

STREAMLINES

KENTUCKY
TENNESSEE



WATER ENVIRONMENT ASSOCIATION

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Negotiating Favorable Consent Orders for Wet Weather Control Programs

by: Paul Calamita, Chairman of AquaLaw

EPA and the States continue to make urban wet weather discharges (sewer overflows and municipal storm water) a top enforcement priority. After targeting most of the larger systems nationwide, agencies are beginning to tackle mid-size and even smaller systems. Citizen groups are also becoming far more active and aggressive with the explosion of local watershed (waterkeeper, riverkeeper, friends of) associations.

The best approach is to avoid enforcement by negotiating NPDES and/or MS4 permits that communities can comply with and then fully complying. Compliance with a permit would provide a "permit shield" under the Clean Water Act and will preclude enforcement by the agencies or citizen groups. Thus, there is a renewed importance to negotiating affordable, cost-effective, and environmentally protective permits.

Because the permit is a legal and moral commitment to comply, hard negotiation and being on record if compliance is an issue should be a priority. Moreover, appealing any provision where non-compliance would apply is strongly encouraged. Otherwise, the moral high ground would be lost, and the agencies/citizen groups will inquire

as to why the permit was not appealed if non-compliance was an expected result. Appeals often lead to a mutually agreeable compromise. However, if the appeal is lost when there is non-compliance, the Judge is likely to provide a more favorable decision upon learning that an appeal was submitted early on.

Another key strategy is to make (and document) relentless, reasonable further progress toward implementing wet weather controls within the community. Communities should make sure past progress is advertised, as well as any ongoing efforts, and future plans.

Some view enforcement for sewer overflows/MS4 discharges as being inevitable for most systems of any size. EPA and the States meet quarterly to decide who needs enforcement and which agency will take the lead. If that is the case, communities are better

with the State agency initiating the enforcement rather than EPA or a citizen group. The State approach is far more flexible, practical, and reasonable as compared to extremely inflexible and sometimes unrealistic federal enforcement policies. One example of this is that EPA often insists on commitment to an end date for a wet weather program – before the program has



WATER HEROES:

David Tucker

Title:

Assistant Director
In Charge of
Operations Division

Employer:

Metro Water Services
(Nashville, Tennessee)



Years in Water Quality: 23 years

Why a Water Hero?

Like many utility managers he is on call 24/7, overseeing five large treatment plants along with 150 pumping stations and 40 water reservoirs. He not only covers the day to day and emergency operations for these facilities, but he insists on investing the time to thoroughly understand the details of any technical issues that arise within the division in order to make the best long term decisions.

He displays a strong sense of empathy and caring toward his co-workers, but he demands that we live up to the high standards that he expects for the utility in order to provide customers the service they deserve.

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even been developed, much less approval obtained. Another example is that State orders can be readily modified to reflect the inevitable changes in a program, while federal consent decrees can be impossible to change. The States rarely insist on this look-before-you-leap strategy. Thus, a community that may be a serious enforcement target, should work with the State to at least initiate a State enforcement action. Often, the State actions come without penalties for proactive communities with a good compliance record.

Federal enforcement is not the end of the world. There can be significant leverage,

particularly if there is a strong compliance record. A CSO community will need to use every bit of that leverage to obtain enough flexibility and limit the substantive requirements in a federal consent decree to mirror priorities and financial/management ability to implement. The key is committing to the minimum possible in a federal decree, while leaving as much as possible to be performed outside of the decree requirements.

Far too many communities are intimidated by EPA/Department of Justice, and simply can't afford to be. Remember that EPA can act unilaterally (permits, information

requests, unilateral compliance orders, inspections, etc.) right up to the point that they sue. Then they don't get to act unilaterally anymore but, instead need either the community's consent or, more likely, the Court's. Local federal judges have been very reasonable with their communities – particularly communities with good compliance records and a reputation for good management and being proactive.

Find more of this article including "The Three Things That Matter Most When Negotiating Wet Weather Orders" on our website at: <http://www.kytnwea.org>.

COMMITTEE UPDATE:

Watershed Conference

by: Stefanie Farrell

The KY-TN WEA Watershed Committee hosted the recent Watershed Management Conference in Nashville, TN on January 26th to 27th. Speakers were aligned to address a broad variety of topics.

Through the diversity of speakers, a variety of perspectives were represented. Two sessions featured an upfront discussion of national trends for the water industry. WEF President, Paul Freedman described a philosophical shift toward restoring the water quality through a focus on land management practices. One suggested method toward accomplishing this goal is through the use of "Water Foot-Printing." Similar to Carbon Foot-Printing, the Water Foot-Print details the relationship between consumption and water use. By accessing www.waterfootprint.org, you can learn manufacturing a cup of coffee consumes 140 liters or nearly 40 gallons of water.

State regulatory updates were provided by Saya Qualls (Director TDEC) and Peter Goodmann (Assistant Director KDOW). For a pulse on EPA under the Lisa Jackson Administration, Elizabeth Treadway, AMEC Vice President and Water Program Director, affirmed that there are some unprecedented changes occurring under the current administration.

Utility Managers, from both small and large systems prepared summaries on their recent experiences. Mike Gardner, from Bowling Green Municipal Utilities, gave the audience applicable tips toward responding favorably to EPA 308 Request for Information Letters. Jerry Stewart of Chattanooga, delivered a guide toward "Working with the Media so Your Story Get's Told." Paul Calamita of Aqua Law offered points to consider and helpful advice when negotiating consent decrees with state and federal officials (see feature article). Later that afternoon, the sessions focused on green infrastructure initiatives. After an informative summary lead by Dodd Galbreath, Executive Director of the Institute for Sustainable Practice at Lipscomb University, Metro Nashville's Roger Lindsey and Louisville MSD's Brian Bingham described their unique approaches toward managing wet weather flows through the incorporation of green design.

Speaker, Brian Boyd, with the National Weather Service, explained the complexities of weather forecasting to the crowd. Peter Tennant of ORSANCO provided a summary of nutrient issues in the Ohio River Watershed and its role in Gulf Hypoxia. Discussion included ORSANCO's efforts over the past 30 years and where nutrient management might be going. Dusty Hall of the Miami Conservancy District spoke about developing and maintaining a nutrient trading in the state of Ohio. Other funding opportunities for nutrient management were explored by speaker Curt McDaniel from USDA/NRCS.

The conference wrapped-up with a discussion of impaired waters. Jack Bender (Greenebaum, Doll, McDonald) presented on the legal side of stormwater permitting. Metro Nashville's Steve Winesett discussed their ongoing efforts to find and eliminate illicit discharges and remove streams from 303d Listed Water Bodies. Mindy Scott of Sanitation District No. 1 finished the conference with a discussion of embracing the watershed concept in a holistic monitoring program.

To all conference attendees, please accept a special "thank you" from the Watershed Committee Members.

MEMBER EDUCATION:

Water Training Institute

by: Crystal Wade, WTI Program Coordinator

The program formerly known as WTTI – Water and Wastewater Technician Training Institute has a new name, a new look, and a new focus. The Water Training Institute



(WTI) is in the process of developing an Associates of Science degree program entitled Water Resource Management.

The Water Resource Management degree program will be housed within the Liberal Arts and Sciences Division at Bowling Green Community College (BGCC) of Western Kentucky University (WKU). The Water Resource Management program currently has three (3) tracks: Water Operations, Wastewater Operations, and Water Utility Management.

Concurrent with the development of the Water Resource Management degree program, we are developing a WKU Certificate program for each of the Water Resource Management tracks and pursuing articulation agreements with other academic departments at WKU for 2 + 2 programs for Bachelor Degrees.

WTI invites everyone to follow our progress or learn more at our website: <http://wti.waterky.org>.

PROJECT PROFILE: Bowling Green's 12 MGD SBR Plant WWTP Expansion Using the Team Concept

by: Doug Kimbler

In 2005 Bowling Green Municipal Utilities (BGMU) began the process of expanding the Utility's wastewater treatment plant. The original plant, built in 1962, had been renovated in 1974 and again in 1992, bringing its design capacity to 10.6 MGD average annual flow with a peak hydraulic capacity of 26.6 MGD. In 2005 flows were approaching 85% of the 10.6 MGD average annual flow capacity, thus triggering the plans for expansion.

BGMU received a new waste load allocation for the plant from the Kentucky Division of Water. The new waste load allocation reduced ammonia discharges from 10 mg/l to 4 mg/l that cannot be reliably met with the existing biofilters at the existing plant. Accordingly, the facility upgrade was modified from a fairly simple expansion to a design for essentially an entirely new facility.

Gresham Smith and Partners from Nashville, TN was selected to provide engineering design services for the project. Moving to a new location was considered, but it was deemed best to build a compact treatment plant utilizing the existing plant site. Relocation of an existing solid waste transfer station that was owned by the City of Bowling Green, but co-located on the plant site was the first order of business. The transfer station facility was relocated across the street from the existing site to make room for the new wastewater facility.

A number of treatment processes were then considered for the new facility. With the site constraints in mind, the Sequencing Batch Reactor (SBR) system became the treatment scheme of choice. It greatly simplified the construction process by allowing virtually all construction to occur beside the existing facility and then transferring flows at the completion of construction.

While SBRs are not typically thought of for larger plants (15 MGD) this process provided the best match for site development and overall design flexibility and expandability. The process was designed with an initial capacity of 12 MGD, using four aeration basins. Utilizing common wall construction, two more basins can be added as flows increase to reach the 20 year design flow of 15 MGD. An added feature of the SBR process flexibility to add phosphorus removal and/or converting to MBRs later, if regulatory limits require.

The project also includes a new headworks, with fine screening, grit removal and odor control, and centrifuge dewatering and thermal drying of biosolids to meet Class A requirements.

Construction of the new facility was begun in September 2009, with construction completion anticipated in January 2012. Questions on equipment and processes and site visits are welcomed.



Calendar of Events & Meetings

APRIL 12-16, 2010

Level II Pretreatment Certification Class
Galt House Hotel
Louisville, KY

APRIL 15, 2010

KY/TN WEA Board Meeting
Renaissance Hotel
Nashville, TN

APRIL 15-16, 2010

KY/TN WEA Management Conference
Renaissance Hotel
Nashville, TN

APRIL 16, 2010

KY/TN WEA Award Nominations Due

JULY 18-21, 2010

KY/TN WPC Annual Conference
Nashville, TN

WEA Award Nominations are due by April 16th.

To submit an application or for more information, see the Awards page at www.kytnwea.org.

Local Awards are listed below:

Golden Manhole Award
Industrial Pretreatment Award
S. Leary Jones Achievement Award
Control Authority Pretreatment Excellence Award
Operational Excellence Award
Outstanding Overflow Abatement Project
Outstanding Watershed Management Project
Beneficial Reuse of Biosolids
Beneficial Reuse of Effluent Water
Select Society of Sanitary Sludge Shovelers (5S)



For more information about this project, please contact Doug Kimbler at dkimbler@bgmu.com or 207-782-1200.

UPCOMING
CONFERENCE

Water Professionals
Conference

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Nashville, TN



2010 Water Professionals Conference

Nashville Convention Center
and Renaissance Hotel
July 18th - 21st 2010

More Information:

<http://www.kytnwpc.org>

We hope you'll join us in Nashville for the seventh annual Water Professionals Conference presented by the Kentucky/Tennessee Section of the American Water Works Association (AWWA) and the Kentucky-Tennessee Water Environment Association (WEA).

Our conference offers:

- Technical sessions and workshops covering water, wastewater, management and regulatory issues
- Opportunity for companies to exhibit the latest water and wastewater products and services
- Opportunities for networking with industry professionals – existing and potential customers – from Kentucky and Tennessee
- Largest water and wastewater technical conference and exhibition in both Kentucky and Tennessee.

Who's Who in KY TN WEA

[\(Click here for more detailed contact info\)](#)

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Kentucky Delegate

Timothy Kraus, P.E.

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Robin Fothergill

Wastewater Technology

Kentucky Co-Chair:

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Doug Yarosz

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OPEN

Pretreatment Certification

Chair:

Chuck Durham

Asst. Chair:

Jennifer Dodd

Young Professionals

Co-Chair:

Stefanie Farrell

Co-Chair:

Kristi Schnell

Call for Exhibitors

2010 Water Professionals Conference

The exhibitor registration fee includes:

- Two full-conference registrations, each of which include:
 - Admission to technical sessions - Access to the Exhibit Hall - Breakfasts and lunches
 - Receptions - Ticket to Member Celebration
- Booth space for the exposition duration

The fee per booth purchased on or before June 4, 2010, is \$875, with each additional booth for \$725.

Register online or download a registration form at www.kytnwpc.org.

Have newsletter suggestions? Please email: newsletter@kytnwea.org

KYTNWEA Partners



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