



700 West Liberty Street | Louisville, KY 40203-1911  
Phone: 502.540.6000 | LouisvilleMSD.org

June 26, 2024

Director, Division of Enforcement  
Department for Environmental Protection  
300 Sower Blvd.  
Frankfort, KY 40601

Chief, Water Enforcement Branch  
Enforcement and Compliance Assurance Division  
U.S. Environmental Protection Agency, Region 4  
61 Forsyth Street SW  
Atlanta, GA 30303

Chief, Environmental Enforcement Section  
Environmental and Natural Resources Division  
U.S. Department of Justice  
Post Office Box 7611  
Washington DC 20044-7611

Subject: Paddy's Run Pump Station Capacity Upgrade  
Project Modification  
IOAP Project No. L\_OR\_MF\_B  
DOJ Case No. 3:05-cv-00236-CRS

Attention Chiefs and Director:

MSD is requesting approval of a proposed minor project modification to the Paddy's Run Pump Station Capacity Upgrade project (IOAP Project No. L\_OR\_MF\_B). This request is part of the ongoing adaptive management review of the approved Integrated Overflow Abatement Plan (IOAP) dated April 2021.

2009 IOAP Project Description

This project was not included in the 2009 IOAP.

2012 IOAP Modification Project Description

This project was not included in the 2012 IOAP Modification (approved in 2014).

2021 IOAP Modification Project Description

This project was added in the 2021 IOAP Modification. The project consisted of a new 1,900 MGD pump station to replace the existing pump station. The project was proposed to be completed by December 31, 2026. Understanding that this deadline was contingent on USACE partnerships, the 2<sup>nd</sup> Amended Consent Decree and IOAP acknowledged that the deadline may be extended<sup>1</sup>.

2024 Project Modification Request

This project modification request changes the substantial completion date from December 31, 2026, to December 31, 2027. The project description remains the same.

Technical Justification

After preliminary approval of the updated IOAP, MSD immediately began the procurement process for the Paddy's Run Pump Station Capacity Upgrade Project. To expedite the schedule the schedule, MSD elected to use a Progressive Design-Build (PDB) project delivery method. An RFQ was issued in March 2021, an RFP was issued in May 2021, and the contract with the PDB team was executed in November 2021. The initial contract called for substantial completion by December 31, 2026.

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<sup>1</sup> 2<sup>nd</sup> Amended Consent Decree (2021) 39.a: *The parties acknowledge that the deadline for this project may be dependent upon the participation and cooperation of the USACE and therefore may be extended. Any such change to the deadline for this project shall be considered a non-material modification of this Second Amended Consent Decree.*

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As the project commenced, several unforeseen conditions caused delays. Most notably, the geotechnical data obtained indicated substantial issues with the condition (seepage and stability) of the existing levee. To facilitate the construction of the new pump station, alternative construction methodologies were utilized to allow for the construction and to remediate existing conditions. While the changes were expedited as much as possible, the additional design and construction added approximately 75 total days to the project schedule.


Furthermore, the PDB project delivery method was new to the U.S. Army Corps of Engineers (USACE). MSD and USACE collaborated to phase the project review and permit approvals in a way that would maintain the project schedule, but unfamiliarity with the delivery method, scale of the project, and multi-level reviews (some to Division level) ultimately contributed to delays. MSD's proactive agency and PDB team coordination has prevented approximately 8 months of additional delays that would have otherwise occurred under USACE's traditional (non-phased) review processes. The current substantial completion date is March 31, 2027, and MSD is requesting an extension to December 31, 2027. As the project is still undergoing review for USACE Phase 2 approval, we anticipate that the proposed date will restore float and address potential schedule impacts during this final review timeline. MSD has demonstrated diligence in minimizing delays and believes that the information presented in this request justifies a non-material time extension modification as agreed in the 2<sup>nd</sup> Amended Consent Decree.

The methodology used to construct the new pump station allows the existing pump station to remain fully in service until the new pump station is operational. This allows the existing pump station to function as the effluent pump station for Bell's Lane High-Rate Treatment Facility, treating up to 50 MGD of combined sewer flows during flood events.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering such information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

If you have questions or need additional information, please contact me at (502) 540-6136.

Sincerely,

DocuSigned by:  
  
885CDC692690410  
Angela L. Arkridge, PE  
Chief Strategy Officer

for Business Transformation and Regulatory Compliance

cc: T. Parrot D. Johnson, PE K. Watson

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angela.akridge@louisvillemad.org		Viewed: 6/27/2024   02:22 PM
Chief Strategy Officer		Signed: 6/27/2024   02:22 PM
Louisville & Jefferson County Metropolitan Sewer District	Signature Adoption: Uploaded Signature Image	
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stephanie.laughlin@louisvillemad.org		Viewed: 6/27/2024   09:41 AM
Infrastructure Planning Manager		
Louisville MSD	Using IP Address: 199.15.72.1	
Security Level: Email, Account Authentication (Optional)		
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David Johnson	<div>VIEWED</div>	Sent: 6/27/2024   09:41 AM
david.johnson@louisvillemad.org		Viewed: 6/27/2024   11:03 AM
Chief Engineer		
Louisville & Jefferson County Metropolitan Sewer District	Using IP Address: 199.15.72.1	
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