

## MEMORANDUM

**TO:** Louisville and Jefferson County Metropolitan Sewer District Board

**FROM:** Stakeholder Members of the Wet Weather Team

**DATE:** December 10, 2008

**SUBJECT:** Draft Integrated Overflow Abatement Plan

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As stakeholder members of MSD's Wet Weather Team (WWT), we wish to indicate our support for the Final Integrated Overflow Abatement Plan (IOAP) as MSD transmits the plan to the U.S. Environmental Protection Agency (EPA) and the Kentucky Environmental and Public Protection Cabinet. The attached document, "Vision for MSD's Integrated Overflow Abatement Plan," summarizes the Wet Weather Team's common understanding of the high-level architecture and components of the IOAP. As stakeholder members of the WWT, we played an active role in developing the IOAP Vision. Our support for the IOAP is based on the expectation that the complete plan is fully reflective of and consistent with the IOAP Vision. We support this vision for improving wet weather sewer overflow management in our community. In this memorandum, we review the composition and charge of the Wet Weather Team, describe the results of the stakeholder subgroup's deliberations, and outline our support for the IOAP.

### **Wet Weather Team Composition and Charge**

The Wet Weather Team consists of community representatives, elected officials, MSD personnel, and technical consultants. The nineteen stakeholders on the Wet Weather Team include individuals recognized as community opinion leaders associated with environmental advocacy, business and industry, elected officials, local government, community neighborhood, recreation, public health, environmental justice, and organized labor interests. WWT stakeholders have not formally represented their specific affiliated organizations as part of the team, but rather have provided input reflective of the broad interest areas in which they lead.

MSD chartered the stakeholder subgroup of the Wet Weather Team to "provide guidance on the development of an integrated Wet Weather Program that will comply with applicable regulatory requirements and will minimize the impacts of wet weather discharges on water quality, aquatic biota, and human health." Through MSD's consent decree with EPA and the Kentucky Environmental and Public Protection Cabinet, the WWT was charged with two primary tasks: (1) preparing a plan for funding MSD's overflow abatement program and (2) developing a program for public information, education, and involvement. In addition to these tasks, MSD sought guidance from WWT stakeholders on MSD's overall investment, policy, and performance choices in the development of the IOAP.

### **Results of the Wet Weather Team's Deliberations**

The Wet Weather Team met 22 times from July 2006 through December 2008 and provided input on all major components of the IOAP, as well as the analytic framework and the public involvement process MSD used to develop the IOAP. The WWT also met to review the public comments submitted on the Draft IOAP and discuss the changes proposed for the Final IOAP. There are four areas of the WWT stakeholder subgroup's deliberations that we would like to highlight, as follows.

1. Development of the Analytic Framework: The WWT stakeholders, along with other WWT members, identified and agreed upon a set of community values to use in the development of MSD's IOAP. We also advised MSD's technical team on a performance evaluation framework for using those values to evaluate project alternatives for MSD's IOAP. The performance evaluation framework includes both a benefit-cost scoring methodology for selecting the best alternatives at the project level and a systematic process for considering values that relate to the program as a whole. (This analytic framework is further described in the attached Vision.) We believe that this analytic framework is rigorous, transparent, and replicable, and that it provides an effective way to understand and balance tradeoffs among potentially conflicting community interests.
2. Application of the Analytic Framework: The WWT stakeholder subgroup has reviewed examples of how MSD's technical team has used the values-based performance evaluation framework to evaluate project alternatives to address combined sewer overflow (CSO) and sanitary sewer overflow (SSO) problems in our community. Moreover, we have also reviewed and provided input on how the technical team has evaluated the IOAP according to the WWT's programmatic community values—customer satisfaction, economic vitality, education, environmental justice and equity, financial equity, and financial stewardship. We believe that the analytic framework has been applied consistent with the WWT's expectations in the development of the IOAP and has produced a robust, replicable, and transparent analysis.
3. IOAP Vision: We helped develop the attached "Vision for MSD's Integrated Overflow Abatement Plan" along with the MSD personnel and technical consultants who are on the Wet Weather Team. The IOAP Vision summarizes the WWT's common understanding of the high-level architecture and components of the IOAP, and it documents the WWT's consensus about several crucial aspects of the IOAP. The Vision outlines and provides highlights of the expected water quality benefits of the IOAP; the levels of control for CSOs and SSOs in our community; the range of control options in the IOAP; the analytic framework and process used to select control options; the public information, education, and involvement program (known as "Project WIN"); the monitoring, evaluation, and adaptive management plan; future development considerations relevant to the IOAP; and the IOAP funding plan. As stakeholder members of the WWT, we support this vision for improving wet weather sewer overflow management in our community.
4. Summary of IOAP Projects: We believe the project mix and outcomes that form the backbone of the IOAP (as captured in the attached IOAP Vision) reflect responsiveness to MSD's consent decree and provide for a critical, first increment of water quality improvement for our community, while ensuring wise and effective use of our community's resources. The IOAP Vision draws on front end consideration of and investment in green infrastructure and other source control approaches, including "private side" inflow and infiltration (I&I) control. These early investments will act to test and demonstrate the effectiveness of these approaches, creating the prospect, based on demonstrated performance, for expanding their role and lowering community costs as MSD implements the IOAP. We understand that MSD, consistent with the Post-Construction Compliance Monitoring Plan, will closely monitor and report on the efforts for both regulatory and public education purposes. We further understand that MSD, over the coming months, will work with community members to further articulate and enhance the scope and scale of its IOAP public education and outreach program, including developing a robust approach for measuring the effectiveness of the program.

As MSD moves forward in coming years with IOAP implementation, we do anticipate the program will face, as all programs of this type do, project-specific challenges related to local community understanding and acceptance. In this context, we understand MSD is committed to using focused and sustained neighborhood education and outreach efforts to support project-specific and overall program implementation and will strive to address localized needs consistent with overall IOAP requirements. At the same time, we believe all localities throughout the MSD system must keep in mind that individual IOAP project locations and types have emerged from a rigorous and consistently applied technical analysis. The IOAP projects exist as critical building blocks for an overall community program framed by federal and state regulatory requirements, community water quality and public health improvement objectives, and overall rate payer capacity.

The stakeholder subgroup of the Wet Weather Team appreciates the opportunity to have contributed to MSD's IOAP development efforts. During our final meeting on December 4, 2008, we discussed the importance of an overarching, sustained community water quality education initiative directed at enhancing appreciation for water quality improvements and building understanding of the actions all members of the community can take to improve water quality. We understand this effort is substantially broader in scope than the CSO and SSO improvements addressed by the IOAP, but we believe it is important to take this opportunity to raise awareness for this need, particularly as our community turns its attention to stormwater management in the context of the multi-jurisdictional Municipal Separate Storm Sewer System (MS4) permit. We appreciate MSD's willingness to be a contributor to such an effort, even as we recognize the need for broader involvement and leadership throughout the Louisville community and across Louisville Metro Government.

We look forward to the MSD Board's review of the Final IOAP and MSD's submittal of the Final IOAP to EPA and the State of Kentucky by December 31, 2008. Thank you for the opportunity to contribute to this critical community improvement initiative. Please feel free to contact us individually or collectively with any questions or perspectives you may have.

### Stakeholder Members of the Wet Weather Team

<b><u>Member</u></b>	<b><u>Organization*</u></b>
Steve Barger	Labor
Susan Barto	Mayor of Lyndon
Stuart Benson	Louisville Metro Council, District 20
Charles Cash	Louisville Metro Planning & Design Services
Allan Dittmer	University of Louisville
Laura Douglas	E.ON U.S. LLC
Faye Ellerkamp	City of Windy Hills
Arnita Gadson	West Jefferson County Community Task Force / Kentucky Environmental Quality Commission
Mike Heitz	Louisville Metro Parks Department
Tom Herman	Zeon Chemicals
Rick Johnstone	Deputy Mayor, Louisville Metro Mayor's Office
Bob Marrett	CMB Development Company, LLC
Kurt Mason	Jefferson County Soil and Water Conservation District
Judy Nielsen	Louisville Metro Department of Public Health and Wellness
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

\*Stakeholders on the Wet Weather Team do not formally represent their specific affiliated organizations, but rather seek to provide input reflective of the broad interest areas in which they lead. Along with the stakeholder subgroup, the Wet Weather Team includes MSD personnel and technical consultants.