

**FINAL DRAFT**  
**Louisville and Jefferson County Metropolitan Sewer District**  
**Wet Weather Team Charter**

**Summary**

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The Louisville and Jefferson County Metropolitan Sewer District (MSD) has chartered a Wet Weather Team (WWT) to assist with the development of an integrated Wet Weather Program that complies with Clean Water Act requirements and addresses the community's problems with combined sewer overflows and sanitary sewer overflows that occur during wet weather conditions. The Wet Weather Team consists of community representatives, elected officials, and MSD personnel. Stakeholders in the WWT will advise MSD on its investment, policy, and performance choices in the design of the Wet Weather Program, so that these choices can be made wisely and in ways that best meet the needs of the local community.

**Background and Problem Statement**

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Like many municipalities nationwide, a portion of the Louisville sewer system is designed and permitted to collect wet weather runoff along with residential, commercial, and industrial wastewater. During some wet weather events, the volume of wastewater in the system exceeds the capacity of collection pipes and wastewater treatment plants, resulting in releases (discharges) of untreated wastewater diluted with stormwater—called combined sewer overflows (CSOs). Louisville also has had wet weather problems with sanitary sewer overflows (SSOs), which are unintentional discharges of diluted sewage from separate sanitary sewers. SSOs can occur as a result of groundwater or surface water entering the sanitary sewer system through improper connections to the sewer system, or damaged or deteriorated infrastructure. SSOs can also occur as a result of various other sewer operation and maintenance conditions. CSOs and SSOs can cause or contribute to water quality problems in receiving streams and watersheds. CSOs and SSOs can threaten public health and can cause property damage through, for example, basement back-ups.

In 2005, MSD entered into a Consent Decree with the U.S. Environmental Protection Agency and the Kentucky Environmental and Public Protection Cabinet (EPPC) regarding discharges from MSD's sewer system and alleged violations of the Clean Water Act. Under the Consent Decree, MSD must develop a Long Term Control Plan for CSOs and a Sanitary Sewer Discharge Plan for SSOs by December 31, 2008. The Consent Decree requires that MSD engage stakeholders in the development of public participation and funding plans, through a "Wet Weather Team." In addition to these areas, MSD has decided that it would also be valuable to involve stakeholders in discussions about the overall development and implementation of a new Wet Weather Program.

MSD, on behalf of the Louisville and Jefferson County community, will need to invest substantial amounts of money in wet weather controls and management efforts to meet our compliance obligations under the Consent Decree and the Clean Water Act. The Wet Weather Team will guide MSD in making wise investment decisions for a Wet Weather Program that will improve water quality, protect public health, prevent sewer back-ups, comply with applicable regulatory requirements, and address the community's needs for wastewater and stormwater management.

## **Wet Weather Team Objectives**

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MSD charters the stakeholder subgroup of the WWT 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 the Consent Decree, the WWT is charged with two primary tasks: (1) preparing a plan for funding MSD's Wet Weather Program and (2) developing a program for public information, education, and involvement.

In addition to these tasks, the WWT will advise MSD on its overall investment, policy, and performance choices in the development and implementation of the Wet Weather Program. These choices may include increasing system storage or conveyance and treatment capacity, modifying the frequency of specific operations or maintenance activities, developing design parameters and standards such as design storms, and additional compliance inspection and enforcement activities.

Strategies to address sewer overflow issues will likely employ a combination of specific technologies and operational practices. For example, to increase the storage and treatment capacity of its systems, MSD could add parallel or relief sewers, increase the size of existing assets and facilities, separate combined sewers, use remote or side-stream treatment, take actions to prevent excess inflow and infiltration, and/or use diversions during certain wet weather events. Different approaches may be appropriate for different parts of MSD's systems, depending on the specific threats to those systems, the likelihood that disruptions could occur, and the type and severity of the impacts disruptions would have on the community's values.

During the WWT stakeholder process, MSD will also be conducting other activities related to planning and implementation of the Clean Water Act and the Consent Decree, including developing discharge abatement plans, asset management activities, water quality monitoring, and related wet weather control efforts. MSD may ask WWT stakeholders for input regarding these activities. In addition, it is possible that shifts in regulatory requirements may occur over the project duration that could affect the framework of the WWT process. If this occurs, MSD will inform the WWT about the regulatory changes and their relevance to the project, and the WWT will discuss appropriate changes to the framework of the WWT process.

## **Expectations for Wet Weather Team Members and Process**

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Stakeholders on the Wet Weather Team include individuals recognized as community opinion leaders associated with environmental advocacy, business and industry, elected official, local government, community neighborhood, recreation, public health, environmental justice, and organized labor interests. WWT stakeholders do not formally represent their specific affiliated organization, but rather seek to provide input reflective of the broad interest area in which they lead. In addition to stakeholders, the WWT will include MSD personnel, as specified in the Consent Decree. MSD personnel on the WWT will participate in discussions with WWT stakeholders; however, decisions regarding stakeholder guidance to MSD will be based only on the input from the stakeholder subgroup of the WWT.

WWT members who are not able to attend a particular meeting may send an alternate, provided that the suggested alternate is discussed with MSD and the WWT member can assure that the alternate will be well briefed on past and current WWT discussions and decisions. WWT members are expected to participate for the entire process; however, participants may withdraw at any time without prejudice and may be replaced by MSD with a representative with similar expertise and experience.

WWT meetings will be designed as working sessions, not as public education meetings. Observers are welcome at meetings, but are not participants in WWT deliberations. A segment at the end of each meeting (approximately 15 minutes) will be dedicated to receiving observer comments. Each observer's oral comments must not exceed two minutes in duration, although written comments to the WWT and/or MSD will be welcome throughout the process. Separate public meetings will also be held to educate the public about the WWT process and to solicit comments on plans for MSD's Wet Weather Program.

MSD will use a values-based risk management process, supported by a third-party facilitation team, to obtain input from WWT stakeholders on MSD's investment decisions and priorities regarding wet weather controls and management efforts to achieve compliance and provide a level of service that meets community needs. This structured process will allow WWT stakeholders to systematically consider the importance of potentially competing values and the technical and management options available to address community needs. Prior to submittal of the final plans to EPA and Kentucky EPPC by December 31, 2008, MSD will need to provide final draft plans to the MSD Board for consideration and adoption.

Although the facilitation team will be under contract to MSD, its "clients" will be the individual members of the WWT and the wet weather planning process as a whole. The stakeholder subgroup of the WWT will be a "consensus seeking" body, although progress and ultimate MSD decision-making will not be strictly tied to consensus. The facilitation team will ensure that perspectives of WWT stakeholders—particularly in cases where consensus is lacking—are gathered throughout the plan development process and made available to MSD to ensure a balanced and well-informed final decision process. If the WWT stakeholder subgroup does not reach consensus on a particular item, the range of views will be recorded for consideration by the MSD Board. Differences of opinion reflected in WWT and MSD documents will not be attributed to particular individuals or interests; however, WWT stakeholders can submit attributed comments directly to MSD and/or the MSD Board for their consideration. All written comments received by MSD, consistent with public disclosure requirements, will be made available publicly.

Recognizing that the way in which WWT deliberations are publicly characterized will affect the group's ability to reach consensus, WWT members are encouraged to refrain from characterizing the views of other WWT members or of the full WWT to the press. MSD will consider requests from WWT members for outside experts to speak at meetings, but MSD reserves the right to include additional or alternative speakers to ensure that a full range of perspectives is provided. Any written comments and news articles about the WWT project that appear in the media will be provided to WWT members for their information.

The WWT stakeholder process is the backbone of MSD's efforts to develop an integrated Wet Weather Program for addressing improvements needed to MSD's stormwater, combined sewer, and sanitary sewer systems. All WWT stakeholders are expected to:

- Participate fully and honestly in meetings, act in good faith, and strive for consensus;
- Reach out to constituencies whose interests they reflect and, as appropriate, to other stakeholders to communicate about the project status and gather input and ideas for the project; and
- Participate in the identification, review, and analysis of options.

Expectations for Wet Weather Team members are further defined in the Wet Weather Team ground rules.

## **Schedule**

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Under the Consent Decree, MSD faces strict deadlines for producing deliverables and significant penalties for noncompliance. The WWT stakeholder process must, as a result, move forward at a regular, steady pace for it to be successful. WWT meetings will occur approximately every four to six weeks as needed from June 2006 through May 2008.