

1 LOUISVILLE AND JEFFERSON COUNTY
 METROPOLITAN SEWER DISTRICT
2 INTEGRATED OVERFLOW ABATEMENT PLAN
 MODIFICATIONS PUBLIC HEARING
3 MARCH 26, 2013

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9 The above styled hearing was held at the
10 MSD offices, 700 West Liberty Street, Louisville,
11 Kentucky, on Tuesday, March 26, 2013, at
12 approximately 6:00 p.m.

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23 REPORTER: KITTY SHAY, RM
 Coulter Reporting
24 101 East Kentucky
 Louisville, KY 40203

A P P E A R A N C E S

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GREG HEITZMAN, Hearing Officer

1 HEARING OFFICER HEITZMAN: Good

2 evening, everybody. I welcome you tonight to the
3 public hearing for the integrated overflow
4 abatement plan modification. My name is Greg
5 Heitzman, and I'm executive director of the
6 Metropolitan Sewer District. This is an official
7 public meeting. It is now 6 p.m., and we will
8 begin this official hearing to receive public
9 comments on MSD's integrated overflow abatement
10 plan 2012 modifications, which will be submitted
11 for approval to the U.S. Environmental Protection
12 Agency Region 4 in Atlanta, Georgia, and the
13 Kentucky Department of Environmental Protection.

14 Recognizing the long nature of the
15 IOAP, MSD committed to an approach of adaptive
16 management within the 2009 IOAP, intending to make
17 mid-course corrections as we learn more about the
18 performance of our projects and the later response
19 of our sewerage system. In 2011 MSD took
20 advantage of four more years of flow monitoring
21 data to perform a planned recalibration of the
22 hydraulic models used to develop, evaluate and
23 design overflow abatement projects. As a result
24 of this recalibration, MSD found opportunities to
25 revise the proposed suite of projects, providing

1 increased levels of overflow abatement, faster,
2 and for approximately the same cost. The 2012
3 IOAP modification describes the project changes in
4 technology, in size, and schedule and the
5 resultant benefits of making those changes.

6 MSD developed the 2012 IOAP
7 modification utilizing the same benefit/cost
8 methodology defined by the wet weather team for
9 the 2009 approved plan. The proposed
10 modifications achieve a higher overall benefit to
11 the community through earlier overflow reduction,
12 increased use of green infrastructure and
13 acknowledgment of pertinent public input.

14 MSD has conducted 13 informational
15 public meetings since September of 2011 to explain
16 the integrated overflow abatement plan, which was
17 approved in 2009, and the modifications currently
18 being proposed. These meetings were held across
19 the county in public facilities. At these
20 meetings MSD provided information, solicited
21 public input and responded to questions. These
22 meetings were videotaped and aired on Insight
23 Cable Metro TV. They are also available for
24 viewing on the Project WIN web site, through MSD's
25 web site.

1 The hearing tonight is solely for the
2 purpose of receiving public comment. Questions
3 will not be answered during the hearing, and
4 neither the hearing officer nor MSD staff will
5 engage in dialogue with any of the speakers. All
6 comments and questions received at this hearing
7 will be addressed in the public responsiveness
8 summary to be included as part of the integrated
9 overflow abatement plan 2012 modification.

10 Each individual intending to provide
11 verbal comments at this meeting must register to
12 speak at the registration table outside of the
13 board room to my right. This public hearing will
14 be videotaped and a transcript will be prepared by
15 a court reporter. All comments received at this
16 public hearing and/or submitted in writing by
17 April 2012 -- excuse me, April 12th, 2013, at
18 5 p.m. will be responded to as part of the
19 modification to be submitted to the previously
20 mentioned regulatory agencies as part of the
21 approval process.

22 Speakers will be called in the order
23 that they register. If you are not present or do
24 not respond when your name is called, we will move
25 on to the next registered speaker. After all

1 registered speakers have been given an opportunity
2 to speak, we will go back and call the name of
3 those who registered but did not respond. If you
4 registered but chose not to speak, each of you are
5 encouraged to submit your comments in writing by
6 the April 12th date.

7 To allow for all interested parties to
8 speak, each speaker will be limited to five
9 minutes of speaking time. The hearing officer
10 will notify the speakers at the four-minute mark
11 that they have one minute left to wrap up their
12 comments. If you are unable to present all of
13 your comments within the five-minute period, we
14 encourage you to submit additional comments in
15 writing by the April 12th date.

16 When you are called upon to the podium
17 to speak, please clearly state your name, the
18 organization that you represent, if it's
19 applicable. If you have notes or other
20 supplemental information that you wish to have
21 entered into the public record, these can be
22 delivered to the hearing officer, which I am
23 serving as the hearing officer, after your oral
24 comments are complete.

25 So essentially in summary we are going

1 to now create an opportunity for those to come up.
2 Again, my name is Greg Heitzman, and I am serving
3 as the hearing officer for this public hearing.
4 So at this point I want to ask do we have any
5 registered public speakers? Okay. We have one
6 individual by the name of Bud Hixson.

7 Bud, if you want to come up and speak
8 to the group, I'll let you know, since you're the
9 first speaker up here, we have a clock. And I'll
10 start the time at five minutes. You have five
11 minutes to speak. And I'll notify you when
12 there's four minutes to let you know to wrap it up
13 for the total five minutes.

14 MR. HIXSON: Okay.

15 HEARING OFFICER HEITZMAN: Okay.
16 Would you like to speak?

17 MR. HIXSON: Yeah.

18 HEARING OFFICER HEITZMAN: Okay.
19 Come on up.

20 MR. HIXSON: My name is Bud Hixson.
21 I run a web site called Badwater Journal and I'll
22 be making a report on this IOAP public hearing to
23 my readers, all three or four of them. But we've
24 had a sustained interest in MSD's development of
25 the engineering projects for dealing with the

1 combined sewer overflows in Louisville and our
2 questions have not varied much over the years.
3 They continue to -- we want better focus on what
4 are the industrial dischargers connected to the
5 sewer overflow system and which CSOs do they
6 regularly discharge through and what arrangement
7 through treatment contracts or otherwise do you
8 have for shutting them down in wet weather
9 overflows to make sure that commercial or
10 industrial type effluents are not going out
11 through CSOs.

12 Also, one of the issues that we're
13 interested in, very interested in, the neighbors
14 in my area are interested in is the
15 alternatives -- reasonable alternatives to the
16 Grinstead basin. The Grinstead basin has been
17 shown to be designed to go into an area that is
18 kind of a rough wildlife habitat but it is
19 somewhat of a wildlife habitat in a wetland area
20 and we do regularly walk along the middle fork
21 trail there and go into that wildlife area, and we
22 have enough concrete and asphalt all over the
23 city, we don't need to take that area as well.
24 And I would think that the Crescent Hill neighbors
25 and other organizations may get highly active if

1 there is evidently a plan to actually build that
2 Grinstead basin. And in the spirit of cooperation
3 and working with MSD, we would appreciate any
4 preliminary meetings that MSD would bring us into
5 to sort of negotiate, see if we can avoid a
6 confrontation over the Grinstead basin. There's
7 too many CSOs in the system. The 1994 CSO nine
8 minimum patrol policy congress didn't take the law
9 far enough. Certainly didn't take the law far
10 enough to protect the receiving waters like
11 Beargrass Creek, which is filthy, as you know, and
12 devoid in a large extent of aquatic wildlife.
13 We're going to have to do something better in the
14 future and -- but it looks like we may have to get
15 congress to do that.

16 That will do it.

17 HEARING OFFICER HEITZMAN: Okay. Do
18 we have any other registered speakers? Is there
19 anyone in the audience that would like to speak at
20 this point before we close down the public
21 hearing? I want to encourage you, if you'd like,
22 raise your hand, get you registered.

23 Yes, ma'am. Would you like to come
24 up?

25 MS. BELL: Yes.

1 HEARING OFFICER HEITZMAN: You can
2 come up. What we'll do is right afterwards, we'll
3 ask you to fill out a card.

4 MS. BELL: I won't be five minutes.

5 HEARING OFFICER HEITZMAN: State
6 your name.

7 MS. BELL: My name is Carletta Bell.
8 I live in the Petersburg Estates subdivision. My
9 concern is for the basin that -- the three basins
10 that have already been well under construction in
11 our neighborhood. The concern is because, first
12 of all, we never wanted the basin, but now that
13 they're under construction our concern is that
14 they have some type of cover so that the odor,
15 the -- certainly the mosquitoes that will be
16 present, the rodents that will be surrounding all
17 of that water, so that that would be contained.
18 We know that in most of the other projects that
19 MSD has undertaken, they've always designed some
20 type of covering for these basins, and we don't
21 understand why in our neighborhood we have three
22 basins that are designed not to have a cover. So
23 my plea, as I know you've heard from many of my
24 constituents, is that we continue to work with you
25 to modify the plan since we can't stop them at

1 this point so that we don't have to live with the
2 kind of detrimental effect of an open -- of three
3 open basins in our backyard. Thank you.

4 HEARING OFFICER HEITZMAN: Any
5 others that stepped in? I don't think we have
6 anyone else. Let me look -- go out in the hallway
7 before we close this down, make sure there's no
8 one that's coming in. Okay. So we'll officially
9 make the final call. Again, my name is Greg
10 Heitzman. I'm the presiding officer over this
11 public hearing on MSD's integrated overflow
12 abatement program and we've given an opportunity
13 for residents to come in and speak today as part
14 of the record. I want to remind anyone in the
15 audience that if you do not want to speak today,
16 you have until April 12th to be able to provide
17 any response or input to us and that will be part
18 of the official record. And with that, no others
19 have signed up today, so we're confirming no
20 additional registrants today. And in looking at
21 the audience, we have no one else that desires to
22 speak at this public hearing, so at this point as
23 the presiding officer I will close the public
24 hearing. Thank you very much for attending.

25 (HEARING CONCLUDED AT 6:13 P.M.)

1 STATE OF KENTUCKY) (
COUNTY OF JEFFERSON) (
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I, CATHERINE SHAY, Notary Public,
3 State of Kentucky at Large, hereby certify that
the foregoing hearing was taken at the time and
4 place stated in the caption; that the appearances
were as set forth in the caption; that prior to
5 giving the testimony the witness was first duly
sworn by the reporter; that said testimony was
6 taken down by me in stenographic notes and
thereafter reduced under my supervision to the
7 foregoing typewritten pages; and that said
typewritten transcript is a true, accurate and
8 complete record of my stenographic notes so taken.

I further certify that I am not
9 related by blood or marriage to any of the parties
hereto and that I have no interest in the outcome
10 of the captioned case.

My commission as Notary Public expires
11 March 6, 2015.

Given under my hand this the
12 day of , 2013, at Louisville,
Kentucky.

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CATHERINE SHAY
15 NOTARY PUBLIC
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