



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

December 12, 2011

[REDACTED]
City of Beechwood Village

[REDACTED]
Louisville, KY 40257

Subject: Integrated Overflow Abatement Plan
Public Input Meeting September 27, 2011
Response to comments

Dear [REDACTED]:

Thank you for taking the time to submit your questions and comments relative to the IOAP projects in Beechwood Village. Our response to your comments is organized in the same order as your letter dated September 27, 2011, which is attached for reference.

Project Scope of Work

The original plan for Beechwood Village included construction of a new collector sewer down each street, with all the sanitary sewer connections tied in to that. The existing severely degraded sewers were to remain in place, intentionally allowing groundwater intrusion and providing a discharge point for foundation drains, sump pumps and other clear water sources. It was hoped that a "daylight" gravity-fed connection would be possible between the old sewers and tributaries of Beargrass Creek.

During project design it was determined that a daylight connection point did not exist, and that two new pump stations would be required to remove groundwater and other clear water discharges from the existing pipes. As part of the bid process, MSD decided to allow rehabilitation of existing sewers as an alternative to pipe replacement and groundwater pumping. The alternative came in considerably lower in cost than the original approach.

Providing a groundwater control system in Beechwood Village falls outside MSD's expressed jurisdiction for providing sanitary sewer service in Beechwood Village. MSD's charter does not address groundwater control, and MSD does not provide groundwater control systems for any other part of our service area. The existing sewers did not have capacity to handle the sump pumps connected to them and were subject to blockage from tree roots and backups. Even though the existing sewers were planned to be for groundwater only, considerable maintenance would be required to keep them from failing. Ownership and maintenance of the groundwater pump stations was undefined, as was payment for annual energy cost since MSD has no authority for groundwater control.



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An alternate approach was identified that rehabilitated the existing sewers rather than replacing them. This saved over \$575,000 in construction cost by not building the 2 pumps, and eliminated the operating cost of the groundwater control pump stations. MSD also saved an additional \$2.4 million by rehabilitating the existing sewers instead of installing all new sewers. This change also resulted in much less disturbance to the neighborhood since it did not require every street to be excavated to install the new sewers.

After considering the cost savings and the questions regarding MSD's authority to provide groundwater control in Beechwood Village, the decision was made to change the project approach to the pipe rehabilitation approach that we eventually implemented.

In retrospect we agree it would have been better if we had convened a special meeting in Beechwood Village to discuss the change in approach. By waiting for the Pardon Our Dust meetings to explain this we failed to highlight the significance of the change to the community. We sincerely apologize for this lapse in communication on an important issue that impacts our customers' property. In the future we will provide better communications with impacted neighborhoods when significant project changes occur during implementation.

Temporary Easement for Plumbing and Sewer Improvements

We don't understand your assertion that MSD did not get revised agreements to address changes in scope. In every case we obtained easements to enter customer homes to assess the work that needed to be done, and then revised these easements to reflect the actual work required. Revised easements were not required for the scope change discussed in the previous item, as all that work took place in the public right of way.

Community Relations

In an effort to maintain open communications, MSD encourages our staff to answer to the best of their ability any customer questions on the spot. We recognize that this may result in inconsistencies in answers, as field staff may not have a complete understanding of all the nuances of a complex project like this. To improve on this MSD has recently hired Mr. Steve Tedder into the position of Community Relations Administrator. Part of Mr. Tedder's responsibilities will be to improve our communications processes between MSD staff and our customers.

Sump Pump Overflow Lines

We understand the problems that some customers had with the new discharge locations of their sump pumps and foundation drains. MSD tried to work with each homeowner to select a location that was satisfactory to them. Unfortunately, the extremely cold winter of 2010/2011 followed by the wettest April on record both contributed to unforeseen problems with some of the locations selected. As noted in your next paragraph MSD has worked with

Beechwood Village officials on a joint project to correct the drainage problems that ensued from the sump pump and foundation drain discharge re-routing.

Some of the problems with re-routing sump pumps and foundation drains also included discharge line freezing and blockages due to the extremely cold winter. Disconnecting the clear water sources from the sanitary sewers also caused pumps to run longer during our wet spring, in some cases causing the pumps to run to failure. All of these situations could lead to groundwater intrusion into basements. While these problems occurred after disconnecting the groundwater pumping systems from the sanitary sewers, it should be noted that these clear water connections are not allowable under the plumbing code or MSD's sewer use regulations. MSD should not be blamed for damages resulting from the disconnection of unauthorized sources of clear water into the sewers, especially when homeowners were consulted and agreed to the new discharge location.

Tree and Shrub Work

MSD monitored trimming and replanting of trees and shrubs, but unfortunately our inspectors cannot be everywhere all the time. We are aware of problems with trimming and replanting, and have processed a number of claims from property owners for damages or replacement of vegetation. If you are aware of other instances of tree and shrub damage, the homeowner should be encouraged to contact MSD's Customer Relations department at 587-0603 to get information on how to file a claim.

Project Design, Sump Pump Usage and Groundwater Assessment

Issues related to MSD's lack of authority to address groundwater control have been discussed previously. Past practices by Beechwood Village residents have improperly used MSD sewers for groundwater control, but MSD had no obligation to allow such action nor has any obligation to continue providing groundwater control after those unauthorized practices have been eliminated.

Project Restoration

We understand that restoration issues have frustrated many homeowners, and contractors responsible for the work have not met expectations for communication or timeliness. This is the first time that MSD has undertaken this magnitude of work inside and outside of private property, and we acknowledge that we have learned many lessons from this project. We apologize to customers who have been unfairly inconvenienced, and will continue to do our best to resolve outstanding issues as quickly as we can. We will apply the lessons learned on future projects so that similar projects can be handled better in the future.

Pumped SSO Abatement for Beechwood Village

The quotes from MSD presentations and planning documents accurately reflect the need for improved drainage and the challenges of groundwater control in Beechwood Village. Since

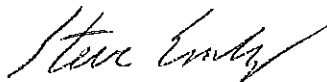
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MSD does not provide groundwater control services, noting the potential for problems does not imply that MSD has a responsibility to correct conditions that are outside our authority.

We appreciate the honest feedback from representatives of the people of Beechwood Village. It is through feedback like this that MSD learns and grows in our ability to provide quality service to our customers. We understand that this was a challenging project for all concerned, and if we had to do it over again we would do many things differently based on what we have learned here.

Your comments and our responses will be posted on MSD's Project WIN web page at the link www.msdlouky.org/projectwin/IOAPcomments/. We also had several Beechwood Village residents at the Public Input Meeting on September 27 who had concerns about conditions on their property. We will respond to those concerns individually. Copies of those comments and our responses are attached for your information. Since they relate to specific property issues we will not post them but will make them part of the meeting record, and they will be available for review by others if an open records request is filed.

Sincerely,



Steve Emly, PE
Interim Director of Engineering and Chief Engineer

Attachments

cc:

[REDACTED]
[REDACTED]
[REDACTED]



City of Beechwood Village

P.O. Box 7527, Louisville, Kentucky 40257

www.beechwoodvillage.org

September 27, 2011

Ms. Christina G. Tomasulo
Coordinator, Regulatory Services
Metropolitan Sewer District
700 West Liberty Street
Louisville, Kentucky 40203

Subject: IOAP Project Comments
City of Beechwood Village

Dear Ms. Tomasulo:

The following comments are sent as part of the IOAP project feedback process and on behalf of the City Council and residents of the City of Beechwood Village. Although the items are highly summarized in the interest of time and space, a response to these questions would be appreciated.

It should be noted that the Beechwood Village City Council voted to support the original project with the understanding that MSD possessed the necessary technical/engineering expertise and would be acting in the best interest of the community. Additionally, Beechwood Village acknowledged the significant financial investment by MSD in our community. As information, the following items are not placed in order of importance.

Project Scope of Work

MSD chose to accept an alternate proposal from the successful contractor as the initial scope of work. What was the rationale for accepting the radical change of scope? Additionally, MSD provided no prior notice of project scope change to the community and only shared information as part of "pardon our dust" meeting(s).

Temporary Easement for Plumbing and Sewer Improvements

MSD did not follow scope of work as described in signed and notarized resident agreements. MSD did not obtain revised resident agreements to cover change to scope of work.

(Cont.)

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Community Relations

MSD should have provided a specific and consistent point of contact for the project. Information for the City Council and impacted residents was often times lacking or misstated depending on who was providing the information.

Sump Pump Outflow Lines

Sump pump outflow line destinations were placed adjacent to the house; to the rear of the property; and out to the street curb line. Although individual residents were consulted on their preferred location for discharge, many did not fully understand the magnitude of the decision and/or the amount of water to be discharged. In many cases the placement of the outflow lines did not address the need to adequately move the outflow water to a satisfactory location.

Sump Pump Outflow Lines

To address issues created by multiple outflow lines placed to the street curb line, the City of Beechwood Village undertook a Sump Pump Outflow Line project to eliminate hazardous and health conditions. This outflow line project was a collaborative effort between MSD and Beechwood Village with cost to install of approximately \$140,000.00.

Sump Pump Outflow Lines

Several sump pump outflow lines were placed in a way that caused line freeze up and/or blockage which did not allow for proper discharge of the outflow. Back-up into basement(s) and sump pump burn out was realized at several residences.

Tree and Shrub Work

Project specification apparently called for contractor to have a (certified) arborist on the project to properly handle the extensive trimming of trees and shrubs. Additionally, excavating near or under trees and shrubs was performed without professional oversight. Contractor did not appear to comply and many trees and shrubs were lost due to careless handling.

Project Design

MSD was aware of significant impact to ground water conveyance as a result of project design and "sealing" the gaps in the existing system. Did MSD adequately assess the shift in ground water conveyance on the project and what specific steps were taken to minimize impact?

(Cont.)

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Sump Pump Usage

Many residents have realized significant increase in sump pump usage as a result of the project. Any home without back up electrical power and a back-up sump pump to maintain sump pump operation is subject to basement back up and flooding.

Groundwater Assessment

Project information appears to indicate that groundwater assessment(s) were performed on a very limited basis and during the dry season. Additionally, the groundwater assessment(s) appeared to be individual borings that did not include any groundwater monitoring for a more complete evaluation.

Project Restoration

Many issues around project restoration on private property and public right of way have been poorly handled. Contractor relationship issues have apparently impacted this work but MSD has been unable to communicate the status of the work; address the need; and complete the work in a timely manner.

Pumped SSO Abatement for Beechwood Village

The "Pumped SSO Abatement for Beechwood Village, Wet Weather Team, Stakeholder Group Meeting No. 6, February 13, 2007, Slide 14" indicates among other things that "surface drainage must be improved..." and "high groundwater will continue to challenge any sewer system..." Based on overview content of this MSD document and project outcomes, it appears that MSD has not provided a fully comprehensive solution for Beechwood Village and only focused on the mandate of separating the sanitary from the storm system.

The City Council and residents of Beechwood Village appreciate the opportunity to offer this open and honest feedback on the project. This correspondence is a general assessment by the undersigned based on feedback over the past three years. The residents of Beechwood Village understand the challenges that are part of a project of this size and sincerely hope that future MSD projects are improved as a result of lessons learned in Beechwood Village.

Sincerely,



Mayor - City of Beechwood Village

cc: Beechwood Village City Council
Mr. Ken Fleming, Councilman, Louisville Metro Council 7th District