

Wet Weather Partnership

Annual Workshop



NAVIGATING THE URBAN WET WEATHER TRAIL

THE BROWN HOTEL
LOUISVILLE, KY
APRIL 19-21, 2023

REGISTER

AGENDA

Wednesday, April 19, 2023

1:00 - 1:05 p.m. Welcome & Overview

Michael Witt, General Counsel, PVSC; WWP President

1:05 - 1:20 Welcome to Louisville

Tony Parrott, Executive Director, Louisville & Jefferson County MSD

1:20 – 2:00 Update on Louisville MSD's Wet Weather Program

Angela Akridge, Chief Strategy Officer, Louisville MSD

Brian Bingham, Chief Operations Officer, Louisville MSD

2:00 – 4:30 **Splash Zone: Key Stormwater Developments Affecting Communities and Their Stormwater Utilities**

This portion of the program will provide an update on stormwater-related developments affecting localities nationwide. It will address:

- Evolving inverse condemnation claims in response to community flooding and approaches communities are taking to minimize their risk;
- Areas of scrutiny from reinvigorated federal (and state) MS4 compliance inspections;
- MS4 permitting trends and requirements, along with strategies to manage these challenges;
- Updates on related federal and state stormwater permits (construction and industrial);
- The impact of EPA's new urban area definition on Phase II MS4 regulation;
- State efforts to update stormwater design criteria to address climate change and localized flooding; and
- Other cutting-edge topics that your community will have to manage.

2:00 – 2:45 National Overview of Legal and Regulatory MS4 Developments

Lisa Ochsenhirt, AquaLaw

2:45 – 3:05 Break

3:05 – 4:50 MS4 Panel Presentations

Moderator: **Lisa Ochsenhirt**, AquaLaw

Panelists: TBA

5:00 p.m. Adjourn

5:30 – 7:00 Just a Splash of Water If You Please: Networking Reception

Generously Sponsored by TBA

Thursday, April 20, 2023

7:30 – 8:15 a.m. Breakfast

8:15 - 8:20 Welcome and Overview

Mike Witt, General Counsel, PVSC; WWP President [just to make this consistent with what is on first line of agenda]

8:20 – 8:50 Rising Waters: Lots Going on in Washington, D.C. That Will Affect Your Utility

The democratic legislative agenda will cool with the Republican takeover of the House of Representatives and a new era of political wrangling will arise as the slender House Republican majority tries to impose its will. A hot bench of Supreme Court Justices is jockeying over key cases. WOTUS may finally be put to bed (or at least a nap) either by judicial ruling or EPA's most recent rulemaking. Significant PFAS regulation is coming. And environmental justice and climate change considerations will increasingly permeate most federal actions throughout all of EPA's programs. This session will provide an insider's view of the latest federal legal, regulatory, and legislative happenings important to clean water utilities.

Amanda Aspatore, General Counsel, National Association of Clean Water Agencies (NACWA), Washington, DC

8:50 – 9:45 When it Rains it Pours: Everything your Utility Needs to Know and Do about Unregulated Contaminants

Our understanding of PFAS chemicals and their presence in public utility drinking water and waste streams continues to evolve rapidly. This presentation will summarize the latest findings on PFAS (and other key unregulated contaminants). We will present tried and true steps that your utility should take to understand your utility's PFAS chemistry (through targeted and non-target testing) and provide detailed, practical advice as to what your utility should be doing to address those sources through sewer use ordinance updates, pretreatment program implementation, and cooperative engagement with

significant sources. The presentation will also provide an important summary of the status and implications of PFAS regulation (CWA, CAA, and CERCLA) for public utilities.

Speaker: TBA

9:45 – 10:00 Break

10:00 – 11:00 Integrated Planning – Putting Your Infrastructure and Programmatic Destiny Under a Workable Regulatory Umbrella

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 programs limited to regulatory silo priorities. This session will present several nationally leading integrated plans that can serve as models for prioritization of public environmental infrastructure and programmatic investments.

Moderator: TBA

Panelists: TBA

11:00 – 11:30 Louisville Waterway Protection Tunnel

**Speakers: Jacob Mathis, Louisville MSD
Jonathan Steflik, Black & Veatch**

11:30 – 12:00 Trifecta! (1) Non-Biological Auxiliary Treatment (2) Outside the 8th Circuit and (3) Enhance Phosphorous Removal

Johnson County recently accomplished a major milestone of its integrated plan by completing the startup of its Tomahawk Creek wastewater facility. The facility allows the County to affordably and cost-effectively address sewer overflows and plant bypasses while complying with nutrient reduction requirements. The facility features enhanced (non-biological) high-rate treatment technology. Also of interest was \$240 million in savings due to the non-biological technology coupled with an innovative project implementation approach.

**Speakers: Tami Lorenzen, Johnson County Wastewater
Jim Fitzpatrick, Black & Veatch**

12:00 - 1:30 Lunch

1:30 - 3:30 Salut! Great Utility Managers Surround Themselves with Smart People & Smart Sewers

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 watershed management, practical and innovative applications of smart sewer/watershed technology should become part of your community's solution set. Every AquaLaw client utility manager tells us that they learned something important from their smart sewer applications and they hold onto those applications like cherished grandkids.

Moderator: Jordan McCormack, American Structurepoint

Panelists:

Kieran Fahey, Director, Long-Term Control Plan, City of South Bend

Reese Johnson, P.E., PMP, Superintendent, Compliance Services Division,
Metropolitan Sewer District of Greater Cincinnati

TBA

3:30 – 3:50 Break

3:50 – 4:50 Environmental Justice: An Essential Consideration in Program Development and Modification

This session will review practical examples and opportunities to incorporate environmental justice-related initiatives into your regulatory and community infrastructure programs. US EPA is increasingly viewing all proposed agency actions through an Environmental Justice lens. The panelists will provide practical approaches to getting ahead of environmental justice considerations in your programs as well as how to sell your approach to the public and regulators.

Moderator:

Panelists:

5:00 Adjourn

5:30 – 6:45 Cream Rises to the Top: Networking Reception on the Historic Brown Rooftop

Generously Sponsored by TBA

Friday, April 21, 2023

7:00 – 8:00 a.m. Breakfast

8:00 – 9:40 Make it a Double: 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 and major consent decree modifications will be covered, including changing levels of control/performance measures, peak flow management approvals, and schedule extensions. It will also address financial capability developments, including examples of the inclusion of financial safeguards in consent decrees and LTCPs, and an update on ongoing dispute resolution proceedings between EPA and communities that cannot afford their programs where EPA has not agreed to modify their consent decrees. Finally, this session will cover EPA's peak flow management position, pending litigation and congressional/media involvement in peak flow management issues.

Paul Calamita, Chairman, AquaLaw

9:40 – 10:10 Topic TBA

10:10 – 10:30 Break

10:30 - 12:00 **Glass Half Full: Lessons Learned in Bidding, Awarding, and Implementing Projects in These Unprecedented Times**

This panel will provide key lessons learned about bidding and implementing infrastructure projects given the inflation, supply chain crisis, and unprecedented worker shortage. Practical solutions and approaches recommended by leading contractors, suppliers, and public utilities will be shared to give your utility the best opportunity to successfully implement your infrastructure projects.

Moderator: TBA

Panelists: TBA

12:00 p.m. Adjourn