



MSD

Louisville and Jefferson County
Metropolitan Sewer District

Update

News about activities and developments at MSD

September 13, 2001

Special Issue

County's erosion control ordinance at work



The 40 construction inspectors at MSD know how to control erosion and sediment on building sites.

They've been accustomed to ensuring those measures were in place—and working—on MSD construction projects.

When Jefferson County's Erosion Prevention and Sediment Control (EPSC) Ordinance took effect on January 1, 2001, their duties expanded to include nearly every land-disturbing activity in the county. That totaled about 2,000 active construction projects initiated during the first six months of this year—including single-family homes, major residential develop-

ments, and commercial, industrial and utility projects.

The construction industry, too, was learning how to meet EPSC requirements on building sites. Eight months later, MSD

The ordinance brings the county in compliance with its Kentucky Pollution Discharge Elimination System permit.

Engineering Director Derek Guthrie believes that much of the learning process is over.

"The number of enforcement investigation requests related to EPSC has dropped significantly,"

Guthrie says. Requests declined from a high of 40 in February to fewer than 10 in June.

Part of the drop stems from completion of EPSC training sessions, offered by MSD through Jefferson County Public Schools Adult Education. The ordinance requires all persons in responsible charge of a land-disturbing activity to complete the class and become certified. So far 928 persons have completed the classes and received certification.

The classes showed construction practitioners how to meet ordinance requirements and implement controls on building sites.

The decline in enforcement actions also is due to the ordinance's strong penalties for

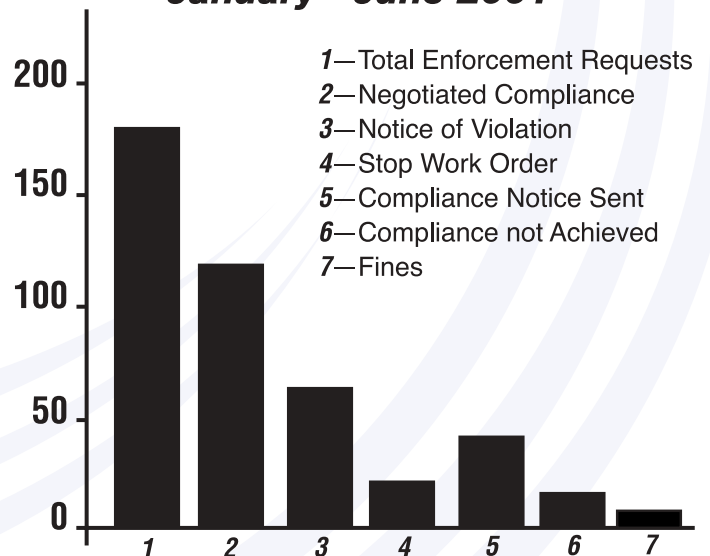
(continued on page 3)



A silt fence keeps construction site sediment from being swept into nearby streams, protecting water quality and reducing the potential for flooding.

Enforcement Actions

January—June 2001



More construction means more enforcement



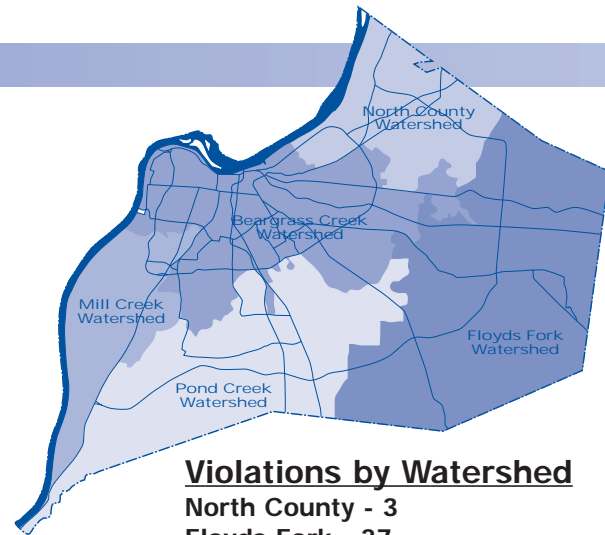
To find out where most of the EPSC violations occurred during the first six months of 2001, follow the construction activity.

MSD inspectors investigated more EPSC-related requests in the Floyds Fork, Beargrass Creek and Mill Creek watershed areas. "Although building occurs all over Louisville and Jefferson County, more single-family homes are under

construction in the Floyd's Fork watershed than any other area," according to MSD Construction Enforcement Officer Larry Pardue.

Much of the construction activity in the Mill Creek watershed includes MSD sewer expansion and drainage projects. "As those projects have been completed and sewer service has become available, new private construction projects have begun," Pardue said.

Since January, 57 notices of violation were issued county-wide.



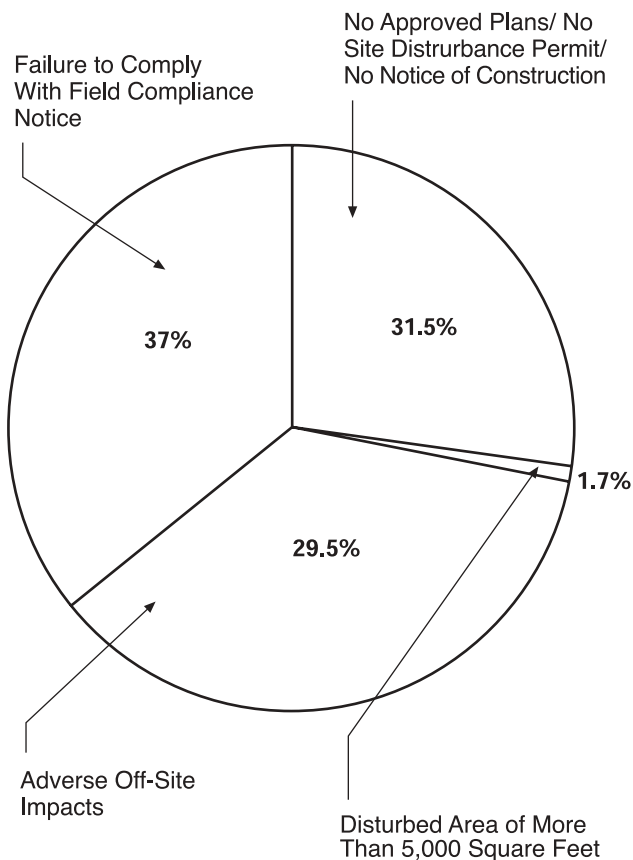
Violations by Watershed

- North County - 3
- Floyds Fork - 37
- Pond Creek - 6
- Mill Creek - 4
- Beargrass Creek - 7

As familiarity with EPSC requirements grows, the number of violations continues to decline.

What's Going Wrong?

Ordinance Violations Issued



EPSC by the numbers

Since January 1, 2001:

33 training sessions on how to meet EPSC requirements were offered through Jefferson County Public Schools Adult Education program

928 construction practitioners attended the classes and were certified

173 EPSC-related requests were investigated by MSD Construction Enforcement Team

57 notices of violation were issued—21 of them for failure to comply with correction notices and 18 for working without approved EPSC plans

118 enforcement requests were resolved without further enforcement action

Only 6 notices of violation resulted in fines as most contractors responded by making needed corrections



Erosion control ordinance at work

(continued from front page)

violations. “At first many tested the ordinance’s boundaries and didn’t comply with field correction notices,” CERES Principles Engineer Sarah Lynn Cunningham said. “Now, when field correction notices are received, most builders and developers add it to their to-do lists and take care of it.”

MSD inspectors also are taking extra steps to work with builders on construction sites. “Most problems we encounter can be quickly resolved, without further enforcement action,” Cunningham noted. “Our inspectors try to have good working relationships with builders and work things out in the field without a lot of paperwork.”

Beginning in May, MSD initiated a self-monitoring program for construction personnel who have been certified. They perform weekly inspections, following a check-list provided by MSD. Additional checks are required following rainfall of a half-inch or more in a 24-hour period. Inspection results must be maintained on site and available for MSD inspectors to review.

“Self-monitoring has been very successful for everyone involved and for the environment,” Guthrie said. “When deficiencies are noted in a self-inspection, they can be corrected on the spot. There’s no waiting for MSD and no additional environmental impact,” he said.

Although the ordinance has been in effect for only eight months, it was developed over a two-year span by a broad-based group representing developers, contractors, environmental groups, local government and concerned citizens. In addition to MSD implementing



When construction sites don't use proper erosion and sediment controls, aquatic life in nearby streams can suffer. Excess sediment in streams also can impact stormwater movement during heavy rains and may lead to flash flooding.

controls on its project sites years ago, the Home Builders Association of Louisville has encouraged a voluntary approach to controls for several years.

The ordinance was key in bringing Jefferson County in compliance with its Kentucky Pollution Discharge Elimination System (KPDES) stormwater permit, according to Cunningham. The permit, issued under the federal Clean Water Act, required communities with more than 200,000 residents to have an ordinance in place regarding runoff control.

EPSC's IMPACT

BEFORE:

Developer solely responsible

Best management approaches without specific goals were acceptable

No obligation or responsibility for controls on single-building lots

Inspectors lacked authority to enforce standards and address problems

Less monitoring of controls and fewer corrections being made

NOW:

Both contractor and developer responsible for erosion and sediment control

Design goal is 80% solids removed from stormwater discharged at construction sites

Homebuilders must have an approved EPSC plan for individual lots

Now most problems are identified and corrected without further action

EPSC permit holders self-inspect effectiveness of controls on their sites



MSD

Louisville and Jefferson County
Metropolitan Sewer District

700 West Liberty Street
Louisville, KY 40203-1911
502-540-6000
www.msdlouky.org

Ordinance affects most land-disturbing activities



EPSC applies to nearly every land-disturbing activity in Jefferson County. That means building projects—from

single-family homes to utility construction—must have an approved EPSC plan or be covered under a general permit before construction begins.

The entire process can take anywhere from a day to several months or more, depending on the size of the construction project, the environmental sensitivity of the location and the quality of the sub-

mittal from the design professional. MSD generally takes 14 days to review each plan submittal and revisions.

Requirements vary for some types of construction. Generally, these steps are required before land-disturbing projects begin:

- Construction plan of the land disturbing activity is approved by MSD.
- After the construction plan is approved, submit a Notice of Construction to MSD.
- An on-site pre-construction meeting may be scheduled, depending on the project's complexity and the environmental sensitivity of the site.

- MSD issues a Site Disturbance Permit for the project, generally within 72 hours.

- Site inspections are performed to ensure that EPSC controls are working. The ordinance allows for Site Disturbance Permit holders to perform self-inspections, with MSD Inspectors also making periodic checks.

© **COPYRIGHT 2001**

Louisville and Jefferson County
Metropolitan Sewer District
LOJIC map data copyrighted by the
Louisville and Jefferson County
Metropolitan Sewer District and the
Louisville Water Company
All Rights Reserved