



AIR POLLUTION CONTROL DISTRICT  
LOUISVILLE, KENTUCKY

GREG FISCHER  
MAYOR

KEITH H. TALLEY, SR.  
DIRECTOR

**NOTICE OF VIOLATION**  
**Case No. ENF-19-00025**

November 4, 2019

Brian Bingham  
Chief of Operations  
700 W Liberty Street  
Louisville, KY 40203

James A. Parrott  
Executive Director  
700 W Liberty Street  
Louisville, KY 40203

Messrs. Parrott and Bingham:

The Louisville Metro Air Pollution Control District (District) alleges that the Metropolitan Sewer District (MSD) has violated certain District regulations. Enclosed is a copy of the Investigation/Violation report which details the allegations. KRS 77.990 authorizes the District to assess a civil penalty of up to \$10,000 per violation for each day during which the violation occurs or continues. If you agree to settle this matter without further Action by the District, you may enter into an agreement with the District, which will include remedial measures and corrective action.

Please contact Byron Barber at [Byron.barber@louisvilleky.gov](mailto:Byron.barber@louisvilleky.gov) to discuss settlement. You may request a conference and be represented by counsel.

Sincerely,

Keith H. Talley, Sr.  
APCD Executive Director

Enclosure(s): Incident/Violation Report

## INCIDENT/VIOLATION REPORT

**CASE NUMBER:** ENF-19-00025

**PRINTED:** October 30, 2019

### INCIDENT INVESTIGATION REPORT

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**Incident Date:** July 29, 2019 to August 21, 2019

**Origin of Incident:** Customer Service Complaint

**Responsible Party:** Metropolitan Sewer District (MSD)

**Responsible Person:** Brian Bingham  
Chief of Operations

James A. Parrott  
Executive Director

**Mailing Address:** 700 W Liberty Street  
Louisville, KY 40203

**Incident Locations:** West Louisville including the Park DuValle, California, & Chickasaw  
Neighborhoods

### EXECUTIVE SUMMARY

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The Morris Forman Water Quality Treatment Center (WQTC) is Kentucky's largest and oldest water quality treatment center. Typically, it treats 100 million gallons of wastewater and up to 350 million gallons per day during storms via combined sewer system. A combined sewer system is one where the same pipe carries both the wastewater and the stormwater. Morris Forman WQTC also handles the biosolid processing for all five WQTCs in the Louisville Metro area.

The District received approximately 46 complaints between July 29, 2019, and August 21, 2019, regarding an incessant odor of sewage or "rotten eggs" in the Chickasaw, California, & Park DuValle neighborhoods and surrounding areas in West Louisville. West Louisville residents and other concerned citizens have described the odor as "feces," "bad perm," and "sewer." Complaints of these odors have repeatedly been reported to the Louisville Metro Air Pollution Control District (APCD) and the Louisville and Jefferson County Metropolitan Sewer District (MSD). Since August 21, 2019, approximately 87 additional complaints have been received by APCD regarding sewage or "rotten eggs" odors as of September 30, 2019. Odors from the collections system and the Morris Forman Water Quality Treatment Facility may be more pronounced during nighttime and early morning hours. The incidents described herein are representative of those that have been reported to APCD and those which APCD has confirmed as objectionable.

APCD Regulation 1.13, Control of Objectionable Odors in the Ambient Air, requires that no person shall emit or cause to be emitted into the ambient air any substance that creates an objectionable odor

beyond the person's property line. An "objectionable odor" means any odor present in the ambient air that, by itself or in combination with other odors, gases, or vapors, is offensive, foul, unpleasant, or repulsive.

## **INCIDENT DESCRIPTION**

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### **July 29, 2019**

APCD received several community complaints about a "sewer/rotten eggs" odor. Compliance Officer Steve Oswald performed an inspection, lasting approximately 32 minutes driving a perimeter bound by W. Broadway, Southwestern Parkway, Interstate-264, and Algonquin Parkway and observed the following intermittently: a sewer odor (1 out of 4 on the odor scale) near the Firearms Training Center on Algonquin Parkway.

### **August 5, 2019**

APCD received several community complaints about sewage/chemical odors. Compliance Officer Matt Dwyer performed an inspection lasting approximately 15 minutes while on Lyman Johnson Dr. and observed the following: a rotten egg odor (2 out of 4 on the odor scale).

### **August 15, 2019**

APCD received community complaints about "rotten eggs/bad perm/feces" odors. Compliance Officer Matt Dwyer performed an inspection lasting approximately 15 minutes while on Lyman Johnson Dr. and observed the following: an earthy sewer odor (2 out of 4 on the odor scale).

### **August 19, 2019**

APCD received community complaints about "rotten eggs/feces" odors. Compliance Officer Matt Dwyer performed an inspection lasting approximately 21 minutes while on Lyman Johnson Dr. and observed the following: a rotten egg odor (3 out of 4 on the odor scale).

### **August 20, 2019**

APCD received community complaints about a "rotten eggs/" odor. Compliance Officer Tina Oakes performed an inspection near Lyman Johnson Dr. and Young Avenue lasting approximately 28 minutes, as well as an inspection along 32<sup>nd</sup> St. lasting approximately 25 minutes and observed the following: a sulfur odor (2 out of 4 on the odor scale).

### **August 21, 2019**

APCD received a community complaint about a "rotten eggs/sewer" odor. Compliance Officer Matt Dwyer performed an inspection lasting approximately 15 minutes while near 37<sup>th</sup> St. and Doerhoefer Ave. and observed the following for 2 minutes: a sewer odor (2 out of 4 on the odor scale). Following that observation, Compliance Officer Matt Dwyer changed location and performed an inspection lasting approximately 15 minutes while near 36<sup>th</sup> St. and W. Broadway and observed the following: a rotten/sewer odor (4 out of 4 on the odor scale).

### **August 22, 2019**

APCD received a community complaint about a "rotten eggs/sewer" odor. Compliance Officer Matt Dwyer performed an inspection lasting approximately 2 hours. During that inspection, the compliance officer observed a rotten food odor in the ambient air (4 out of 4 on the odor scale) coming from the

storm drain for 7 minutes while near 36<sup>th</sup> St. and W. Broadway, a rotten egg odor in the ambient air (3 out of 4 on the odor scale) air for 15 minutes while near 40<sup>th</sup> St. and W. Kentucky, and a rotten egg odor in the ambient air (2 out of 4 on the odor scale) for 6 minutes while near the fence line of the Morris Foreman Water Quality Treatment Center.

### **VIOLATION REPORT**

The above incident investigation shows you have violated the following regulation(s). Your compliance status and the violation penalty are indicated below.

**Regulation:** APCD Regulation 1.13: Control of Objectionable Odors in the Ambient Air, Section 2, Prohibition of Objectionable Odors.

**Description of How this Incident Violated the Regulation:** APCD has received complaints from the community and observed a “rotten egg/sulfur/sewage” like odor in the areas surrounding the Morris Foreman Wastewater Treatment Plant, including in West Louisville and the Park Du Valle, California, and Chickasaw neighborhoods, and documented the presence of the odor in the area.

**Compliance Note:** MSD shall develop and implement the following:

- An Odor Control Master Plan for the Morris Foreman Water Quality Treatment Plant, which includes scientific identification and quantification of odor sources and technologies that will be used to control odors, that shall be submitted to APCD and made available to the public by March 2020.
- An Odor Event Outreach Communications Plan by March 2020.
- An Odor Control Master Plan for Collection System in the area between 9<sup>th</sup> Street and the Ohio River, including the Park Du Valle, California, and Chickasaw neighborhoods, which includes scientific identification and quantification of odor sources and technologies that will be used to control odors, that shall be submitted to APCD and made available to the public by November 2020. The following shall also be included:
  - Inspection and reporting of conditions within the Collection System.
  - Location of any untrapped catch basins within the Park DuValle neighborhood.
- A collection system maintenance/service schedule within the areas bound between 9<sup>th</sup> Street and the Ohio River, including the Park Du Valle, California, and Chickasaw neighborhoods taking the collection system integrity and weather conditions/environmental changes into account.
- A publicly available Report and Resolution Response log that shows MSD’s actions for each odor report received beginning June 2020.

**Total Penalty: \$0**