



THE WET WEATHER PARTNERSHIP

Presents

NATIONAL PERSPECTIVES, DEVELOPMENTS, AND ADVANCED URBAN WET WEATHER SOLUTIONS WORKSHOP

April 18-20, 2012

The Hermitage Hotel
Nashville, Tennessee

AGENDA

Wednesday, April 18, 2012

- 1:00 – 1:30 p.m. **Registration**
- 1:30 – 1:50 p.m. **Welcome and Program Overview.**
Meghan Morel,* AquaLaw & Mark Wurschmidt,* Sanitation District No. 1
- 1:50 – 2:20 p.m. **Nashville’s Wet Weather Control Program.** The City of Nashville will provide an update on their impressive wet weather (CSO, SSO, MS4) programs. **Ron Taylor/Michael Hunt,* Nashville Utilities**
- 2:20 – 4:45 p.m. **National Developments in Urban Storm Water Management.** This panel will discuss a number of highly significant developments in the rapidly evolving area of urban storm water management.
- Key requirements in a new generation of Phase I and II MS4 permit renewals
 - The shift from best management practices to water quality-based performance measures.
- 3:30 – 3:45 Break

- The structure of the pending DC MS4 permit as the approach to make reasonable further progress while resolving the typical conflict between permittees and environmental special interest groups
 - The impact of recent federal court decisions holding that water quality standards compliance is not required under the CWA for MS4s
 - Increasing federal/State MS4 inspections and enforcement, as well as a survey of pending MS4-related litigation including key citizen suits.
- Moderator: **Jodi Perras,*** Perras & Associates
 - **Karina Bynum,*** MSCE, PE, Water Pollution Control, Tennessee Department of Environment and Conservation.
 - **Jeffrey Longworth,*** Partner, Barnes & Thornburg
 - **Paul Calamita,*** AquaLaw

4:45 – 5:00 p.m. **Status of Iowa League of Cities Challenge to EPA Blending and Bacteria Mixing Zone Prohibitions, Gary Cohen,*** Hall & Associates.

5:00 p.m. **Closing Remarks & Adjourn**

5:45 – 6:45 p.m. **Networking Reception**

Thursday, April 19, 2012 8:00 a.m. – 5:00 p.m.

8:00 - 8:45 **Continental Breakfast (provided)**

8:45 – 9:00 **Welcome and Program Overview**

9:00 – 9:35 **Congressional Update.**

Nathan Gardner-Andrews,* NACWA General Counsel. This session will focus on federal legislative issues and initiatives relevant to wet weather control requirements and funding, including the recent congressional affordability legislation. We will provide an update on the outlook for environmental legislation and appropriations during the remaining months of the politically charged 112th Congress. This will include EPA’s FY 2013 budget outlook and the opportunity to use the appropriations process to address key local government regulatory concerns.

9:35 – 10:30 **Recent State Clean Water Affordability and Stringency Laws.** In light of the economic times, State Legislatures have passed unprecedented legislation intended to ensure that State and federal Clean Water Act programs are affordable for communities and that State programs are not unnecessarily more stringent than federal requirements. This presentation will review several of the more prominent State laws regarding affordability and

stringency. These State initiatives have been highly successful in changing the implementation of Clean Water Act programs and warrant your consideration for seeking such legislation in your State.

There will be specific presentations on several State laws including Missouri's House Bill 89 (requiring the State to make written findings of affordability for clean water requirements); North Carolina's Senate Bill 781 (among other things, mandating that environmental regulations not be more stringent than federal requirements unless an exception applies); and Ohio SB 22 (requiring affordability and flexibility considerations). A panel discussion will follow. **Dax Blake**,* Columbus, Ohio, **Matt Gigliotti**,* Kansas City, MO, **Dan McLawhorn**,* Raleigh Utilities

10:30 – 10:45

Break

10:45 – 12:10

National Planning Initiative for Integrating Urban Wet Weather Control.

Moderator: **Clyde Wilber**,* Clyde Wilber, LLC; Panelists: **Connie Bosma**,* Chief, Municipal Branch, US EPA Office of Water; **Adrienne Nemura**,* Geosyntec; **Pat Bradley**,* Limno-Tech

- EPA Prioritization Memo & framework
- What communities need to make such an effort worthwhile
- Reassessing the priority for wet weather SSO control
- Agency facilitation of peak excess flow treatment facilities and revisiting the bypass rule.
- Making iterative rather than system-wide level of control performance commitments
- Can I do this now?

12:10 – 1:15

Lunch (Provided)

1:15 – 1:45

Sustainability LENS: A Management Tool.

MaryLynn Lodor,* MSDGC & **Avinash Patwardhan**,* CH2MHILL. This presentation will review the Metropolitan Sewer District of Greater Cincinnati's development of a sustainability planning tool to evaluate green and gray infrastructure in the multi-billion dollar MSDGC wet weather control program. The Sustainability Lens will facilitate the identification of cost-effective wet weather solutions using an integrated triple bottom line planning approach.

1:45 – 2:15

A Line In the System: How Some Agencies Are Turning to Peak Flow Limits to Manage Their Regional Wet Weather Flows.

Andy Lukas,* and **Richard Stahr**,* Brown and Caldwell. This presentation summarizes how several different communities are addressing regional wet weather issues with their satellite municipalities by establishing peak flow limits and corresponding enforcement approaches that include contracts, regulations, and permits.

- 2:15 – 2:30 **Break**
- 2:30 – 4:45 **It’s Not Easy Being Green: Mainstreaming Green Solutions in Urban Wet Weather Control Programs.** This moderated panel discussion will feature presentations on several of the leading green infrastructure programs in the country along with thoughts from the regulators about how to maximize your opportunities to integrate green solutions. Following individual presentations there will be a panel discussion with audience participation.
- Moderator: **Sheila Shockey,*** Shockey Consulting Services
 - **Dax Blake,*** Columbus, Ohio
 - **George Hawkins,*** DC Water, DC Water’s Green Infrastructure Adaptive Management Strategy.
- 3:30 – 3:45 Break
- **Making Green Work and Work Harder - Sustaining and Optimizing Green Solutions: Eric Strecker,*** Geosyntec
 - **Follow the Green Brick Road – Fort Wayne’s Path to Urban Sustainability: Justin Brugger,*** City of Fort Wayne and **Tina Wolff,*** ARCADIS
 - Panel Discussion: **Connie Bosma,*** Chief, Municipal Branch, US EPA Office of Water.
- 4:45 – 5:00 **Sackett v. EPA. Never Underestimate What a Few Determined People Can Accomplish.**
Paul Calamita,* WWP General Counsel. How the Sacketts upended “settled law” that you can’t appeal EPA Administrative Orders. What this case means for EPA Orders and Information Requests going forward.
- 5:00 **Session Wrap Up and Adjourn**
- 5:45 – 6:45 **Networking Reception**

Friday, April 20, 2012 – 8:30 a.m. to 12 Noon.

- 7:30 – 8:10 a.m. **Continental Breakfast (provided)**
- 8:10 – 8:15 **Welcome**
- 8:15 – 9:00 **View from State NPDES Directors**
Alexandra Dunn,* Executive Director and General Counsel, Association Clean Water Administrators. This session will provide the perspective of State NPDES agency directors on key urban wet weather-related issues and

priorities as well as potential actions by the Obama EPA as President Obama's first term comes to a close. Ms. Dunn is the former NACWA General Counsel and also served as an Assistant Dean in environmental studies at the Pace University School of Law.

9:00 – 9:30

Lessons Learned from DC Water's Design-Build Projects.

Carlton Ray,* Director, DC Clean Rivers Project. DC Water has recently procured several large environmental wet weather-related design build projects including the largest contract in the history of DC Water, the \$330 million Blue Plains Tunnel CSO abatement project. The Blue Plains tunnel project is part of large program that will capture over 98% of the combined sewer overflow currently discharged into the Anacostia River. This presentation will review key lessons learned that may help to make your design-build project more successful.

9:30 – 9:55

EPA's New National Bacteria Criteria – Implications for Impaired Water Determinations, POTWs, CSO Control and MS4 Programs.

Ed Cronin,* Greeley & Hansen. This session will provide a quick update on EPA's pending new Recreational Water Quality Criteria document. This document (draft, January 2012) must be finalized by October 2012 and will affect every community in the country.

9:55 – 10:10

Break

10:10 – 10:40

Development of an Urban Watershed Framework for San Francisco. **Karen Kubick,*** San Francisco Public Utilities Commission

10:40 – 11:00

Bangor's Integrated Wet Weather Program – a Small System Case Study. **Brad Moore* & Art Morgan,*** Bangor, Maine.

11:00 – 12 Noon

Flow and Impervious Cover Surrogate TMDLs – An Ominous Trend for Localities or an Approach Ahead of Its Time?

Jan Millington,* Springfield, MO; **Paul Calamita,*** AquaLaw. This presentation will address EPA's initiative to regulate urban wet weather runoff through the use of surrogates in TMDLs for impaired urban waters.

- State of Maine's proposed regulations to impose impervious cover equivalency requirements statewide
- EPA flow TMDLs for Missouri waters
- EPA Virginia Flow TMDL example
- Audience Discussion

12 Noon

Wrap up & Adjourn

*****ALL PRESENTATIONS WILL BE POSTED AT: WWW.WETWEATHERPARTNERSHIP.COM*****