

Zielke Law Firm PLLC

ATTORNEYS AT LAW

1250 MEIDINGER TOWER
462 SOUTH FOURTH AVENUE
LOUISVILLE, KY 40202-3465
(502) 589-4600 • Fax (502) 584-0422
WWW.ZIELKEFIRM.COM

April 27, 2011

RECEIVED

APR 28 2011

PUBLIC SERVICE
COMMISSION

Jeff Derouen
Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
Frankfort, Kentucky 40601

RE: **Case No.: 2010-00426 – Alternative Rate Filing
Application of Hillridge Facilities, Inc.**

Dear Mr. Derouen:

Enclosed please find an original and eleven copies of Louisville-Jefferson County Metropolitan Sewer District Response to Hillridge's Motion to Compel regarding the above-referenced matter. Please file the original and ten copies with the Commission and return a filed-stamped copy back to me in the enclosed postage prepaid envelope.

Thank you in advance for your assistance.

Sincerely,

Nancy L. Palmer, Legal
Assistant to Janice M. Theriot

NP
Enclosures

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED
APR 28 2011
PUBLIC SERVICE
COMMISSION

In the Matter of:

ALTERNATIVE RATE FILING OF HILLRIDGE) CASE NO. 2010-00426
FACILITIES, INC.)

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 Treatment 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 irrelevant 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 in 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:

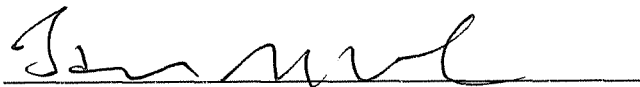
Hillridge objects to this request on the basis that it requests information irrelevant to the issue of whether Hillridge is entitled to obtain a new rate and/or surcharge. Furthermore, Hillridge objects on the basis that the request for information is ambiguous and requires speculation as to its meaning. 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,

A handwritten signature in black ink, appearing to read "L. Zielke", written over a horizontal line.

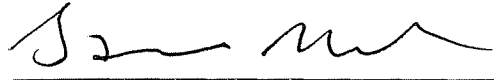
Laurence J. Zielke
Janice M. Theriot
Zielke Law Firm PLLC
1250 Meidinger Tower
462 S. 4th Street
Louisville, KY 40202
(502) 589-4600
lzielke@zielkefirm.com
jtheriot@zielkefirm.com

Certificate of Service

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



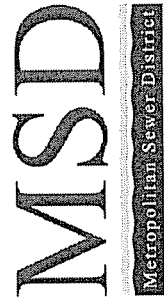
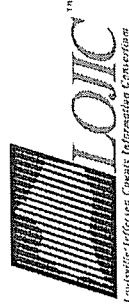
Counsel for MSD

Sewer Overflow Locations

ZIP Code 40299

Legend

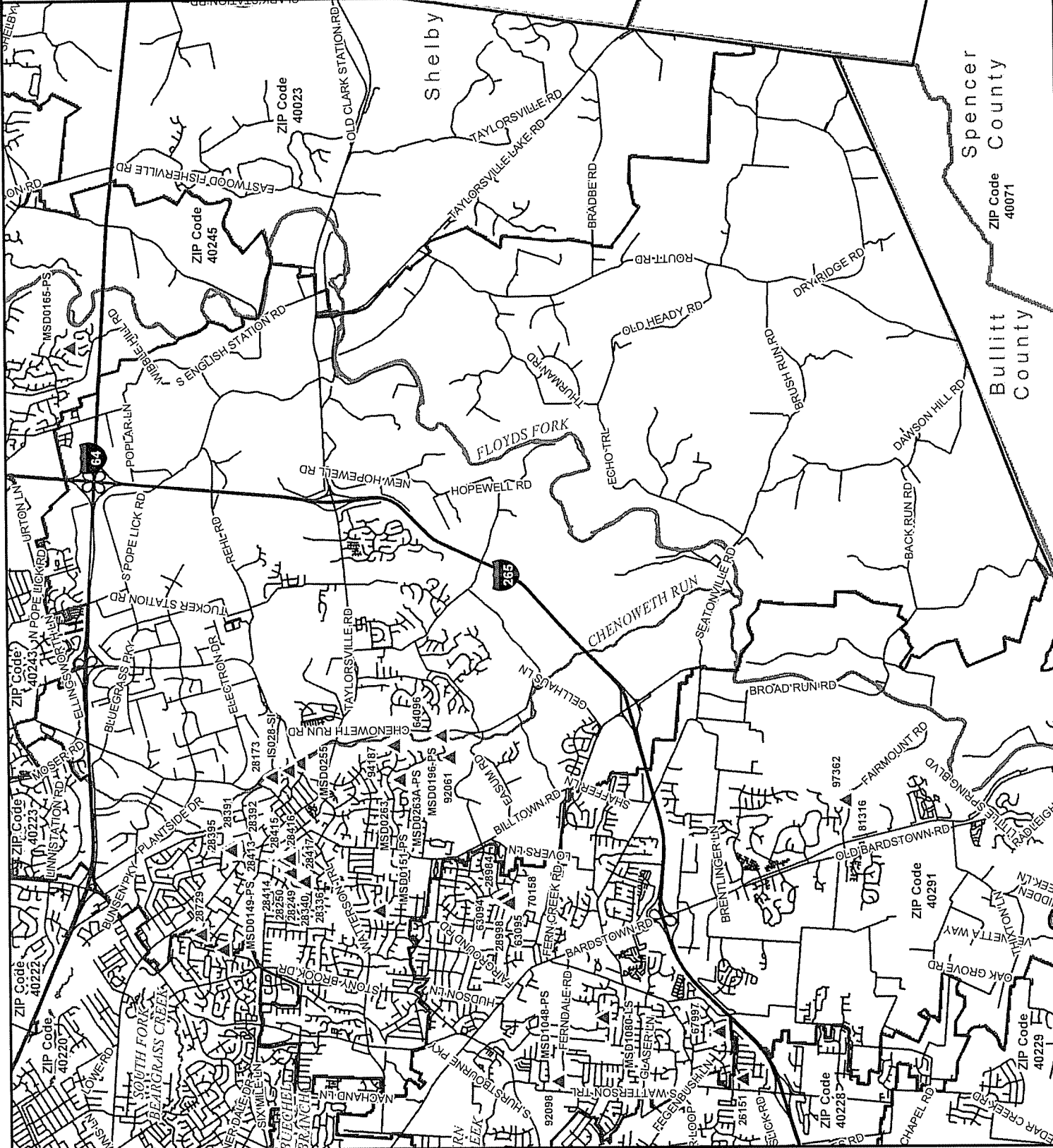
- ◻ Combined Sewer Overflow Location
- ▲ Sanitary Sewer Overflow Location



Copyright © 2009, LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT (MSD), LOUISVILLE WATER COMPANY (LWC), LOUISVILLE METRO GOVERNMENT, and JEFFERSON COUNTY PROPERTY VALUATION ADMINISTRATOR (PVA). All Rights Reserved.

Map Not To Scale
Map Revision - December 2009

Map created by MSD GIS Services & Records



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

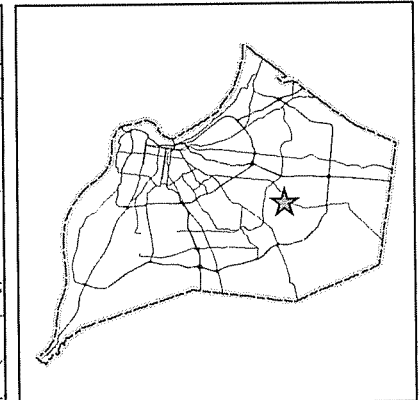
Receiving Stream: CHENOWETH RUN

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.



3506 DELL RD

Downstream Landuse:	
COMMERCIAL-INDUSTRIAL	4.1 acres
INDUSTRIAL	1.2 acres
RESIDENTIAL	10.9 acres
SPECIAL	7.8 acres



Metrogrid: MAM23

MSD Atlas: BI236



Louisville-Jefferson County
Metropolitan Sewer District



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 Guthrie WQTC, KPDES No: KY0078956
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,

A handwritten signature in cursive script that reads "Duane V. Wright".

Duane V. Wright
Process Supervisor, Central Region

JMK/West County 1210

Enclosures

cc: C. Roth
T. Singleton
R. Shaw



Beneficial Use of Louisville's Biosolids
www.louisvillegreen.com

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

PERMITTEE NAME/ADDRESS (Include Facility Name/Location if different)
NAME DEREK R. GUTHRIE WQTC MSD
ADDRESS C/O CEDAR CREEK WQTC
 4522 ALGONQUIN PKWY
 LOUISVILLE KY 40211
FACILITY DEREK R. GUTHRIE WQTC
 LOCATION LOUISVILLE KY 40272
 ATTN: DENNIS THOMASSON SR. METRO OPS

PERMIT NUMBER
 KY0078956
 DISCHARGE NUMBER
 0012
 MAJOR (SUBR LV)
 F - FINAL
 MUNICIPAL WASTEWATER EFFLUENT
 JEFFE
 [] No Discharge

MONITORING PERIOD
 YEAR MO DAY TO YEAR MO DAY
 FROM 10 12 01 TO 10 12 31

NOTE: Read instructions before completing this form

PARAMETER	QUANTITY OR LOADING			QUALITY OR CONCENTRATION			NO EX	FREQUENCY OF ANALYSIS	SAMPLE TYPE
	AVERAGE	MAXIMUM	UNITS	MINIMUM	AVERAGE	MAXIMUM			
OXYGEN, DISSOLVED (DO)	SAMPLE MEASUREMENT		***	6		(19) MG/L	0	01/01	GRAB
00300 1 0 0 EFFLUENT GROSS VALUE	PERMIT MEASUREMENT		***	INST:MIN		(19) MG/L		DAILY	GRAB
BOD, 5-DAY (20 DEG. C)	SAMPLE MEASUREMENT	38829	(26) LBS/DY		200	248	0	01/01	CP
00310 G 0 0 RAW SEW/INFLUENT	PERMIT MEASUREMENT	REPORT MO AVG	(26) LBS/DY		REPORT MO AVG	REPORT MIX WK AV		DAILY	COMPOS
BOD, 5-DAY (20 DEG. C)	SAMPLE MEASUREMENT	3049	(26) LBS/DY		16	19	0	01/01	CP
00310 1 0 1 EFFLUENT GROSS VALUE	PERMIT MEASUREMENT	11259	(26) LBS/DY		30	45		DAILY	COMPOS
PH	SAMPLE MEASUREMENT		***	7.3		7.7	0	01/01	GR
00400 1 0 0 EFFLUENT GROSS VALUE	PERMIT MEASUREMENT		***	MINIMUM		9.0		DAILY	GRAB
SOLIDS, TOTAL SUSPENDED	SAMPLE MEASUREMENT	41727	(26) LBS/DY		215	239	0	01/01	CP
00530 G 0 0 RAW SEW/INFLUENT	PERMIT MEASUREMENT	REPORT MO AVG	(26) LBS/DY		REPORT MO AVG	REPORT MIX WK AV		DAILY	COMPOS
SOLIDS, TOTAL SUSPENDED	SAMPLE MEASUREMENT	1796	(26) LBS/DY		9	12	0	01/01	CP
00530 1 0 1 EFFLUENT GROSS VALUE	PERMIT MEASUREMENT	7506	(26) LBS/DY		30	45		DAILY	COMPOS
NITROGEN, AMMONIA TOTAL (AS N)	SAMPLE MEASUREMENT	3102	(26) LBS/DY		16	16	0	01/01	CP
00610 G 0 0 RAW SEW/INFLUENT	PERMIT MEASUREMENT	REPORT MO AVG	(26) LBS/DY		REPORT MO AVG	REPORT MIX WK AV		DAILY	COMPOS
NAME/TITLE PRINCIPAL EXECUTIVE OFFICER	I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREON AND I BELIEVE THE INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 U.S.C. 1001 AND 53 U.S.C. 1315. (Penalties under these statutes may include fines up to \$10,000 and/or maximum imprisonment of between 6 months and 5 years.) H J SCHARDEIN EXECUTIVE DIRECTOR TYPED OR PRINTED SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT TELEPHONE NUMBER 502 540-6000 AREA CODE NUMBER 502 540-6000								
COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)	USE MO AVG FOR BOD/TSS REMV; REPT IN MINIMUM COLUMN.								

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

PERMITTEE NAME/ADDRESS (include
Facility Name/Location, if different)

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

KY0078956
PERMIT NUMBER

0012
DISCHARGE NUMBER

MAJOR (SUBR LV)
F - FINAL JEFFE
MUNICIPAL WASTEWATER
EFFLUENT

MONITORING PERIOD
YEAR MO DAY TO YEAR MO DAY
FROM 10 12 01 TO 10 12 31

[] No Discharge

NOTE: Read instructions before completing this form

PARAMETER	QUANTITY OR LOADING			QUALITY OR CONCENTRATION			NO EX	FREQUENCY OF ANALYSIS	SAMPLE TYPE
	AVERAGE	MAXIMUM	UNITS	MINIMUM	AVERAGE	MAXIMUM			
BOD, 5-DAY PERCENT REMOVAL	***	***	***	92		(23) CENT	0	01/30 MONTH	CAL
81010 K 0 0 PERCENTREMOVAL	*****	*****	*****	85 MO AVG	*****	(23) CENT	0	ONCE/MONTH	CALCTD
SOLIDS, SUSPENDED PERCENT REMOVAL	***	***	***	96		(23) CENT	0	01/30 MONTH	CAL
81011 K 0 0 PERCENTREMOVAL	*****	*****	*****	85 MO MIN	*****	(23) CENT	0	ONCE/MONTH	CALCTD
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									
SAMPLE MEASUREMENT									
PERMIT MEASUREMENT									

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

PERMITTEE NAME/ADDRESS (include Facility Name/Location if different)

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

KY0078956
PERMIT NUMBER

001 Y
DISCHARGE NUMBER

MONITORING PERIOD
FROM 10 12 01 TO 10 12 31
YEAR MO DAY

MAJOR (SUBR LV)
F - FINAL
BIOMONITORING/METALS/QUARTERLY
EFFLUENT
JEFFE
[] No Discharge

LOCATION LOUISVILLE KY 40272
ATTN: DENNIS THOMASSON SR. METRO OPS

NOTE: Read instructions before completing this form

PARAMETER	QUANTITY OR LOADING			QUALITY OR CONCENTRATION			NO EX	FREQUENCY OF ANALYSIS	SAMPLE TYPE
	AVERAGE	MAXIMUM	UNITS	MINIMUM	AVERAGE	MAXIMUM			
HARDNESS, TOTAL (AS CaCO3)	*****	*****	***	*****	241	(19) MG/L	0	01/90	GRAB-2
00900 1 0 0	*****	*****	***	*****	REPORT MO AVG	REPORT DAILY MIX		QTRLY	GRAB-2
EFFLUENT GROSS VALUE	*****	*****	***	*****	0.0363	(19) MG/L	0	01/90	GRAB-2
ZINC	*****	*****	***	*****	REPORT MO AVG	REPORT DAILY MIX		QTRLY	GRAB-2
TOTAL RECOVERABLE	*****	*****	***	*****	<0.001	(19) MG/L	0	01/90	GRAB-2
01094 1 0 0	*****	*****	***	*****	REPORT MO AVG	REPORT DAILY MIX		QTRLY	GRAB-2
EFFLUENT GROSS VALUE	*****	*****	***	*****	<0.001	(19) MG/L	0	01/90	GRAB-2
CADMIUM	*****	*****	***	*****	REPORT MO AVG	REPORT DAILY MIX		QTRLY	GRAB-2
TOTAL RECOVERABLE	*****	*****	***	*****	<0.004	(19) MG/L	0	01/90	GRAB-2
01113 1 0 0	*****	*****	***	*****	REPORT MO AVG	REPORT DAILY MIX		QTRLY	GRAB-2
EFFLUENT GROSS VALUE	*****	*****	***	*****	<0.004	(19) MG/L	0	01/90	GRAB-2
LEAD	*****	*****	***	*****	REPORT MO AVG	REPORT DAILY MIX		QTRLY	GRAB-2
TOTAL RECOVERABLE	*****	*****	***	*****	0.008	(19) MG/L	0	01/90	GRAB-2
01114 1 0 0	*****	*****	***	*****	REPORT MO AVG	REPORT DAILY MIX		QTRLY	GRAB-2
EFFLUENT GROSS VALUE	*****	*****	***	*****	<1.0	(2F) TOXCT	0	01/90	GRAB-2
COPPER	*****	*****	***	*****	REPORT MO AVG	REPORT DAILY MIX		QTRLY	GRAB-2
TOTAL RECOVERABLE	*****	*****	***	*****	<1.0	(2F) TOXCT	0	01/90	GRAB-2
01119 1 0 0	*****	*****	***	*****	REPORT MO AVG	REPORT DAILY MIX		QTRLY	GRAB-2
EFFLUENT GROSS VALUE	*****	*****	***	*****	1.00	(2F) TOXCT		QTRLY	GRAB-2
TOXICITY, FINAL CONC	*****	*****	***	*****	DAILY MIX	TOXCT		QTRLY	GRAB-2
TOXICITY UNITS	*****	*****	***	*****					
61406 1 0 0	*****	*****	***	*****					
EFFLUENT GROSS VALUE	*****	*****	***	*****					
NAME/TITLE PRINCIPAL EXECUTIVE OFFICER	H J SCHARDEIN								
EXECUTIVE DIRECTOR	[Signature]								
TYPED OR PRINTED	OFFICE/SR AUTHORIZED AGENT								
COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)	TELEPHONE								
	502 540-6000								
	AREA NUMBER								
	CODE								
	DATE								
	11 01 21								
	YEAR MO DAY								

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 U.S.C. 1001 AND 33 U.S.C. 1316. (Penalties under these statutes may include fines up to \$10,000 and/or maximum imprisonment of between 6 months and 5 years.)

Name of Sewage Treatment Plant: West County WTP County: Jefferson Month of: December 2010
 KPDES Permit Number: KY00278956 Plant Capacity: 30 MGD Receiving Stream: Ohio River

Date	Total Flow (MG)	Raw Sewage		pH	Softenable Solids (mg/L)		Dissolved Oxygen (mg/L)		Suspended Solids (mg/L)		Total Solids (mg/L)		5-day BOD (mg/L)		Activated Sludge Return		Aeration Basin				Dig. Sludge		Final							
		Gal Removed (cu ft)	Screenings (cu ft)		Raw	Final	Raw	Final	Stream Above	Stream Below	Raw	Final	Raw	Final	Raw	Final	Million Gal/Day	M/S9 mg/L X 1000	WAS	Oxygen (mg/L) #1	Oxygen (mg/L) #2	M/S5 (mg/L) X1000 #1&2	M/VSS (mg/L) X1000 #1&2	30 min. Sett.	% Solids	Phosphorus (mg/L)	TKN (mg/L)	Chlorine Residual (mg/L)	NH3-N (mg/L)	Fecal Coliform Col/100ml
1	39.22			7.4	7.4	8.0	8.0			182	182	6	6	116	116	7	7	1400	1070	1000	0.07	0.01	3.90	1		0.01	5.80	2	0.01	295
2	27.84			7.5	7.6	8.0	8.0			198	198	4	4	102	102	7	7	2770	970	110.0	0.08	0.01	5.20	1		0.01	5.80	1		
3	25.20			7.9	7.7	8.0	8.0			216	216	6	6	198	198	6	6	2410	770	100.0	0.13	0.01	5.60	1		0.01	5.80	1		
4	25.26			7.6	7.4	8.0	8.0			198	198	5	5	215	215	10	10	2840	1930	120.0	0.08	0.01	5.00	2		0.01	5.00	2		
5	28.85			7.5	7.3	8.0	8.0			182	182	5	5	184	184	15	15	2680	1740	140.0	0.08	0.01	5.30	1		0.01	5.00	1		
6	24.85			7.5	7.4	8.0	8.0			188	188	5	5	199	199	7	7	3060	1540	130.0	0.08	0.01	5.80	2		0.01	5.80	2		
7	22.88			7.6	7.5	8.0	8.0			224	224	7	7	241	241	18	18	2910	1610	140.0	0.09	0.01	5.80	1		0.01	5.80	1		
8	20.80			7.6	7.5	8.0	8.0			214	214	6	6	241	241	9	9	2940	1570	130.0	0.08	0.01	5.70	3		0.01	5.80	1		
9	20.45			7.6	7.4	8.0	8.0			216	216	9	9	216	216	18	18	2710	1500	120.0	0.08	0.01	6.60	1		0.01	6.20	1		
10	20.40			7.6	7.5	8.0	8.0			224	224	10	10	224	224	14	14	2880	1700	120.0	0.07	0.01	6.20	1		0.01	6.20	1		
11	20.15			7.6	7.4	8.0	8.0			202	202	10	10	170	170	18	18	3080	2450	110.0	0.04	0.01	6.20	1		0.01	5.60	3		
12	26.52			7.6	7.5	8.0	8.0			178	178	11	11	171	171	14	14	2620	1410	110.0	0.09	0.01	6.20	1		0.01	6.20	1		
13	24.32			7.6	7.5	8.0	8.0			198	198	12	12	182	182	13	13	2650	1460	110.0	0.08	0.01	6.30	2		0.01	6.30	2		
14	21.74			7.6	7.5	8.0	8.0			194	194	10	10	185	185	13	13	2520	1500	110.0	0.07	0.01	6.50	3		0.01	6.50	3		
15	21.06			7.5	7.4	8.0	8.0			180	180	12	12	196	196	13	13	2870	1500	110.0	0.08	0.01	5.70	2		0.01	5.70	2		
16	23.96			7.4	7.4	8.0	8.0			228	228	11	11	163	163	11	11	2800	1980	110.0	0.06	0.01	5.80	1		0.01	5.80	1		
17	23.25			7.4	7.4	8.0	8.0			204	204	11	11	165	165	20	20	3000	2310	110.0	0.05	0.01	6.50	1		0.01	6.50	1		
18	22.40			7.5	7.4	8.0	8.0			204	204	11	11	207	207	13	13	2860	1570	120.0	0.08	0.01	2.00	1		0.01	2.00	1		
19	21.99			7.6	7.4	8.0	8.0			282	282	13	13	144	144	11	11	3170	1520	120.0	0.07	0.01	6.40	1		0.01	6.40	1		
20	22.71			7.6	7.5	8.0	8.0			250	250	10	10	151	151	11	11	3020	1390	100.0	0.05	0.01	8.50	1		0.01	8.50	1		
21	22.39			7.6	7.5	8.0	8.0			224	224	12	12	173	173	23	23	2890	1740	130.0	0.07	0.01	8.50	1		0.01	8.50	1		
22	22.54			7.6	7.6	8.0	8.0			232	232	12	12	284	284	21	21	3110	1100	100.0	0.03	0.01	8.00	1		0.01	8.00	1		
23	21.95			7.5	7.4	8.0	8.0			204	204	15	15	335	335	15	15	3100	1450	100.0	0.07	0.01	9.00	1		0.01	9.00	1		
24	22.54			7.4	7.5	8.0	8.0			244	244	11	11	259	259	18	18	2930	1470	120.0	0.07	0.01	9.40	1		0.01	9.40	1		
25	20.85			7.5	7.5	8.0	8.0			224	224	15	15	123	123	20	20	2950	1340	1100	0.09	0.01	9.40	1		0.01	9.40	1		
26	20.64			7.5	7.3	8.0	8.0			254	254	9	9	163	163	25	25	2850	1590	120.0	0.07	0.01	8.80	4		0.01	8.80	4		
27	20.59			7.5	7.5	8.0	8.0			220	220	10	10	163	163	23	23	2850	1430	110.0	0.07	0.01	9.00	1		0.01	9.00	1		
28	20.04			7.5	7.4	8.0	8.0			254	254	11	11	273	273	29	29	3130	1420	110.0	0.07	0.01	9.80	2		0.01	9.80	2		
29	20.04			7.5	7.4	8.0	8.0			152	152	6	6	235	235	25	25	3490	1320	100.0	0.09	0.01	7.30	1		0.01	7.30	1		
30	29.21			7.5	7.4	8.0	8.0			215	215	9	9	200	200	16	16	2344.8	1591.29	124.3.23	0.0	0.01	6.59	1		0.01	6.59	1		
Total	730.89	0	0	7.6	7.5	7.2	7.2			215	215	9	9	200	200	16	16	2344.8	1591.29	124.3.23	0	0.01	6.59	1		0.01	6.59	1		
Avg.	24.57			7.6	7.5	7.2	7.2			215	215	9	9	200	200	16	16	2344.8	1591.29	124.3.23	0	0.01	6.59	1		0.01	6.59	1		

Total Number of Sewer Connections: 0 Operator: Kevin Thompson
 Residential Connections: 224483 Commercial Connections: 211419 BOD
 Industrial Connections: 224483 Flow: 201950 TSS
 Sewer Connections X 4 = 0 Phone #: 540-5042



Report Selections: Excluding PPI, CSO, Result: WUS, Act Code: DISDW, DISREV

KPDES # KY0078956 Facility ID MSD0277 Water Quality Treatment Center DEREK R. GUTHRIE Receiving Stream of Treatment Center OHIO RIVER Region WEST

Facility Type SMH Sewer Manhole Facility ID 31899 Facility Address 8809 TRANQUIL VALLEY LN If Pump Station, Name of Pump Station: FERN CREEK Receiving Stream FERN CREEK Discharge to GROUND

Activity Code / Description	WO #	Initiated	Initiated By	Assigned To	Disch Status	Event Date	Problem	Result	Completed	Condition
DISDW DRY WEATHER DISCHARGE	1172627	12/01/10 05:30 PM	FERRELL	FERRELL	REPAIRED - ISSUE RESOLVED	12/01/10	ROOTS	UNAUTHORIZED DISCHARGE - WATERS	12/01/10 05:49 PM	MAIN

Spot Inspections:

Discharge Amount 50 GAL
 Cause: ROOTS IN MAIN SEWER
 Clean Up: MSD PERSONNEL CLEANED AND SANITIZED THE IMPACTED AREA
 Control Zone: MSD PERSONNEL ADVISED CUSTOMER TO AVOID CONTACT WITH SEWAGE
 Impact: SEWAGE DISCHARGING FROM MANHOLE
 Repair: WORK ORDERS 1172622 AND 1172925 - ROOTCUT MAIN SEWER

Notifications:

12/01/10 01:00 PM DISNOT Email notification of unauthorized discharge sent to ireland.sean@epa.gov, eppc.ert@ky.gov and LisaA.Jeffries@ky.gov
 12/01/10 05:31 PM DISPUB ADVISED CUSTOMER ON SITE
 12/01/10 01:00 PM DISSNO Supplemental Email notification of unauthorized discharge has been sent to ireland.sean@epa.gov, eppc.ert@ky.gov and LisaA.Jeffries@ky.gov

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

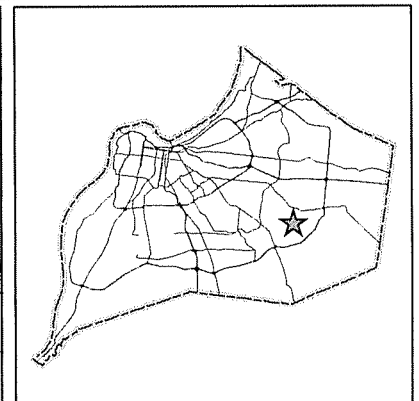
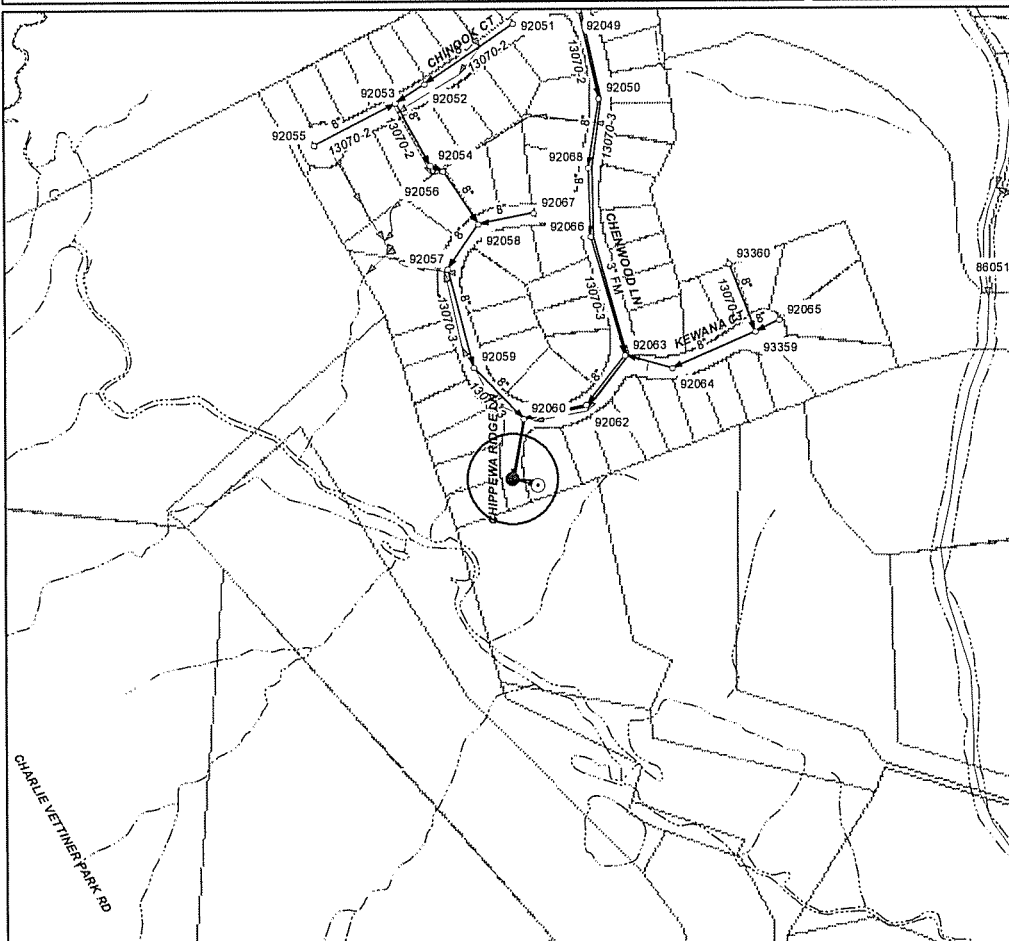
Background and History: The first reported overflow occurred in February 2001. This manhole is located upstream of Chippewa PS. This location is routinely monitored during wet weather.



11804 CHIPPEWA RIDGE LN

Downstream Landuse:
RESIDENTIAL

24 acres



Metrogrid: MAN23

MSD Atlas: BM238

MSD
Metropolitan Sewer District

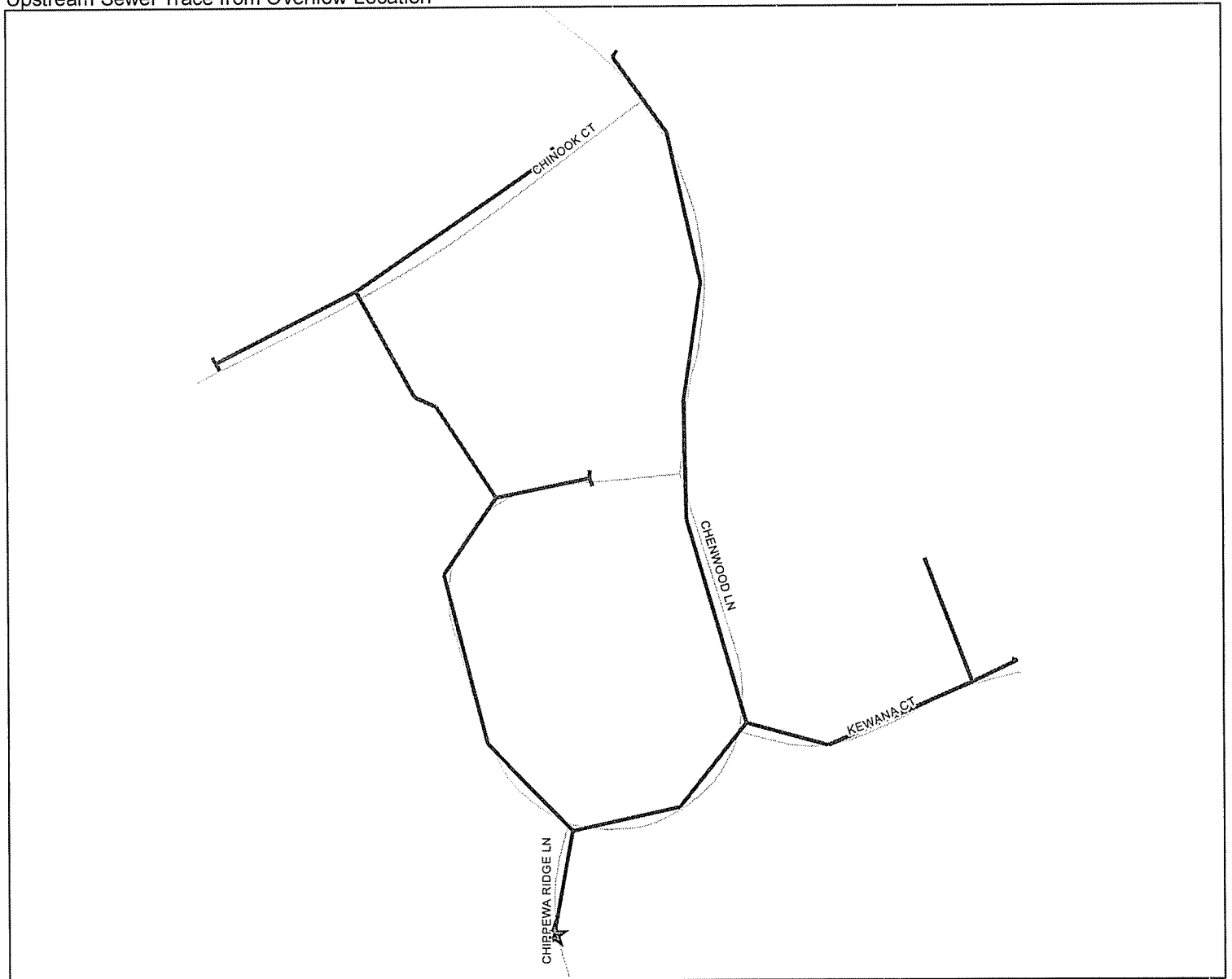
Louisville-Jefferson County
Metropolitan Sewer District

Discharge Volume Summary

<u>Calendar Year</u>	<u>Number of Overflows</u>	<u>Total Volume</u>
2009	0	N/A
2008	2	11,450
2007	0	N/A
2006	0	N/A
2005	1	300

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

Upstream Sewer Trace from Overflow Location



Map not to scale



ENERGY AND ENVIRONMENT CABINET

Steven L. Beshear
Governor

Department for Environmental Protection
Division of Water
200 Fair Oaks Lane, 4th Floor
Frankfort, Kentucky 40601
Phone: (502) 564-3410
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

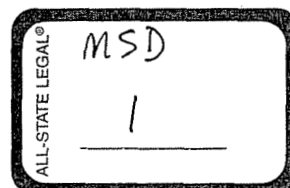
Re: Louisville MSD takeover of Hillridge WWTP flow

Dear Sir:

The Commonwealth of Kentucky Division of Water (KDOW) wishes to inform the United State Environmental Protection Agency that Louisville/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 permit states:



"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 system 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 is 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/jn

Enclosure

c: Scott Gordon, EPA Region IV
Doug Mundrick, EPA Region IV
Cesar 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



Louisville and Jefferson County Metropolitan Sewer District
700 West Liberty Street
Louisville Kentucky 40203-1911
502-540-6000
www.msdlouky.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 401KAR5:005 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 sewers, 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. Johnson, P.E.
Director of Engineering and Chief Engineer

cc: Peter Goodmann

Larry Zielke

W. Brian Bingham



Beneficial Use of Louisville's Biosolids
www.louisvillegreen.com

