

Wet Weather Partnership

Annual Workshop



JOCKEYING YOUR WET WEATHER PROGRAM TO FINISH IN THE MONEY

THE BROWN HOTEL
LOUISVILLE, KY
APRIL 20-22, 2022

AGENDA

Wednesday, April 20, 2022

1:00 - 1:05 Welcome & Overview

1:05 - 1:15 Welcome to Louisville

1:15 – 1:45 Update on Louisville MSD's Wet Weather Program

1:45 – 2:30 Stormwater Regulatory and Litigation Update

For combined sewer systems, the standards and procedures established by the Clean Water Act's CSO Policy long provided a road map for developing and implementing a compliant program. For municipal separate storm sewer systems (MS4s), the path has been far less clear with municipal owners, regulators, and special interest groups unable to agree on whether the statute's Maximum Extent Practicable (MEP) standard even applies to water quality requirements, much less on how to use the MEP standard in practice. This presentation will cover key regulatory developments as well as stormwater-related litigation, including evolving inverse condemnation risks.

2:30 -2:45 Break

2:45 - 4:00 Unbridled Potential: Smart Sewer/Watershed Thoroughbreds Race Onward

Smart sewer technologies continue to evolve and deliver unprecedented benefits for a diverse range of communities nationwide. Whether you are looking to cost-effectively manage wet weather sewer overflows, address isolated or large-scale flooding, or optimize your watershed management program, smart sewer/watershed technologies are available as part of your solution set. Ranging from isolated applications to fully integrated management programs, these proven yet still advancing technologies can benefit your program. Learn about practical and innovative applications that can become part of your community's solution set.

4:00 – 5:00 Presentation TBA

5:00 Adjourn

5:30 – 7:15 **Roof with a View: Networking Reception on the Brown Hotel's Famous Rooftop**

Generously Sponsored by Jacobs & TBA

Thursday, April 21, 2022

7:30 – 8:30 **Breakfast**

8:30 - 8:40 **Welcome and Overview**

8:40 – 9:20 **Horse Sense: Reviewing the Congressional Racing Form**

9:20 - 10:30 **Is Design-Build a Project Delivery Race Winner in Our Unprecedented Covid-19 Economy?**

This presentation will evaluate additional advantages that a Design-Build approach to project delivery can provide in these unprecedented economic times in terms of worker shortages, supply chain chaos, historic inflation, and related challenges.

10:30 – 10:45 **Break**

10:45 – 12:00 **Integrated Planning – the Triple Crown-Winning Approach to Controlling Your Infrastructure and Programmatic Destiny**

With the further catalyst of the addition of Clean Water Act Section 402(s) (integrated planning), we are seeing truly remarkable integrated plans being developed and approved that reflect community infrastructure priorities as opposed to program limited to reflecting regulatory silo priorities. This session will present several nationally leading integrated plans that are key precedents for communities nationwide to prioritize public environmental infrastructure and programmatic investments.

12:00 - 1:15 **Lunch**

1:15-2:45 **Sewer Overflow Program Performance Criteria: Finishing the Race in the Money**

Panel 1: Jockeying Your Sewer Overflow Control Program Down the Stretch

Communities nationwide (with both combined and sanitary sewer systems) are increasingly approaching the end of their implementation of approved sewer overflow control programs. The communities, their states, EPA Regional Offices, and a range of local stakeholders are now grappling with what comes next. This panel will discuss strategies for achieving legal and/or practical regulatory closure for your program as well as managing any further measures that may be warranted consistent with appropriate water quality goals, legal requirements, and integrated community investments.

Panel 2: Hold Your Horses – Reevaluating Your Program Performance Criteria

This panel of community representatives will share some of the key drivers that led them to pursue changes in their overflow control programs along with how regulators are responding. These considerations will be relevant to all ongoing overflow control programs. The panel will also summarize how these changes were packaged to facilitate regulatory acceptance.

2:45 - 3:00

Break

3:00 -4:20

Straight from the Horse's Mouth: A Conversation with Federal & State Regulators on Key Wet Weather Issues, Priorities, and Initiatives

4:20 – 5:00

Stable Sessions: Small Setting, Breakout Roundtables on Priority Issues¹

1. *Wicked Smart Strategies for Streamlining Procurement and Managing Supply Chain Shortages/Delays.* This session will focus on strategies your utility/community can implement to be nimbler in terms of procurement and project delivery during this unprecedented economic period.
2. *Workforce Sustainability Strategies.* This session will focus on workforce sustainability. There will be a discussion handout summarizing a number of utility, regional, and statewide programs to ensure a reliable pool of qualified environmental professionals annually. The discussion will be open to any aspect of this challenge for public utilities nationwide.
3. *Satellite Collection System Permits – An Option to Facilitate Regional Wet Weather Overflow Controls*

5:00

Adjourn

5:30 – 7:15

Raise the Roof: Networking Reception Déjà vu on the Historic Brown Rooftop

Friday, April 22, 2022

7:00 – 8:00

Breakfast

8:00 – 9:00

Steer Clear of Horse Hockey: Developments in Urban Wet Weather Enforcement, Permitting, and Litigation

This session will present an overview of the most significant enforcement and permitting developments over the past year. This will include an update on a pending federal permittee challenge to the inclusion of permit conditions requiring general WQS compliance. Several prominent program modifications including major consent decree modifications will be covered. These modifications include changing levels of control/performance measures, peak flow management approvals, schedule extensions, and more. It will also address several communities who are in dispute resolution with USEPA where communities cannot afford their programs, yet EPA has not agreed to modify their consent decrees. Several communities are also seeking to force the inclusion of financial safeguards as they are being asked to commit to long-term sewer overflow control programs. This session will also cover EPA's peak flow management position, pending litigation and congressional/media involvement in peak flow management issues.

¹These sessions may change based on member feedback.

- 9:00 – 10:15 **Is Your Treatment Plant a “Mudder”? - Peak Flow Performance in Action**
- 10:15 – 10:30 **Break**
- 10:30 – 11:15 **Got EJ? Strategically Delivering Priority Benefits to Those Most Impacted**
This presentation will review practical examples and opportunities to incorporate priority consideration for environmental justice-related improvements into your regulatory and community infrastructure programs. Strategic and practical examples that could be incorporated in most municipal programs will be provided.
- 11:15 - 12:00 **Lead Your Horse to Water: Preparing your Utility for Managing the Minefield of Unregulated Contaminants**
This presentation will summarize the latest findings on PFAS (and other key unregulated contaminants) and provide detailed, practical advice as to what your utility should be doing to address unregulated contaminants in your drinking water, wastewater (non-domestic users, hauled wastes, biosolids, etc.) and stormwater. It will also review practical and successful approaches to identifying and addressing non-domestic sources of PFAS to municipal systems.
- 12:00 **Adjourn**

Thank you to our Workshop sponsors!

Jacobs

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