

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, NJ; WWP President

1:05 - 1:20 Welcome to Louisville

Tony Parrott, Executive Director, Louisville & Jefferson County MSD, KY

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

Speakers: **Angela Akridge**, Chief Strategy Officer, Louisville MSD, KY
Brian Bingham, Chief Operations Officer, Louisville MSD, KY

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 – 2:40 National Overview of Legal and Regulatory MS4 Developments

Speaker: Lisa Ochsenhirt, AquaLaw

2:40 – 3:05 Break

3:05 – 4:30 MS4 Panel Presentations

Moderator: Lisa Ochsenhirt, AquaLaw

Panelists: Julie Stein, National Stormwater Dir., HDR
Don Dorsey, Department Head Stormwater, Frederick Co., MD

4:30 – 5 pm A Game Changer – More Equitable and Efficient Public Utility Revenue Generation

This groundbreaking presentation will challenge the practice of billing based upon consumption of water and sewer services. Billing based upon consumption requires expensive meters, maintenance contracts, and staff galore to address billing issues. It also limits our ability to equitably charge for essential public utility services. Learn about an innovative approach that is being proposed for a State Capitol water/sewer utility. Hear about the compelling rationale and benefits of this revolutionary approach and the community dynamic as EPA, the State, the community, and a federal judge grapple with how best to generate public utility revenue going forward.

Speaker: Ted Henifin, Interim Third-Party Manager, Jackson, MS

5:00 p.m. Adjourn

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

Generously Sponsored by Jacobs and TBA

Thursday, April 20, 2023

7:30 – 8:15 a.m. Breakfast

8:15 - 8:20 Welcome and Overview

Mike Witt, General Counsel, PVSC, NJ; WWP President

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

The Democrats 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.

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

8:50 – 9:50 **Environmental Justice: An Essential Consideration in All Aspects of Public Utility 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. It will also explore how the Biden EPA and Department of Justice are evaluating environmental justice implications in long-term overflow control plan changes, MS4 program implementation, utility facility upgrades and expansions, and the provision of reliable and safe drinking water. 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.

Speakers: **Mike Witt**, General Counsel, PVSC, NJ; WWP President
Others TBA

9:50 – 10:10 **Break**

10:10 – 10:40 **Trifecta! (1) Non-Biological Auxiliary Treatment (2) Outside the 8th Circuit and (3) Enhanced 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, KS
Jim Fitzpatrick, Black & Veatch

10:40 – 11:10 **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.

Speaker: **Errin Kemper**, Springfield, MO

11:10 – 12:00 **One Water – Next Level Synergies and Opportunities for Your Utility.**

This presentation will review examples of leading utilities nationwide who are approaching Integrated Planning through a One Water lens. A One Water approach is broader than Integrated Planning by evaluating utility infrastructure, projects, and programs more holistically and regionally. Increasing regulatory acceptance of a One Water approach has opened up significant new opportunities for utilities with the foresight and receptiveness to these essential management concepts. With the increasingly significant infrastructure challenges that public utilities face, especially on the drinking water side (system reliability, lead and copper, and now PFAS barrier technology), utilities with the foresight to embrace a One Water approach are seeing increasingly higher dividends.

One Water Integrated Plans developed by Anne Arundel County, HRSD, Clean Water Services, Springfield (MO), and Johnson County Wastewater will be highlighted.

Speakers: **Chris Phipps**, HDR
Others TBA

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

1:30 - 3:30 **Salut! Great Utility Managers Surround Themselves with 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! The discussion explores how holistic, integrated applications of data-enabled solutions unlock comprehensive benefits and avoid the pitfalls of digital silos.

Moderator: **Jordan McCormack**, American Structurepoint

Panelists:

Kieran Fahey, Director, Long-Term Control Plan, City of South Bend, IN
Reese Johnson, P.E., PMP, Superintendent, Compliance Services Division, Metropolitan Sewer District of Greater Cincinnati, OH
Susan Moio, P.E., Jacobs

3:30 – 3:50 **Break**

3:50 – 4:20 **Managing and Optimizing Your Utility's Digital Assets**

To take smart sewer and watershed applications to the next level, Xylem has partnered with Idrica to bring together Xylem Vue, its portfolio of digital solutions, with Idrica's GoAigua technology. The partnership allows utilities to combine an integrated software and analytics platform – Xylem Vue powered by GoAigua. The platform enables water and wastewater utilities to integrate and optimize their digital assets and streamline operations in a straight-forward, secure and holistic manner.

Speakers: **Tim Braun**, Xylem

Pablo Calabuig, GoAigua

4:20-4:50 **Progress in Leaps and Bounds – Getting the Optimal Regional Wet Weather Program Running.**

ReWa is implementing a long-term Wet Weather Program designed to reduce SSOs, preserve water quality and provide capacity to support the economic vitality of the region. The program includes approximately \$600 million in capacity enhancements to the ReWa conveyance system and more than \$200 million in I/I reduction by ReWa's satellites. Early implementation results are promising and great strides have been made towards the long term goals of this program.

Speakers: **Richard Stahr**, Brown & Caldwell
 David Niese, Renewable Water Resources (ReWa), SC

5:00 **Adjourn**

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

Generously Sponsored by Brown and Caldwell

Friday, April 21, 2023

7:30 – 8:30 a.m. Breakfast

8:30 – 9:00 **Assessing the Performance of MWRA's North Dorchester Bay Tunnel System as Part of Post-Construction Monitoring.**

This presentation will address one of the most challenging and important aspects of wet weather control programs – post-construction monitoring to evaluate tunnel/storage performance and to ensure optimization toward meeting program performance criteria.

Speaker: **Don Walker**, AECOM

9:00 – 9:30 **Strategies for Managing Cost in Unprecedented Times**

This presentation will provide strategies for public utilities to manage the construction cost volatility being experienced across the country. Proven strategies will be highlighted to help manage and mitigate cost volatility for individual projects as well as for Capital Improvement Plans at an enterprise level.

Speaker: **Kevin Waddell**, Burns & McDonnell

9:30 – 10:00 **Hydraulic and Hydrologic Modeling: Both Art and Science.**

The significant investment many Cities make to provide long-term overflow control is reliant upon the use of collection system models. These models contain essential system components to replicate reality as closely as possible so that control measures can be properly identified and optimized. The art and science behind hydraulic model development and periodic updates require careful consideration of not only their intended use, but also the limitations of system models when used to demonstrate

regulatory compliance. Modeling challenges and the questions utility management should ask before relying upon modeling results to reasonably predict present and future collection system performance will be discussed.

Speaker: TBA

10:00 – 10:20 Break

10:20 – 10:50 **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 wastewater continues to evolve rapidly. As we study the problem, we learn many counterintuitive things about PFAS in our utility systems. 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 key insights into PFAS regulation (CWA, CAA, and CERCLA) for public utilities.

Speakers: Joey Jaco, East Richland County Public Service District, SC
Paul Calamita, AquaLaw

10:50 – 11:20 **Louisville Waterway Protection Tunnel**

As part of its \$1.2B Integrated Overflow Abatement Plan (IOAP) Louisville and Jefferson County Metropolitan Sewer District (MSD) completed a 4-mile, 22-foot diameter CSO conveyance and storage system located along the Ohio River in downtown Louisville, Kentucky in mid-2022. Originally scoped as four separate CSO basin projects, the Waterway Protection Tunnel developed as challenges were encountered throughout design and construction requiring development of detailed design documents, subsurface investigations, natural gas exploration program, stakeholder and regulatory engagement, and contract negotiations on an accelerated three-month design schedule. Since being placed into service, the Waterway Protection Tunnel has captured, stored, and conveyed over 200 million gallons of CSO volume to the Morris Forman Water Quality Treatment Center, which previously would have entered the Ohio River and Beargrass Creek without treatment.

Speakers: Jacob Mathis, Louisville MSD, KY
Jonathan Stefflik, Black & Veatch

11:20 – 11:50 **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.

Speaker: Paul Calamita, Chairman, AquaLaw

12:00 p.m. Adjourn

Thank you to our Workshop sponsors!



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