

Final Meeting Summary
Integrated Overflow Abatement Plan Implementation Stakeholders Meeting
Monday, May 11, 2009
MSD Main Office, Louisville

A group of stakeholders involved in the development of the Louisville and Jefferson County Metropolitan Sewer District's Integrated Overflow Abatement Plan (IOAP) to control sewer overflows—former members of the MSD-chartered Wet Weather Team—met on May 11, 2009, at MSD's main office. The objectives of the meeting were to:

- Learn about MSD's proposed project changes and other developments since MSD submitted the IOAP to EPA and the Kentucky Environmental and Public Protection Cabinet in December 2008.
- Review and discuss the implications of feedback from EPA regarding the IOAP.
- Discuss stakeholder preferences for keeping informed of and engaged in MSD's efforts to implement the IOAP.

Integrated Overflow Abatement Plan Updates and Announcements

The following IOAP updates and announcements were noted at the meeting.

- Big Four Sanitary Sewer Overflow (SSO) Projects: MSD is proceeding with work on the "Big 4" SSO projects. The first of two phases of the Beechwood Village project has begun, including installing a larger sanitary sewer line. The first construction for the Northern Ditch Interceptor is expected to start in 30–40 days. The Derek R. Guthrie Water Quality Treatment Center (formerly known as the West County Wastewater Treatment Plant) and the Hikes Lane Relief Sewer project are in the design phase; construction for the Hikes Lane project should begin in the fall.
- Potential Ordinance to Address Inflow and Infiltration (I&I) from Private Properties: MSD expects to have a new draft of an ordinance to address I&I from private properties available in June 2009. This draft would need to be considered by Metro Council. MSD staff also noted that it would be critical to have a large public education and outreach effort associated with the program and to ensure that the new requirements would not be a significant burden for property owners.
 - MSD is looking at developing an associated lateral replacement program that would operate similarly to MSD's existing Plumbing Modification Program (PMP) process. In that process, the property owner gets bids for the work, submits the selected bid to MSD, has the work performed, and has an inspection conducted; MSD pays the contractor for the work and then allows the property owner to pay MSD back for the work over a 2-3 year period.
 - Several participants recommended that MSD consider having a separate mechanism to address private property I&I issues in addition to having an inspection requirement associated with property transfers. There are likely to be certain areas of the sanitary sewer system that have significant I&I issues, yet the frequency of property turnover in those areas may be low.
 - A few stakeholders noted that since multiple agencies conduct inspections of private properties (e.g., during property transfers), it could be useful if multiple agencies had an enforcement mechanism to ensure that there were not illegal connections to the sanitary sewers.
- Amended Consent Decree: MSD's amended consent decree was signed April 10, 2009, and was effective starting on April 15. The IOAP that MSD submitted in December 2008 incorporated the content of the amended consent decree, as MSD presented at the December Wet Weather Team meeting. The changes included expanded requirements for record-keeping and reporting.

- Green Infrastructure: MSD has established schedules for the 18 demonstration projects that were included in the IOAP, and has been working with key partners to initiate other green infrastructure projects. With these partnership activities, MSD is using the green infrastructure “business case” analysis to determine appropriate subsidies or incentives for green infrastructure based on their unit costs and benefits to MSD in flow reduction. Two examples of these projects include:
 - MSD is working with Louisville Metro Economic Development on developing a 1-block green infrastructure demonstration area as part of the Park Hill neighborhood redevelopment effort.
 - Students at the University of Louisville developed concepts for green infrastructure projects in two semester-long classes. The University plans to select one of these projects and start construction on campus this summer. MSD is providing input to the University on the project concepts and evaluating options to provide credits for some of the drainage fees the University pays. These credits may be structured so that there are higher drainage credits initially but then smaller credits applied over a longer term, to provide an incentive for long-term site maintenance.
- Education Program: MSD has had some turnover of its education staff recently, but MSD will soon be applying more structure to the education program for Project WIN.
- Discussions with EPA Regarding the IOAP Submittal: MSD has experienced a positive back-and-forth relationship with EPA regarding MSD’s consent decree submittals, which included the IOAP. EPA has had numerous discussions with MSD and the Kentucky Department for Environmental Protection (KDEP) about the IOAP since the beginning of the year. EPA’s feedback to MSD about the green infrastructure components of the IOAP has been positive. (More information about the content of EPA’s feedback is described later in this summary.)
- Alternatives for the J-Town Wastewater Treatment Plant (WTP): The State Legislature did not pass legislation to establish a new regional wastewater treatment plant for the Salt River. As a result, this limits MSD’s alternatives for the J-Town WTP. Other factors that may influence the alternatives for the J-Town WTP include (a) development proposals that could take some flows offline and (b) plans for the expansion of the Floyds Fork WTP, which MSD is negotiating with KDEP.

IOAP Project Changes

Angela Akridge of MSD gave a presentation on changes to certain projects included in the IOAP that MSD has proposed to EPA and KDEP. MSD and its technical consultant team conducted an internal review of the IOAP projects in early 2009 to ensure that the IOAP included the best set of projects for the community. MSD did this on its own initiative, without being asked by EPA or KDEP. The review examined the interface of IOAP projects with other MSD projects, phasing of projects or project components to address urgent needs, the timing of known cost-share opportunities (including development proposals identified in the fall), and operational considerations (e.g., eliminating a pump station reduces operational costs). Based on this review, MSD proposed some changes to IOAP projects (primarily SSO projects) to EPA and KDEP and discussed the changes with the regulators in March. The project revisions will be included in MSD’s resubmittal of the IOAP in June 2009.

Participants asked several clarifying questions in response to the presentation, including the following.

- A few stakeholders asked about MSD’s ability to make changes to projects after EPA and KDEP approved the Final IOAP. In general, it would be difficult for MSD to make major changes to projects following approval of the IOAP. Examples of changes that could be made include:
 - MSD indicated that it can always complete projects earlier than scheduled, but cannot delay projects without approval or it will face penalties.

- For lower priority projects planned for later in the IOAP implementation, MSD may be able to reduce the sizing of facilities if monitoring results show that the overflow problems have been reduced or addressed through other mechanisms. This is the intent of the adaptive management component of the IOAP Post-Construction Compliance Monitoring Plan.

Regulatory Agency Review of the IOAP

Gary Swanson of CH2M HILL summarized MSD's discussions with EPA and KDEP about the IOAP and MSD's planned responses to the feedback and questions. He noted that EPA conducted a very detailed review of the IOAP and had numerous discussions with MSD since the beginning of the year. EPA asked a series of questions about the analysis that MSD conducted to develop the IOAP as well as the role of the Wet Weather Team stakeholder subgroup in influencing the IOAP. EPA's feedback on the IOAP included positive comments on the green infrastructure plan, the stakeholder involvement process, the values-based benefit-cost analysis, and the development of site-specific levels of protection.

Based on EPA's requests, MSD has done some additional analysis of project alternatives (e.g., examining whether starting from a different control level as the base case influenced the technology selected for projects) and provided additional documentation of some aspects of the IOAP (e.g., the Post-Construction Compliance Monitoring Plan, modeling assumptions for SSO design storms, etc.). MSD is in the process of responding to requests related to the green infrastructure plan, including: (a) conducting a review of local ordinances and design standards to identify barriers to green infrastructure implementation; and (b) developing a schedule for implementing the green infrastructure programs. MSD also continues to work with three other communities to develop a regional best management practice guide for stormwater management and green infrastructure. MSD will be resubmitting the three volumes of the IOAP to EPA and KDEP by June 19, 2009 for final review.

Comments and questions from participants included the following.

- Several stakeholders offered congratulations to MSD on the generally favorable review of the IOAP and indicated that they were glad to be involved in helping develop the plan.
- Some participants observed that EPA's response to the green infrastructure component of the IOAP appeared to differ from what EPA might have accepted a few years ago. Gary Swanson noted that a key reason this plan may have been better received is that MSD will need to demonstrate the effectiveness of green infrastructure projects based on monitoring results before it proposes to reduce the size of any planned gray infrastructure projects.
 - A few stakeholders observed that MSD had placed a strong emphasis on green infrastructure in the IOAP based in part on stakeholder suggestions, and suggested that MSD consider continuing to take a strong stance in future water quality improvement efforts.
- A few participants suggested that it would be useful to launch a new, constituent-driven effort to advocate for establishing a new regional wastewater treatment plant for the Salt River.
- In response to a question about communicating this information to the public, MSD indicated that this meeting summary would be posted on MSD's website, as have previous summaries, but that most of the communications and outreach about the IOAP would occur after it is finalized and approved.

IOAP Vision Review

Near the beginning of the meeting, Rob Greenwood of Ross & Associates briefly reviewed the final IOAP Vision that the Wet Weather Team developed in 2008. He asked participants to consider whether any changes were needed to the Vision based on the IOAP project changes MSD has proposed to EPA, EPA's feedback to MSD on the IOAP, and any of the other information presented during the meeting.

Following the meeting presentations, the group revisited the Vision to identify changes needed. The vast majority of the Vision—including the anticipated water quality and performance benefits of the IOAP, the summaries of the CSO gray and green infrastructure projects, and the cost and rate impacts in the funding plan—remains substantially the same. Changes to the IOAP that *will* affect the Vision include changes in the mix of technologies and control levels for SSO projects (control levels will become more protective in some cases due to improvements in the projects).

Rob Greenwood checked in with stakeholders individually regarding the Vision to ask whether everyone believed the Vision was stable and would be comfortable if MSD were to make minor revisions to the Vision to align it with the Final IOAP (e.g., the changes noted above), without going back through the group to discuss the revisions. All stakeholders present at the meeting indicated support for the Vision and the process for making minor revisions to ensure the Vision is consistent with the Final IOAP.

Future Engagement of Stakeholders in IOAP Implementation

Rob Greenwood of Ross & Associates summarized potential options that MSD had proposed for keeping former members of the Wet Weather Team stakeholder group informed of and engaged in MSD's implementation of the IOAP. These options included:

- E-mail notification when MSD releases its quarterly report, which includes substantive updates on IOAP implementation progress;
- Annual or semi-annual face-to-face meetings of this stakeholder group (with one meeting scheduled early in the year following the December publication of MSD's annual report);
- Briefings or updates for individual stakeholders regarding regional or neighborhood-specific projects or activities, when appropriate; and/or
- Invitations to tour selected IOAP project sites or facilities when major milestones are completed.

Stakeholder participants expressed interest in continuing to be engaged in MSD's IOAP implementation efforts and in general thought that meeting twice a year seemed like a reasonable frequency, at least for the next couple of years. Several people were interested in receiving quarterly e-mail notifications and being invited to tour project sites when appropriate. Other comments from the group included:

- Some participants suggested that MSD may want to solicit input from stakeholders on particular topics by e-mail, in addition to the semi-annual meetings.
- Some participants suggested that it would be important to make a concerted effort to work with other agencies and organizations on water quality efforts, in coordination with MSD's IOAP implementation efforts.
 - A few stakeholders noted that they had had initial conversations about the idea of setting up a group that would work with MSD and other agencies on efforts to improve water quality, recognizing that the IOAP will only solve a part of the community's water quality problems.
 - MSD staff said that MSD is planning to work on MS4 (Municipal Separate Storm Sewer System) issues soon, although the community's MS4 permit has not yet been released.

Observer Comments

There were no observer comments at this meeting.

Wrap Up and Next Steps

- MSD will be conducting additional analysis and responding to feedback and questions from EPA regarding the IOAP. Revised IOAP documents are due to EPA and KDEP in June 2009.
 - MSD and the facilitation team will provide an e-mail update to IOAP implementation stakeholders in June 2009, when MSD resubmits IOAP documents to EPA and KDEP. Topics for the update will include:
 - Updated totals of the types of SSO projects;
 - Updated control levels for SSO projects (none will be less protective);
 - Schedule for implementing the green infrastructure programs;
 - Schedule for green infrastructure demonstration projects; and
 - Date when the private property ordinance will be available for consideration.
 - Stakeholders who are interested in participating in MSD's future efforts to work on the community's MS4 stormwater program should contact Rob Greenwood (rob.greenwood@ross-assoc.com) and Jennifer Tice (jennifer.tice@ross-assoc.com).
 - After EPA and KDEP approve the IOAP, MSD and the facilitation team will revise the IOAP Vision so that it is consistent with the Final IOAP. If any major changes are needed to the Vision (none are anticipated as of May 2009), the stakeholders will be consulted about the proposed changes.
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Meeting Participants

Wet Weather Team Stakeholders

Stuart Benson, Louisville Metro Council, District 20

Allan Dittmer, University of Louisville

Arnita Gadson, West Jefferson County Community Task Force / Kentucky Environmental Quality Commission

Mike Heitz, Louisville Metro Parks

Tom Herman, Zeon Chemicals

Rick Johnstone, Louisville Metro Mayor's Office

Bob Marrett, CMB Development Company

Judy Nielsen, Louisville Metro Department of Public Health and Wellness (retired)

Lisa Santos, Irish Hill Neighborhood Association

Bruce Scott, Kentucky Waterways Alliance

David Tollerud, University of Louisville, School of Public Health and Information Sciences

Tina Ward-Pugh, Louisville Metro Council, District 9

David Wicks, Jefferson County Public Schools (retired)

MSD Personnel

Angela Akridge, MSD Regulatory Policy Manager

Brian Bingham, MSD Regulatory Management Services Director

Facilitation and Technical Support

Rob Greenwood, Ross & Associates Environmental Consulting

Gary Swanson, CH2M HILL

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Meeting Observers

Phyllis Croce, MSD
Kristen Crumpton, URS
Henry Cubero, Cubero Group
Kandris Goodwin, Cubero Group
Justin Gray, MSD
Sue Green, MSD
Clay Kelly, Strand Associates
Tim Kraus, O'Brien & Gere
Chad McCormick, URS
Julia Muller, MSD

Meeting Materials

- Agenda for the 5/11/09 IOAP Implementation Stakeholders Meeting
- Summary of the 12/4/08 Wet Weather Team Meeting
- Wet Weather Team Stakeholder Support Memo (Final Version, 12/10/08)
- Integrated Overflow Abatement Plan Vision (Final Version, 12/10/08)
- IOAP Project Reviews Presentation
- EPA/KDEP Review of IOAP Presentation