



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]
Floyds Fork Environmental Association
[REDACTED] Echo Trail
Louisville, KY 40299-5103

Subject: Integrated Overflow Abatement Plan (IOAP)
Project Review and Public Input Meeting September 27, 2011
Response to comments

Dear [REDACTED]

Thank you for taking the time to submit your comments relative to a broad range of issues. Since the comments you delivered in person at the subject meeting are essentially identical to your letter dated October 14, 2011, we will deal primarily with the letter version of your comments. If your verbal comments at the meeting contained additional information we will also address those, noting that these are from the meeting and not from the letter. Your letter and a transcription of your three sets of verbal comments from the meeting are attached for reference. If a response was given to your verbal comments at the meeting, those responses are included in the attached transcriptions.

Response to comment 1 - The sign-in sheet and fact sheet provided to you when you signed in contain language typical for public meetings being photographed or video-taped. The language MSD used is modeled after similar language used at Metro Council meetings. The implied consent allows us to record and/or photograph your meeting participation, and use these recordings or images to accurately communicate the events of the meeting. The use of recordings and images in "promotion" is intended to promote attendance at future meetings, not to "promote MSD". At future meetings we will better define the allowable "promotional" uses of recordings and photographs. For the record, MSD was formed under state law as a Special District and is thus subject to "open records requests". We are not a "corporate business".

Response to comment 2 - In accordance with the requirements of our Federal Consent Decree, MSD developed the Wet Weather Team (WWT) to include a Stakeholder Group with representatives from various backgrounds, regions of the community, and perspectives. The Stakeholder Group performed a critical role in developing the Integrated Overflow Abatement Program (IOAP). They continue to meet and these discussions provide input to benefit program implementation. MSD has no plans to add members to the Stakeholder



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Group, or replace members as they leave. To obtain community input during ongoing program implementation MSD intends to hold regular IOAP Public Review and Input Meetings. The meeting you attended on September 27, 2011, is the first of these meetings. Note that the attached transcripts contain additional detail on this issue, in my responses to your verbal presentation.

Response to comment 3 – In addition to posting the meeting notice on MSD's web page and including it in MSD's calendar (which is distributed through a number of electronic and hard copy newsletters) MSD sent email notifications to a mailing list of over 2000 addresses, including Metro Council members, the Office of the Mayor, and interested parties who have signed up for such mailings on MSD's web site. We specifically asked the email recipients to post the notices and forward the emails to other parties who might be interested. We also issued a press release to the Louisville media, and the meeting was the topic of a story in the Louisville Courier-Journal. To ensure you receive notification of future meetings we suggest you sign-up on the Project WIN Notification List at www.msdlouky.org. MSD also suggests that you check to ensure that each mailing list is using your most recent email address.

Response to comment 4 – Your comment is noted. The Jeffersontown Gaslight Festival would have been a good venue to publicize the IOAP Project Review and Public Input Meeting. In the future, MSD will explore this and similar public events for meeting advertisement opportunities. Regarding the number of MSD staff at the booth, for an event that is advertised as drawing 200,000 people, three people at the booth is appropriate and consistent with our goal of providing information and service to the public.

Response to comment 5 – The limit of five people speaking at a Board meeting was set by the MSD Board. We will pass this comment on to the Board Policy Committee for their consideration. Note that the Board can waive this limit dependent upon public interest. As was discussed in the Public Input Meeting, we have not had more than two speakers at any Board meeting since the revised policy was implemented.

Response to comment 6 – Your comment is noted. MSD has held meetings at a variety of venues and a wide range of times, and has not found any location or time that consistently results in good attendance. The next Public Input Meeting will be held at the Girl Scout of Kentuckiana Headquarters Building at 2115 Lexington Road, January 24, 2012, from 6:30 – 8:30pm. Future meetings will be held at other venues around the county, with the geographic location depending on the projects and issues that will be discussed at each meeting.

Response to comment 7 – This comment represents your opinion about past MSD meetings. It is not a question requiring response. In your verbal comments given at the meeting, however, you specifically referenced the public meeting held in March, 2010, where MSD

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presented the three elimination alternatives for the Jeffersontown Water Quality Treatment Center (WQTC). The alternative route that was presented by you and several others was discussed at length. We listened, and understood completely, but disagreed with the rationale for the route presented, as it appeared this was an attempt to avoid the potential for providing sewer service to land within the Floyds Fork watershed. Note - not agreeing is not the same as not listening. MSD's responsibility to our customers is to make good decisions that benefit our entire customer base, not just the vocal few who push for their preferred solution, for their own personal reasons. MSD maintains that the recommended solution is the best solution based on sound engineering principles and the alternative evaluation rating system developed through the stakeholder process.

In your verbal comments you also suggested that MSD should post signs on property that is going to be undergoing a community facilities review (CFR) for new MSD facilities. MSD follows all established procedures for completing each CFR. This is an issue that should be addressed to Metro Planning and Design Services, as they manage the CFR process. If the CFR process is modified to require the posting you suggest, MSD will follow these requirements.

Response to comment 8 – This comment about alleged rude behavior by MSD staff was clarified by your comments at the meeting about a specific meeting that was held without notifying FFBA. The specific event you noted was a "Pardon our Dust" meeting held in a neighborhood about to be impacted by construction. The purpose of the meeting was to discuss potential construction impacts with people who lived in the project area. You were not told you couldn't attend the meeting, you were told that you were not on the invitation list because you were not a resident of the project area. "Pardon our Dust" meetings are highly focused on providing residents of the project areas information about impending construction impacts.

Response to comment 9 – Videos of the public meeting were prepared by Metro TV and are being broadcast on Insight Cable. For those who do not subscribe to Insight Cable, the videos are available for viewing on MSD's web page at www.msdlouky.org/projectwin/ or on Metro TV's web page. For those who don't have a computer or internet access, computers with internet access are available at each branch of the Louisville Free Public Library system.

Response to comment 10 – MSD's project schedules were developed to meet or beat regulatory deadlines. Eliminating the Jeffersontown Water Quality Treatment Center requires completion of six separate projects, each of which are either in design or construction at this time. Any one of these projects can be held up by land acquisition issues, permitting issues, third party lawsuits, etc. Both the Seatonville Road Pump Station and the Upper Billtown Road Interceptor have experienced significant delays even though MSD has

followed the applicable rules, regulations, and permit requirements. MSD's current construction targets will have the Jeffersontown WQTC off-line by August of 2015, but the potential for unforeseen delays makes it impossible to ensure that the regulatory deadline will be beaten. Regarding other Consent Decree deadlines, MSD presented information at the meeting that every deadline to date has been met or beaten. MSD reports on IOAP project progress on a quarterly basis. These quarterly reports are available for public review on MSD's web site at www.msdlouky.org/projectwin/.

Response to comment 11 – MSD has no control over the employment of former MSD employees. If the writer is concerned about an individual's employment with the Ethics Commission you should address that issue to the Metro Ethics Commission. Regarding the decision to not release the draft ethics policy, that decision was consistent with Kentucky open records disclosure laws.

Response to comment 12 – The projects that are generally included in recapture agreements are consistent with the regional planning documents (MSD Action Plans, 201 Facility Plans, etc.). These regional planning documents are presented to the public and must be approved by the Kentucky Division of Water. In addition, all recapture agreements are subject to the review of the Louisville Metro Council. Public meetings are held in the area of the recapture agreement, and the Metro Council review provides additional opportunity for public input. It should be noted that prior to recapture agreements, either MSD funded and constructed regional facilities or MSD participated in the increased sizing of systems that were planned by private entities. In this approach MSD's current customers were paying part of the cost of facilities constructed in part to accommodate adding new customers. The concept of a recapture agreement was developed to allow the construction of regional facilities that would bring in new customers without the utilization of public funding. Ratepayers are now receiving the benefit of additional customers paying towards the payment of the MSD debt without the additional cost of reaching those new customers. The "recaptured" funds are additional payments by other area developers above any normal capacity charges that they would pay to MSD. MSD charges a fee to offset the cost of collecting and processing payments and protects the current ratepayers from paying even the administrative costs of this facility construction.

Response to comment 13 – This comment reflects the writer's perception. No response is appropriate.

Response to comment 14 and 15 – MSD does not "disobey Jefferson County history". MSD does not willfully disregard existing laws and regulations regarding cultural, historical, or archaeological issues. MSD does understand the laws and regulations. MSD also understands that various individuals, entities, and governmental agencies each have separate interpretations and desires. MSD has, and continues to make good faith efforts to

communicate with interested or involved parties and to reach amicable agreements when such agreements are reasonable.

Response to comment 16 – MSD objectively studies available routes for projects, and selects the routes that best meet a broad range of criteria that benefit the community. Many parks in Jefferson County have sewers underneath them, with no detrimental effect on park usage. MSD does not believe that class of properties should be avoided “if at all possible” as that places an unrealistically high value on one category of land over other land types. MSD places significant effort into providing the most benefit for the least overall impact to the community while maintaining reasonable rates for services.

Response to comment 17 – Regarding construction Best Management Practices (BMPs) and erosion protection, MSD construction contracts require the contractor to perform an inspection of the erosion protection measures on site once a week to identify any areas in need of repair (silt fence down, torn, or silt build up exceeding one-third of the fence height). In addition the contractor is required to perform inspection after every rain event of one-half inch or more and perform maintenance if needed. For MSD capital projects, MSD inspectors are generally on site daily observing all aspects of the work, including erosion protection measures. If deficiencies are observed the contractor is notified to make appropriate repairs. Normally MSD allows 24-48 hrs to make repairs, unless a rain event is predicted before then. In that case it would be expedited to be completed prior to event. If you or any member of the public observes what you believe to be violations of the Erosion Protection and Sediment Control (EPSC) ordinance, you are encouraged to report that to MSD Customer Relations at (502) 587-0603.

Relative to the specific issue of large pipe stored within the drip line of a mature tree, MSD inspection staff confirm that this did occur. The contractor was directed to move the pipe, and he complied.

The First Federal Savings Bank construction site at Bardstown Road and Seatonville Road does have a 25-foot no-mow zone per the Floodplain Ordinance. The rules specify native vegetation, left unmowed. When this native vegetation matured, neighboring property owners complained to Councilman Engel that the area looked unkempt and asked for this area to be “cleaned up”. After an on-site review with Councilman Engel, MSD, and the property owner, it was agreed that the no-mow zone would be maintained with a bush-hog, cutting down the tall vegetation without actually mowing to turf-grass levels. This compromise was intended to maintain the pollutant capture benefits of a no-mow zone while avoiding the wild appearance of native plants left unmaintained. Of the approximately 20 trees planted, several did die during the drought. Since the construction of the bank has been put on hold due to the economy, there is no activity on-site that provides MSD leverage in an

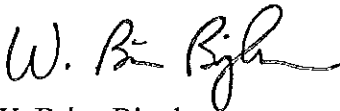
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enforcement action. When construction resumes (or a new project is initiated) MSD intends to enforce the original requirements and the trees that died will be replaced.

Response to comment 18 – Larry Zielke is not an MSD attorney. Mr. Zielke is Special Counsel to the MSD Board. MSD has no formal power to determine which organizations or individuals are included in the watershed plan. That authority would rest with the overseeing entity, which in this case would likely be KDOW. MSD has an obligation to the community to express their opinions regarding the potential stakeholders or participants of such planning efforts. Mr. Zielke made his comments based on his knowledge of previous actions including, but not limited to the lawsuit that was filed by FFEA effectively stopping the previous watershed planning effort.

Your comments and our responses will be posted on MSD's Project WIN web page at the link www.msdlouky.org/projectwin/IOAPcomments/. Since most of your comments do not relate to any specific IOAP project, your comments will be placed in a category of "General MSD Programs".

Sincerely,



W. Brian Bingham
Regulatory Services Director

attachments

Question asked immediately following the Jeffersontown Water Quality Treatment Center Elimination Presentation

██████████ - "Hi, ██████████ co-president of Floyds Ford Environmental Associate, a 20-year old 501C3. We were at the public meeting; I don't recall you {Dave Schaftlein} being there in March of 2010. I do recall Mark Johnson and Brian Bingham and others being present at that time. It didn't seem like a public meeting because a decision was already made that alternate #3 would be presented to the U.S EPA by MSD on March the 31st. And it didn't matter what we wanted. We tried to show an alternate route and there was no way that we would even be listened to. There were different groups that offered, you know, that came up with the same idea. So, the same thing with a meeting to look at the design of the pump station. The community facility review that took place at planning and zoning was a public hearing. There was no sign posted on the property and I would encourage MSD to post properties when they are going to put pump stations in neighborhoods so that the people know what's going on. But basically, at that meeting, we came up with the same thing; the same thing was told to us that there would be no changes; this is what you're doing. From the planning commission, it was supposed to be rural in design and look like barns. And I don't really think that that was met. But, again, we have no recourse. We have no way of changing the plans when we are told, "we're just showing you, this is what we're going to do". So, I did want to ask when you were talking about the pump station, what is the decibels level for the Billtown pump station there on Seatonville road?"

Response by David Schaftlein, MSD Engineering Manager. "I don't have the exact number with me, but the pumps themselves, you would not hear them when they're running off electric. The only time you would hear any noise would be when the generators running. And that is sound attenuated generator. So it will have a very reduced noise level on it. That will only run when there's a power outage or when it's exercising. And it will probably exercise the generator about once a month."

Question asked immediately following the conclusion of the 6:00pm Presentation

██████████ - "So, ██████████ co-president Floyd's Fork Environmental Association. As I was saying earlier, that it would be best to meet the public meetings laws to hold your meetings at a time and place convenient for the public. 5:00 downtown is very bad time of day. A better venue as a government center and to begin at 7pm. Many, also, do not get metro T.V in our area. Incidentally, this is where the majority of new sewers are currently being done. So, you can air this many times, but we will not see it. MSD should also post properties when a community facility review hearing is to be held by planning and zoning. And I'd like to know if MSD will do that in the future. Also, want to ask if the timeline to get rid of the Jeffersontown wastewater treatment plant can be done earlier than 2015? And what about your other timelines? You know, are you moving expeditiously to beat imposed deadlines? And MSD needs to continue to remove all of the package plants. I'm also concerned about the ethics. It seems highly improper to have a past MSD attorney, Debora Kent, be the attorney to the ethics commission. To sit down and talk with the MSD director, etc about ethics. Metro council is awarding such a contract for \$50,000. And, also, MSD would not give The Courier reporter the ethics policy that MSD board is to vote on. The public should be able to see proposed policies and to make comments. I'm not a fan of recapture agreements and I wish you wouldn't do those kinds of things, specifically the Billtown Road Interceptor, I mean, the Billtown recapture LLC, where the company had a financial interest in 1,183 acres to develop from Taylorsville Road over to Billtown Road. MSD also, I would like to see them not disobey Jefferson County's history or willfully not disclose historic buildings to the Kentucky Heritage Council, as MSD has done. This has to stop. Any building 15 years or older or anything historic within 15 foot of where you're going to work needs to be reported. Also, need to value our archeology and other

laws in place in Kentucky. We'd like to see MSD attempt to avoid conservation properties if at all possible. Traversing park properties should be looked at early on with all parties. A policy to consider and avoid these known properties, or properties under consideration, should be avoided if possible. It seems that MSD hurts the future conservation acquisitions by government and non-profits. I'm also very concerned about the Best Management Practices. Our county is riddled with atrocious disregard for proper management that MSD oversees. Just a couple of examples is the work on Brentlinger and also MAC construction work on Seatonville Road, where they were storing huge sewers, multiple sewers, under the drip line of 150 year old pecan tree and also parking huge equipment and soil under trees; the soil was also done all up and down Seatonville Road. The silk fencing is in disrepair because they put their sewer lines, before they were putting them in, they laid them all along the fencing, the silt fencing. And, doesn't MSD oversee the contracting work? Don't you go by and look at that? Thank you."

██████████ - "██████████ I also wanted to ask, are we going to have an opportunity to address other things?"

Response by Brian Bingham - MSD "Yes, as about a moment ago and after you speak on this and I'll ask for more. If you want to, right now, we'll just open it up. You can ask any questions."

██████████ - "Ok, I'll just go ahead and say first that Dave Schaftlein was at the Broadway Run Road meeting and let me know that I shouldn't be there. That I didn't live on Broad Run and Floyd's Fork Environmental Association has members that live on Broad Run and several of them did not receive notice. I think he said that three had come to him and said that they did not receive notice. So, I had specifically asked Tony Harover, in a phone call, to let me know when the meeting was rescheduled and Mr. Schaftlein told me at the meeting that he was the one that told Tony Harover not to call me. I just want to say that the public should not be treated in this manner. When you have a public meeting, it is an open public meeting. And I also want to say that my presence is not a waiver of all rights and my image or words are not to be used to promote MSD, a corporate business."

Response by Brian Bingham - "Let me stop you right there? If you don't give permission to be used on Metro T.V. you have to stop and leave now. Everything in here, we can have discussions out there, but you cannot be taped and then say 'I reserve the right not to be taped.' If you're in this room, you're giving permission..."

██████████ - "I didn't say that. What I said was that I didn't waive all of my rights. There's a difference in what you're saying and what I'm saying."

Response by Brian Bingham - "How so?"

██████████ - "Ok. So, I want to know on the Wet Weather Team, how were the Stakeholders chosen? And, is the Wet Weather Team here today? I see Jim Mimms is here. Are there other people present? I think Stuart..."

Response by Brian Bingham - "There are multiple members of the Wet Weather Team here today."

██████████ - Transcribed Comments from September 27th, 2011 IOAP Input Meeting

██████████ - "Would they stand up so that I can see who all is here to represent the Wet Weather Team? Ok, thank you."

Response by Brian Bingham - "There are a couple of others that I believe are out in the hall."

██████████ - "Ok, thank you. But, anyway, in looking over the Wet Weather Team, it really doesn't look balanced. As I said before, we are a two decade old, non-profit focused on water quality and planning. And we have requested formally, in a letter, to be a Stakeholder on Project WIN, but MSD has not responded for some months to that letter. And how did MSD notice this meeting? I believe that 2,000 people were contacted out of, probably, 700,000 people in Jefferson County by MSD. They didn't send me a message, MSD did not send any notice whatsoever to FFEA. You know, we should be on your email list and we request that we be put on any notice. At the J-town Gaslight Festival, MSD's booth was adjacent to ours, but there was no signage about today's meeting; nor any flyers about the meeting and I wonder why? You're asking for community involvement, yet MSD does not disclose this meeting to the community. We are also glad we were able to effect change, to get MSD to change its public speaking policy. However, we would like for you to consider, if it's really fair that only five people can speak when you have 700,000 people residing and MSD has, I believe, its 280,000 households of ratepayers. Please consider changing this to a higher number. Metro Council allows ten to speak. MSD needs to know more about how to properly conduct public meetings. And I do object to this meeting being held at this location, at this time of day. Public meetings are to be held at a time and place convenient for the public. Was that a ding?"

Response by Brian Bingham - "Yes, it is."

██████████ - "Ok, well, anyway."

Response by Brian Bingham - "Well, let me answer some of your questions."

██████████ - "Sure"

Response by Brian Bingham - "Your comment about the number of speakers. We have yet to have more than two people sign up."

██████████ - "Right, so why not raise it to ten? There might be might be some issue..."

Response by Brian Bingham - "We don't need to if we don't have the public interest. That is a question, I will forward your question to our Board."

██████████ - "Sure, I understand, I just want to say that that doesn't mean that someday there won't be a very important issue in which more people would like to speak. So that was just my point."

██████████ - Transcribed Comments from September 27th, 2011 IOAP Input Meeting

Response by Brian Bingham - "Your point was noted. This is not a dialogue. You ask the questions; now I'm going to respond. Please allow me to do that. You asked how the meeting was advertised. We have advertised a lot of different ways. This meeting was advertised, there was a media release sent out. It has been on our website for quite a bit of time. We have talked about this at various other times. We did not pay to advertise this anywhere; as we have found no where yet that we get any real large attendance out of such things. We also sent it to all council members, all neighborhood groups, everyone registered through Louisville Metro who is registered as a neighborhood group."

██████████ - "We are registered. We get those notices."

Response by Brian Bingham - "Your question about Stakeholders, the Stakeholder group was originally developed based on a series of meetings and a series of names put on the board to try to balance it geographically, as well as many other factors that were taken into account. There were, obviously, we could have had 500 people there and let anybody in that wanted to, but we knew we could not control or get through an orderly process in that manner. Therefore, we chose to stick to the 20 to 25. We believe that we did have a very balanced group. Unfortunately, we did have some members drop out. Some of those members were in your general area. The request to join the Stakeholders group, we have not added any new members to that. We went through an extensive multi-year process of bringing that group up to speed. We have informational meetings now. We do not have the Stakeholder group meet to make major decisions at this time. We may decide to pull together another Stakeholder group in the future and your request will be considered at that time. There are no plans at this time to have any such meetings. And I do apologize; I should have gone up here to answer your questions."

██████████ "And I'll just say that, you know, that I have..."

Response by Brian Bingham - "I'm sorry, but your time is up."

██████████ - "Yes, but I have more comments and I will send those to the Wet Weather Team."

Response by Brian Bingham - "Stay around and go through the next round and you may do that again. We have rules and we need to follow those."

FLOYDS FORK ENVIRONMENTAL ASSOCIATION

██████ Echo Trail, Louisville, KY 40299-██████

10-14-11

US EPA
████████████████████

Re: Enclosed, please find a copy of statements provided to MSD regarding the IOAP. Most of these comments were videotaped at 4PM and 6PM on Sept. 27 by MSD. Also I emailed a copy today to MSD to be part of the record. Brian Bingham said he would reply in writing to the questions I raised.

Our organization sent a letter some months ago to Director Schardein asking to be a stakeholder on the Wet Weather Team. That letter was never responded to. Again, we are asking this question. Our organization is well known and has been in existence for 2 decades.

We would appreciate your help to obtain answers to these important points.

Sincerely, _____

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████████████████████

Co-President
Floyds Fork Environmental Association

Cc: Brian Bingham

MSD Meeting 9-27-11 at MSD Board Room, 700 W. Jefferson Street

From [REDACTED], Co-President Floyds Fork Environmental Association,
[REDACTED] Echo Trail, Louisville, KY 40299 [REDACTED], [REDACTED]

- My presence is not a waiver of all rights and my image or words are NOT to be used to promote MSD, a corporate business.
- How were the stakeholders chosen? The Wet Weather Team does not look balanced. FFEA, a 20 year old nonprofit organization focused on water quality and planning, etc. has requested representation and to be a stakeholder on Project WIN but MSD never responded to our letter.
- How did MSD notice this meeting? MSD sent to 2000 out of 900,000 Jefferson County residents. These 2000 are selected persons. MSD did not send any notice whatsoever to FFEA, a 2 decades old nonprofit 501 (c) (3) organization whose mission is to preserve, conserve and protect Floyds Fork Creek and its watershed.
- At Jeffersontown's Gaslight Festival, MSD's booth was adjacent to FFEA but neither signage about today's meeting nor any flyers about the meeting. Why? You are asking for community involvement – yet MSD does not disclose this meeting to the community! Also why does it take 3 paid MSD employees to staff a booth?
- FFEA is glad we were able to effect change to get MSD to change its public speaking policy; however, is it fair that only 5 persons can speak when about 700,000 reside and MSD has 280,000 households as ratepayers? Please consider changing this to a higher number that makes sense. Note: Metro Council allows 10 to speak.
- MSD needs to know how to properly conduct public meetings. I object to this meeting being held in this location at this time of day. Public meetings are to be held at a time and place

convenient for the public. 5:00PM downtown is a very bad time of day – a better venue is a government center to begin at 7PM.

- Past MSD so called 'public meetings' have been a farce and the public has been presented 'done deals' and the public told MSD had chosen the plan. This is not a public meeting. No considerations were given because no public input was wanted.
- MSD personnel need training to deal with the public in public meetings. MSD employees should not be rude and mean-spirited toward the public (and this includes MSD attorneys). They should definitely not tell the public should not be at a public meeting. Furthermore, a project manager should never tell the public that he ordered another employee to not notify our organization when FFEA specifically asked to be notified.
- Many do not get Metro TV in our area. Incidentally, this is where the majority of new sewers are currently sprawling.
- Can the timeline to get rid of the Jeffersontown WWTP be done earlier than Jan. 2015? What about other timelines? Is MSD moving expeditiously to beat imposed deadlines?
- It is highly improper to have a past MSD attorney, Deborah Kent, be the attorney to the Ethics Commission – to sit down to talk with MSD Director, etc. about ethics. Metro Council is awarding such a contract for \$50,000.00. R-210-08-11A. Why would MSD not give the Courier reporter the Ethics Policy the MSD board is to vote on? The public should be able to see the proposed policy to make comments. Again, MSD wants to present a done deal to say the MSD board approved the policy.
- MSD needs to stop doing recapture agreements that privatize sewers while excluding the public. While the public has no input and say, rate payers end up giving the money back to the developer since MSD acts as the agent for a 1-2% fee to send the ratepayer's money to the developer.
- MSD should not be allowed to cook up deals like Billtown Recapture, LLC with Flynn Brothers just because they had a

financial interest in 1, 183 acres to develop from Taylorsville Road over to Billtown Road. And then get the MSD board to approve an additional \$417,000 to increase the sewer line size from 30" to 36" while denying the public the right to speak.

- MSD should not disobey Jefferson County history or willfully not disclose historic buildings to the KY Heritage Council as MSD has done. This has to stop. Any building 50 years or older or anything historic within 500 foot is to be reported.
- MSD needs to understand history also includes archaeology and obey laws in place in Kentucky.
- MSD should attempt to avoid conservation properties if at all possible. Traversing park properties should be looked at early on with all parties; a policy to consider and avoid these known properties or properties under consideration should be avoided if possible. Otherwise, MSD hurts the future conservation acquisitions by government and nonprofits.
- MSD personnel must have more training for BMP's. Our county is riddled with atrocious disregard for proper management that MSD oversees. Just a couple of examples: work on Brentlinger, MAC Construction work on Seatonville Road (storing huge sewers under the drip line of a 150 year old pecan tree and also parking huge equipment and soil under trees); silt fencing is in disrepair (put sewer lines adjacent to black silt fences that moved the fencing) and lacking along this last route. Doesn't MSD oversee such work of contractors? There needs to be training of those MSD inspectors, MSD contractors, fines by IPL, fines by KDOW or our waterways will never meet water quality standards. Additionally, the site at Bardstown and Seatonville Road for First Federal Savings Bank continues to be mowed to the creek – in violation of the Floodplain Ordinance. This continues to occur. Why doesn't MSD stop this? Why doesn't MSD inspector and bond person, Bob Stauble, stop this? The 5 trees cut have yet to be replaced since the itsy-bitsy trees (to replace two 11", 12", 15" 16" trees

cut on the creek bank) planted died a few years ago during a drought and the silky dogwood was never planted.

- MSD attorney, Larry Zielke, was out of line to say in the Courier that FFEA should not have a major role in the watershed grant. Why not? If MSD gives \$75,000.00 toward this, does that give MSD the right to make such comments or force this issue with KDOW?