Appendix A

msd
Safe, clean waterways

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

November 6, 2017

Mr. David Baldridge
USACE Chief, South Branch
600 Dr. Martine Luther King Jr. Place
Louisville, KY 40202-0059

Subject: Derek R. Guthrie Regional Facilities Plan 2017

Dear Mr. Baldridge,

Louisville and Jefferson County Metropolitan Sewer District (MSD) is preparing the Derek R. Guthrie (DRG) Regional Facilities Plan (Plan) for re-rating of capacity from the current 30 million gallons per day (mgd) Average Daily Flow (ADF) to 60 mgd. MSD and CH2M have evaluated the DRG plant for wastewater conveyance and treatment needs through 2036. This long term Plan was developed for providing effective and efficient sanitary service to MSD customers within the planning area along with ensuring compliance with US EPA's Amended Consent Decree (ACD).

As part of MSD's strategy to comply with the ACD, MSD developed an Integrated Overflow Abatement Plan (IOAP). This plan included many projects to reduce the frequency and volume of sewer overflows at many locations in the service area and instead convey the maximum amount of sanitary sewer flow to the DRG plant during peak flow events. Included in the plan was a diversion structure to transfer flow from the Morris Forman Service area to the DRG service area during peak flow events in order to optimize the total amount of sewage treated and reduce the overall amount of sewer overflow in both service areas. In order to treat the higher flow rates during peak flow events, much of the DRG WQTC was upgraded to handle higher wet weather flow rates. This project included new clarifiers, a new influent pump station a large equalization basin among other changes at the plant. This allowed the plant to handle up to 200 MGD through the plant with any additional flow being stored in the equalization basin. Due to the high peak flow rates during wet weather events, the overall average daily flow is anticipated to reach 60 MGD over the 20 year planning horizon. The plan recommends additional modifications to the plant as well as anticipates the need for several collection systems projects to handle additional growth in the county over the next 20 years. These anticipated projects and their current status are summarized in Table 1 below. Additional information on these current and future projects can be found in Sections 1 and 8 of the DRG Plan.

Table 1 Recommended WQTC Projects

WQTC Projects	Status
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Jefferson Hill Road Interceptor	Planning Phase (3-10 Years)
Riverside Gardens Pump Station Expansion	Planning Phase (11-20 Years)

MSD is not aware of any impacts to wetlands as the result of the proposed projects. Construction activities proposed will occur in the future and a full project plan will be submitted to the USACE Regulatory Branch prior to construction of these projects.

Please review the proposed projects and reply with any concerns regarding local historical or archaeological resources that may be affected. Your comments will be incorporated into the Derek R. Guthrie Regional Facilities Plan, which will be reviewed and approved by the Kentucky Division of Water. If you have any further questions please contact Jason Dempster at (502)-540-6107 or colette.easter@louisvillemsd.org.

Sincerely,

Colette Easter, P.E.
Engineer II – Infrastructure Planning

CRE USACE Cross-cutter Letter.docx

cc: John Loechle, P.E. | Engineering Director
Stephanie Laughlin, P.E. | Infrastructure Planning Program Manager

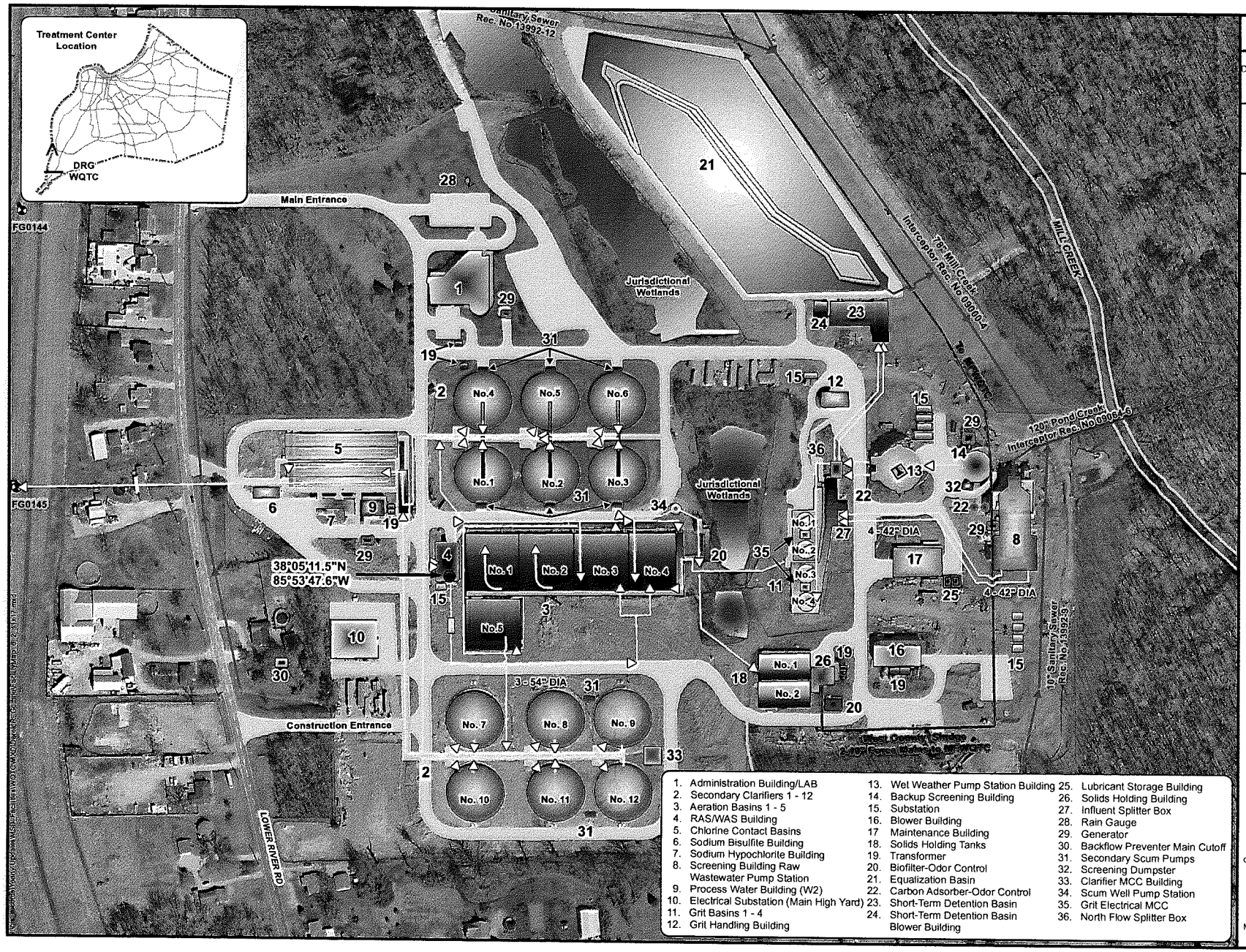

Figure: 6-2

DEREK R. GUTHRIE FACILITES PLAN UPDATE
LOUISVILLE AND JEFFERSON COUNTY
METROPOLITAN SEWER DISTRICT

DEREK R GUTHRIE WATER QUALITY TREATMENT CENTER

Flow Type

- Process
- Force Main
- Sanitary Sewer
- Streams
- Flood Gates

0 100 200 Feet

1 inch equals 200 feet

NOTE:
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Our Plan Waterways

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Louisville-Jefferson County Information Consortium

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Map Prepared by MSD GIS Services and Records

Map Created: 10/3/2017

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Safe, clean waterways

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

November 6, 2017

Ms. Teresa Welch
US Fish and Wildlife
330 West Broadway Suite 265
Frankfort, KY 40601

Subject: Derek R. Guthrie Regional Facilities Plan 2017

Dear Ms. Welch,

Louisville and Jefferson County Metropolitan Sewer District (MSD) is preparing the Derek R. Guthrie (DRG) Regional Facilities Plan (Plan) for re-rating of capacity from the current 30 million gallons per day (mgd) Average Daily Flow (ADF) to 60 mgd. MSD and CH2M have evaluated the DRG plant for wastewater conveyance and treatment needs through 2036. This long term Plan was developed for providing effective and efficient sanitary service to MSD customers within the planning area along with ensuring compliance with US EPA's Amended Consent Decree (ACD).

As part of MSD's strategy to comply with the ACD, MSD developed an Integrated Overflow Abatement Plan (IOAP). This plan included many projects to reduce the frequency and volume of sewer overflows at many locations in the service area and instead convey the maximum amount of sanitary sewer flow to the DRG plant during peak flow events. Included in the plan was a diversion structure to transfer flow from the Morris Forman Service area to the DRG service area during peak flow events in order to optimize the total amount of sewage treated and reduce the overall amount of sewer overflow in both service areas. In order to treat the higher flow rates during peak flow events, much of the DRG WQTC was upgraded to handle higher wet weather flow rates. This project included new clarifiers, a new influent pump station a large equalization basin among other changes at the plant. This allowed the plant to handle up to 200 MGD through the plant with any additional flow being stored in the equalization basin. Due to the high peak flow rates during wet weather events, the overall average daily flow is anticipated to reach 60 MGD over the 20 year planning horizon. The plan recommends additional modifications to the plant as well as anticipates the need for several collection systems projects to handle additional growth in the county over the next 20 years. These anticipated projects and their current status are summarized in Table 1 below. Additional information on these current and future projects can be found in Sections 1 and 8 of the DRG Plan.

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Riverside Gardens Pump Station Expansion	Planning Phase (11-20 Years)

MSD is not aware of any impacts to any threatened or endangered species and their habitat as the result of the proposed projects. Construction activities proposed will occur in the future and a full project plan will be submitted to the United States Department of Fish and Wildlife prior to construction of these projects.

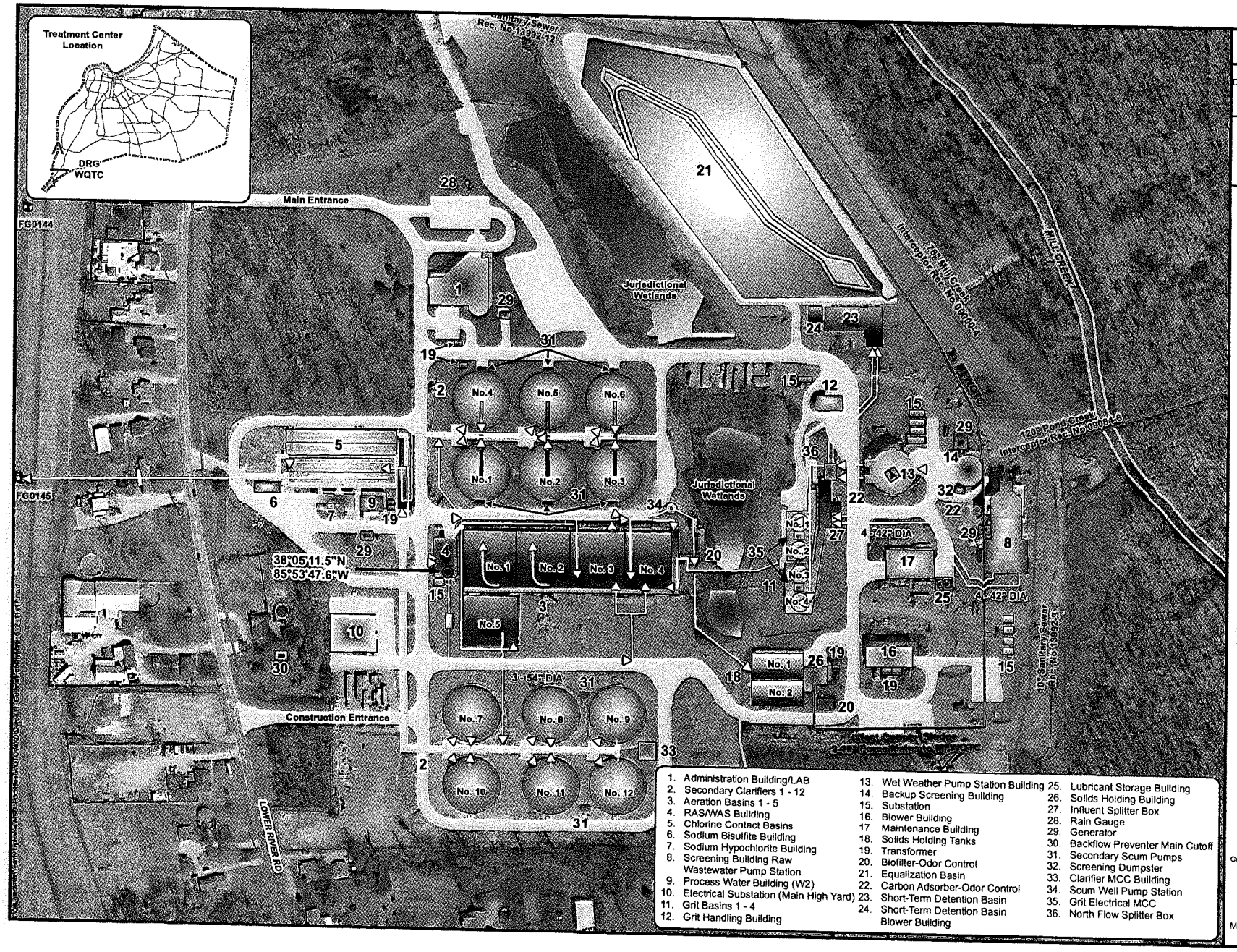
Please review the proposed projects and reply with any concerns regarding local historical or archaeological resources that may be affected. Your comments will be incorporated into the Derek R. Guthrie Regional Facilities Plan, which will be reviewed and approved by the Kentucky Division of Water. If you have any further questions please contact Colette Easter at (502)-540-6107 or colette.easter@louisvillemsd.org.

Sincerely,

Colette Easter, P.E.
Engineer II – Infrastructure Planning

CRE US Fish and Wildlife Cross-cutter Letter.docx

cc: John Loechle, P.E. | Engineering Director
Stephanie Laughlin, P.E. | Infrastructure Planning Program Manager



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LOUISVILLE AND JEFFERSON COUNTY
METROPOLITAN SEWER DISTRICT

DEREK R GUTHRIE WATER QUALITY TREATMENT CENTER

Flow Type

- Process
- Force Main
- Sanitary Sewer
- Streams
- Flood Gates

NOTE:
This plan is intended to be a representation of plant flows. For more detailed information see Record Drawing No.12484

msd

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Map Prepared by MSD GIS Services and Records

Map Created: 10/2/2017

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Safe, clean waterways

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

November 6, 2017

Mrs. Karen Woodrich
State Conservationist
NRCS State Office
771 Corporate Drive Suite 300
Lexington, KY 40503

Subject: Derek R. Guthrie Regional Facilities Plan 2017

Dear Mrs. Woodrich,

Louisville and Jefferson County Metropolitan Sewer District (MSD) is preparing the Derek R. Guthrie (DRG) Regional Facilities Plan (Plan) for re-rating of capacity from the current 30 million gallons per day (mgd) Average Daily Flow (ADF) to 60 mgd. MSD and CH2M have evaluated the DRG plant for wastewater conveyance and treatment needs through 2036. This long term plan was developed for providing effective and efficient sanitary service to MSD customers within the planning area along with ensuring compliance with US EPA's Amended Consent Decree (ACD).

As part of MSD's strategy to comply with the ACD, MSD developed an Integrated Overflow Abatement Plan (IOAP). This plan included many projects to reduce the frequency and volume of sewer overflows at many locations in the service area and instead convey the maximum amount of sanitary sewer flow to the DRG plant during peak flow events. Included in the plan was a diversion structure to transfer flow from the Morris Forman Service area to the DRG service area during peak flow events in order to optimize the total amount of sewage treated and reduce the overall amount of sewer overflow in both service areas. In order to treat the higher flow rates during peak flow events, much of the DRG WQTC was upgraded to handle higher wet weather flow rates. This project included new clarifiers, a new influent pump station a large equalization basin among other changes at the plant. This allowed the plant to handle up to 200 MGD through the plant with any additional flow being stored in the equalization basin. Due to the high peak flow rates during wet weather events, the overall average daily flow is anticipated to reach 60 MGD over the 20 year planning horizon. The plan recommends additional modifications to the plant as well as anticipates the need for several collection systems projects to handle additional growth in the county over the next 20 years. These anticipated projects and their current status are summarized in Table 1 below. Additional information on these current and future projects can be found in Sections 1 and 8 of the DRG Plan.

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Riverside Gardens Pump Station Expansion	Planning Phase (11-20 Year)

MSD is not aware of any agricultural resources that would be impacted by the proposed projects. Construction activities proposed will occur in the future and a full project plan will be submitted to the Natural Resource Conservation State Office prior to construction of these projects.

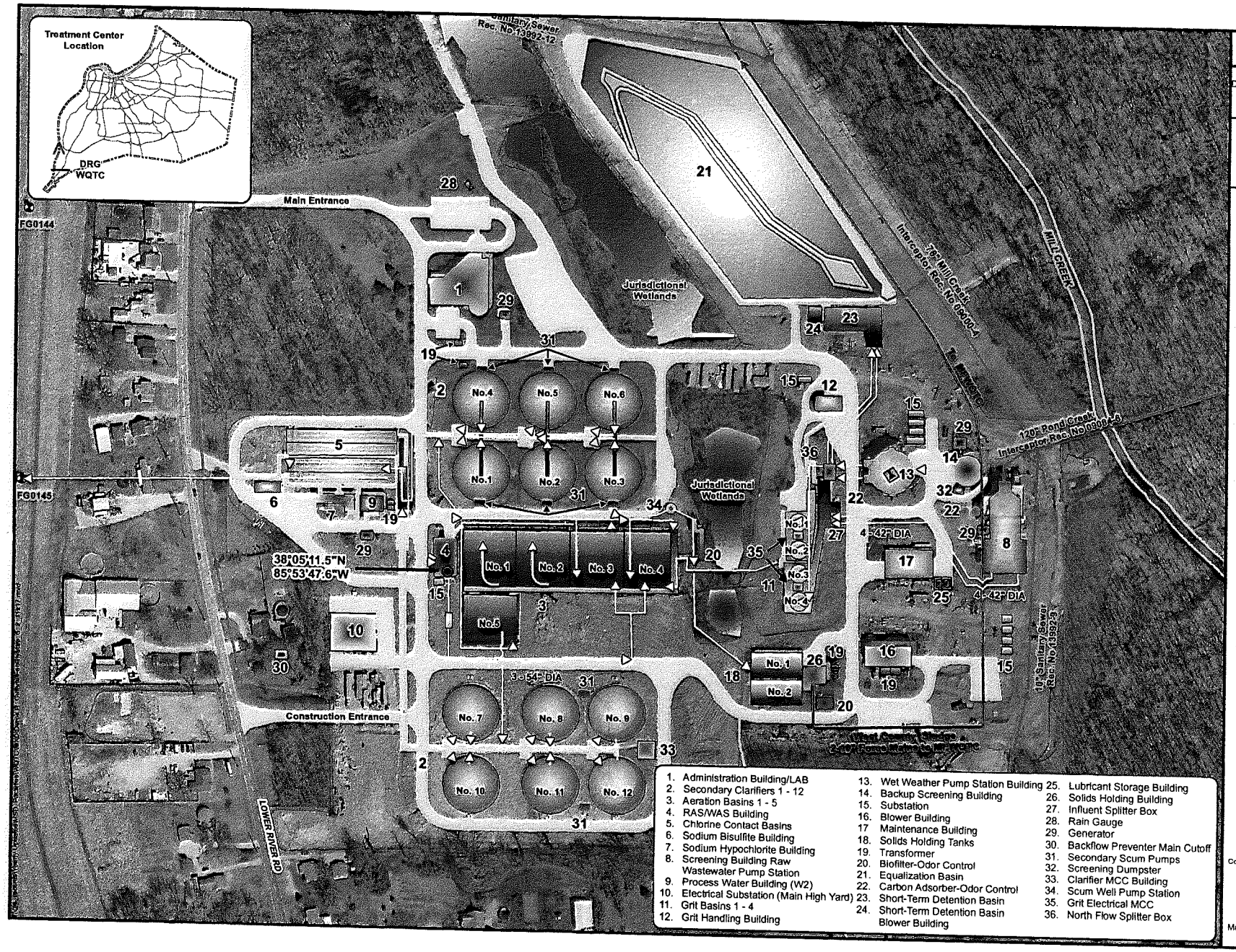
Please review the proposed projects and reply with any concerns regarding local historical or archaeological resources that may be affected. Your comments will be incorporated into the Derek R. Guthrie Regional Facilities Plan, which will be reviewed and approved by the Kentucky Division of Water. If you have any further questions please contact Colette Easter at (502)-540-6107 or colette.easter@louisvillemsd.org.

Sincerely,

Colette Easter, P.E.
Engineer II – Infrastructure Planning

CRE NRCS Cross-cutter Letter.docx

cc: John Loechle, P.E. | Engineering Director
Stephanie Laughlin, P.E. | Infrastructure Planning Program Manager



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

November 6, 2017

Mr. Doug Dawson
KY Fish and Wildlife
#1 Sportsman's Lane
Frankfort, KY 40601

Subject: Derek R. Guthrie Regional Facilities Plan 2017

Dear Mr. Dawson,

Louisville and Jefferson County Metropolitan Sewer District (MSD) is preparing the Derek R. Guthrie (DRG) Regional Facilities Plan (Plan) for re-rating of capacity from the current 30 million gallons per day (mgd) Average Daily Flow (ADF) to 60 mgd. MSD and CH2M have evaluated the DRG plant for wastewater conveyance and treatment needs through 2036. This long term Plan was developed for providing effective and efficient sanitary service to MSD customers within the planning area along with ensuring compliance with US EPA's Amended Consent Decree (ACD).

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Engineer II – Infrastructure Planning

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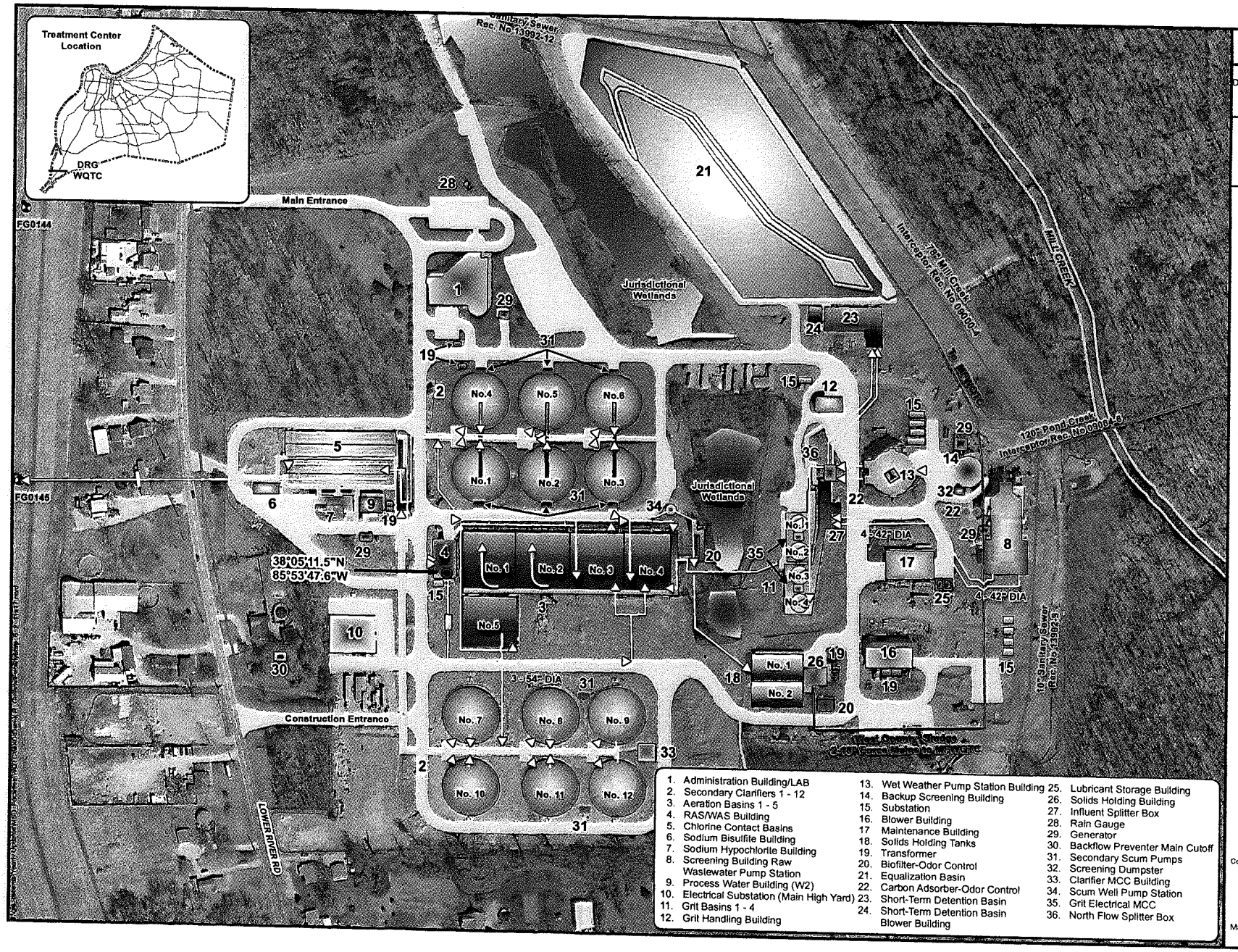

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LOUISVILLE AND JEFFERSON COUNTY
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Map Created: 10/2/2017

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

November 6, 2017

Mr. Nicolas Laracuente
Heritage Council
410 High Street
Frankfort, KY 40601

Subject: Derek R. Guthrie Regional Facilities Plan 2017

Dear Mr. Laracuente,

Louisville and Jefferson County Metropolitan Sewer District (MSD) is preparing the Derek R. Guthrie (DRG) Regional Facilities Plan (Plan) for re-rating of capacity from the current 30 million gallons per day (mgd) Average Daily Flow (ADF) to 60 mgd. MSD and CH2M have evaluated the DRG plant for wastewater conveyance and treatment needs through 2036. This long term Plan was developed for providing effective and efficient sanitary service to MSD customers within the planning area along with ensuring compliance with US EPA's Amended Consent Decree (ACD).

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Riverside Gardens Pump Station Expansion	Planning Phase (11-20 Years)

MSD is not aware of any impacts to local historical or archaeological resources as the result of the proposed projects. Construction activities proposed will occur in the future and a full project plan will be submitted to the Heritage Council prior to construction of these projects.

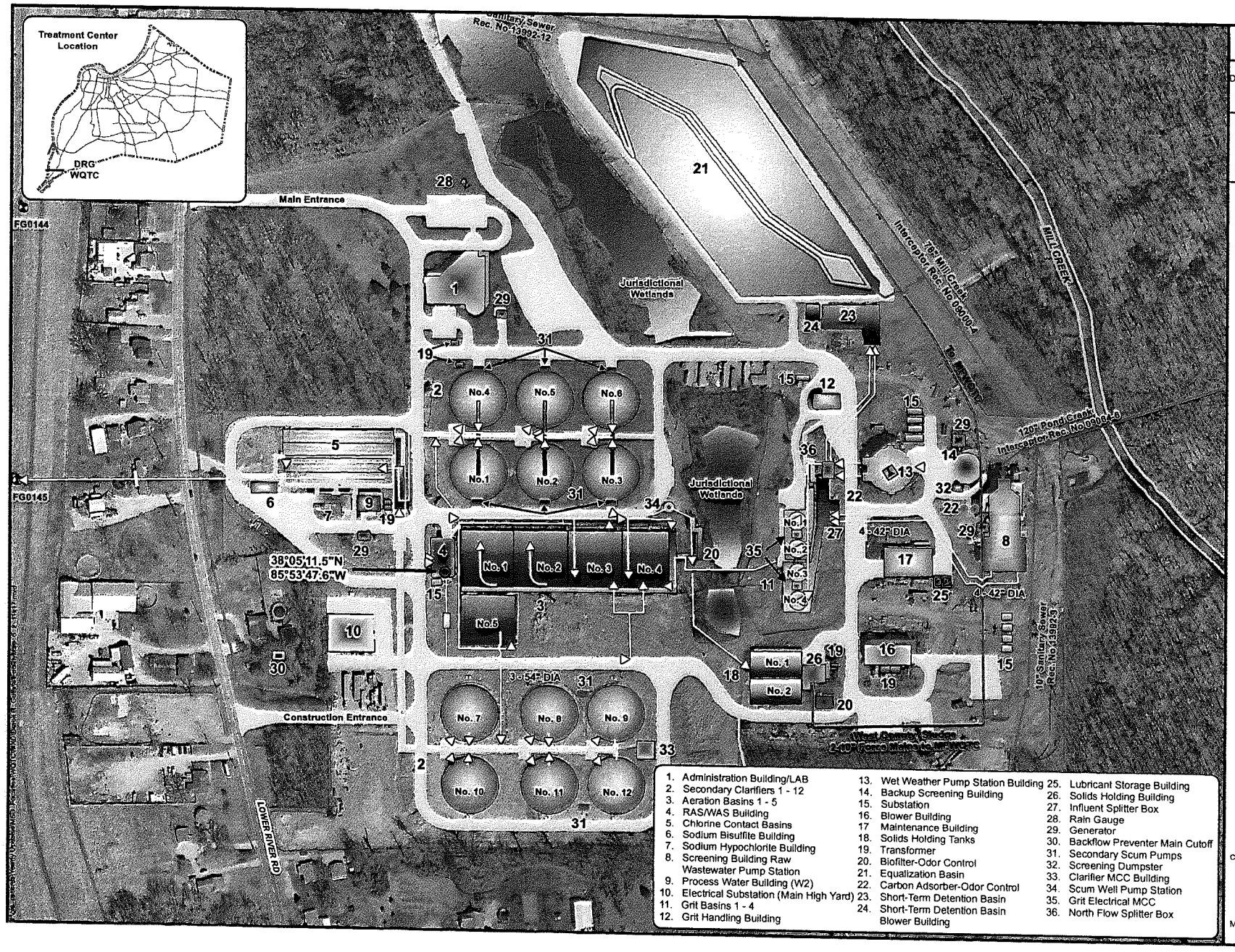
Please review the proposed projects and reply with any concerns regarding local historical or archaeological resources that may be affected. Your comments will be incorporated into the Derek R. Guthrie Regional Facilities Plan, which will be reviewed and approved by the Kentucky Division of Water. If you have any further questions please contact Colette Easter at (502)-540-6107 or colette.easter@louisvillemsd.org.

Sincerely,

Colette Easter, P.E.
Engineer II – Infrastructure Planning

CRE Heritage Council Cross-cutter Letter.docx

cc: John Loechle, P.E. | Engineering Director
Stephanie Laughlin, P.E. | Infrastructure Planning Program Manager



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Map Prepared by MSD GIS Services and Records

Map Created: 10/3/2017

Appendix B

Louisville & Jefferson County
Metropolitan Sewer District

PRELIMINARY SCHEDULE OF RATES, RENTALS & CHARGES

EFFECTIVE: AUGUST 1, 2014

1.0 WASTEWATER SERVICE CHARGES

The Wastewater Service Charge is a fixed service charge based on the size of the water meter and applies to all wastewater service charge billings. The Wastewater Service Charge shall be calculated using the table below and may be prorated based on the number of actual days in a billing cycle:

1.1 Commercial/Industrial Charges:

Meter Size Inches	Monthly Billing $/Bill	Bi-Monthly Billing $/Bill	Meter Size Inches	Monthly Billing $/Bill	Bi-Monthly Billing $/Bill
5/8 or 3/4	18.76	24.44	6	403.58	793.18
1	32.71	49.08	8	606.58	1189.79
1-1/2	49.08	81.66	10	793.18	1563.10
2	63.02	111.99	12	1151.56	2303.13
3	133.30	249.66	15 or 16	1395.85	2791.62
4	210.04	403.66	18 or 20	1832.02	3664.04

1.2 Residential Charges:

Meter Size Inches	Monthly Billing $/Bill	Bi-Monthly Billing $/Bill
5/8 or 3/4	12.22	24.44
1	24.54	49.08
1-1/2	40.83	81.16
2	55.99	111.99
3	124.83	249.66
4	201.83	403.66

1.3 Meter Read Charge:

An additional charge of **$81.58** shall be applied for each reading of each meter owned by a customer for the purpose of determining billable consumption. Examples of these meters are effluent flow meters, addition and subtraction meters.

2.0 WASTEWATER VOLUME CHARGES

The Wastewater Volume Charge is based on either water used as measured by a Louisville Water Company (LWC) meter(s) or wastewater discharged to the public sewer that is directly measured by either a private effluent flow meter(s) or calculated using a combination of addition meters (LWC meters/effluent flow meters) and subtraction meters that have been certified by the MSD

Finance Division for billing purposes. Wastewater Volume Charges may be modified from time to time by contractual agreement with individual customers. Wastewater Volume Charges are calculated based on the following rates:

2.1 Regular Volume Rate

The Regular Volume Rate shall be applicable to all water used and not meeting the requirements of Optional Volume Rate as described in Section 2.2 below. The Residential Regular Volume Rate is calculated to provide a year-long 15% discount for lawn watering and other uses of water which does not enter the public sewer. In addition, the Regular Volume Rate is calculated to provide automatic year round volume rate discounts of 10% for Commercial and Institutional customers and 5% for Industrial customers.

Residential - $3.34 per 1,000 gallons of volume billed
Commercial - $3.86 per 1,000 gallons of volume billed
Industrial - $4.02 per 1,000 gallons of volume billed

Commercial, Institutional and Industrial facilities on the Regular Volume Rate that are subject to a Quality Charge Rate shall pay Excess Quality Charges as described in Section 3.1 below.

2.2 Optional (Clean) Volume Rate

The Optional Volume Rate shall be available to customers whose average water use or wastewater discharged to the public sewer during any consecutive twelve-month period exceeds 1,000,000 gallons per month. Commercial, Institutional and Industrial customers on the Optional Volume Rate that are subject to a Quality Charge Rate shall pay Total Quality Charges as described in Section 3.2 below.

$2.28 per 1,000 gallons of volume billed

2.3 Sewer Only Volume Rate

The Sewer Only Volume Rate shall be applicable to wastewater discharged to the public sewer that is directly measured by either a private effluent flow meter(s) or calculated using a combination of addition meters (LWC meters/effluent flow meters) and subtraction meters. All effluent flow meters, addition and subtraction meters shall be inspected and certified by the MSD Finance Division prior to being used for billing purposes.

Residential - $3.85 regular rate
Commercial - $4.31 regular rate or $2.45 optional rate/1,000 gallons
Industrial - $4.34 regular rate or $2.45 optional rate/1,000 gallons

2.4 EPA Consent Decree Surcharge

The EPA Consent Decree Surcharge shall be applicable to the following billings:

Residential - $9.98 per month or **$19.96** bi-monthly

Condominium complexes without water meters for each condominium - greater of **$9.98** per month or **$1.67** per thousand gallons of water billed
Commercial Regular Volume Rate - greater of **$9.98** per month or **$1.19** per thousand gallons of water billed
Commercial Sewer Only Volume Rate - greater of **$9.98** per month or $**1.33** per thousand gallons of wastewater discharged
Industrial Regular Volume Rate - greater of **$9.98** per month or **$1.24** per thousand gallons of water billed
Industrial Sewer Only Volume Rate - greater of **$9.98** per month or **$1.33** per thousand gallons of wastewater discharged
Optional (clean) Volume Rate - greater of **$9.98** per month or **$.71** per thousand gallons of water billed
Optional (sewer only) Volume Rate - greater of **$9.98** per month or **$.76** per thousand gallons of wastewater discharged

3.0 WATER QUALITY CHARGES

Commercial, Institutional and Industrial customers that discharge wastewater to the public sewer characterized by excess strength of Biochemical Oxygen Demand (BOD) and/or Total Suspended Solids (TSS) shall be assessed a Quality Charge Rate established by MSD.

Any Commercial, Institutional or Industrial customer who is deemed eligible to be placed on a Quality Charge Rate by MSD shall have their wastewater tested for the purpose of accessing a quality charge billing rate in addition to the volume rate applied.

MSD shall at all times have access to the premises of a customer for the purpose of determining an appropriate Quality Charge Rate. Quality Charge Rates shall be based on sampling and analyses conducted by MSD personnel using MSD protocols and methods, unless otherwise approved by the MSD Board.

MSD shall set the frequency and duration for Quality Charge Rate sampling events. MSD will take business cycle fluctuations that may affect loadings into consideration when determining sampling frequency and duration.

MSD may establish standard BOD and TSS loadings for a specific customer class which shall be used to assess applicable Quality Charge Rates.

MSD may use other methods such as contractual agreements to determine a Quality Charge Rate for individual customers for which standard sampling and analyses do not represent the actual BOD and/or TSS concentrations being discharged to the public sewer.

3.1. <u>Excess Quality Charges</u>

Excess Quality Charges shall apply to Commercial, Institutional and Industrial customers paying the Regular Volume Rate as follows:

BOD Concentration: $0.003181 per mg/liter in excess of 250 mg/liter billed per 1,000 gallons of water recorded by a LWC meter OR wastewater discharged to the public sewer as directly measured by an effluent flow meter; and/or

TSS Concentration: $0.00131076 per mg/liter in excess of 270 mg/liter billed per 1,000 gallons of water recorded by a LWC meter OR wastewater discharged to the public sewer as directly measured by an effluent flow meter.

3.2. <u>Total Quality Charges</u>

3.21 Total Quality Charges shall apply to Commercial, Institutional and Industrial customers paying the Optional Volume Rate as follows:

3.2.2 BOD Concentration: $0.003181 per mg/liter billed per 1,000 gallons of water recorded by a LWC meter OR wastewater discharged to the public sewer as directly measured by an effluent flow meter; and/or

3.2.3 TSS Concentration: $0.00131076 per mg/liter billed per 1,000 gallons of water recorded by a LWC meter OR wastewater discharged to the public sewer as directly measured by an effluent flow meter.

4.0 FLAT RATE CHARGE FOR RESIDENTIAL CUSTOMER

The following flat rate wastewater service charges shall be applicable to any single-family residential customer without a metered public water service:

$38.86 monthly plus $9.98 EPA Consent Decree Surcharge
-OR-
$64.63 bi-monthly plus $19.96 EPA Consent Decree Surcharge

5.0 PENALTY CHARGE

Delinquent Bill Penalty shall be added to all wastewater service bills not paid by their due dates in accordance with the penalty policy in use by the Louisville Water Company, MSD's billing and collection agent, or as otherwise determined by MSD.

6.0 UNUSUAL INCIDENT CHARGE

Any business, firm or individual introducing into MSD's sewer system a substance detrimental to MSD's sewers, wastewater treatment facilities, pumping facilities or wastewater treatment processes, or which results in abnormal costs for MSD, shall be charged and shall pay the actual total costs incurred as determined by MSD.

7.0 DEBT SERVICE ADJUSTMENT

Whenever MSD's net revenues are less than 1.10 times the debt service on MSD's outstanding revenue bonds for any consecutive six-month period, by order of the Board of MSD, a schedule of wastewater service charges shall be amended in order to maintain a 1.10 debt service coverage required by MSD's 1971 Bond Authorizing Resolution which was approved by the City of Louisville Ordinance Number 86, Series 1971; provided the aggregate of such adjustments for any twelve-month period shall not generate additional revenue from wastewater service charges and drainage service charges in excess of 7%.

The term, “net revenues” is defined as gross revenue from wastewater service charges and drainage service charges less operating expenses and debt payments other than debt service payments on MSD’s outstanding revenue bonds.

8.0 CONNECTION FEES

8.1 A property service connection is the physical connection from MSD's public sewer to the property to be served or the easement line.

8.2 A Connection Fee is applicable for the first and subsequent connections to property which had not been previously assessed or otherwise charged or credited for the cost of the sewer serving the property; and, under any of the following circumstances:

8.2.1 whenever a physical connection to MSD’s public sewer is required to be constructed; or,

8.2.2 a working and usable connection is present but there exists a previous commitment or obligation to pay a connection fee to MSD on the part of the current property owner or previous property owners; or

8.2.3 a property had been previously assessed for the cost of a sewer but not for the cost of a property service connection, or had not been otherwise charged for the cost of a property service connection.

8.3 MSD’s Connection Fee is not due for connections to MSD’s sanitary sewer system under any of the following circumstances:

8.3.1 a working and usable connection exists that serves the property that was constructed and accepted by MSD prior to August 1, 1998; or,

8.3.2 a property is being served by an MSD assessment project and the property is being assessed; or,

8.3.3 a property is being served as part of a new development being constructed under the provisions of an MSD’s Lateral Extension (LE) Contract and the property owner is a third party beneficiary of the LE Contract; or,

8.3.4 connections to MSD’s sewer system are exempted by a previously executed agreement with MSD; or,

8.3.5 the Connection Fee is exempted from payment by another provision of these Rates, Rental and Charges; or

8.3.6 the Connection Fee has been specifically exempted by action of the MSD Board.

8.4 Connection Fees are not applicable to:

8.4.1 Homes built by, or on behalf of, an organization which is either exempt from Federal income tax under 26 U.S.C. & 501 (c)(3)of the Internal Revenue Code, or is a government entity; and sold to buyers who qualify according to the income guidelines established by MSD; and,

8.4.2 a property for which a federal low income housing tax credit is not being taken by any entity or individual; and

8.4.3 a property which has a sales price which qualifies under price guidelines established by MSD.

8.5 The Connection Fee shall be equal to the actual construction cost plus a $250.00 administrative fee.

8.5.1 The cost of the connection must be paid prior to the installation of the connection.

8.6 A special MSD connection fee is due and payable for those properties to be served in the vicinity of a MSD Assessment Project (whether connecting to an interceptor or a collector line) that will be equal to the most similar Guaranteed Maximum Assessment Project (GMA). After three years from the issuance of warrants for the assessment project, the amount paid shall be the greater of the GMA or the current applicable connection fee.

8.7 Connection Fees may be paid by any method approved by MSD including the use of installment plans in accordance with the procedures and at interest rates approved by the MSD Board. However, the Connection Fees shall be assessed against the properties pursuant to the assessment method described in KRS 76.172.

8.8 The construction of connections shall be by a qualified contractor subject to MSD's inspection and approval.

9.0 CAPACITY CHARGE

9.1 MSD is the designated management agency for the implementation of the Master Plan for sewering Jefferson County, and must eventually provide capacity within the comprehensive public sewage system for all developed properties within Jefferson County. New development, even when using MSD's existing capacity, contributes to future capacity needs. Therefore, Capacity Charges shall be collected from developers of properties to help defray the future cost of providing Master Plan sewerage facilities.

9.2 When a developer of property wishes to provide sewer service by extension of or connection to MSD's sewer system, the developer, in addition to providing and paying for sewerage facilities necessary for the development, shall pay a Capacity Charge in advance of connection to MSD's wastewater treatment facilities. For developments served by MSD sewer extensions, the developer shall pay the applicable Capacity Charge at the time of execution of the sewer extension contract, or shall submit an irrevocable Letter of Credit from a local bank or other financial institution which guarantees MSD payment in full at MSD's request after the sewers are installed and connected to MSD's sewer system and before MSD issues its formal acceptance to the sewer extensions.

9.3 The Capacity Charge shall be calculated by multiplying the unit capacity charge times the gallons per day estimated to flow from a new development connecting to MSD's sewer system as determined by MSD. The unit capacity charge (value per gallon) shall be calculated by dividing MSD's Net Worth (system value) by MSD's total system-wide design capacity. For any calendar year, the unit capacity charge shall be based on MSD's

net worth as reported in the Annual Audit Report for the fiscal year ended the June 30 prior to the calendar year.

9.4 Capacity Charges are not applicable to the following:

9.4.1 Existing developed properties connecting to MSD's system but previously served by another (non MSD) sewer system or on-lot wastewater disposal system.

9.4.2 Properties to be served by a new wastewater treatment plant to be owned by MSD and constructed and financed jointly by agreement between MSD and one or more developers; however, the prorated shares of the developers' capital costs based on their estimated use of design capacity, shall not be less than the amounts MSD would recover by using the Capacity Charge calculations. Properties in the service area not party to the agreement will pay the Capacity Charges.

9.4.3 Properties owned by Metro Government, or joint agencies of Metro Government.

9.4.4 Properties which connect prior to January 1, 1993 to an MSD sewer which was installed and available in an abutting right of way or easement as of January 1, 1987, provided that the properties were annexed into MSD's wastewater service area at the written request of the owners dated and received by MSD prior to January 1, 1987, and provided the properties are being developed, or have recently been developed, at the time of connection.

9.4.4.1 Properties within the boundaries of the City of Louisville which, in 1946 transferred the then existing City sewerage system to MSD at no cost to MSD. Funds collected by the capacity charge shall be used to finance future sewerage expansion that will serve new development.

9.4.4.2 Properties located within an "Enterprise Zone" established pursuant to KRS Chapter 154 designated Louisville and Jefferson County Enterprise Zones is exempt from the Capacity Charge imposed by MSD on new property development pursuant to Metro Codified Ordinance Section 50.48(C).

10.0 DRAINAGE SERVICE CHARGES

A system and structure of drainage service charges to be applied to all developed parcels of land within the MSD drainage service area and other drainage service fees are hereby established in accordance with the following:

10.1 Definitions

For the purpose of this Amendment, the words or phrases below shall have the following meanings:

10.1.1 **"MSD"** shall mean the Louisville and Jefferson County Metropolitan Sewer District.

10.1.2 **"Developed"** shall mean the condition of real property altered from its natural state by the addition to or construction on such property of impervious ground

cover or other man-made physical improvements such that the hydrology of the property or a portion thereof is affected.

10.1.3 An **"Equivalent Service Unit"** (ESU) is the measure of impervious ground cover for a typical single-family residential property and is used by MSD in assessing the drainage service charges for each parcel of property.

10.1.4 **"Impervious Surface"** shall mean those hard surface areas either which prevent or retard the entry of water into the soil in the manner that such water entered the soil under natural conditions pre-existent to development, or which cause water to run off the surface in greater quantities or at an increase rate of flow than that present under natural conditions pre-existent to development, including, without limitations, such surfaces as roof tops, compacted gravel, asphalt or concrete paving, driveways and parking lots, walkways, patio areas, storage areas, or other surfaces which similarly affect the natural infiltration or runoff patterns existing prior to development.

10.1.5 **"Drainage Master Plan"** shall mean the plan for managing storm drainage and surface water runoff facilities and features within MSD's drainage service area and the drainage basins therein.

10.1.6 **"Drainage Service Charge"** means the fee levied by MSD upon all developed real property within the boundaries of MSD's drainage service area as authorized by this amendment.

10.1.7 The **"System"** shall mean the entire system of flood protection and stormwater drainage and surface water runoff facilities owned or leased by MSD or over which MSD has right of use for the movement and control of storm drainage and surface water runoff, including both naturally occurring and man-made facilities.

10.1.8 **"Drainage Service Area"** shall mean all areas within Jefferson County not including Anchorage, Jeffersontown, St. Matthews and Shively, except as those areas or portions thereof are included in the district area by agreement with MSD. The term "district area" as used in this definition shall mean the service area of MSD as defined in KRS 76.005(3).

10.1.9 **"Undeveloped"** shall mean that condition of real property unaltered by the construction or addition to such property by man of impervious ground cover or physical man-made improvements of any kind which change the hydrology of the property from its natural state.

10.1.10 **"Residence"** shall mean a building or structure or portion thereof, designed for and used to provide a place of abode for human beings. The term residence includes the term "residential" and "residential unit" as referring to the type of or intended use of a building or structure.

10.1.11 **"Single-Family Residential Property or Parcel"** means any property or parcel which contains one structure with one or two residential dwelling units. Any such property or parcel containing more than one water meter, however, shall be deemed a Non-Single Family Residential Property or Parcel.

10.1.12 **"Non-Single-Family Residential Property or Parcels"** shall mean properties or parcels which contain more than one residential structure or one residential structure with more than two residential dwelling units and institutional, commercial, or industrial properties. This definition shall include a residential property or parcel containing two or more water meters.

10.1.13 **"Stormwater Quantity"** shall mean the post 100-year-24-hour storm event development flow must equal or be less than the pre-development 2-year-24-hour storm flows from the site.

10.1.14 **"Stormwater Retention or Detention Facilities**" shall mean stormwater drainage structures such as a basin, best management practice or facility that detains or retains (infiltrates) surface drainage / rainwater runoff.

10.1.15 **"Stormwater Volume"** shall be based on the capture, infiltration, and/or treatment by GMPs of a minimum of 0.6-inch of rainfall applied to impervious surfaces in the development.

10.1.16 **"Total Runoff"** shall be based on the following storm events: 3 month 24 hour; 1 year 24 hour; 5 year 24 hour; 100 year 24 hour;

10.1.17 **"Green Management Practices (GMPs)"** shall mean pervious pavement, rain gardens, green roofs, infiltration drains, wetlands, bioswales, increased green space, etc. consistent with the Green Infrastructure Design Manual. (MSD Design Manual, Chapter 18).

10.1.18 **"Water Quality Benefits"** shall be based on the threshold rain event the GMPs are able to treat through infiltration and/or pollutant removal. The GMP, or series of GMPs, must at a minimum, treat the threshold/minimum water quality rain event, as defined in the MSD design manual, imposed upon new development (ex. 0.60-inch or 1.0-inch rain event capture). Alternatively, this may include a detailed analysis performed by the property owner identifying the resultant discharge volume reduction and priority pollutant removal efficiencies.

10.1.19 **"Green Infrastructure Signage"** shall mean static green infrastructure educational signage that is installed at a credited green site, and that is designed and placed in accordance with MSD standards and guidance.

10.1.20 **"Volume Infiltrated"** shall mean the depth, in inches, of rainfall applied to the impervious surface that is captured and infiltrated by a GMP.

10.1.21 **"Connected Downspout"** shall mean the conveyance of roof drainage on private property, by pipe or other means, directly to an MSD collection system that conveys flow to a WQTC.

10.2 Service Charge

A drainage service charge is imposed on every parcel of land within the drainage service area except for the following exempted properties:

10.2.1 City-owned property where that incorporated city has entered into an interlocal drainage service agreement with MSD providing for detention basin sites,

easements, drainage rights-of-way or other assets of value comparable to applicable drainage service charges;

10.2.2 Properties owned by the Metro Government, or their budgeted agencies, which have offset their drainage service charges by the dedication of drainage facilities and future considerations through concomitant cooperative agreements;

10.2.3 MSD-owned property;

10.2.4 Public roads;

10.2.5 All undeveloped parcels of land.

The following charges are hereby established and imposed for all parcels or real property within the drainage service area, excluding exempted properties;

10.3 Class A properties or Single-Family Residential

The single-family residential charge rate shall be **$7.68** per month for each parcel having one or two residential dwelling unit(s). This flat rate fee is based on each single-family residential parcel being equal to one equivalent service unit (ESU). MSD shall determine the number of single-family residential parcels in the drainage service area and designate each as a single ESU irrespective of the size of parcel is segregated or the use of the land is modified to other than single-family. Drainage Charges may be pro-rated based on the number of actual days in a billing cycle.

10.4 Class B or other Parcels

The charge for all other parcels within the drainage service area shall be based upon the number of square feet of measured impervious surface, as determined by MSD through aerial photography and surface feature evaluation processes, expressed in whole ESUs by rounding to the next highest ESU (an ESU has been determined to be 2,500 square feet of impervious surface). The charge for Class B property may be computed by multiplying the number of ESUs for a given parcel by the unit rate established by MSD of $**7.68** per month. Drainage Charges may be pro-rated based on the number of actual days in a billing cycle. Any owner of Class B property may request a drainage charge credit adjustment for approved on-site stormwater retention or detention facilities provided:

10.4.1 The property owner remains responsible for all costs of operation and maintenance of the facility;

10.4.2 The facility has been constructed in accordance with all approved plans; "and drainage service charges" following the term "Wastewater Service Charges" whenever said term appears in said provision.

10.4.3 The owner has obtained MSD required permits for the facility; and

10.4.4 MSD has access to the facility for purposes of inspecting for compliance with design, maintenance and operating standards.

10.5 Credits-Monthly Drainage Service Credit

If MSD approves a drainage charge credit for on-site stormwater retention or detention facilities, the credit will be applied by reducing the number of billable ESUs by the percent of reduction in stormwater runoff due to such on-site facilities, as determined by MSD. The net billable ESUs after such credit is applied shall be expressed in whole ESUs by rounding to the next highest ESU. The adjusted drainage service charge shall not be less than 50% of the drainage service charge before the credit adjustment.

Applications for credits and stipends utilizing green infrastructure GMPs that exceed minimum requirements established by local ordinance and the MSD Design Manual will be reviewed to consider potential credit for peak flow rate reduction, total site runoff reduction, water quality benefit and green infrastructure outreach/education. Customers will be eligible for either a detention credit or the current MSD Drainage Credit Program, not both. The credit shall be calculated differently depending on the system to which the project drains, either the combined sewer area or MS4 area. Determination of which system the credit application applies to can occur at www.msdstormwaterquality.org. The basis for the credit computation is as follows:

Credit Computation Basis

MSD Drainage Credit Program				
	Category	Max Credit	Design Condition	Credit Allocation
MS4 Area	Stormwater Quantity	30%	2yr Post Developed Flow = (1/2) 2yr Pre Developed Flow	10%
			10yr Post Developed Flow = (1/2) 10yr Pre Developed Flow	10%
			100yr Post Developed Flow = (1/2) 100yr Pre Developed Flow	10%
	Stormwater Volume	15%	Stormwater Volume Credit = [(Volume infiltrated) * X 10%] with a maximum of credit of 15%	
			MAX Stormwater Volume	15%
	Green Infrastructure Signage	5%	Signage	5%
				50%
Combined Sewer Area	Stormwater Quantity	15%	Post Developed 100 yr Flow = Pre Developed 2 yr Flow	15%
	Stormwater Volume	30%	Stormwater Volume Credit =[((Volume Infiltrated)X 20%) -30%] with a maximum credit of 30%	
			MAX Stormwater Volume	30%
	Green Infrastructure Signage	5%	Signage	5%
				50%

Credit and stipend applications must include proposed operation, maintenance, and inspection plans. Applicants will be required to provide annual certifications documenting that the required inspections and maintenance were performed to maintain the credit. In addition, access must be granted to MSD to perform inspections for the life of the credit. Applications for a credit or stipend must also include construction plans prepared in accordance with standards defined in the MSD Design Manual. This requirement includes preparation of plans by a qualified professional.

10.6 Monthly Stormwater Drainage Service Charge Credit Duration

New credits may be granted for a maximum of 10 years provided that all requirements are met and continue to be met for the life of the credit. Approved drainage service charge credits will remain in effect for up to 10 years from the original date of the application approval. In addition, the following conditions apply to obtaining and maintaining the credit:

10.6.1 The existing facility must be maintained to acceptable condition or repairs must be made within the time prescribed by MSD.

10.6.2 MSD must be given access to enter the properties to perform inspections.

Loss of credit due to non-performance shall be permanent and irreversible after 60 days of failure to comply with notices of violations (NOVs). Subsequent applications will consider the most current credits program and shall be subject to all requirements and conditions applicable at the time the new application is made.

10.7 Capital Recovery Stipend

Capital Recovery Stipends are payments from MSD offered to defray the cost of implementing green infrastructure components that exceed minimum requirements established by local ordinance and the MSD Design Manual. Acceptance of the Capital Recovery Stipend will reduce the monthly stormwater drainage service charge credit for which the Applicant is eligible. If a Capital Recovery Stipend is accepted, the drainage service charge shall not be less than 75% (i.e. monthly drainage service charge credit shall be no more than 25%). MSD will not incur costs associated with an Applicant's engineering, design, or analysis required for completion of the application.

Stipend values will be determined by MSD utilizing hydraulic modeling of the incorporation of the green project into the Combined Sewer System. The project value will include the treatment savings cost, as well as any size reduction savings to downstream gray infrastructure as outlined in the Integrated Overflow Abatement Plan (IOAP).

Should a customer already enrolled in the program request to participate in the Capital Recovery Stipend program for either a new property or an improved property, the customer must enter into a new agreement for the new or improved property which sets forth the stipend amount that adheres to the current credit policy and must terminate any preexisting agreement pertaining to that specific property.

Capital Recovery Stipends are available on a priority basis and as MSD budgets allow. Priority will be given to potential projects based on: performance indicators, location in relation to priority sewersheds and watersheds, potential for sustainable partnerships, constructability, and public exposure potential.

Applications for Capital Recovery Stipend must be prepared by qualified professionals and must also include operation and maintenance plans, and designs prepared in accordance with standards defined in the MSD Design Manual. Annual certifications

must also be submitted by the property owner who will be required to document that inspections and maintenance needs have been performed.

Applications are required one year prior to the agreement expiration to ensure no lapse in credit. Applications will be reviewed to consider potential credit for peak flow rate reduction, total site runoff reduction, water quality benefit and green infrastructure outreach/education. The sites will be subject to access by MSD for inspection and maintenance certifications.

Capital Recovery Stipend agreements will reflect MSD's value recovery if green infrastructure GMPs are removed or altered beyond the original intent. Recovery will be required, if within 10 years of stipend agreement approval date a property owner chooses to remove the green infrastructure GMP, or make modifications that negate the intended purpose associated with a capital recovery stipend. In which case, the property owner shall be responsible for reimbursing MSD the greater of: 25% of the stipend amount; or, a straight line 10-year depreciation of the stipend amount.

As an alternative to the Capital Recovery Stipend, credit applications will be accepted to allow for reduction in impervious area by the amount controlled by green infrastructure GMPs. This credit, based on alternative impervious area calculation, will be available for a maximum of 10 years. The green infrastructure GMPs must control drainage to a level acceptable to MSD (i.e. capacity to manage the first 0.75-inches of precipitation of a storm event). These sites will also be subject to access by MSD for inspection and maintenance certifications.

For single family residential customers, incentives for disconnection of downspouts may be available at a rate of $100/downspout if the homeowner disconnects. Disconnection incentives are subject to MSD inspection and approval. Details on the program are outlined at www.msdstormwaterquality.org.

10.8 Other Drainage Fees

The Board of MSD may establish fees for the review and approval of plans or designs of drainage facilities, and for the inspection of the construction of drainage facilities, all in accordance with KRS Section 76.085, and may establish policies for the sharing of the costs of developing regional drainage systems serving multiple developments/properties.

10.9 Billing and Collection

Drainage service charges shall be billed and made payable using the same frequencies and billing cycles used by the Louisville Water Company for its billing system. The amounts to be billed shall be included as additions to the billings of the Louisville Water Company for water and/or sewer service, or by separate billings and billing cycles for accounts not maintained by the Louisville Water Company. Drainage Charges may be pro-rated based on the number of actual days in a billing cycle.

The owner(s), tenant(s) or person(s) responsible for the payment of water service charges and/or sewer service charges shall also be responsible for the payment of drainage service charges for the same parcel(s) except for multiple occupancy such as shopping centers, apartment, condominiums, etc., in which cases MSD may either allocate the drainage service charges among the occupants of the parcel or may deem that a single billing to the

parcel's owner(s), agent or association is appropriate. In either case, the billed party shall be responsible for payment of drainage service charges. For properties not billed by the Louisville Water Company for water service charges and/or sewer service charges, the owners of such properties shall be billed drainage service charges and shall be responsible for payment of same. In all situations, the owners of properties subject to drainage service charges shall be fully responsible for payment of said charges regardless of any other parties herein above identified as also being responsible for payment of drainage service charges.

When any drainage service charges remain unpaid for a period of thirty (30) days after the amount becomes due and payable, the property, tenant and the owner thereof shall be deemed delinquent until such time as the charges are fully paid. MSD may terminate or cause to be terminated public sewer, water, and/or drainage services against the tenant or owner to obtain payment, all in accordance with KRS 76.090(4). A penalty shall be applied to delinquent drainage charges in the same manner that penalties are applied to delinquent sewer and water charges by the Louisville Water Company or as otherwise determined by MSD.

10.10 Drainage Revenues/Expenses

All monies collected through drainage service charges and drainage fees authorized herein shall be separately identified and accounted for in MSD's financial records, and all expenses related to stormwater drainage and flood control shall be separately identified and accounted for by MSD.

10.11 Adjustment of Charge, Appeals

Any owner who considers that drainage service charges applied to the owner's parcel are inaccurate or otherwise disagrees with the determination may apply to MSD's Financial Director for a rate review, stating in writing the grounds for the adjustment. The Financial Director will review the case and report findings to the Executive Director. The Executive Director shall consider the complaint and staff recommendations and determine whether an adjustment is necessary to provide for reasonable and equitable application of the drainage service charge.

Appeal of decisions made by the Executive Director may be brought before the MSD Board in writing with notice and substance of the appeal sent to the Board's secretary within fifteen (15) days after the owner receives the Executive Director's decision. Upon reviewing the documentation, the Board shall render a final decision.

11.0 INFLOW AND INFILTRATION (I/I) SURCHARGE

11.1 Applicable to individuals and/or entities ("hereinafter "Developers") who provide sewer service by extension of or connection to MSD's separate sanitary sewer system:

> **$1 per gallon per day calculated by multiplying $1 times the gallons per day estimated to flow from a new development connecting to MSD's sewer system as determined by MSD, with a minimum charge of $400.00 for a single project.**

11.2 I/I fees are due and payable to MSD in full at time of the Developer's payment of Capacity Charges.

11.3 I/I fees are not applicable to the following:

11.3.1 Properties located within an area of an MSD sewershed subject to "recapture fees" but exempted from such fees as "Non-Subject Properties" pursuant to express terms and conditions of the applicable Recapture Agreement between MSD and Developer, provided the Facilities constructed pursuant to the Agreement were constructed according to MSD's Master Plan for sewering Jefferson County.

11.3.2 Properties at which I/I reduction work has been approved by MSD and performed in accordance with the MSD Capacity Assurance Program.

11.3.3 Properties which do not impact documented sanitary sewer overflows as determined by MSD, and for which a Reservation of Capacity Agreement was executed prior to August 1, 2008, and a Lateral Extension Agreement was executed prior to September 1, 2008.

11.3.4 Properties which will discharge flow directly into an MSD combined sewer and for which a separate MSD sanitary sewer is not available.

11.4 I/I surcharge fees will terminate at such time MSD terminates its Capacity Assurance Program.

12.0 RECAPUTURE AGREEMENTS

MSD may negotiate and execute agreements with individuals and/or entities (herein "Developers") whereby Developers may construct and pay for regional sanitary sewer facilities that serve the Developers' property and other property located within a region determined by MSD (herein "Sewershed"). The Developer must submit plans for the proposed regional sanitary sewer facilities (herein "Facilities") to MSD and MSD must approve such plans prior to construction. The Developer also must receive approval from MSD that the Facilities' construction was in accordance with its prior approved plans and specifications. Developers must transfer right, title and interest of said Facilities to MSD at no cost. When other properties within the Sewershed are developed, MSD may charge customers located within that determined Sewershed, or other customers permitted by MSD to use such Facilities, Recapture Fees on behalf of the Developers in order to recapture the cost expended by the Developers in constructing such Facilities. MSD will calculate the Recapture Fees by determining the number of developable lots within the Sewershed and dividing it into the total final cost of the Facilities. MSD will collect the Recapture Fees and, after retaining a reasonable administrative fee from the Recapture Fees, remit the balance of the Recapture Fees to the Developers in accordance with the terms of the agreements and with this section.

13.0 SENIOR CITIZENS DISCOUNT

Senior Citizens are eligible for a 30% discount off wastewater service charges, wastewater volume charges and the EPA Consent Decree Surcharge. This discount will be made available to customers of MSD that are 65 years or older, have a gross household income of $35,000 or less, and are the primary titleholder or leaseholder on the property subject to the bill. An application will be sent to those customers that request one and the discount shall begin on the billing period

following the date that the application is approved by MSD. In order to qualify for this discount, proof of age such as a birth certificate or driver's license must be provided. In addition, proof of income such as a Federal Income Tax Form 1040 must be provided and proof of residency such as a warranty deed or lease agreement must be provided. Customers that qualify for this discount may be asked to complete a renewal application on an annual basis or as otherwise determined by MSD.

14.0 ADJUSTMENT OF CHARGES AND APPEALS

Any owner who considers that wastewater or drainage charges applied to the owner's parcel are inaccurate or otherwise disagrees with the determination may apply to MSD's Financial Director for a rate review, stating in writing the grounds for the adjustment. The Financial Director will review the case and report findings to the Executive Director. The Executive Director shall consider the complaint and staff recommendations and determine whether an adjustment is necessary to provide for reasonable and equitable application of the charge(s).

Appeal of decisions made by the Executive Director may be brought before the MSD Board in writing with notice and substance of the appeal sent to the Board's secretary within fifteen (15) days after the owner receives the Executive Director's decision. Upon reviewing the documentation, the Board shall render a final decision.

In the event of a billing error, MSD may back bill the customer for a period of two years from the date the error was discovered and MSD will grant refunds for overbillings for a period of two years from the date it was notified of the overbilling.

14.1 Severability

If any section, clause or provision of this amendment be declared by the courts to be invalid, the same shall not affect the validity of the amendment as a whole or any part thereof, other than the part so declared to be invalid.