

**Final Draft Meeting Summary
Wet Weather Team Meeting #22
Thursday, December 4, 2008
MSD Main Office, Louisville**

The Wet Weather Team (WWT), chartered by the Louisville and Jefferson County Metropolitan Sewer District (MSD), met on December 4, 2008, at MSD's main office. The objectives of the meeting were to:

- Learn about MSD's amended consent decree, which was released for public comment on December 1, 2008.
- Review and discuss comments received during the public comment period for MSD's Draft Integrated Overflow Abatement Plan (IOAP) and comments planned by WWT stakeholders.
- Discuss revisions to the WWT Stakeholder Support Memo and the IOAP Vision.

Wet Weather Project Updates and Announcements

The following Wet Weather Project updates and announcements were noted at the meeting.

- EPA Green Infrastructure Workshop: EPA hosted a national workshop on green infrastructure in Louisville in November 2008. Brian Bingham of MSD presented on Louisville's Long Term Control Plan for combined sewer overflows (CSOs) at the workshop. Other presenters included EPA headquarters, EPA Region 4, the Commonwealth of Kentucky, and several other CSO communities.
- Project WIN Public Meetings: In addition to the formal public hearing on the Draft IOAP, MSD hosted three informational meetings about Project WIN and the IOAP on November 10, 12, and 20, 2008. The first meeting in Southwest Jefferson County had the greatest attendance.
- MSD Sustainability Report: MSD distributed copies of MSD's 2007 Sustainability Report. The 2007 report mentions the role of the Wet Weather Team stakeholder group in advising MSD.
- Acknowledgment of WWT Stakeholder Input: MSD Executive Director Bud Schardein thanked WWT stakeholders for their valuable input and participation in the 2.5-year process to develop the IOAP. He stated that the WWT stakeholders have been very helpful to MSD in developing a plan that meets consent decree and regulatory requirements, makes essential improvements to water quality, and uses the community's resources wisely. Mr. Schardein further noted that EPA has seen the value of the community engagement process through the Wet Weather Team's work.

Amended Consent Decree Presentation

Angela Akridge of MSD gave a presentation on MSD's amended wet weather consent decree, which was released for public comment on December 1, 2008 (the comment period will close on December 31, 2008). Due to a confidentiality agreement, MSD could not disclose information about the amended consent decree before it was made available for public comment; however, MSD and the technical team nevertheless integrated considerations related to the amended consent decree into the IOAP. The claims for relief in the complaint fell into three categories: (1) resolution of "blending" at the Jeffersontown (J-Town) Wastewater Treatment Plant (WWTP); (2) Kentucky Pollutant Discharge Elimination System (KPDES) permit exceedances; and (3) operational record-keeping and reporting.

The specific changes to MSD's consent decree include the following.

- Interim milestones have been established for the expansion, enhancement, and/or elimination of several WWTPs by December 2015 (including eliminating blending at J-Town WWTP, eliminating five Prospect WWTPs, and upgrading other WWTPs).
- By March 31, 2010, MSD must make a decision about how to eliminate blending at the J-Town WWTP; three options are currently being considered (see additional info below).
- A series of operational enhancements at WWTPs have been included that are designed to improve performance, monitoring, record-keeping, reporting, and permit compliance.
- MSD is required to pay a \$230,000 civil penalty and complete a \$400,000 Supplemental Environmental Project (SEP) that focuses on stream restoration.

WWT members asked several clarifying questions in response to the presentation and also provided the following comments.

- A few WWT stakeholders commented that it is good for the community that MSD has identified different strategies to solve problems with the J-Town WWTP while also making economic development possible in Southeast Jefferson County.
- In response to questions, MSD explained that “blending” is a term of art related to mixing wastewater flows that receive different levels of treatment. In a typical blending scenario, during wet weather conditions wastewater flows are separated into two streams. One wastewater stream receives preliminary treatment, primary treatment (settling), and secondary treatment (biological treatment) before disinfection. The other stream (flows that exceed secondary treatment capacity) receives preliminary and primary treatment only before being mixed with the other stream for disinfection.
- WWT participants asked about the process that MSD would use for making decisions about the J-Town members, and noted that it could be useful to involve other jurisdictions, especially if the legislature were to consider developing a regional wastewater treatment plant. MSD stated that there would be a public process associated with the J-Town decision, but the details have not been decided.

Integrated Overflow Abatement Plan Public Comment Presentation

Gary Swanson of CH2M HILL summarized the public comments MSD had received in writing and at the public hearing during the public comment period for the IOAP, as of the WWT stakeholder meeting. Several comments were not related to overflow abatement; other comments addressed topics such as the elimination of the J-Town WWTP, desired features or questions about specific projects, MSD spending and rates, and provisions for local jobs and labor agreements. None of these comments affect the IOAP Vision. During this presentation, Mr. Swanson elaborated on a few elements of the IOAP, as follows.

- MSD has considered several alternatives to eliminate blending at J-Town. Of these alternatives, the following three remain viable:
 - Upgrade and expand the J-Town WWTP on its current site. (This requires the Kentucky Department for Environmental Protection [DEP] to make a decision about waste load allocation.)
 - Eliminate the J-Town WWTP and divert flows to a new regional WWTP. (This requires the State Legislature to form a new regional sewer district.)
 - Eliminate the J-Town WWTP and divert flows to the Morris Forman WWTP and the West County WWTP, which is now named the Derek R. Guthrie Water Quality Treatment Center. (This is the option included in the IOAP, since it can be implemented in the time available and does not require State government action.)
- Eliminating sanitary sewer overflows (SSOs) increases wet weather flows in the sewer system. Dry weather sanitary sewage will be routed to the Morris Forman WWTP, while diluted wet weather flows from the sanitary sewer system will be routed to West County WWTP, as originally intended.

- The proposed expansion of West County WWTP only affects wet weather flows.
- Wet weather flows do not affect dry weather capacity for continued economic growth in Southwest Jefferson County.

Comments and questions from WWT members about this presentation included the following.

- In response to a question, Gary Swanson noted that the expansion of the West County WWTP would occur within the existing site boundaries, so would not affect residential areas.
- Several WWT members commented on the idea of the State Legislature setting up an independent regional sewer district to develop and operate a regional wastewater treatment plant for the Salt River. It was noted that the Legislature would need to act in this session in order to affect MSD’s decision about the J-Town WWTP.
- A few WWT stakeholders noted that MSD did a good job of diffusing public concerns and correcting misperceptions about the IOAP after the Project WIN public meeting in Southwest Jefferson County.
- With regard to the public comment about closing a package plant, MSD noted in response to a question that there are several package plants that MSD does not own, so closing those plants would be outside the scope of what MSD can commit to in the IOAP.

WWT Stakeholder Comment Summaries

Several WWT stakeholders summarized the comments that they and/or their affiliated organizations were submitting on the Draft IOAP. Highlights of these comments included the following.

General Comments

- Several WWT members indicated their appreciation for participating in the Wet Weather Team and MSD’s willingness to incorporate WWT suggestions into the IOAP.
- A few WWT members noted that many of the WWT’s ideas identified during the IOAP development process were deemed to be out of scope of the IOAP and were deferred to the Municipal Separate Storm Sewer System (MS4) program. They also expressed concern that the stormwater program might not necessarily have the funding to support all the needed actions.
- Some WWT participants noted that the consent decree was the driver for MSD’s actions in the IOAP, and indicated that there may be a need for legislation, along with education, to make people do things.

Green Solutions

- Several WWT stakeholders suggested that MSD should expand plans for green infrastructure, site restoration, and related “green” efforts. Specific suggestions included:
 - Consider site restoration at all IOAP sites with disturbance.
 - Concentrate green infrastructure projects in high-visibility areas to better evaluate and demonstrate their effectiveness. For example, model one area of the community that has significant amounts of rain barrels in order to evaluate their effectiveness.
 - Be aggressive and “aim high” with green infrastructure efforts, while also measuring the effectiveness of green infrastructure projects over time and communicating the results.
 - Consider aerating soils and other ways that soils management practices can supplement stormwater runoff reduction efforts to address CSOs.
 - Increase the number and square footage of rain gardens to better show their results. (Note that MSD has already committed to increasing the number of green infrastructure demonstration projects in the IOAP beyond the 18 demonstration projects identified in the IOAP Vision.)

- Provide technical assistance to support the green infrastructure programs involving the community (e.g., assistance for rain garden design).
- Consider partnerships with other organizations to promote and offer technical assistance for low-impact development, green homes, and other non-sewer factors that affect water quality.

Education and Outreach Program

- Most of the WWT’s discussion at the meeting focused on the public education, outreach, and involvement program included in the IOAP. WWT stakeholder comments included the following.
 - Several WWT members noted that the scope and scale of the public education and outreach program defined in the Draft IOAP could use additional fleshing out.
 - The chapter about the public program in the Draft IOAP frequently describes the future public education and outreach plans by stating that MSD will “continue” its current efforts. This could imply that there will be no real changes in MSD’s level of investment in these activities, and it remains a question as to whether the current level of investment is sufficient to change public opinions and behaviors.
 - The public education and outreach effort should have an office with its own funding and staff. This wouldn’t necessarily need to be housed at MSD; a separate entity could also provide this function in the community.
 - Several WWT participants noted that the education effort should be broad enough to address stormwater runoff and non-point source pollution issues, along with sewer overflow control. It could also be useful to link these water quality education efforts to climate change efforts in the community, as a way of reaching a broader audience.
 - A few WWT members urged MSD to make specific, long-term commitments to the education program in the IOAP, as a way of creating “teeth” for educational infrastructure and advancing systemic changes in public awareness and behaviors. It was suggested that the education program should have the same level of detail as gray infrastructure projects in the IOAP.
 - The performance measurement and evaluation approach for the public education and outreach program appears weak. It is not clear whether the performance measures identified (e.g., number of rain barrels distributed) will be sufficient and robust enough to evaluate the effectiveness of behavior change efforts as compared to the engineering predictions. In addition, measuring active participation in green infrastructure programs such as the rain barrel program may not be a good proxy for evaluating overall changes in public awareness.
 - Some WWT members suggested that it could be useful to have a center at the University of Louisville or another entity for measuring and evaluating the effectiveness of education efforts.
 - A few WWT stakeholders suggested turning the Letterley Pump Station, which has one of the oldest CSOs in the county, into an interpretive center.

Project-Specific Suggestions

- Project-specific suggestions included:
 - Incorporate erosion-control measures at the outlet of the CSO 140 sewer separation project.
 - Consider other locations for siting the facility at Lexington Road and Payne Street that would avoid building a storage basin in an area planned for floodplain compensation.
 - Avoid siting the I-64 and Grinstead storage basin and the August Moon storage basin in the historical locations of Beargrass Creek meanders, so that those sites could remain available for future restoration efforts.
 - Incorporate additional site restoration at the Nightingale Pump Station and near the Beechwood Village pumped SSO locations near the Middle Fork of Beargrass Creek.

MSD's reactions and responses to the WWT's suggestions included the following.

- MSD thanked WWT stakeholders for their comments and indicated that many of the suggestions would be considered for incorporation in the IOAP or during individual project implementation (e.g., the project-specific suggestions).
- Several MSD staff noted that education is critical to the success of the IOAP, and indicated that MSD shares the same overall goal for public education and outreach as the WWT stakeholder group.
- MSD and technical team members explained that funding for the education program comes out of MSD's operating budget, which the MSD Board approves annually. While capital expenditures are included in the IOAP, MSD has not included operating budgets in what will become a federally enforceable document.
- MSD staff expressed concern about the inflexibility of committing to *how* it will run the education program (versus *what* MSD aims to accomplish with it) in the consent decree response. MSD would prefer to have the ability to adapt its approaches over time based on what MSD learns through monitoring and evaluation efforts. This flexibility will help MSD ensure that the education program is cost-effective and efficient. MSD supports the concept of a central "clearing house" for comprehensive environmental education in the community, recognizing that the environmental education challenges and opportunities extend beyond the narrow objectives of the IOAP. MSD would be interested being one of many agencies that support this environmental education center.
- The Post Construction Compliance Monitoring chapter of the IOAP describes monitoring and evaluation plans associated with the public education and green infrastructure programs; these plans include flow monitoring as well as customer surveys.
- MSD will be undertaking a public process associated with the MS4 (stormwater) permit renewal. MSD invited WWT stakeholders to participate if they would be interested. Outreach and education will be a large part of the MS4 efforts.

In response to the WWT's suggestions, MSD agreed to work with WWT members next year to further develop plans for the education and outreach program.

WWT Stakeholder Support Memo and IOAP Vision

In light of the WWT's discussion about the IOAP, Rob Greenwood of Ross & Associates proposed three additions to the WWT Stakeholder Support Memo and IOAP Vision, as follows.

- Note that there is the expectation that WWT stakeholders will continue to work with MSD to better define the desired scope and scale of the Project WIN public education and outreach program.
- Indicate that WWT stakeholders will also work with MSD to improve the approach for measuring and evaluating the effectiveness of the public education and behavior-change efforts.
- Include a statement about the importance of a broad, community-wide education effort focused on water quality, even though the IOAP has relatively narrow objectives.

Each WWT stakeholder member present at the meeting individually approved the WWT Stakeholder Support Memo and the IOAP provided that these additions would be made. The facilitation team will make the proposed changes to the documents and then send the materials to the WWT for a final review.

Observer Comments

There were no observer comments at this meeting.

Wrap Up and Next Steps

- The facilitation team will revise the WWT Stakeholder Support Memo and IOAP Vision based on the meeting's discussions, and will circulate revised drafts to WWT members for review the week of December 8, 2008. Once finalized, the documents will be included in the Final IOAP.
 - MSD and the facilitation team will provide an e-mail update to the WWT on additional comments received on December 5, 2008 (the comment deadline) and will identify whether any additional changes are needed to the IOAP Vision in response.
 - MSD will prepare a responsiveness summary for the public comments received on the Draft IOAP.
 - MSD will prepare the Final IOAP, seek MSD Board approval on the plan, and then submit the Final IOAP to EPA and Kentucky DEP by December 31, 2008.
 - After MSD submits the IOAP to EPA and Kentucky DEP, the following activities are anticipated.
 - MSD will meet with EPA and Kentucky DEP reviewers in January 2009 to discuss the IOAP.
 - Comments from the regulatory agencies are due March 1, 2009.
 - MSD may invite WWT stakeholders to a meeting to discuss potential changes to the IOAP to respond to the comments (potentially in April 2009).
 - MSD will resubmit the IOAP sixty days after receiving comments from EPA and Kentucky DEP.
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Meeting Participants

Wet Weather Team Stakeholders

Susan Barto, Mayor of Lyndon

Stuart Benson, Louisville Metro Council, District 20

Charles Cash, Louisville Metro Planning & Design Services

Allan Dittmer, University of Louisville

Faye Ellerkamp, City of Windy Hills

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

Tom Herman, Zeon Chemicals

Rick Johnstone, Deputy Mayor, Louisville Metro Mayor's Office

Bob Marrett, CMB Development Company

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

MSD Personnel

Angela Akridge, MSD Regulatory Policy Manager

Brian Bingham, MSD Regulatory Management Services Director

Mark Johnson, MSD Director of Engineering/Operations and Chief Engineer

Bud Schardein, MSD Executive Director

Facilitation and Technical Support

Rob Greenwood, Ross & Associates Environmental Consulting

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Meeting Observers

Jim Bruggers, Courier-Journal

Phyllis Croce, MSD

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Justin Gray, MSD

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Clay Kelly, Strand Associates

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John Lyons, Strand Associates

Phil Scott, O'Brien & Gere

Ram Vliddagiri, The Corradino Group

Joy Walker, MSD

Meeting Materials

- Agenda for the 12/4/08 WWT Meeting
- Summary of the 9/23/08 WWT Meeting
- MSD's Amended Consent Decree Presentation
- Project WIN Public Comment Update Presentation
- WWT Stakeholder Support Memo (12/4/08 Draft)
- Integrated Overflow Abatement Plan Vision (12/4/08 Draft)