

Zielke Law Firm, PLLC

ATTORNEYS AT LAW

LAURENCE J. ZIELKE*

JOHN H. DWYER, JR.

JANICE M. THERIOT**

NANCY J. SCHOOK LESTER I. ADAMS, JR. HAYS LAWSON OF COUNSEL BONNIE M. BROWN KEITH B. HUNTER

*ALSO ADMITTED FLORIDA
**ALSO ADMITTED INDIANA

1250 Meidinger Tower • 462 South Fourth Street • Louisville, KY 40202-2555 (502) 589-4600 • Fax (502) 584-0422 • v-ww.pzcp.com

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FAX NO. 502-514-7279	COMMISSION
FROM Sanice Theriot	<u> </u>
DATE 4-87-11	
PAGES SENT (2)) (including cover sheet)	
SUBJECT Billridge Facilities	
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COMMONWEALTH OF KENTUCKY BEFORE THE PUBLIC SERVICE COMMISSION

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APR 27 2011

PUBLIC SERVICE COMMISSION

In the Matter of:

ALTERNATIVE RATE FILING OF HILLRIDGE FACILITIES, INC.

) CASE NO. 2010-00426

LOUISVILLE-JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT RESPONSE TO HILLRIDGE'S MOTION TO COMPEL

The Louisville-Jefferson County Metropolitan Sewer District ("MSD") objects to the Motion to Compel filed by Hillridge Facilities, Inc. MSD provided more than enough information to Hillridge Facilities to satisfy all of Hillridge's information requests. MSD provided thousands of pages in response, although it did so in the form of electronic documents.

Specifically, Hillridge requested information regarding sanitary sewer overflows over a significant part of the county. MSD provided a link to a map showing the location of every single sanitary sewer overflow in the MSD system. When Hillridge clicks on the number identifying one of the sanitary sewer overflows, the map will show a document consisting of a photograph of the area and a discharge volume summary by calendar year since 2005 showing the number of overflows and the volume of overflows as well as an upstream map of the sewer system from that overflow.

From that same document deposit web site, Hillridge has access to each Project Fact Sheet and map planned as part of MSD's Final Sanitary Sewer Discharge Plan which focuses upon the elimination of unauthorized discharges which includes all SSOs. An example of the information provided is attached.

Although Hillridge requested information from a section of the county instead of the entire county, MSD cannot separate the information easily. For example, MSD's projects are based on watersheds and sewer sheds not zip codes. MSD's information involves complex maps that are easily viewed in color on a monitor but hard to see when printed either in black and white or color depending on the resolution of the printer. The various projects often address several lift stations or manholes. Certain areas and zip codes are served by several sewers, lift stations or plants. MSD provided all of its information in the most user friendly manner as it could.

MSD did a search for correspondence; however, the correspondence must have been misplaced as Hillridge had letters responsive to the request that MSD did not find in its search. Copies of letters are attached. Because Hillridge already had copies in its possession, however, MSD's failure to provide additional copies did not cause harm. MSD incorporates into its responses any correspondence Hillridge received as part of its open records requests.

Hillridge's argument that it is too burdensome for Hillridge to sift through the information MSD provided but not too burdensome for MSD to do so must be rejected. A look at Hillridge's answers to MSD's request for information proves that it is merely trying to have MSD look for irrelevant information. For example, Hillridge improperly takes MSD to task for not naming each foot of sewer line that will be used to transport Hillridge flow to the Derek R. Guthrie Water Quality 'Freatment Center if MSD treated Hillridge's flow. However, when MSD asked Hillridge for information on the stream that it discharges to, Hillridge responded that that information was "irrelevant to the issue of whether Hillridge is entitled to obtain a new rate and/or surcharge." If Hillridge's

discharge stream is irrelevant, then MSD's sewers certainly have no bearing on the matter.

Additionally, MSD sought information from Hillridge on the state of its collection system that was not examined by MSD in the Inflow and Infiltration study and Hillridge's plans to correct any inflow and infiltration in that part of its collection system. Hillridge responded that the information requested was "irrelevant to the issue whether Hillridge is entitled to obtain a new rate and/or surcharge." If the condition of Hillridge's system and any inflows or overflows to that system is irrelevant to Hillridge's request before this Commission, the condition of MSD's system, and any inflows or overflows to that system, are certainly irrelevant.

Hillridge in its motion states that MSD provided too much information so that it would have to examine too many pages in order to determine the identity of each sanitary sewer overflow, all of which are complete outside the Hillridge area. Hillridge sought not only the identity of the SSO, but wanted information from 2008, 2009, 2010, and 2011, on the location, amount of discharge, date of each discharge and date of elimination on each SSO. MSD gave it links to interactive documents that would provide all of that information. But that information is clearly implevant to Hillridge's request for a rate increase. Hillridge is playing games here.

As evidence, it would have this Commission compel MSD to provide the information is some other form, even though it is irrelevant, but Hillridge refused MSD the same type of information from Hillridge. Information on the state of Hillridge's system is clearly relevant because repair to that system is one of the reasons that Hillridge has requested action from this Commission. In order to determine the state of

Hillridge's system, MSD sought information that was but a small subset of the information Hillridge seeks from MSD. At Request #9, in its request for information, MSD asked simply "How many Sanitary Sewer Overflows ("SSOs") has the system experienced in the past calendar year?" This was a much simpler question that Hillridge asked of MSD. Hillridge objected to the question stating as follows:

Hillridge objects to this request on the basis that it requests information irrelevant to the issue of whether Hillridge is entitled to obtain a new rate and/or surcharge. Furthermore, Hillridge objects on the basis that the request for information is ambiguous and requires speculation as to its meaning. However, without waiving these objections, Hillridge states that any SSOs experienced in 2010 have been reported to the Division of Water.

Hillridge cannot have it both ways. It claims it should not have to look through information provided by MSD but demands that MSD go to the Division of Water and look through information Hillridge did not bother to provide to MSD. It claims that the condition of its own system is irrelevant to the question before the Commission but the condition of MSD's system is. It claims not to understand the meaning of a question with only one term of art, Sanitary Sewer Overflows ("SSOs"), but it uses the same term of art in its questions to MSD. It asks for four years of information but alleges that one year of the same information is too much to provide. In short, Hillridge argues that it will fix all problems with its system for a few hundred thousand dollars, but it cannot say how many SSOs the system has experienced.

In conclusion, MSD provided Hillridge with the means for Hillridge to examine any MSD SSO that it wishes to examine. That information is irrelevant, but Hillridge is free to look through it. MSD should not be compelled to provide the information in some other format. Hillridge does not need that information for this hearing. It has already

admitted that it considers the same sort of information irrelevant to the matter at hand: whether Hillridge should be able to raise its customers' rates or charge them a surcharge to repair a system that Hillridge has left neglected for decades.

Respectfully submitted,

Laurence J. Zielke

Janice M. Theriot

Zielke Law Firm PLLC

1250 Meidinger Tower

462 S. 4th Street

Louisville, KY 40202

(502) 589-4600

Izielke@zielkefirm.com

jtheriot@zielkefirm.com

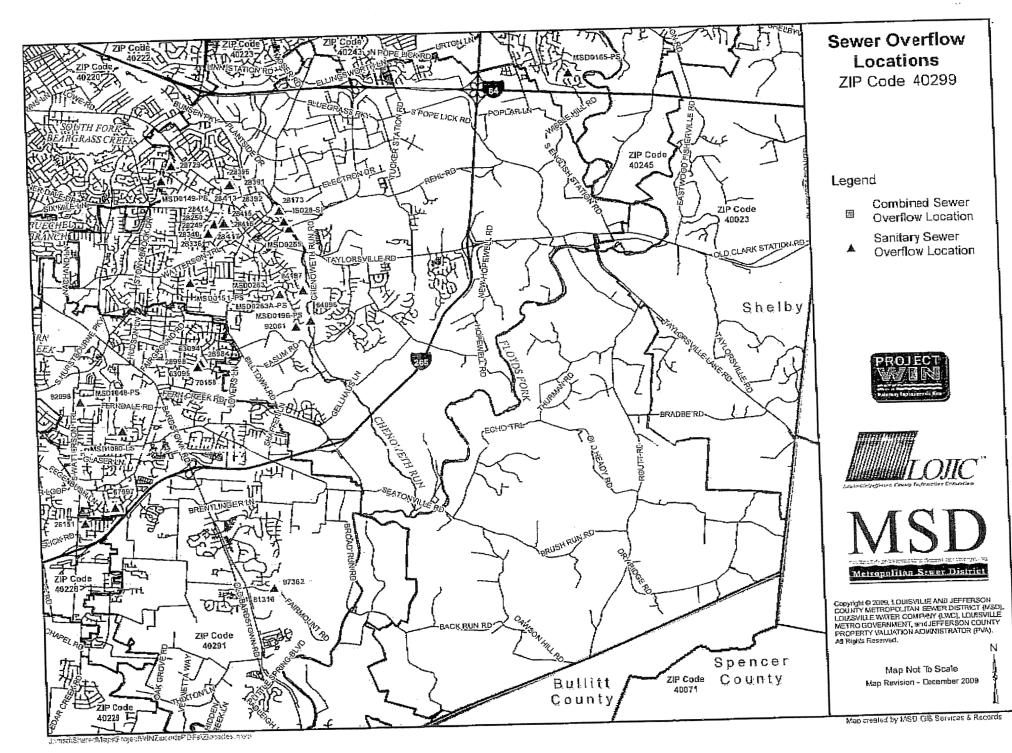
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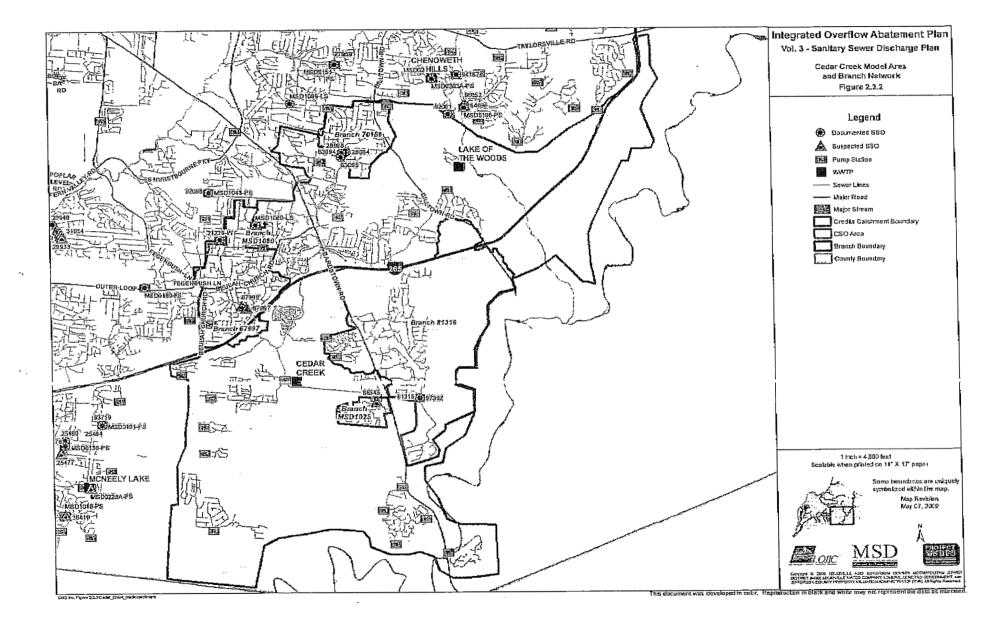
Counsel certifies that, on this the 27rd day of April 2011, an original and two copies was filed by fax and overnight delivery to Jeff Derouen, Executive Director, Public Service Commission, 211 Sower Boulevard, Frankfort, KY 40601. A copy was served on the following by fax:

Robert C. Moore (502)875-7158 Hazelrigg & Cox, LLP 415 West Main Street, 1st Floor P.O. Box 676 Frankfort, KY 40602-0676

David Edward Spenard (502)573-8315 Assistant Attorney General 1024 Capital Center Drive, Suite 200 Frankfort, KY 40601-8204

Counsel for MSD





Sanitary Sewer Overflow Fact Sheet

Sewer Manhole 28417

LOCUST AV/MARLIN DR

Dell Rd and Charlane Pkwy Interceptor Improvements

Project ID: S_JT_JT_NB02_M_01_C

Service Area: JEFFERSONTOWN

Upstream Collection System Length: 8,213 L.F.

Watershed:FLOYDS FORK

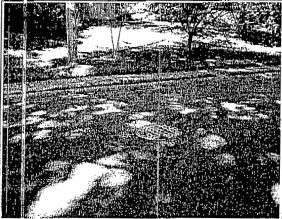
Discharge Type: Sewer Manhole

Discharged to: GROUND

Receiving Stream: CHENOWETH RUN

Background and History: This overflow was reported in April 2008 due to capacity issues. It is located upstream of Jtown WTP PS. This location is routinely monitored during wet weather.

20318



3506 DELL RD

Downstream Landuse: COMMERCIAL-INDUSTRIAL INDUSTRIAL

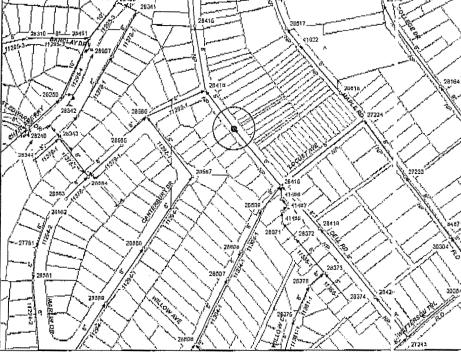
RESIDENTIAL SPECIAL 4.1 acros 1.2 acres 10.9 acres 7.8 acres





Metrogrid: MAM23

MSD Atlas: BI236



Map Data Source: LOJIC

Scale: 1" = 400'

Report as of: 2/23/2010

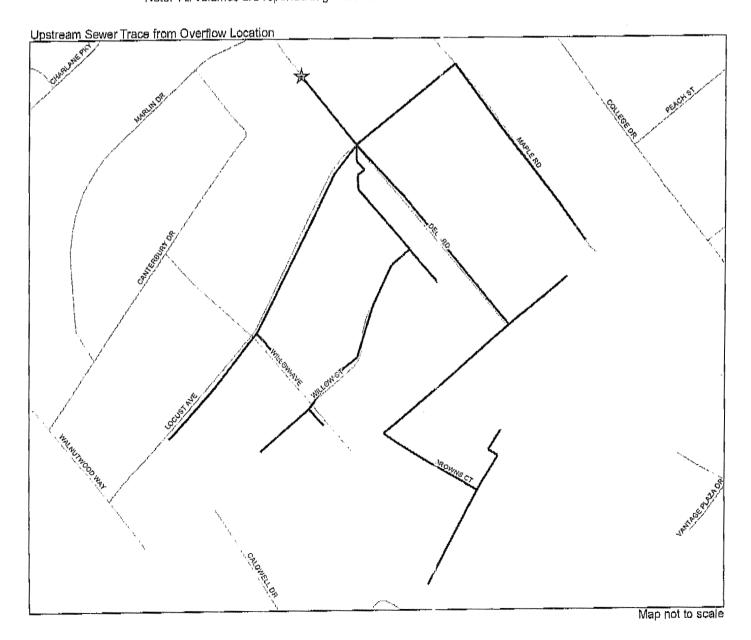


Louisville-Jefferson County Metropolitan Sewer District

Discharge Volume Summary

Calendar Year	Number of Overflows	Total Volume_
2009	0	N/A
2008	1	15,000
2007	0	N/A
2006	0	N/A
2005	0	N/A

Note: All volumes are reported in gallons and are estimated based on field observations.





Louisville and Jefferson County Metropolitan Sewer District 700 West Liberty Street Louisville Kentucky 40203-1911 502-540-6000 www.msdlouky.org

January 19, 2011

Ms. Crystal Thompson Kentucky Division of Water 200 Fair Oaks Lane Frankfort, Kentucky 40601

RE:

Derek Guthric WQTC, KPDES No: KY0078956

, Whigh

Discharge Monitoring Report

December 2010

Dear Ms. Thompson:

Attached are the Discharge Monitoring Report (DMR) and the Monthly Operating Report (MOR) for the Derek Guthrie WQTC, for the month of December 2010.

There were no exceedences or bypasses.

Also included are the 4th qtr Biomonitoring DMR and overflow report from December.

If you have any questions concerning the attached DMR's, please contact me at (502)540-6031.

Sincerely,

Duane V. Wright

Process Supervisor, Central Region

JMK/West County 1210

Enclosures

cc: C. Roth

T. Singleton

R. Shaw



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EFFLUENT GROSS VALUE

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NAME	DEREKR. GUTHRIE WOTC MSD.
ADDRESS	C/O CEDAR CREEK WOTC
	4522 ALGONQUIN PKWY
	LOUISVILLE KY 40211
FACILITY	DEREKR, GUTHRIE WQTC

KENTUCKY POLLUTANT DISCHARGE EUMINATION SYSTEM (KPDES) DISCHARGE MONITORING REPORT (DMR)

MONITORING PERIOD

KY0078956 PERMIT NUMBER

0012 DISCHARGE NUMBER MAJOR (SUBR LV) F - FINAL

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JEFFE MUNICIPAL WASTEWATER

MG/L

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REPORTED EXPERIENCE

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	LOUISVILLE 1	CY 40211
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KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM (KPDES)
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KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM (KPDES) DISCHARGE MONITORING REPORT (DMR)

MONITORING PERIOD

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TO

KY0078956	
PERMIT NUMBER	

YEAR MO DAY

FROM 10 12 01

0012 DISCHARGE NUMBER

DAY

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JEFFE MUNICIPAL WASTEWATER EFFLUENT

[] No Discharge

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NAME/TITLE PRINCIPAL EXECUTIVE OFFICER	LOCKETTICY I BATHER PERSON	WITY FO LAWTHAT I HAVE!	PERSONALLY EXAMINED AND	DAM FAMILIAN VATE XATELY RESPONSE	HITE INFORMATION LE POR OBJECTATION	201) -	IELEPHO	4£	-	7, 1, 1
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EXECUTIVE DIRECTOR	THERE ARE SIGNIFICA AND TYPRISONWENT.	SEE 18 U.S.C 1001 AND 33 L	ingfalse is common l LSC 1314. Franks under l	ress atalutes may be s	ode lines on to \$10,000	GNATURE OF PRINCIP	ALEXECUTIVE		MBER		01 21
	card/or recod team. Impriso	व्य वर्गायका के necwood रेप क्रिशास्त्र	no a youtra.		177	OFFICER OR AUTHOR	ZED AGENT	CODE		YEAR	MD DAY
TYPED OR PRINTED	ITING I Paterance AV Attac										

COMMENT AND EXPLANTION OF ANY VIOLATIONS (Reference of allocaments here) USE MO AVG FOR BOD/TSS REMV; REPT IN MINIMUM COLUMN.

	NAME/ADDRESS	(Inches)a
DERMITTER	NOTEPHIDRESS	INDEPENDED.

Facility Namo/Location if different)

DEREK R. GUTHRIE WOTC MSD NAME C/O CEDAR CREEK WOTC ADDRESS 4522 ALGONQUIN PKWY LOUISVILLE KY 40211 DEREK R. GUTHRIE WQTC FACILITY

KENTLICKY POLLUTANT DISCHARGE ELIMINATION SYSTEM (KPDES) DISCHARGE MONITORING REPORT (DMR)

KY0078956 PERMIT NUMBER

001 Y DISCHARGE NUMBER MAJOR (SUBR LV) F-FINAL

JEFFE BIOMONITORING/METALS/QUARTERLY

EFFLUENT [] No Discharge

MONITORING PERIOD
YEAR MD DAY YEAR YEAR WO DAY FROM 10 12 01 12 31 10

LOCATION LOUISVILLE K	Y 40272		FROM 10	12 01	то 10	12 31	[] No Discharge				•
ATTN: DENNIS THOMASSON	SR. METRO OPS					NO	TE: Read instruction	ons before			
			QUANTITY OR LOADING	;	QUA	LITY OR CONCENTRATION	ą.	1	ND	FREQUENCY OF	SAMPLE TYPE
PARAMETER								140770	EX	ANALYSIS	1172
		AVERAGE	MAXIMUM	UKITS	MINIMUM	AVERAGE	MAXIMUM	UNITS			CD 4D C
HADDNEDS TOTAL	SAMPLE			***		241	241	(19)	0	01/90	GRAB-Z
HARDNESS, TOTAL	MEASUREMENT			***				MG/L	15 2-120	CATHINE	%GRAB=2%
(AS CACO3) 100900 1 0 0	ZESPERMIT(E)	BODE CONTRACTOR	Control of the second	***	阿罗斯尔东	REPORT	REPORT	(19)	多源	QTRLY	TOTAL CONTRACTOR
EFFLUENT GROSS VALUE	MEASUREMENT			***			DAILYMX	MG/L		01/90	GRAB-2
ZINC	SAMPLE			***	1	0.0363	0.0363	(19) MG/L	v	บเล	01010-2
TOTAL RECOVERABLE	MEASUREMENT			***	restrance white his record	WEEDOOT AND	The same of the sa	(19)	00000000	QTRUY#	GRAB-2
01094 1 0 0	SENSPERMIT/SENS	**************************************	Section 1	***		REPORT	REPORT	11.	G.		
EFFLUENT GROSS VALUE	MEASUREMENT.		84-32-4-6-2	***	Electricistic Action	MO AVG	DAILY MX = <0.001	(19)	0	01/90	GRAB-2
CADMIUM	SAMPLE			***		<0.001	~0,001	MG/L	- Т	1 01130	011102
TOTAL RECOVERABLE	MEASUREMENT			***		REPORT	ROREPORTS	(19)	20 Miles	*OTRIN	⊈GRAÐ-2∜
01113 1 0 0	Z PERMIT			***		MOAVG	DAILYMX	MG/L			
EFFLUENT GROSS VALUE	MEASUREMENT	刘昭 为34 55 55	2604400000000000	***	可以的方面是不多了。	<0.004	<0.004	(19)	0	01/30	GRAB-2
LEAD	SAMPLE		1	***		~0.004	10,004	MG/L			
TOTAL RECOVERABLE	MEASUREMENT		1	***	Section of AAAAA	MREPORT	REPORT	a (19)		QTRLY.	GRAB-2
01114 1 0 0	PERMUT			3 ***		MOAVG	DAILYMX	MG/L			
EFFLUENT GROSS VALUE	MEASUREMENT	WHISE SEEDING		***	SPECIAL SECTION SECTIO	0.008	0.008	(19)	0	01/90	GRAB-2
COPPER	SAMPLE			***		0.000	0.200	MG/L			
TOTAL RECOVERABLE	MEASUREMENT	and a Calabridate to unany C	La Library (Library 1977 Table (A	***	wassanghebbergs	REPORT	REPORT	(19)	्रक्षाच्या स्टब्स	OTRLY	GRAB-2
<u> </u>	PARAMPERMITERION			(A) (学) (*** ***	I MARKANTERS ESTE SES	MO AVG	SEEDAHAYIMXS	MG/L		TREE TO	
EFFLUENT GROSS VALUE			SA STATESTAN STREET, SANS STREET,	(S)	English State of Brown	<1.0	<1.0	(2F)	0	01/90	GRAB-2
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TOXICITY UNITS	MEASUREMENT	CAPAGES ******	nd with the control of the control o		Paragraph White Park 200	San	3 February 1:001	(2F)	486	COTRLY	GRAB 2
61406 1 0 0	SEPERMIT ASS			***			DAILYMX		Y 腳		創製的銀幣
EFFLUENT GROSS VALUE	MEASUREMENT	当位2000年5月1日代代的	TA MENTAL SERVICE SERVICES	794	1			1			1
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	PERMIT							國	颜	And the south and	
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TYPED OR PRINTED						TO COUNTY TO THE REAL PROPERTY OF THE PARTY					
COMMENT AND EXPLANTION OF ANY VIOLATIO	DNS (Reference an artist)	לפונא נאוני									

DEDINTTEE	NAME/ADDRESS	(Includ

- <u>асту</u> Мателло	appli i crisiam)
NAME	DEREK R. GUTHRIE WQJU MSU
ADDRESS	C/O CEDAR CREEK WQTC
AUDRESS	4522 ALGONQUIN PKWY
	4322 ALGONOMI 1107
	LOUISVILLE KY 40211
EACH TTY	DEREK R. GUTHRIE WQTC

KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM (KPDES) DISCHARGE MONITORING REPORT (DMR)

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KY0078956	١
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PERMIT NUMBER	
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YEAR

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MAJOR
(SUBR LV)
F - FINAL JEFFE
REASONABLE POTENTIAL
EFFLUENT

[] No Discharge

LOCATION LOUISVILLE K	Y 40272		FROM 10	12 01	_ TO	10		[] No Discharg			dafina (h îc	form
ATTN: DENNIS THOMASSON	SR. METRO OPS						OR CONCENTRATION	TE: Read instruct	ions betore	NO	FREDUSICY	SAMPLE
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		AVERAGE	MOCHINO	***	<u> </u>		<0.01	<0.01	(19)	0	01/30	CP
CHROMIUM ,HEXAVALENT	SAMPLE			***		Į.			MG/L		MONTH	
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01032 1 0 0	MEASUREMENT		*****	***		7 ST. A	MOAVG	DAILYMX	MG/L	展验学	MONTH	NEW TOTAL PROPERTY.
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NAME/TITLE PRINCIPAL EXECUTIVE OFFICER	LOERTHY UNDER PEN	NATY FOLKY THAT THEVE	PERSONALLY EXAMINED AN OF THOSE INDIVIDALS FORE FORDATION IS TRUE, ACCU- FITWS FALSE INFORDATION.	THE PARTIES AND THE	HITE PECENATION		000	-0 F	TELEPHO	¥.E.	- - 	75.15
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TYPED OR PRINTED	TINS (Reference all afra	chmants hare)										

COMMENT AND EXPLANTION OF ANY VIOLATIONS (Reference all altrediments here)

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18/24

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IMSAST0004 Overflow Report Initiated Dec 01, 2010 12:00 AM thru Dec 31, 2010 11:59 PM

POR SARCOORS: Excluding FF CPDES # CY0078956	: Excluding PM, CSO, Result WUS, Act Code: DIS Facility ID MSD0277			Water 6	Quality Treaten (R. GUTHRIE	nent Center		eceiving Stream (HIO RIVER	Region WEST				
Facility Typo SMH Sower Manhole	Facility ID 31899			Facility Addross BED9 TRANQUIL VALLEY IM		if Pump	Station, Name o	f Puntp Station:	Receiving Stream FERN CREEK	Discharge to GROUND			
Activity Dode I Description DISDW: DRY WEATHER DISCHARGE	WO# 1172627	<u>Initiated</u> 12/01/10 (05:30 PM	Initiated By FERRELL	<u>Assigned To</u> FERRELL	Disch Status REPA/RED - ISSUE RESOLVED	Event Date 12/01/10	Problem ROOTS	Result UNAUTHORIZED DISCHAGE - WATERS	<u>Completed</u> 12/01/10 05:49 PM	<u>Condition</u> MASN		
Spot Inspections:											4		
Spot Inspections: Discharge Am	ount		50 GAL										
	ount	. 1	ROOTS IN E	IAIN SEWER							-		
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Sanitary Sewer Overflow Fact Sheet

Sewer Manhole 92061

11804 CHIPPEWA RIDGE LN (JUST UPSTREAM OF CHIPPEWA PS)

Chenoweth Hills WWTP Elimination, Chenoweth Run and Chippewa PS Improvements

Project ID: S_JT_JT_NB01A_M_03_C

Service Area: JEFFERSONTOWN

Upstream Collection System Length: 3,405 L.F.

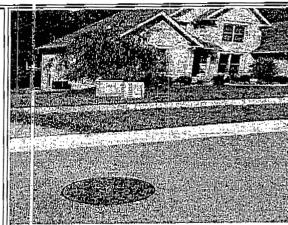
Watershed: FLOYDS FORK

Discharge Type: Sewer Manhole

Discharged to: GROUND

Receiving Stream: CHENOWETH RUN

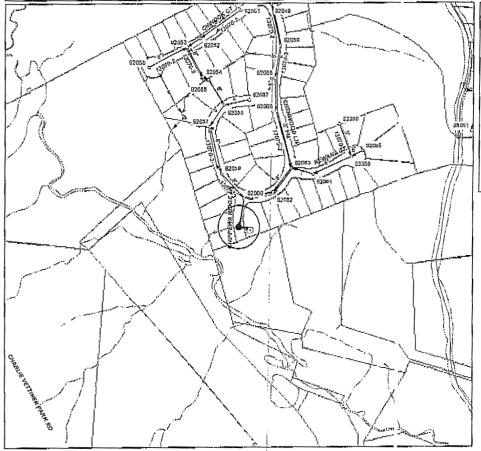
Background and History: The first reported overflow occurred in February 2001. This manhole is located upstream of Chippewa PS. This location is routinely monitored during wet weather.



11804 CHIPPEWA RIDGE LN

Downstream Landuse: RESIDENTIAL

24 acres





Metrogrid: MAN23

MSD Atlas: BM238



Louisville-Jefferson County Metropolitan Sewer District

Map Data Source: LOJIC

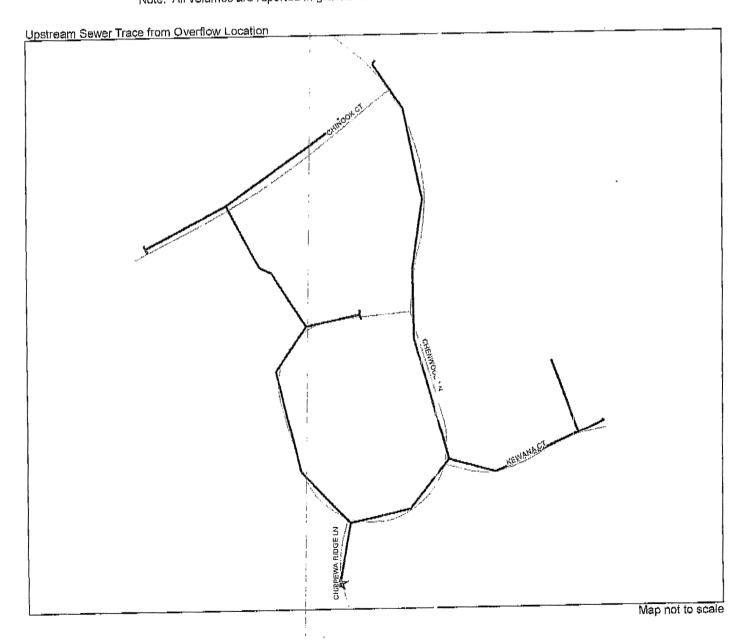
Scale: 1" = 400'

Rr port as of: 2/23/2010

Discharge Volume Summary

Calendar Year	Number of Overflows	Total Volume
2009 2008 2007 2006 2005	0 2 0 0	N/A 11,450 N/A N/A 300

Note: All volumes are reported in gallons and are estimated based on field observations.





ENERGY AND ENVIRONMENT CABINET

Steven L. Besheur Governor Department for Environmental Protection
Division of Water
200 Fair Oaks Lane, 4th Place
Frankfort, Kentucky 40601
Phone: (502) 564-2410
Fax: (502) 564-2741
www.water.ky.gov
January 28, 2011

Leonard K. Peters Secretary

R. Bruce Scott Commissioner

William Bush Associate Regional Counsel U.S. EPA Region 4 Atlanta Federal Center 61 Forsyth Street SW Atlanta, GA 30303

Re: Louisville MSD takeover of Hillridge WWTP flow

Dear Sir:

The Commonwealth of Kentucky Division of Water (KDOW) wishes to inform the United State Environmental Protection Agency that Loui ville/Jefferson County Metropolitan Sewer District (MSD) may begin serving the homeowners currently receiving their wastewater treatment services from the Hillridge Wastewater Treatment Plant (WWTP).

The Hillridge WWTP and collection system were built in 1965. The WWTP discharges into Fern Creek in Jefferson County and is obsolete and in disrepair. The collection system has severe inflow and infiltration problems. MSD estimates that complete repair of the collection system will cost in excess of \$1,000,000. The permit holder is out of compliance with its discharge permit limitations and has been for years. The discharge permit expired and, due to the WWTP's chronic noncompliance and potential availability of the regional system, KDOW did not renew the permit. On February 19, 2010, KDOW sent a letter to Hillridge, a copy of which is enclosed, placing a sewer sanction on the plant and collection system due to the excessive overflows and severe stormwater inflow and infiltration problems. On November 17, 2010, the KDOW filed an Administrative Complaint against the facility, a copy of which is attached. The complaint describes the Hillridge WWTP's illicit discharges.

Under the terms of Hillridge's Kentucky Pollutant Discharge Elimination System (KPDES) permit issued by KDOW, the plant should eliminate its discharge at such time as a regional sewer system becomes available to serve the homeowners currently served by the Hillridge WWTP. Exercising this provision in the Hillridge KPDES permit would result in the removal of a point source of pollution from Fern Creek and treatment of that wastewater to a higher level than is possible at the Hillridge WWTP. The Hillridge KPDES pennit states:

Kentuckij

ALL-STATE LEGAL®

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"This treatment unit is temporary and in no way supersedes the need of a regional sewer system. The permittee will eliminate the discharge and treatment unit by connection to a regional sewer system when it becomes available as defined in 401 KAR 5:002."

MSD has recently completed work on the Leanne Way Pump Station. The availability of capacity at that pump station means that a regional sewer's 'stem is "available" to homeowners served by Hillridge, as defined by 401 KAR 5:002.

MSD's approved System Capacity Assurance Plan ("SCAP") requires new developments in the area currently served by the Hillridge collection system to meet a 3:1 ratio so that each additional gallon of sewage added by any new development to the system will require the removal of three gallons of inflow and infiltration. However, the SCAP (at section 4.2.1) includes several scenarios where maintaining a 1:1 ratio in sufficient. KDOW believes that a project such as elimination of illicit discharges by taking off line and treating the sewage from a third-party's non-compliant WWTP via a compliant regional sewer system is an appropriate scenario for meeting the 1:1 ratio allowed in the SCAP.

KDOW is requesting that EPA acknowledge that by adding the customers now served by the Hillridge WWTP, MSD will be removing an illicit discharge and will not be adding new developments; thus MSD should not be required to remove three gallons of inflow and infiltration for each one gallon of sewage added. However MSD will remove as much inflow and infiltration as can quickly be removed and can commit to a 1:1 removal ration within the first year of adding the Hillridge customers. This work will cost approximately \$400,000. MSD acknowledges that the area currently served by the Hillridge WWTP contains some vacant lots; and, before any new development can occur on these lots, the 3:1 ratio must be met. The current Hillridge customers however, may immediately be served by MSD's regional system.

I appreciate your time and consideration of this matter. If you have any questions or concerns, please feel free to contact Josh Nacey at (502) 564-3410, ext. 4965.

Sincerely,

Sandra L. Gruzesky, Director Kentucky Division of Water

SG/in

Enclosure

Scott Gordon, EPA Region IV
Doug Mundrick, EPA Region IV
Cesat Zapata, EPA Region IV
Bud Schardein, MSD
Mark Johnson, MSD
Brian Bingham, MSD
Larry Zielke, Counsel for MSD
Stuart Benson, Louisville Metro Council
Jory Becker, KDOW

Kentucky



Louisville and Jefferson County Metropolitan Sever District 700 West Liberty Street Louisville Kentucky 40203-1911 502-540-6000 www.msdiouky.org

March 16, 2011

Mr. Shafiq Amawi Division of Water Kentucky Natural Resources and Environmental Protection 4th Floor 200 Fair Oaks Drive Frankfort, KY 40601

Subject: Hillridge Waste Water Collection System

Dear Mr. Amawi:

Requirements for sewer line extension within the revised 401KAF 5:005 state that "the applicant shall demonstrate that the portion of the sewer system used by the connection has adequate capacity to transport the current and anticipated peak flow to the Water Quality Treatment Center, KPDES Number 0022411 and that the portion of the sewer system used by the connection is not subject to excessive infiltration or excessive inflow."

The above-proposed development is in the Derek R. Guthrie Water Quality Treatment Center service area. The proposed project is in compliance with the current West County Action Plan. The water quality treatment center and sanitary servers, to which this development will connect, are owned and operated by MSD and have sufficient capacity to service this development at this time. MSD will own, operate and maintain this public sanitary sewer system once the project has been completed and accepted by MSD.

MSD has made substantial improvements to the Lea Ann Way Pump Station and the upstream collection system. MSD certifies that the accessible portions of the Hillridge Wastewater Collection System have been reviewed and that MSD understands the general condition and characteristics of the system. MSD commits to perform additional system improvements in accordance with the MSD System Capacity Assurance Program (SCAP) within one year of accepting the additional flow in an amount of the estimated flows within the existing Hillridge Collection System. Future flows will be handled as outlined in the SCAP document.

The project chiefly consists of: Hillridge Wastewater System, excluding the Treatment Facilities.

Sincerely,

Mark J. Jolmson, P.E.

Director of Engineering and Chief Engineer

Mark I Johnson/beiß

cc:

Peter Goodmann

Larry Zielke

W. Brian Bingham

Beneficial Use of Louisville's Biosolids

