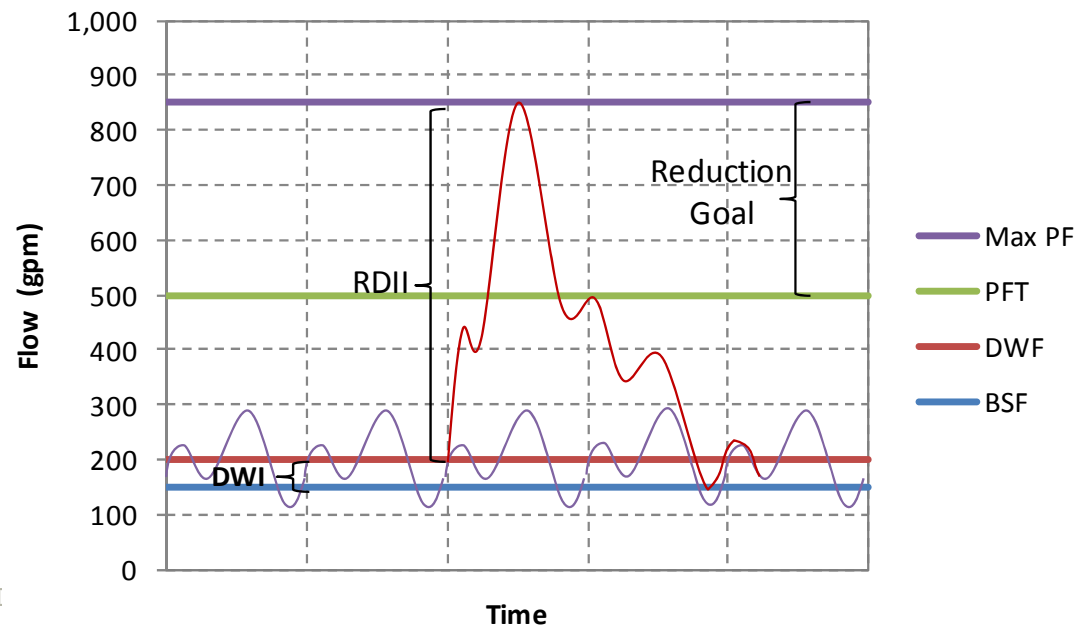
Rehab Plan – the Business Rules

- Capacity Team developed guidelines for estimating I/I reduction from Rehab
- Guidelines negotiated to cover both HRSD activities and Locality activities
- Business rules provide guidance for extent of Rehab and I/I reduction
- Govern both Public and Private side rehab efforts
- Scope, budget and schedule
- **Peak flow commitment required**

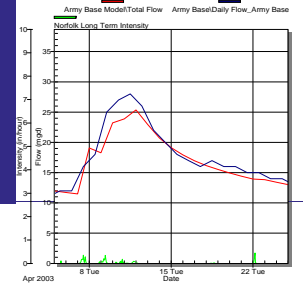


Peak Flow Commitment – The Key to Success

- Balancing act between realistic assumptions and cost effectiveness
- More than 70% of basins in the region are above the Peak Flow Threshold
- Commitments need to be made in 2012 for results in 2035!!!

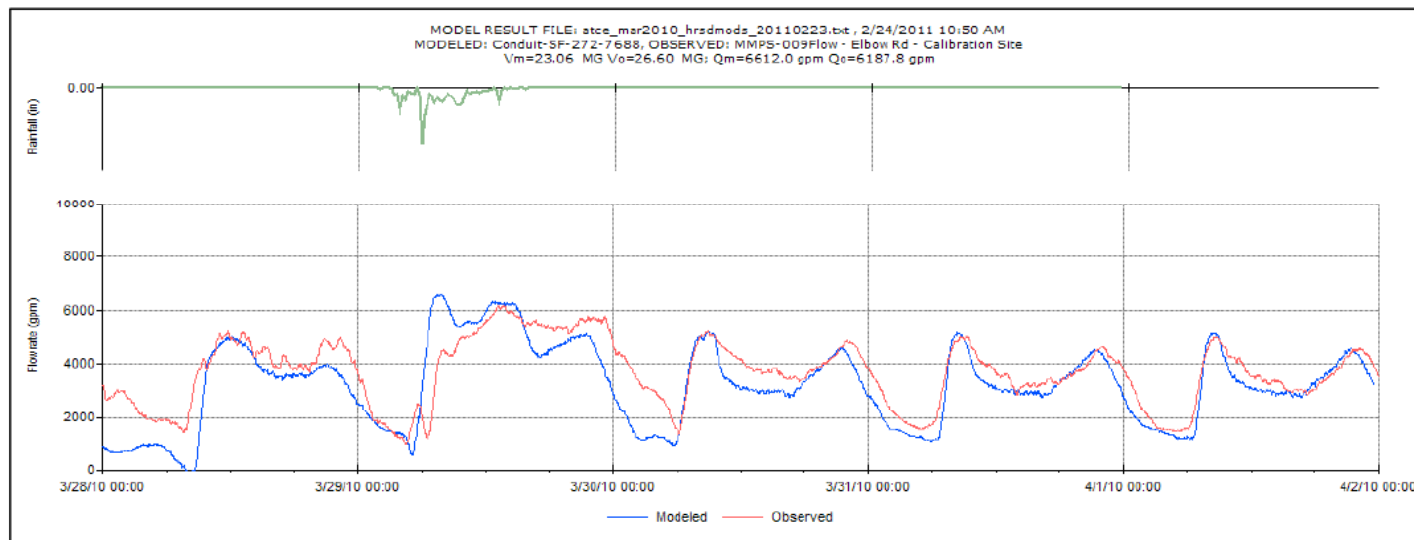


Regional Hydraulic Model (RHM)



- Extensive coordination with Localities on facilities data
- Collaboration on development & adjustment of wet weather flow parameters
- Adjusting localities flows to calibrate RHM impacts locality obligations

MMPS-009Flow

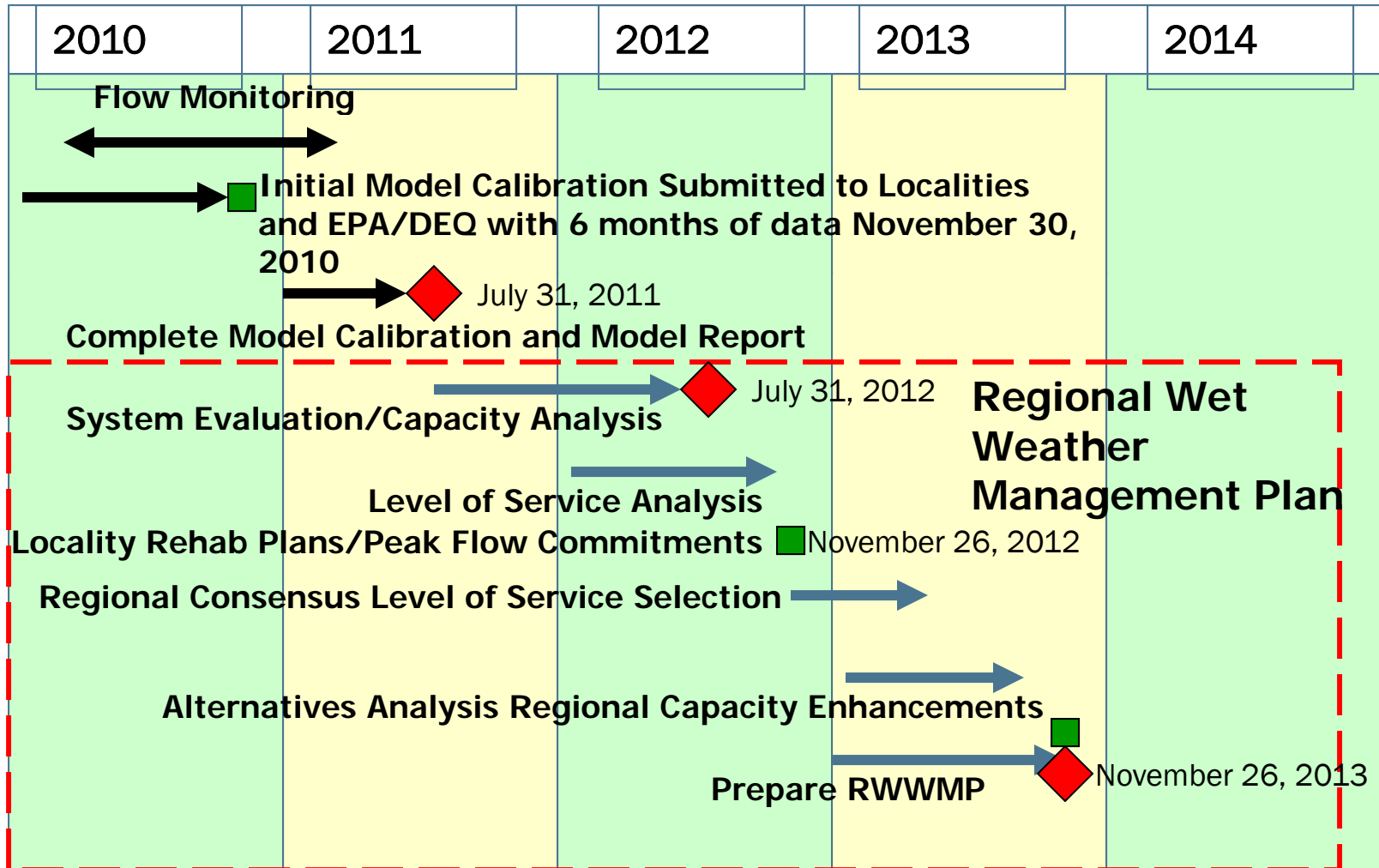


Regional Wet Weather Management Plan (RWWMP) Defines Capacity Improvements to Meet a Specific Level of Service

- Consent Decree requires an assessment of the 2, 5 and 10 year peak flow recurrence LOS
- LOS selection will be negotiated regionally, first and then with EPA
- LOS selection will be based on benefits, costs and affordability
- Improvements for Localities will be enforced by VDEQ under the SOC
- HRSD improvements will be enforced by EPA under the CD



Consent Decree RWWMP Development Schedule



◆ Consent Decree Submittal

■ SOC Submittal

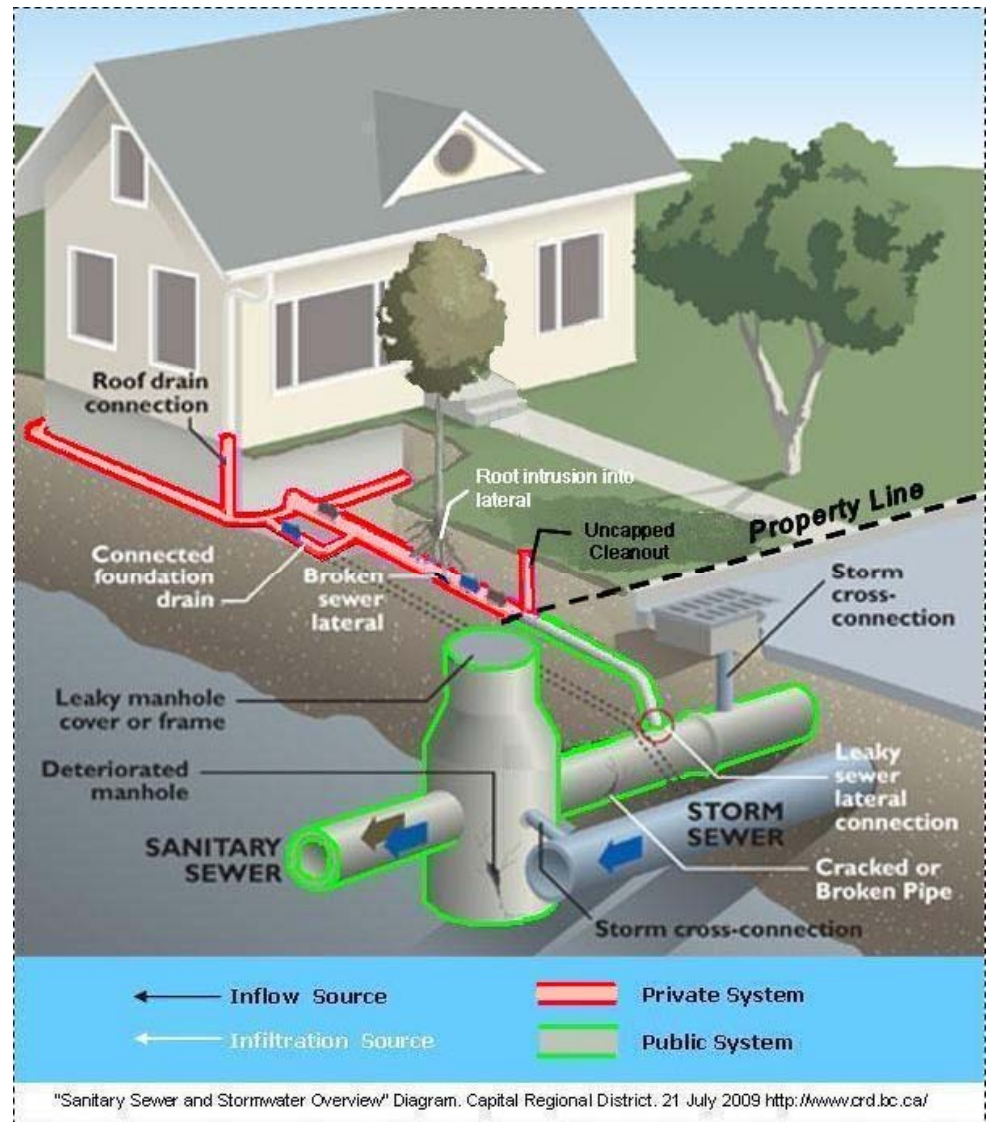
Major Accomplishments

- Developed and implemented regional FOG program, HRFOG
- HRSD and Localities have all developed MOM programs
- Successfully developed and approved 4 Technical Interpretations and 1 Minor Revision to the Regional Technical Standards
- Nearly complete with initial structure for regional private property I/I abatement program
- Ongoing cooperation/collaboration is excellent



Private Property I/I Program is BIG!

- Proposal for HRSD to manage a regional program
- Replacement of defective laterals
- Commercial enforcement approach
- Program costs could be \$300 million over 20 years



Conclusions

- Finger pointing leads to everyone losing
- New blood can make a big difference
- Close working relationships develop through intensive technical exchanges
- Open, transparent communication and a willingness to listen are essential
- Choose your lawyer carefully (and never pose for photos !)

Questions?



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