

November 5, 2010

Public Service Commission  
 P.O. Box 615  
 Frankfort, KY 40602  
 Attn: Mr. Jeff Derouen, Executive Director

**RECEIVED**

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**PUBLIC SERVICE  
 COMMISSION**

Subject: Notice to Intervene

Dear Mr. Derouen,

I and Catherine Snyder reside at 8908 Collingwood Rd, Louisville, KY in the Hillridge Sub-Division. We are interested parties that will be adversely affected by the proposed rate increase for the Hillridge Waste Treatment Plant. Please find attached a copy of a notice of rate increase that, per the notice has been filed by Hillridge Facilities, Inc., with the Public Services Commission to increase it's monthly sewer rate by 34.7%. In addition to this exorbitant increase, Hillridge is also proposing to "begin charging a surcharge of \$11.19 per month for 36 months to pay for sewer line repairs and replacements mandated by the Kentucky Division of Water." reflecting an overall increase of 81%. Also attached is a sampling of past complaints and correspondence regarding this facility.

MSD has been in failed negotiations with the owners of this facility for many years. The Hillridge Waste Treatment Plant has operated without a permit since the last permit expired the end of 2007. An underground connector has been within mere feet of the existing plant and ready to be hooked-up for about 36 months.

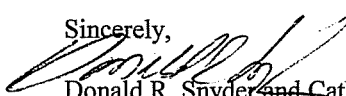

After prolonged negotiations, MSD was allowed to inspect the lines and facility to determine the costs of repairs and value of the facility. In MSD's own evaluation, it had been determined that the sewer lines were in such terrible disrepair from years of neglect by the Ridges' that they had to abandon the line inspection. Every sewer line that they could get to was so filled with roots that many times the camera got stuck and had to be cut out. The actual inspection took much longer then they had anticipated because of their condition. It is also our understanding that the inspection was allowed only if MSD did not use their findings against the owners with the EPA or DOW. With the neglected condition of the lines and other disgusting problems such as stench and backups because of this neglect, it is confusing as to why the owner/operators of this facility hadn't been held accountable by fines and enforcement.

Now the Ridges want to delay transitioning the Hillridge Waste Treatment Plant another three years while they collected an 81% increase. They have failed to properly maintain this facility and sewer lines all along. This plant is ready to tie into the underground connector. Please allow MSD to complete connection as was originally intended to not only do away with a private treatment plant that was originally intended to last only 10 years. If line repairs have to be completed anyway, it only makes sense to allow MSD, who is responsible and accountable to do it and not force the Hillridge community to be subject to the unaccountable whims of the existing owners.

They have not properly maintained their facility all of these years. Repairs to this plant would be substantial. There is no reason to believe that the current owners will use this proposed increase for anything more than a financial windfall.

Please provide at the address below, a copy of the application and supporting documents regarding this intervention. If there is a hearing on this matter, please advise us so that we can arrange to be present.

Sincerely,

   
 Donald R. Snyder and Catherine E. Snyder  
 8908 Collingwood Rd., Louisville, KY 40299

Cc: Josh Nacey

**From:** Don Snyder [REDACTED]

**Sent:** Tuesday, May 11, 2010 4:30 PM

**To:** Webster, Angela; Vance, Bob (PPC Cabinet Secretary); Scott, R. Bruce (EEC); Barclay, Sally (EEC); Roth, Charlie (EEC); Milburn, Jerry (EEC); Becker, Jory (EEC); Herbert Schardein; Brian Bingham; Trivette, Brad (EEC)

**Subject:** Re: Hillridge Waste Treatment Plant

It is Monday afternoon. The plant is smelling again. It smelled this past Friday and Saturday. There was a slight odor on Sunday and it stinks again today. As of 3 days later, the only response that I have received from anyone has been from Sally Barclay who at least gave me the courtesy of a response. After all of this time and all of our complaints I would have hoped that someone would have done something about this by now.

We have had the media out before, we are going to invite them out again while the plant is smelling so that they can start asking the questions and maybe help us get some answers.

Don Snyder

7 [REDACTED]

----- Original Message -----

**From:** Don Snyder

**To:** Webster, Angela ; Vance, Bob (EPPC Cabinet Secretary) ; Scott, R. Bruce (EPPC DEP COM) ; sally.barclay@ky.gov ; Roth, Charlie (EPPC DEP DOW) ; Milburn, Jerry (EPPC DEP DOW) ; Mike (EPPC DEP DOW) Mudd ; jory.becker@ky.gov ; Herbert Schardein ; Brian Bingham ; Brad (EPPC DEP DOW) Trivette

**Sent:** Friday, May 07, 2010 4:07 PM

**Subject:** Hillridge Waste Treatment Plant

It is Friday afternoon, Mothers Day weekend and the Hillridge Waste Treatment plant is stinking. I was cutting grass in the hopes that we might enjoy our backyard on Mothers Day but now am afraid to make any plans. This of course has been going on for years and many occasions have been derailed or ruined because apparently the State and EPPC are unable or unwilling to do something to resolve this matter because either they don't care or the owners of the plant apparently have more influence than they do. Either way, PLEASE at least have the stink resolved before the weekend so we can at least enjoy our property on Mothers Day.

Don Snyder

8908-Collingwood Rd.  
[REDACTED]

December 9, 2008

Mr. Jory Becker, Manager, Surface Water Permits Branch  
DEP Division of Water  
200 Fair Oaks Lane 4<sup>th</sup> Floor  
Frankfort, KY 40601

Dear Mr. Becker,

This letter is written on behalf of the Hillridge Community expressing the “near end” of our patience. One year after the expiration *and* lack of re-issuance of the Hillridge Facility wastewater treatment permit # KY0036226, little if any progress toward resolution has been communicated by the Division of Water (DOW) to our community.

Working in concert with the Division of Water this past year has resulted in little if any benefit to us. In reality we are no further along than this time last year. While we hold out hope that this issue may still find an amicable resolution, the reality is we must now consider escalating our cause to the next tier. Therefore we respectfully communicate to you that a **Notice of Intent to file Citizens Suit per chapter 505 of the Clean Water Act** (mandating corrective action by the State and or EPA within 60 days) may soon be forwarded to your office.

A reminder of the history dictating this course of action is as follows;

Records obtained through FOIA requests clearly chronicle a long list of unabated violations with no corrective action from the plant's inception through today. The latest was reported just a couple of weeks ago, over the Thanksgiving holiday. It appears that over the years the Hillridge Facility has been held to a much lesser standard than MSD, who, under the original and revised Consent Decree is subject to substantial monetary fines whereas Hillridge Facility has not been subject to any penalties for its recurring violations of the Clean Water Act.

There have been numerous complaints by residents of this community of vile smells disrupting use and enjoyment of our decks and yards as well as contaminated effluent flowing into the creek at the base of our properties on a regular basis. The reported overflows of raw sewage and toilet paper from manholes into our back yards, is yet another story.

There is a very long history of complaints and violations against Hillridge, which, for whatever reason have gone unabated, with no punitive action. One must question how the State's Division of Water, acting as an Administrator of the EPA's Clean Water Act, could in good faith allow this facility to continually violate the Act with no fines or penalties assessed.

After a sewer overflow Easter weekend of 2008, representatives of the owner of this plant walked the back yards of our neighborhood. They informed us that they had been instructed by the plant owner to inspect the sewer lines to determine their condition. We have since learned that the owner is refusing to make this inspection available to MSD. It appears the owner is insisting that an offer be tendered without the benefit of inspection of the underground lines. This is ludicrous as the State of Kentucky is well within its power to demand a Report of Inspection from Hillridge Facilities, allowing all parties to come to the table on a level playing field, well apprised of the condition of the plant.

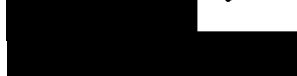
This plant was never meant to be anything but temporary. In 2007, an underground connector was installed with the intent by MSD to connect those that Hillridge Treatment Plant currently serves to the MSD system. Permits issued every 4 to 5 years since its original application in 1965, clearly and consistently state that this plant shall tie into MSD's underground connector as soon as it becomes available. The language in each re-issuance of the permit, KY0036226 reads "The permittee shall eliminate the discharge and shall connect to the Louisville and Jefferson County Metropolitan Sewer District comprehensive system when that system becomes available".

During the past thirteen months, we have been told repeatedly that negotiations were being scheduled and held to determine the future of this facility. We have conversed with numerous representatives from the Division of Water, EPA, EPPC and MSD to try to keep apprised of the status of these negotiations and are greatly concerned to realize that very little has occurred during this time.

The attorney for Division of Water has been involved in this case for a very short period. It appears he is not in possession of the history of violations, complaints, previous negotiations or any other seemingly relevant history. Likewise there does not seem to be any interest in obtaining and reviewing the extensive amount of information available to him at this time. Failure to at least review the packet of information provided to the DOW (as a matter of record) during the November 2007 public hearing, not to mention the transcripts of that hearing is conspicuously curious to those of us fighting so hard in this effort.

Sincerely,

Don and Cathy Snyder



CC: Sandy Gruzesky, Director Division of Water  
Robert Vance, EPPC Secretary  
Councilman Stuart Benson

Robert Vance, EPPC Secretary  
Office of the Secretary  
500 Mero Street  
5th Floor, Capital Plaza Tower  
Frankfort, KY 40601

Sandy Gruzesky, Director Division of Water  
DEP Division of Water  
200 Fair Oaks Lane 4<sup>th</sup> Floor  
Frankfort, KY 40601

homes, owner, Don Ridge of Flat-  
er who erville, about acquiring the  
Z. plant off and on since the  
Colling- 1990s, and there have been  
olleges at least three formal offers,  
ills and Bingham said.

But MSD executive di-  
rector Bud Scharlein said  
Ridge wants a "mega-  
amount" of money for the  
plant, which MSD consid-  
ers "worthless."

Rick Greenberg, an at-  
torney who represents  
Ridge, declined to com-

Don Snyder's Collingwood Road home backs up to the  
troublesome sewage treatment plant.

ment. "We are in the pro-  
cess of negotiation," he said.

Bingham said MSD  
needs to inspect the plant  
and the sewer lines running  
to it before it can know ex-  
actly how much work the  
system will need, and there-  
fore what price would be  
appropriate. MSD is nego-  
tiating with Ridge to get ac-  
cess to the property, he said.

The Courier-Journal

In the best-case scena-  
rio, MSD could eliminate  
the plant by November,  
Bingham said. MSD also  
needs to better seal the  
pipes and manholes around  
a pump station near Jeffer-  
son Mall, which would ac-  
cept additional sewage  
from the Hillridge plant, he  
said.

The Hillridge plant was

up for a permit renewal in  
late 2007, but the state Divi-  
sion of Water decided not  
to issue a new permit be-  
cause of its proximity to  
MSD's system, said Allison  
Fleck, a spokeswoman for  
the Division of Water. The  
facility is operating on an  
"administrative continuance"  
and is still subject to all  
the same water quality stan-

MSD has absorbed about  
300 such plants since the  
1980s, he said.

Snyder, who has led the  
neighborhood effort to  
eliminate the plant, said  
previous residents have  
gotten tired of fighting the  
issue and either given up or  
moved.

"We're not going away,"  
he said.

Reporter Chris Getz can be  
reached at (502) 582-4892.

# WOMEN ENTREPRENEURS

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day.  
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## NOTICE

Hillridge Facilities, Inc. has filed an application with the Public Service Commission proposing to increase its monthly sewer rate from \$24.13 to \$32.50, an increase of 34.7%. Hillridge believes it could justify a rate increase of 55.6% based upon its operating costs, but has requested the much lower increase to reduce the burden upon its customers. Hillridge is also proposing to begin charging a surcharge of \$11.19 per month for 36 months to pay for sewer line repairs and replacements mandated by the Kentucky Division of Water. The proposed effective date of the change is November 29, 2010.

### Monthly Rate:

<u>Current</u> Flat Rate	\$24.13	<u>Proposed</u> Flat Rate	\$32.50
Surcharge	\$ 0.00	Surcharge	\$11.19
<u>MONTHLY</u> <u>USAGE</u>	<u>MONTHLY BILL AT</u> <u>CURRENT RATE</u>	<u>MONTHLY BILL AT</u> <u>PROPOSED RATE</u>	<u>PERCENT</u> <u>INCREASE</u>
ALL USAGE	\$24.13	\$32.50	34.7%
SURCHARGE	\$ 0.00	\$11.19	N/A
TOTAL BILL	\$24.13	\$43.69	81.1%

The rates contained in this notice are the rates proposed by Hillridge Facilities, Inc.. However, the Public Service Commission may order rates to be charged that are higher or lower than the rates proposed in this notice.

Any corporation, association, body politic, or person may request leave to intervene, by motion within thirty (30) days after notice of the proposed rate change is given. A motion to intervene shall be in writing, shall be submitted to the Executive Director, Public Service Commission, 211 Sower Boulevard, Post Office Box 615, Frankfort, KY 40602, and shall set forth the grounds for the motion, including the status and interest of the party movant. Copies of the application may be obtained at no charge from the utility office at Hillridge Facilities, Inc., 17825 Bradbe Road, Fisherville, KY 40023. Upon request from an intervenor, the utility shall furnish to the intervenor a copy of the application and supporting documents.

Hillridge Facilities, Inc.