



*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]  
[REDACTED] Beulah Church Road  
Louisville, Kentucky 40291

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

Dear [REDACTED]

Thank you for taking the time to submit your concerns about a broad range of issues related to our IOAP, water quality and issues related to new development in the Fern Creek area. A transcript of your verbal comments and a copy of your letter are attached for reference.

We appreciate your opening comments commending our ongoing efforts related to Green Infrastructure and the partnerships that have developed. Louisville MSD is recognized as a national leader in this area, and we continue to believe that implementation of Green Infrastructure initiatives can result in both water quality improvements as well as the reduction in size of some of the required "grey" components of our Consent Decree. In essence, the large majority of everything that MSD does has a direct connection to improving water quality in the streams and creeks of Jefferson County as well as the Ohio River; as such we share many of the goals that you mention.

In particular, this letter serves as MSD's response to the specific comments related to developments in the Fern Creek area.

**Response to comment 1 - Johnson Green Condominiums** – the issues related to a "hidden zoning change" that you reference as well as a buffer that was removed are issues related to planning and zoning, and not MSD. Metro Planning and Design has the overall role for ensuring that all development in Jefferson County complies with the Land Development Code and overall planning and zoning regulation. MSD does not have a role in planning and zoning issues.

**Response to comment 2 - Birchwood Treatment Plant** – like all small package wastewater treatment plants, the Birchwood plant was plagued with problems, particularly in the last few years that it remained in operation. All of these small plants were built by private developers and were originally intended to be "temporary" solutions to wastewater treatment until a comprehensive collection system was available. Many people have forgotten that



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Jefferson County used to be the home to over 300 of these facilities constructed in the 1960's and 1970's, *a great many of which discharged poorly treated effluent directly to our waterways*. Only through MSD's watershed action plans and sewer expansion efforts over the last 40 years have most of these plants been eliminated. As of today, there are less than 20 of these facilities remaining in our service area, all of which we intend to have eliminated in 2017. It is ironic to us that this very type of expansion effort which will eliminate similar facilities in the Chenoweth Run watershed has come under such heavy scrutiny by those claiming to be interested in improving water quality.

The Birchwood plant site is currently owned by MSD. As a result of eliminating these small treatment plants MSD now owns numerous parcels of property in Jefferson County. The ownership of many of these parcels reverted back to the developer after the treatment plant was eliminated. While we currently mow these properties and provide the maintenance necessary for public safety and nuisance avoidance, MSD does not have the resources to invest in landscaping and landscape maintenance of the properties that are scattered around Jefferson County. While the landscaping of the Birchwood site would certainly help it's appearance, we are not able to offer the same to other neighbors across the District, and MSD does not think that this is a wise use of our limited resources. MSD would be glad to discuss allowing others to use/landscape this area if there is an interest from the local residents or an active Neighborhood Association.

**Response to comment 3 - Cedar Springs Apartments** – like all new development in Jefferson County, the plans for sanitary sewers and drainage plans for this development underwent review by MSD. MSD uses nationally accepted engineering practices and design standards as part of this review, as detailed in our Design Manual (available on our public website). Of course, all drainage from any new development in the Cedar Creek watershed will drain into Cedar Creek, just as the pre-developed land did. MSD design standards generally result in peak post-development flows being equal or less than pre-developed flows. This is generally accomplished by onsite detention/retention, although MSD staff also have the ability and flexibility to simply collect Regional Facilities fees if there is a technical basis which justifies this as a better alternative to an on-site solution.

There is a common misconception that MSD can or should “deny” new developments in response to concerns of local residents. The fact of the matter is that if a development can meet established criteria for sewer and drainage facilities, MSD has no ability or basis to deny them. As noted in our response to comment number 1, the appropriate place for public input on new development is with Louisville Metro Planning and Design.

**Response to comment 4 - WalMart** – Your comments related to this development deal exclusively with planning, zoning and traffic issues; MSD has no jurisdiction over any of these issues. As noted in our response to comment number 1, the appropriate place for public input on new development is with Louisville Metro Planning and Design.

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**Response to comment 5 - Stoneledge Subdivision** – The removal of trees and installation of sewers, storm drains, various utilities and roads are required to build a subdivision. MSD has little, if any, control over how a developer chooses to design and configure their development, or which trees they choose to remove. The design and alignment of all sanitary sewers, including stream crossings, are reviewed by MSD and Kentucky Division of Water (KDOW) for compliance with applicable standards. As noted in our response to comment number 1, the appropriate place for public input on new development (including issues like appearance and configuration) is with Louisville Metro Planning and Design.

**Response to comment 6 - Anderson Park** – please see the response above related to Cedar Springs Apartments. MSD has no authority related to traffic.

**Response to comment 7 - MSD Cedar Creek Treatment Plant** - This plant currently has permitted capacity to accept the portion of the flow that is planned to be diverted to this plant by the elimination of the Jeffersontown Water Quality Treatment Center. The tracking and review of existing capacity at our treatment facilities is closely monitored by KDOW, and we are required to work within the constraints contained in our existing permits.

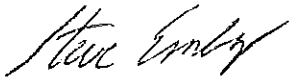
**Response to comment 8** - Your statement that local residents can't get sewer service is inaccurate. Groups of property owners may petition MSD for sewer service at the Cedar Creek WQTC, which will trigger the beginning of a process which allows owners to "vote" for sewers based on a cost guaranteed by MSD. In 2007, residents of Fern Creek Road and Lovers Lane took advantage of this opportunity; the majority of owners voted against the installation of sewers, and the project was stopped. MSD currently has no active petitions on file for any projects in the Cedar Creek/Fern Creek area.

You have a longstanding history of environmental stewardship, and while we may not always agree on details, we believe we share many fundamental goals. Thank you for all of your comments and suggestions, and for taking time to attend our meeting. MSD invites you attend future IOAP Project Input meetings, including the next meeting scheduled on Tuesday, January 24, 2012. The meeting will be held at the Kentuckiana Girl Scouts Headquarters on Lexington Road at 6:30 pm.

Your comments will be posted on MSD's Project WIN web page at the link [www.msdlouky.org/projectwin/IOAPcomments](http://www.msdlouky.org/projectwin/IOAPcomments).

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Sincerely,

A handwritten signature in cursive script, appearing to read "Steve Emly".

Steve Emly, PE  
Interim Director of Engineering and Chief Engineer

Attachments

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

██████████ - "Yes, my name is ██████████. I usually go by Betty and most of you know me by that. First, I'd like to say, I have praise for your green efforts and praise for the partnerships with communities. I'm glad that you're working to meet the EPA reg's and the Clean Water Act. It's very important to have those community values and input and I would just like to give a little bit of input. I live in the Fern Creek area. A lot of my comments would relate to that area and I will put those on the web because they're about individual developments in that area. The things that I long for as goals are the restorations of the streams, and it seems like it's been so long coming, the respect of our people and their property and the earth. And I guess my question is why not? Why can we not have ordinances that control pesticides, which are a big problem, and protect the streams especially from the time they're entered; from blasting, crossings, mowing, and destruction of those natural rock formations that have been there thousands of years? I'd like to see drainage problems taken a little more seriously and acted upon. And I've had a lot of years to observe in my area. And, as I've said, a lot of my input would be regarding Fern Creek. I'd like to say, it would be so nice to be able to go to meetings where it's easy to get to them after a full day of doing other things, as I'm sure you all have. It would be so nice to have them accessible and I think that's important because that way you will get the community in there. Just do you best to work for the protection of the environment and prevent damage including the ordinances and protect the people and their property. That's it from me. Thank you."

October 12, 2011

Comments to: MSID PROJECT WIN

Re: Integrated Overflow Abatement Plan

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I attended mtg. of Sept. 27, 2011:

- praised green efforts and partnerships and that you are working to meet EPA regs. plus community input, Project WIN, + clean water act.

Things I long for as goals:

- Restoration of streams
- Respect for people/property and Earth
- Ordinances needed  
Why not???
- Pesticide control
- Protection of streams
  - from blasting, crossings, mowing, etc.
  - from destruction of natural formations
  - from destruction of trees and growth nearby streams
- Take drainage problems seriously and act upon problems.
- Hold meetings where/when people can easily attend, not downtown where distance and safety deter attendance.
- Do your best to work on protection of environment and prevent damage, including enacting ordinances.
- Protect people and property.

Comments follow on particular Fern Creek Area developments:

(over)

## My observations of area developments:

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### Johnson Green Condos — "hidden zoning"

50 ft. deep buffer across back <sup>change</sup> of out property was deliberately ripped out (even splitting trees on the fence line) after officials had come out for inspections — never replaced correctly... therefore was ALLOWED!

Even moved Calvary Gas (Natural) line over onto my mother's property paying her a few bucks. This natural gas line runs under Snyder Freeway. These condos had a fire and destruction of heavy equipment.

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Birchwood Treatment Plant — sent human garbage and red worms into blue line stream and Cedar Creek thus Floyd's Fork and Salt River. It took more than 30 yrs. of efforts w. State and Health Dept. records put together to form a whole story... meeting with community. And then, temporary permits were still issued. We had weekend, midnight, etc., tank trucks suck out sewage full of red worms on Beulah Church Road + Fire Depts. called by neighbors. We were told, "We can't clean the filthy creek, because we can't get a developer to pay for sewers." Finally, we got this treatment plant out. Now the place needs landscaping.

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When Cedar Springs Apartments were planned, MS10 popped up (like a cuckoo clock) and states "All OK" — even with all the drainage into Cedar Creek and Floyd's Fork. This has been standard procedure — with no weight given to local resident's voices.

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(continued).

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Walmart — In a grossly over-developed area, along comes a Wal-mart. It was almost defeated, when "it's ok - we're making it fancier than usual (with bells & whistles)! Mr. Cash and Mr. Dulworth helped with the actual plans/blueprints — and only abstained from voting when I publicly objected!!! The historic Schmidt Coca-Cola Mansion is gone! Reward destruction of Cedar Creek and trees... and un controllable Traffic at Bardstown Road & Snyder Freeway. We get fine particles, noise, and traffic bumper to bumper. On Friday evenings, it does not move — so don't get in need of medical help.

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Stoneledge Subdivision — I can only say that Stoneledge is the closest to war devastation that I have ever experienced. Quote — "This hickory/walnut tree can't stay because a sewer line goes there!" The revise plans to cross the creek twice — not once. Huge old rock formations are taken from the channelized stream. Blasting pervades the area. The deliberate cutting/selling of remaining large hickories and trees brings a lawsuit. Trespassing is a new problem etc., etc., etc.

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Anderson Park — Traffic + Drainage problems. Drainage problems were already severe — so they used larger than 30" pipes to run drainage/pollution under Beulah Church Road — which goes to Cedar Springs Apts and to blue line stream and Cedar Creek and on to Floyds Fork. There is a lack of concern for traffic with a blinking light at intersection on hill at Fern Creek and Beulah Church Road. Same "All OK" (over)



## Cedar Creek Road

There is treatment plant overload and Jefferson town will add 30%. Local residents can't get service.

New subdivisions have taken down buffers, dumped fill dirt and huge rocks to fill greds and their drainage descends on surrounding area + homeowners. Privacy is gone along with scenery. Additionally, a whole "city" located on Cedar Creek Road.

Although there is much more, that's all for now!

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