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ATTORNEYS AT LAW

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P.O. Box 676

FRANKFORT, KENTUCKY 40602-0676

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LOUIS COX (1907-1971)

FAX: (502) 875-7158
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May 18, 2012

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MAY 18 2012

PUBLIC SERVICE
COMMISSION

Via Hand Delivery

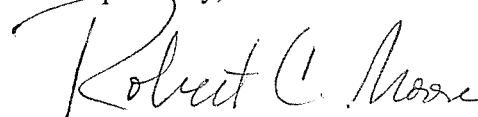
Mr. Jeff R. Derouen, Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
P. O. Box 615
Frankfort, Kentucky 40602-0615

Re: In the Matter of Alternative Rate Adjustment Filing of Coolbrook Utilities, LLC,
("Coolbrook"); Case No. 2011-00433

Dear Executive Director Derouen:

Please find enclosed an original and two (2) copies of Coolbrook Utilities' Answers to the Post Hearing Information Requests made by the Public Service Commission. Coolbrook Utilities requests that it be allowed to file the enclosed originals and two (2) copies instead of filing an original and ten (10) copies. Thank you for your attention to this matter and please let me know if I need to take any further action with respect to same.

Respectfully,



Robert C. Moore

RCM/neb

Enclosure

cc: Gerald Wuetcher - via electronic mail
Jennifer Black Hans - via electronic mail
Coolbrook Utilities, LLC

RECEIVED

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

MAY 18 2012

PUBLIC SERVICE
COMMISSION

In the Matter of:

ALTERNATIVE RATE ADJUSTMENT FILING OF)
COOLBROOK UTILITIES, LLC.) CASE NO 2011-00433

**ANSWER OF COOLBROOK UTILITIES, LLC, TO
POST HEARING INFORMATION REQUESTS**

Comes Coolbrook Utilities, LLC (“Coolbrook”), by counsel, and for its Response to the Public Service Commission’s Post Hearing Data Request states as follows:

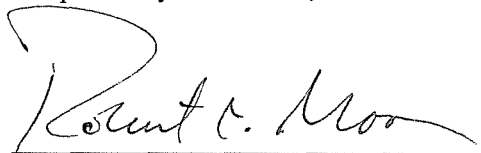
Information Request No. 1: Please provide copies of all Notices of Violation issued by the Department for Environmental Protection to Coolbrook Utilities, LLC.

Answer: See Attachment 1, which contains a copy of the Notice of Violation (“NOV”) issued to Coolbrook on June 12, 2009 and the response to same, the NOV issued to Coolbrook on April 20, 2011 and the response to same, and the NOV issued to Coolbrook on March 30, 2011 and the response to same. An NOV was also issued to Coolbrook on or about April 1, 2010 and Coolbrook has been unable to locate a copy of this NOV; however, Coolbrook has included a copy of its May 20, 2010 and May 23, 2010 response to this NOV.

Information Request No. 2: Please provide a copy of all documents submitted to the Division of Enforcement after the June 9, 2011, Enforcement Conference held by the Division of Environmental Protection’s Division of Enforcement.

Answer: See Attachment 2.

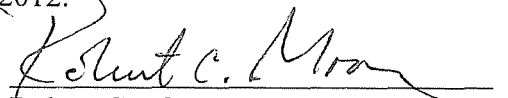
Respectfully submitted,



Robert C. Moore
HAZELRIGG & COX, LLP
415 West Main Street, 1st Floor
P. O. Box 676
Frankfort, Kentucky 40602-0676
(502) 227-2271

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by first class mail, postage prepaid, on Jeff Derouen, Executive Director, Public Service Commission, 211 Sower Blvd., P.O. Box 615, Frankfort, Kentucky 40602 and David Edward Spenard and Jennifer Black Hans, Assistant Attorney General, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601-8204, on this the 18th day of May, 2012.



Robert C. Moore

ATTACHMENT 1

COMMONWEALTH OF KENTUCKY
ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
Division of Water

NOTICE OF VIOLATION

To: Mr. Lawrence W. Smither
P.O. Box 137
Crestwood, Kentucky 40014

AI Name: Coolbrook Subd
AI ID: 1380
Activity ID: ENV20090002
County: Franklin
Enforcement Case ID:
Date(s) Violation(s) Observed: 06/01/2009

This is to advise that you are in violation of the provisions cited below:

- 1 Violation Description for Subject Item AIOO0000001380():**
Reporting Requirements - Monitoring Reports: Monitoring results shall be reported on a Discharge Monitoring Report (DMR). [401 KAR 5:065 Section 1(12)(d)1]

Description of Non Compliance:

REVIEW OF THE FACILITY DISCHARGE MONITORING REPORTS FROM THE 4TH QUARTER 2008 THROUGH JANUARY-APRIL 2009 REVEALED THE PLANT IN NONCOMPLIANCE FOR FAILING TO REPORT FLOW DATA IN FEBRUARY 2009. FLOW FREQUENCY HAS ALSO BEEN OMITTED FROM ALL DMRS INCLUDED IN THE REVIEW PERIOD.

The remedial measure(s), and date(s) to be completed by are as follows:

PERMITTEE TO COMPLY WITH ALL CONDITIONS AND REQUIREMENTS OF KPDES PERMIT NO. KY0044351 UPON RECEIPT OF THIS NOTICE. FAILURE TO COMPLY COULD RESULT IN REFERRAL TO THE DIVISION OF ENFORCEMENT FOR THEIR ACTION. [401 KAR 5:065 Section 1(12)(d)1]

- 2 Violation Description for Subject Item AIOO0000001380():**
Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control and related appurtenances which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls, and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit. [401 KAR 5:065 Section 1(5)]

Description of Non Compliance:

ALL FOUR TREATMENT TRAINS WERE OPERABLE AND ON LINE; HOWEVER, THE NO. 2 PLANT AND THE NO. 4 PLANT WERE SEPTIC AND BEING OPERATED MANUALLY. THE OPERATOR COULD NOT EXPLAIN WHY THE NO. 2 PLANT WAS

SEPTIC, BUT THE NO. 4 PLANT WAS SEPTIC DUE TO STOPPED RETURNS WHICH THE OPERATOR WORKED ON SUNDAY, 31 MAY, WHEN HE CLEARED THE ONE RETURN AND WAS ON HIS WAY BACK TO WORK ON THE SECOND RETURN 01 JUNE 2009 WHEN DOW FRO NOTIFIED HIM OF PROBLEMS AT THE PLANT. THE MLSS IN EACH AERATION BASIN WAS HEAVY, MOST DIFFUSERS WERE OPERABLE; SOME DIFFUSERS WERE OUT. DIFFUSER DROPS ARE SCHEDULED FOR REPLACEMENT. DIGESTERS WERE SATISFACTORY. THE NO. 1 CLARIFIER WAS REASONABLY CLEAR, BUT HAD SIGNIFICANT FLOATING SOLIDS AND TRASH. NO. 3 WAS CLEAR; NO. 2 AND NO. 4 WERE TURBID AND DARK. CONTACT BASINS NEEDED TO BE CLEANED BADLY. THE RECEIVING STREAM CONTAINED SIGNIFICANT DEPOSITS OF SLUDGE FROM THE OUTFALL TO DOWNSTREAM OF CLEARWATER DRIVE AS A RESULT OF THE BLOCKED RETURNS/UPSET. THESE UPSETS NEED TO BE REPORTED TO THE DOW ASAP. SLUDGE NEEDS TO BE CLEANED UP IMMEDIATELY AFTER DEPOSITS ARE FOUND IN THE RECEIVING STREAM. SAMPLES COULD NOT BE OBTAINED DUE TO THE LACK OF FLOW UPSTREAM FOR THE AMBIENT SAMPLE. THE MANHOLE AT WOODED WAY WAS SATISFACTORY AS WELL AS THE TWO LIFT STATIONS. THE MANHOLE AT THE PLANT HAD VISUAL EVIDENCE OF A BYPASS AROUND THE COLLAR. PAPER WAS DOCUMENTED. ALL BYPASSES NEED TO BE RAKED AND CLEANED UP. PLANT GROUNDS WERE CLEAN AND MOWN. SOME METAL DEGRADATION OF THE PLANT. STEPS UP TO THE TOP OF THE PLANT NEED TO BE ADDRESSED IN THE NEAR FUTURE. THEY APPEAR TO SUFFER FROM METAL FATIGUE.

The remedial measure(s), and date(s) to be completed by are as follows:

PERMITTEE TO PROVIDE PROPER OPERATION AND MAINTENANCE FOR THE FACILITY UPON RECEIPT OF THIS NOTICE. PERMITTEE TO CORRECT THE LOW HANGING UTILITY LINE (WIRE) LOCATED AT THE TOP THE STEPS TO THE PLANT BY 15 JULY 2009. PERMITTEE TO SUBMIT A WRITTEN PLAN OF ACTION AND SCHEDULE OF IMPLEMENTATION REGARDING PLANNED UPGRADES AND MAINTENANCE TO BE PERFORMED AT THE PLANT AND/OR COLLECTION SYSTEM TO THIS OFFICE BY 15 JULY 2009. SLUDGE MANAGEMENT AND CORRECTION OF THE FACILITY'S DISINFECTION DELIVERY SYSTEM SHOULD BE INCLUDED IN THE PLAN OF ACTION. FAILURE TO COMPLY COULD RESULT IN REFERRAL TO THE DIVISION OF ENFORCEMENT FOR THEIR ACTION. [401 KAR 5:065 Section 1(5)]

3. Violation Description for Subject Item AIOO0000001380):

All wastewater treatment plants shall have a disinfection process which meets the following requirements: An ultraviolet disinfection system designed to treat the anticipated peak hourly flow; a chlorination system with a flow or demand proportional feed system. The chlorine contact tank shall have a minimum detention time of thirty (30) minutes based on the average flow, or fifteen (15) minutes based on the peak hourly flow, whichever requires the larger tank size. wastewater treatment plants shall also have a dechlorination system with a flow or demand proportional feed system if necessary to meet the effluent limits; or a chlorination system with a manually controlled feed system and a flow equalization basin designed to eliminate the diurnal flow variations. [401 KAR 5:005 Section 11(1)]

Description of Non Compliance:

BOTH CONTACT BASINS WERE COVERED WITH A SLUDGE CAKE AND NEEDED TO BE CLEANED. REVIEW OF THE FACILITY DISCHARGE MONITORING REPORTS FROM THE 4TH QUARTER 2008 THROUGH APRIL 2009 REVEALED THE PLANT IN

NONCOMPLIANCE FOR EXCEEDING ESCHERICHIA COLIFORM PARAMETERS IN NOVEMBER AND DECEMBER 2008; JANUARY, FEBRUARY, MARCH, APRIL AND MAY 2009.

The remedial measure(s), and date(s) to be completed by are as follows:

PERMITTEE TO PROVIDE PROPER OPERATION AND MAINTENANCE FOR THE FACILITY UPON RECEIPT OF THIS NOTICE. PERMITTEE TO SUBMIT A WRITTEN PLAN OF ACTION AND SCHEDULE OF IMPLEMENTATION REGARDING PLANNED UPGRADES AND MAINTENANCE TO BE PERFORMED AT THE PLANT AND/OR COLLECTION SYSTEM TO THIS OFFICE BY 15 JULY 2009. SLUDGE MANAGEMENT AND CORRECTION OF THE FACILITY'S DISINFECTION DELIVERY SYSTEM SHOULD BE INCLUDED IN THE PLAN OF ACTION. THE FACILITY HAS BEEN CHRONICALLY OUT OF COMPLIANCE FOR ESCHERICHIA COLIFORM SINCE NOVEMBER 2008. FAILURE TO COMPLY COULD RESULT IN REFERRAL TO THE DIVISION OF ENFORCEMENT FOR THEIR ACTION. [401 KAR 5:005 Section 11(1)]

4 Violation Description for Subject Item AIOO0000001380():

Standard Permit Conditions: The permittee is also advised that all KPDES permit conditions in KPDES Regulation 401 KAR 5:065, Section 1 will apply to all discharges authorized by this permit. This permit has been issued under the provisions of KRS Chapter 224 and regulations promulgated pursuant thereto. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits or licenses required by this Cabinet and other state, federal, and local agencies. It is the responsibility of the permittee to demonstrate compliance with permit parameter limitations by utilization of sufficiently sensitive analytical methods. [401 KAR 5:065 Section 1(1)(a)]

Description of Non Compliance:

REVIEW OF THE FACILITY DISCHARGE MONITORING REPORTS FROM THE 4TH QUARTER 2008 THROUGH APRIL 2009 REVEALED THE PLANT IN NONCOMPLIANCE FOR EXCEEDING ESCHERICHIA COLIFORM PARAMETERS IN NOVEMBER AND DECEMBER 2008; JANUARY, FEBRUARY, MARCH, APRIL AND MAY 2009; TOTAL CHLORINE RESIDUALS (TRC) IN MARCH 2009. DISSOLVED OXYGEN IN FEBRUARY AND MARCH 2009; TSS AND BOD IN DECEMBER 2008. FLOW FREQUENCY WAS NOT REPORTED FOR ALL MONTHS. FLOW DATA WAS OMITTED IN FEBRUARY 2009. FACILITY HAS NOT BEEN CITED BY DENF FOR THESE VIOLATIONS.

The remedial measure(s), and date(s) to be completed by are as follows:

PERMITTEE TO COMPLY WITH ALL CONDITIONS AND REQUIREMENTS OF KPDES PERMIT NO. KY0044351 UPON RECEIPT OF THIS NOTICE. FAILURE TO COMPLY COULD RESULT IN REFERRAL TO THE DIVISION OF ENFORCEMENT FOR THEIR ACTION. [401 KAR 5:065 Section 1(1)(a)]

5 Violation Description for Subject Item AIOO0000001380():

There shall be no discharge that causes the surface waters of the Commonwealth to be aesthetically or otherwise degraded by substances that: (a) settle to form objectionable deposits; (b) float as debris, scum, oil, or other matter to form a nuisance; (c) produce objectionable color, odor, taste, turbidity; (d) injure, are chronically or acutely toxic to or produce adverse physiological or behavioral responses in humans, animals, fish and other aquatic life. [401 KAR 10:031 Section 2]

Description of Non Compliance:

REVIEW OF THE FACILITY DISCHARGE MONITORING REPORTS FROM THE 4TH QUARTER 2008 THROUGH APRIL 2009 REVEALED THE PLANT IN NONCOMPLIANCE FOR EXCEEDING ESCHERICHIA COLIFORM PARAMETERS IN NOVEMBER AND DECEMBER 2008; JANUARY, FEBRUARY, MARCH, APRIL AND MAY 2009; TOTAL CHLORINE RESIDUALS (TRC) IN MARCH 2009. DISSOLVED OXYGEN IN FEBRUARY AND MARCH 2009; TSS AND BOD IN DECEMBER 2008. THE RECEIVING STREAM CONTAINED SIGNIFICANT DEPOSITS OF SLUDGE FROM THE OUTFALL TO DOWNSTREAM OF CLEARWATER DRIVE AS A RESULT OF THE BLOCKED RETURNS/UPSET.

The remedial measure(s), and date(s) to be completed by are as follows:

PERMITTEE TO CEASE ALL DEGRADATION OF THE WATERS OF THE COMMONWEALTH UPON RECEIPT OF THIS NOTICE. PERMITTEE TO ACQUIRE A PORTABLE PUMP TO PUMP ANY SOLIDS/DISCHARGE THAT WOULD NOT MEET PERMIT PARAMETERS, ETC. FROM THE RECEIVING STREAM TO THE PLANT MANHOLE BY 01 JULY 2009. PERMITTEE TO SUBMIT WRITTEN NOTIFICATION TO THIS OFFICE BY 05 JULY 2009 STATING THAT A PORTABLE, CAPABLE OF REMOVING ALL SOLIDS/DISCHARGE THAT WOULD NOT MEET PERMIT PARAMETERS, ETC. HAS BEEN ACQUIRED AND READILY AVAILABLE FOR USE. IN THE EVENT OF ANOTHER UPSET IN WHICH SOLIDS/DISCHARGE THAT WOULD NOT MEET PERMIT PARAMETERS, ETC. ARE DEPOSITED TO THE RECEIVING STREAM, AND, A SEWAGE HAULER WOULD NOT BE AVAILABLE WITHIN 24 HOURS, THE PORTABLE PUMP CAN BE USED TO PUMP THE RECEIVING STREAM BACK TO THE MANHOLE AT THE PLANT. ANY DEPOSITS/DISCHARGE THAT WOULD NOT MEET PERMIT PARAMETERS, ETC. TO THE RECEIVING STREAM, MUST BE CLEANED UP AS SOON AS POSSIBLE, EFFECTIVE UPON RECEIPT OF THIS NOTICE. FAILURE TO COMPLY COULD RESULT IN REFERRAL TO THE DIVISION OF ENFORCEMENT FOR THEIR ACTION. [401 KAR 10:031 Section 2]

6 Violation Description for Subject Item AIO0000001380):

No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:

REVIEW OF THE FACILITY DISCHARGE MONITORING REPORTS FROM THE 4TH QUARTER 2008 THROUGH APRIL 2009 REVEALED THE PLANT IN NONCOMPLIANCE FOR EXCEEDING ESCHERICHIA COLIFORM PARAMETERS IN NOVEMBER AND DECEMBER 2008; JANUARY, FEBRUARY, MARCH, APRIL AND MAY 2009; TOTAL CHLORINE RESIDUALS (TRC) IN MARCH 2009. DISSOLVED OXYGEN IN FEBRUARY AND MARCH 2009; TSS AND BOD IN DECEMBER 2008. THE RECEIVING STREAM CONTAINED SIGNIFICANT DEPOSITS OF SLUDGE FROM THE OUTFALL TO DOWNSTREAM OF CLEARWATER DRIVE AS A RESULT OF THE BLOCKED RETURNS/UPSET.

The remedial measure(s), and date(s) to be completed by are as follows:

PERMITTEE TO CEASE ALL ACTIVITY WHICH IS OR HAS CONTRIBUTED TO THE POLLUTION OF THE WATERS OF THE COMMONWEALTH UPON RECEIPT OF THIS NOTICE. PERMITTEE TO ACQUIRE A PORTABLE PUMP TO PUMP ANY ~~SOLIDS/DISCHARGE~~ ^{solids} THAT WOULD NOT MEET PERMIT PARAMETERS, ETC. FROM THE RECEIVING STREAM TO THE PLANT MANHOLE BY 01 JULY 2009. PERMITTEE TO SUBMIT WRITTEN NOTIFICATION TO THIS OFFICE BY 05 JULY 2009 STATING THAT A PORTABLE, CAPABLE OF REMOVING ALL SOLIDS/DISCHARGE THAT WOULD NOT MEET PERMIT PARAMETERS, ETC. HAS BEEN ACQUIRED AND READILY AVAILABLE FOR USE. IN THE EVENT OF ANOTHER UPSET IN WHICH SOLIDS/DISCHARGE THAT WOULD NOT MEET PERMIT PARAMETERS, ETC. ARE DEPOSITED TO THE RECEIVING STREAM, AND, A SEWAGE HAULER WOULD NOT BE AVAILABLE WITHIN 24 HOURS, THE PORTABLE PUMP CAN BE USED TO PUMP THE RECEIVING STREAM BACK TO THE MANHOLE AT THE PLANT. ANY DEPOSITS/DISCHARGE THAT WOULD NOT MEET PERMIT PARAMETERS, ETC. TO THE RECEIVING STREAM, MUST BE CLEANED UP AS SOON AS POSSIBLE, EFFECTIVE UPON RECEIPT OF THIS NOTICE. FAILURE TO COMPLY COULD RESULT IN REFERRAL TO THE DIVISION OF ENFORCEMENT FOR THEIR ACTION. [KRS 224.70-110]

Repeat of #3

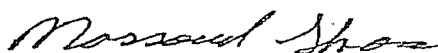
Violations of the above cited statute(s) and/or regulation(s) are subject to a civil penalty per day per violation. Violations carry civil penalties of up to \$25,000 per day per violation depending on the statutes/regulations violated. In addition, violations may be concurrently enjoined. Compliance with remedial measures and their deadlines does not provide exemption from liability for violations during the period of remediation, nor prevent additional remedial measures from being required.

If you have questions or need further information, write or call the undersigned:

Division of Water
Frankfort Regional Office
643 Teton Trail, Suite B
Frankfort, Kentucky 40601
502-564-3358 (8:00 AM – 4:30 PM)
Barbara A. Risk, Environmental Inspector III



Issued By: _____
Barbara A. Risk, Environmental Inspector III
Date: June 12, 2009



Issued By: _____
Massoud Shoa, Environmental Control Supervisor
Date: June 12, 2009

Coolbrook Utilities LLC
P.O. Box 91588
Louisville, Kentucky 40291
502-238-3301 Fax 502-238-3329

July 3, 2009

Barbara A. Risk
Environmental Inspector III
Division of Water
Frankfort Regional Office
643 Teton Trail, Suite B
Frankfort, KY 40601

Re: Coolbrook Subdivision WWTP
Activity ID: ENV20090002
AI ID: 1380
Permit No. KY0044351

Dear Ms Risk:

In response to item No. 5 of the NOV we received under cover letter dated June 12, 2009, I give you the following:

1) We do have and have had for some years, a single diaphragm, portable, gasoline engine driven pump that is available for use at the Coolbrook treatment plant whenever it is needed to pump solids out of the creek. This pump, we keep in storage at the Farmdale WWTP on Green Wilson Road there in Frankfort. Which is just a couple of miles from Coolbrook.

We also have at our disposal, several other portable trash pumps that can be used in the event the diaphragm pump is not able to pump the liquid we try to pump.

I trust that this will meet with your approval.

If you have questions or need additional information please let me know.

Response to the other items in the NOV will follow at a later date.

Sincerely,

Lawrence W. Smither

Coolbrook Utilities LLC
P.O. Box 91588
Louisville, Kentucky 40291
502-238-3301 Fax 502-241-7943

August 1, 2009

Barbara A. Risk
Environmental Inspector III
Division of Water
Frankfort Regional Office
643 Teton Trail, Suite B
Frankfort, KY 40601

Re: Coolbrook Subdivision WWTP
Activity ID: ENV20090002
AI ID: 1380
Permit No. KY0044351

Dear Ms Risk:

This letter is in response to the NOV received under cover letter dated June 12, 2009. The following are my comments and or plans of action for your review:

1) I have addressed this issue with the operator and he now understands that by the first of each month he must have the flow data to the laboratory for the previous month so they can include it in the DMR for that month. Flow data was sent in to be included on the DMR for the month of June.

To make sure that the flow data is being properly recorded, I now have at the plant, forms for the operator to record his flow readings and in plant test results on a daily basis. Each form has enough spaces for the entire month and at the end of the month that form is removed and a new one is set out in its place.

As I am sure you are aware, the Coolbrook plant has two flow meters, one for each chlorine contact tank. Both flow meters were just recently calibrated and certified.

In addition, I now also have the flow data for each month going back to December 2008. By 9/1/09 I will have this data properly recorded and sent in to the Division of Water, KPDES permits branch.

2) The low hanging line (wire) was raised and secured in an insulated bracket, by Cheaks Electric, on July 29, 2009. Note: This is a telephone cable.

The following items have either been completed or are scheduled for completion:

(2)

- Much work has already been completed on the diffuser drops in all the aeration tanks at the plant. All that remains to be completed is the installation of four new diffuser drops, replacing the four that are missing, in the #4 plant. These have already been fabricated and they will be installed by Friday August 7th. There are three diffuser drops in the other tanks that need new ball valves and these will be replaced by August 14th.
- Our servicemen repaired the #1 blower in the front blower building on June 30th and returned it to service. It obviously had been out of service for a long, long time. This now gives us two blowers running to provide air for plants #1 and #2 instead of just the one, which was definitely not enough during the warmer months of the year.
- They also worked on the blowers that provide air for the #3 and #4 plants and they are now putting out more CFM (air).
- On June 30th we had Martin Sanitation bring in their large vacuum trunk and clean off all the scum, foam, floating debris from all four clarifiers, even the extremely heavy build up that was behind the baffles in all four tanks. Our operator, Jim Thacker, is staying on top of this and keeping these clarifiers clean on a daily basis.
- Both of the chlorine contact tanks were also cleaned on July 2, 2009.
- We have had a lot of sludge removed from all four digesters and the operator has wasted all four plants down to an acceptable level. It is our intention to keep the solids down to a level between 30 and 40 percent at all times. That is where they currently are and the plant effluent is looking great. The operator is taking the settleable solids tests at least once a week and will waste to the digester according to his test results. When any one of the digesters becomes full, he notifies me and I immediately call one of the hauling companies to remove sludge from that particular digester. Note: We are doing business with Perry's Septic Tank Service in Frankfort and Martin's Sanitation in Paris.
- Our operator has done a lot of work on the disinfection delivery system to both contact tanks. At first he was replacing just sections of the tubing that carries the solution but more leaks kept popping up. So we made the decision to replace all the tubing and that has been completed. We have also purchased and installed a new chlorine feed pump and are keeping a spare 55 gallon barrel of sodium hypochlorite 12.5% solution at the plant to make sure that we never run out.
- You also addressed the lift stations in this item and we have done a good deal of work to upgrade all the lift stations. 1) When we first took over the system in November of 2008 there was only one pump in service in the lift station at the plant. It was in the agreement with the previous owner that he have both pumps in service, even if it meant that one had to be repaired after the closing.

After waiting for some time we made the decision to go ahead, have the pump pulled that would not run, have it rebuilt and reinstalled. We also had to do some control panel work to get the station back in full service. This was completed 3/25/09. 2) At the #1 remote lift station we had one of the lift pumps rebuilt and had one new pump installed, as well as some pipe work. This work was completed 11/26/08 and the station has been in full service since that time. 3) At the #2 remote station on Highwood we had a rebuilt 7.5 H.P. Barnes pump installed on 5/8/09 and a new duplex pump control panel installed just last week on 7/27/09. This station is now working just as it was designed.

3) This item was addressed in the comments for item #2.

4) I firmly believe that with the completion of all work described in my comments for item #2 that we will consistently see the plants operating better and producing a better effluent and one that consistently meets the permit requirements.

5) I addressed this item in my letter to you dated July 3, 2009. (Copy enclosed)

6) As in my letter of July 3, the pump is in storage at the Farmdale treatment plant. The Coolbrook operator has been informed of this and he understands that if the creek needs to be cleaned and a sludge hauler can not be available within 24 hours, he is to pick up that pump and use it to pump the solids from the creek to the manhole inside the fence at the plant.

I feel certain that you will agree that we have made a lot of improvements to the Coolbrook sewer system. Of course, we will not stop here, we will continue to make improvements where and when they are needed.

I hope that you will find the above to be satisfactory. If you have questions or need additional information please let me know.

Sincerely,

Lawrence W. Smither



STEVEN L. BESHEAR
GOVERNOR

LEONARD K. PETERS
SECRETARY

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

Division of Water
200 Fair Oaks Ln 3rd Fl
Frankfort, KY 40601
www.kentucky.gov

April 20, 2011

Certified No. 7009 2820 0001 8016 6176
Return Receipt Requested

Mr. Lawrence Smither
Coolbrook Utilities
P. O. Box 91588
Louisville, KY 40291

Re: Notice of Violation
AI ID: 1380
AI Name: Coolbrook Subd
Activity ID: ENV20110002
Permit No. KY0044351
Franklin County, KY

Dear Mr. Smither:

The Kentucky Department for Environmental Protection (DEP) has issued the enclosed Notice of Violation for violations discovered at your facility during a Division of Water investigation on March 29, 2011. Please review this Notice of Violation carefully to ensure that all remedial measures are completed by the specified deadlines. Additional remedial measures may be required by the Division of Enforcement.

Your cooperation and attention to this matter is appreciated. If you have any questions, please contact me at 502-564-3358.

Sincerely,

Deborah Singleton
Environmental Inspector II
Division of Water

Enclosure

c: Mr. Greg Wilson, Division of Enforcement, 300 Fair Oaks Lane, Frankfort, KY 40601

COMMONWEALTH OF KENTUCKY
ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
Division of Water

NOTICE OF VIOLATION

To: Mr. Lawrence Smither
Coolbrook Utilities
P. O. Box 91588
Louisville, KY 40291

AI Name: Coolbrook Subd
AI ID: 1380
Activity ID: ENV20110002
Discovery ID: CIV20110001
County: Franklin
Enforcement Case ID:
Date(s) Violation(s) Observed: 03/29/2011

This is to advise that you are in violation of the provisions cited below:

1 Violation Description for Subject Item AIOO0000001380():

No person shall directly, or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:

A Division of Water site investigation was conducted on March 29, 2011. Gray/black solids were observed in several areas of the unnamed tributary to South Benson Creek from the plant to a farm field located at the end of the subdivision. The plant effluent was observed to be turbid and was discharging solids to the creek at the time of the inspection. A grab sample was obtained from the plant effluent for total residual chlorine, which was non-detect. Samples were also obtained from three locations to be analyzed for E. Coli.: 1) upstream, located approximately fifteen (15) feet above the plant discharge point; 2) plant effluent; and 3) downstream, located approximately twenty (20) feet below the plant discharge. Photos were also obtained. Mr. Larry Smither was contacted and informed of the turbid water being discharged to the creek. Mr. Smither later reported that plant personnel could not see solids in the contact basins or a reason for the turbid discharge. The need to remove the solids from the creek was relayed to Mr. Smither. Sample results were as follows: upstream, < 4.0; plant effluent, >2420; and downstream, >2420. Pollutants have entered and contributed to the pollution of the waters of the Commonwealth.

The remedial measure(s), and date(s) to be completed by are as follows:

Immediately cease all activity, which is contributing or has contributed to the pollution of the waters of the Commonwealth. Within fourteen (14) days of the receipt of this notice, the permittee/responsible party must remove the solids/sludge deposits resulting from the facility discharge in the affected stream from the facility outfall for a distance of at least up to the farm property located below the subdivision. Also, within fourteen (14) days of the receipt of this notice, the facility to provide a written response to the Division of Water describing the clean up effort and the necessary measures taken to address the non-compliance. Additional remedial measures may be required by the Division of Enforcement. [KRS 224.70-110]

2 Violation Description for Subject Item AIOO00000013800:

Surface waters shall not be aesthetically or otherwise degraded. [401 KAR 10:031 Section 2]

Description of Non Compliance:

A Division of Water site investigation was conducted on March 29, 2011. Gray/black solids were observed in several areas of the unnamed tributary to South Benson Creek from the plant to a farm field located at the end of the subdivision. The plant effluent was observed to be turbid and was discharging solids to the creek at the time of the inspection. A grab sample was obtained from the plant effluent for total residual chlorine, which was non-detect. Samples were also obtained from three locations to be analyzed for E. Coli.: 1) upstream, located approximately fifteen (15) feet above the plant discharge point; 2) plant effluent; and 3) downstream, located approximately twenty (20) feet below the plant discharge. Photos were also obtained. Mr. Larry Smither was contacted and informed of the turbid water being discharged to the creek. Mr. Smither later reported that plant personnel could not see solids in the contact basins or a reason for the turbid discharge. The need to remove the solids from the creek was relayed to Mr. Smither. Sample results were as follows: upstream, < 4.0; plant effluent, >2420; and downstream, >2420. The waters of the Commonwealth have been degraded.

The remedial measure(s), and date(s) to be completed by are as follows:

Immediately cease all discharges that are aesthetically or otherwise degrading the waters of the Commonwealth. Up on the receipt of this notice, the effluent must be brought into compliance so as to eliminate stream degradation. Within fourteen (14) days of the receipt of this notice, the permittee/responsible party must remove the solids/sludge deposits resulting from the facility discharge in the affected stream from the facility outfall for a distance of at least up to the farm property located below the subdivision. Also, within fourteen (14) days of the receipt of this notice, the facility to provide a written response to the Division of Water describing the clean up effort and the necessary measures taken to address the non-compliance. Additional remedial measures may be required by the Division of Enforcement. [401 KAR 10:031 Section 2]

Violations of the above cited statute(s) and/or regulation(s) are subject to a civil penalty per day per violation. Violations carry civil penalties of up to \$25,000 per day per violation depending on the statutes/regulations violated. In addition, violations may be concurrently enjoined. Compliance with remedial measures and their deadlines does not provide exemption from liability for violations during the period of remediation, nor prevent additional remedial measures from being required.

If you have questions or need further information, write or call the undersigned:

Division of Water
Frankfort Regional Office
200 Fair Oaks Lane, 3rd floor
Frankfort, KY 40601
(8:00 AM – 4:30 PM)

Deborah Singleton, Environmental Inspector II

Issued
By:

Deborah E. Singleton

Deborah Singleton, Environmental Inspector II
Date: April 20, 2011

Issued
By:

Massoud Shoa

Mr. Massoud Shoa, Environmental Control Supervisor
Date: April 20, 2011

How Delivered: Certified/Registered Mail Certified/Registered # 7009 2820 0001 8016 6176

Coolbrook Utilities LLC.
P.O. Box 91588
Louisville, Kentucky 40291
502-238-3301 Fax 502-239-1797

June 20, 2011

Division of Water
Frankfort Regional Office
200 Fair Oaks Lane 3rd Floor
Frankfort, KY 40601

Re: Notice of Violation

AI: 1380
AI Name: Coolbrook Subd.
Activity ID: ENV20110002
Permit No; KY0044351
Franklin County, KY

Dear Ms. Singleton:

The following is our response to the notice of violation dated 3/29/11 sent out with cover letter dated 4/20/11.

First of all I would like to apologize that this response is being sent out after the date that was specified in the letter. The operator that we had at that time, Jim Thacker – Thacker Environmental, was supposed to respond but obviously failed to do so. And as I had previously informed you, we had to sever our contractual arrangement with Thacker Environmental on May 13th, 2011.

After your telephone notification to me on March 29th about the solids in the receiving stream, I notified the operator, Jim Thacker, about our conversation and he observed the solids in the creek that night. He and his brother Kyle started cleaning the creek the next day, the 30th, with a pump and tank arrangement that he had built. This pump and tank unit he has, does allow them to remove the solids from the creek and the solids are pumped into the tank that is small enough for two men to carry and empty it in the plant.

As time and weather would allow they worked on the creek for the next couple of days and finished on April 1st, 2011. He reported, that on the 1st, the creek was completely clean.

You can see from this, that the clean up only took a couple of days and not the 14 days as allowed in the NOV.

(2)

I trust that you will find this response to be satisfactory. If you have questions or need additional information please give me a call.

Sincerely,

Lawrence W. Smither

STEVEN L. BESHEAR
GOVERNOR



LEONARD K. PETERS
SECRETARY

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

Division of Water
200 Fair Oaks Ln 3rd Fl
Frankfort, KY 40601
www.kentucky.gov

March 30, 2011

Certified No. 7009 2820 0001 8016 5957
Return Receipt Requested

Mr. Lawrence W. Smither
P. O. Box 137
Crestwood, KY 40014

Re: Inspection Report/Notice of Violation
AI ID: 1380
AI Name: Coolbrook Subd
Activity ID: ENV20110001
Permit No. KY0044351
Franklin County, KY

Dear Mr. Smither:

The Kentucky Department for Environmental Protection (DEP) has issued the enclosed inspection report and Notice of Violation for violations discovered at your facility during a Division of Water inspections on February 15, 22, & 23, 2011. Please review this Notice of Violation carefully to ensure that all remedial measures are completed by the specified deadlines.

Your cooperation and attention to this matter is appreciated. If you have any questions, please contact me at 502-564-3358.

Sincerely,

A handwritten signature in cursive script that reads "Deborah E. Singleton".

Deborah Singleton
Environmental Inspector II
Division of Water

Enclosures

c: Mr. George Wakim, Public Service Commission
Mr. Jim Thacker, Facility's Certified Operator

COMMONWEALTH OF KENTUCKY
ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
Division of Water

NOTICE OF VIOLATION

11/27/09
4/9/10

To: Mr. Lawrence W. Smither
P. O. Box 137
Crestwood, KY 40014

AI Name: Coolbrook Subd AI ID: 1380 Activity ID: ENV20110001
Discovery ID: CIN20110001 County: Franklin
Enforcement Case ID:
Date(s) Violation(s) Observed: 02/23/2011

This is to advise that you are in violation of the provisions cited below:

1 Violation Description for Subject Item AIOO0000001380():

Each wastewater collection system which contains domestic sewage and consists of at least 5,000 linear feet of sewer line as described in 401 KAR 5:010 Section 2(1), (6), or (7)(a) or (e) shall be operated under the supervision of an individual holding a Kentucky collection system operator's certificate for at least the class of treatment or collection system supervised. [401 KAR 5:010 Section 2].

Description of Non Compliance:

The facility is not being operated under the supervision of a properly certified collection system operator. At the time of the inspection, it is not clear who the certified collection system operator is for this facility.

The remedial measure(s), and date(s) to be completed by are as follows:

Within thirty (30) days from the receipt of this notice, the permittee shall ensure that the collection system is under the primary responsibility of an individual holding an active collection or treatment system certification at a level appropriate for the size of the collection or treatment facility receiving the sewage. The permittee shall submit written notification to the undersigned that the facility is in compliance with the requirements of this regulation. Additional remedial measures may be required by the Division of Enforcement. [401 KAR 5:010 Section 2]

2 Violation Description for Subject Item AIOO0000001380():

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three (3) years from the date of the sample, measurement, report, or application. This period may be extended by request of the cabinet at any time. [401 KAR 5:065 Section 2(1) as in 40 C.F.R. 122.41(j)(2)]

Description of Non Compliance:

On February 16, 2011, the Division of Water inspector, for the purposes of obtaining records in preparing an inspection report for a Compliance Sampling Inspection performed at the facility on February 15, 2011, contacted the Permittee, Mr. Larry Smither, and left a message requesting

copies of the DMRs and analytical information for July 2010 through December 2010. A follow up request for the same information was also relayed to the Facility Operator, Mr. Jim Thacker, on February 17, 2011. As of this date, a reply to the requests has not been received. Facility's KPDES Permit Condition Number T-14, of KPDES Permit number KY0044351, states that: "The permittee shall furnish to the cabinet, within a reasonable time, any information which the cabinet may request to determine whether cause exists for modifying, revoking and reissuing, or revoking this permit, or to determine compliance with this permit. The permittee shall also furnish to the cabinet, upon request, copies of records required to be kept by this permit." The facility has failed to maintain required records, and it could not be determined if the permittee retains the required information.

The remedial measure(s), and date(s) to be completed by are as follows:

Upon the receipt of this notice, the permittee shall comply with all recordkeeping requirements specified in the permit. Within thirty (30) days of the receipt of this notice, the permittee shall submit sampling information, analytical results, and the discharge monitoring reports for the period of July 2010 through February 2011, along with a written notification to the undersigned that the permittee complies with all requirements of its permit. Additional remedial measures may be required by the Division of Enforcement. [401 KAR 5:065 Section 2(1)]

3 Violation Description for Subject Item AIOO00000013800:

Monitoring results shall be reported at the intervals specified in the permit. [401 KAR 5:065 Section 2(1) as in 40 CFR 122.41(i)(4)]

Description of Non Compliance:

A review of the submitted Discharge Monitoring Reports from March 2010 through January 2011 revealed that the facility has failed to submit the discharge monitoring reports for September and December 2010, and for January 2011. The reports have not been received at either the Division of Water Central Office or the Frankfort Regional Office. The permittee has failed to report monitoring results to the cabinet at the intervals specified in the issued KPDES Permit.

On February 16, 2011, the Division of Water inspector, for the purposes of obtaining records in preparing an inspection report for a Compliance Sampling Inspection performed at the facility on February 15, 2011, contacted the Permittee, Mr. Larry Smither, and left a message requesting copies of the DMRs and analytical information for July 2010 through December 2010. A follow up request for the same information was also relayed to the Facility Operator, Mr. Jim Thacker, on February 17, 2011. As of this date, a reply to the requests has not been received. Facility's KPDES Permit Condition Number T-14, of KPDES Permit number KY0044351, states that: "The permittee shall furnish to the cabinet, within a reasonable time, any information which the cabinet may request to determine whether cause exists for modifying, revoking and reissuing, or revoking this permit, or to determine compliance with this permit. The permittee shall also furnish to the cabinet, upon request, copies of records required to be kept by this permit."

The remedial measure(s), and date(s) to be completed by are as follows:

The permittee must begin reporting monitoring results at the intervals specified in the permit. Within thirty (30) days of the receipt of this notice, the permittee to develop a plan of action for the timely submittal of the required monitoring results and discharge monitoring reports and submit a written notification to the undersigned that such a plan is in place. Any permit non-compliance shall constitute a violation of KRS 224, among which shall be the following remedies: Enforcement action, permit revocation, revocation and reissuance, or modification; or denial of

permit renewal application. Additional remedial measures may be required by the Division of Enforcement. [401 KAR 5:065 Section 2(1)]

4 Violation Description for Subject Item AIOO0000001380():

Monitoring results shall be reported on a Discharge Monitoring Report (DMR). [401 KAR 5:065 Section 2(1) as in 40 C.F.R. 122.41 (1)(4)(i)]

Description of Non Compliance:

The facility has failed to report monitoring results on a DMR. Total residual chlorine has been omitted from the submitted Discharge Monitoring Reports for the review period of March 2010 through January 2011.

The remedial measure(s), and date(s) to be completed by are as follows:

The permittee must report monitoring results on a DMR. Within thirty (30) days of the receipt of this notice, the permittee to develop a plan of action for the timely submittal of the required monitoring results and discharge monitoring reports and submit a written notification to the undersigned that such a plan is in place. Any permit non-compliance shall constitute a violation of KRS 224, among which shall be the following remedies: Enforcement action, permit revocation, revocation and reissuance, or modification; or denial of permit renewal application. Additional remedial measures may be required by the Division of Enforcement. [401 KAR 5:065 Section 2(1)]

5 Violation Description for Subject Item AIOO0000001380():

The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. [401 KAR 5:065 Section 2(1) as in 40 C.F.R. 122.41(1)(6)]

Description of Non Compliance:

The responsible party/permittee has failed to report the spill or discharge to the Division of Water as required. During the inspection on February 15, 2011, it was noted that there was not any chlorine being delivered to the contact basin for plants 3 & 4. Chlorination was being provided for these plants by tablets (not an approved method for this size plant) and allowing for chlorination when mixing with the chlorinated discharge from the contact basin for plants 1 & 2. Effluent from plants 3 & 4 have not been receiving full treatment. There was not any dechlorination provided to the discharge at that time. The facility has failed to report these conditions which resulted in partially treated effluent to be discharged to the waters of the Commonwealth. The facility has failed to report spills, bypasses and/or non-compliance as required by 401 KAR 5:065 Section 2(1).

The remedial measure(s), and date(s) to be completed by are as follows:

The permittee must report spills, bypasses and non-compliance as required by 401 KAR 5:065 Section 2(1). Within thirty (30) days of the receipt of this notice, the permittee shall submit a written notification to the undersigned that the permittee complies with all requirements of its permit. Any permit non-compliance shall constitute a violation of the Clean Water Act and KRS

224, among which shall be the following remedies: Enforcement action, permit revocation, revocation and reissuance, or modification; or denial of permit renewal application. Additional remedial measures may be required by the Division of Enforcement. [401 KAR 5:065 Section 2(1)]

6 Violation Description for Subject Item AIOO0000001380():

Whenever, by reason of emergency or accident, a spill or discharge occurs which results in pollution of the waters of the Commonwealth, the Division of Water shall be notified by the most rapid means available. [401 KAR 5:015 Section 2].

Description of Non Compliance:

The responsible party/permittee has failed to report the spill or discharge to the Division of Water as required. During the inspection on February 15, 2011, it was noted that there was not any chlorine being delivered to the contact basin for plants 3 & 4. Chlorination was being provided for these plants by tablets (not an approved method for this size plant) and allowing for chlorination when mixing with the chlorinated discharge from the contact basin for plants 1 & 2. Effluent from plants 3 & 4 have not been receiving full treatment. There was not any dechlorination provided to the discharge at that time. The facility has failed to report these conditions which resulted in partially treated effluent to be discharged to the waters of the Commonwealth.

The remedial measure(s), and date(s) to be completed by are as follows:

All future spills/bypasses, which would result in or contribute to the pollution of the waters, must be reported to the Division of Water by the most rapid means available. Additional remedial measures may be required by the Division of Enforcement. [401 KAR 5:015 Section 2]

7 Violation Description for Subject Item AIOO0000001380():

Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control and related appurtenances which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls, and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit. [401 KAR 5:065 Section 2(1) as in 40 CFR 122.41(e)]

Description of Non Compliance:

The facility is comprised of four smaller package plants. Significant metal degradation was noted on all plants. Metal pieces were broke off the structure. Safety issues were noted with the walkways. Samples obtained during the inspection days indicate that the plant effluent was out of compliance for effluent limits for chlorine, E. Coli, total suspended solids, and carbonaceous biochemical oxygen demand. Chlorine is not consistently being delivered to the contact basins. Dechlorination is not consistently taking place. See General Comment section of the inspection report for full details of noncompliance regarding this requirement.

The remedial measure(s), and date(s) to be completed by are as follows:

The permittee must, at all times, properly operate & maintain the facility. With proper approval(s) from the Division of Water, upgrade/update the facility in order to meet the regulatory requirements and facility permit conditions. Proper operation and maintenance includes but is not limited to: 1) evaluation of the structure/degradation of the plant for maintenance; 2) clarifier

maintenance; 3) safety issues; 4) maintaining the plant to produce effluent that meets the permit limits; 4) maintaining the chlorine delivery system; 5) maintaining the dechlorination system; 6) evaluating the contact basins to allow for the required chlorine contact times; 6) removal of solids/ sludge deposits from the receiving stream; 7) evaluation of the collection system to eliminate I&I which hydraulically overloads the plant. Within thirty (30) days of the receipt of this notice, the permittee to develop and implement a plan of action to bring the facility into compliance with the issued KPDES Permit. Additionally, the permittee shall submit a written notification to the undersigned detailing the corrective actions, taken and proposed, that will bring the facility back into compliance with all requirements of its KPDES permit. Additional remedial measures may be required by the Division of Enforcement. [401 KAR 5:065 Section 2(1)]

8 Violation Description for Subject Item AIOO0000001380):

All wastewater treatment plants shall have a disinfection process which meets the following requirements: An ultraviolet disinfection system designed to treat the anticipated peak hourly flow; a chlorination system with a flow or demand proportional feed system. The chlorine contact tank shall have a minimum detention time of thirty (30) minutes based on the average flow, or fifteen (15) minutes based on the peak hourly flow, whichever requires the larger tank size. wastewater treatment plants shall also have a dechlorination system with a flow or demand proportional feed system if necessary to meet the effluent limits; or a chlorination system with a manually controlled feed system and a flow equalization basin designed to eliminate the diurnal flow variations. Tablet type chlorination equipment shall not be used in an intermediate or large WWTP. [401 KAR 5:005 Section 11].

Description of Non Compliance:

The facility has failed to properly maintain and/or operate the disinfection unit. The facility utilizes liquid chlorine for disinfection purposes. The facility has failed E. Coli numerous times during the review period of March 2010 through December 2010. Chlorine is added in the contact basin for plants #1 & 2, and the contact basin for plants 3 & 4. A line could not be found for delivery of chlorine to the contact basin for plants 3 & 4. Two lines were observed running along the plant to the effluent discharge area. The white one contained liquid, but was broke before it could reach the contact basin/effluent area. The black one was observed and it was not connected to any chemical delivery system. Flow was observed through each contact basin. The facility to evaluate the chlorine contact time for each basin. At the time of the inspection, it did not appear that a required contact time of thirty (30) minutes was not being obtained.

The remedial measure(s), and date(s) to be completed by are as follows:

The permittee must immediately maintain and operate the disinfection unit to allow for compliance with permit conditions. Within thirty (30) days of the receipt of this notice, the permittee shall submit a written notification to the undersigned that the permittee complies with all requirements of its permit. Additional remedial measures may be required by the Division of Enforcement. [401 KAR 5:005 Section 11]

9 Violation Description for Subject Item AIOO0000001380):

Fencing with a lockable gate shall be provided around the wastewater treatment plant. [401 KAR 5:005 Section 10(7)].

Description of Non Compliance:

The facility has failed to install fencing with a lockable gate around the wastewater treatment plant site. Large areas underneath the fencing near the aeration ladder were observed. These areas are large enough to allow access to the wastewater treatment plant by smaller individuals.

The remedial measure(s), and date(s) to be completed by are as follows:

The permittee must install a fence with a lockable gate around the waste water treatment plant. Within thirty (30) days of the receipt of this notice, the permittee shall submit a written notification to the undersigned that the permittee complies with all requirements of its permit. Additional remedial measures may be required by the Division of Enforcement. [401 KAR 5:005 Section 10(7)]

10 Violation Description for Subject Item AIOO0000001380():

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and KRS 224 and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. [401 KAR 5:065 Section 2(1) as in 40 C.F.R. 122.41(a)]

Description of Non Compliance:

The facility has failed to comply with the effluent limitations contained in the permit. A review of the submitted discharge monitoring reports from March 2010 through December 2010 revealed the facility to be in non-compliance for the following parameters: TOTAL RESIDUAL CHLORINE (TRC). This parameter has been omitted from the discharge monitoring reports for the entire review period. Grab samples for chlorine were obtained on February 22 & 23, 2011. Samples were taken at the following locations: contact basin (#1) for plant 1 & 2 pipe, contact basin (#2) for plant 3 & 4 pipe, and bottom of aeration ladder. TRCs were non-detected on February 22, 2011. TRCs obtained on February 23, 2011 revealed the following results: Contact basin #1: non-detect; contact basin #2: > 2.20; effluent ladder- 0.31 mg/l. The plant is in violation of TRC limits on February 23, 2011. E. Coliform samples obtained on February 22, 2011, revealed the following results: Contact basin #1: >2420; Contact basin #2: >2420; and bottom of aeration ladder: >2420. These results reveal the facility to be in non-compliance with parameter limits. E. Coli samples obtained on February 23, 2011 when chlorine was detected revealed the following results: contact basin #1: 41 MPN/100 ml; Contact basin #2: 15 MPN/100 ml; and bottom of aeration ladder: 17 MPN/100 ml. TOTAL SUSPENDED SOLIDS: 03/10, 04/10, 05/10, 07/10, 08/10, and 11/10. E. COLI: 03/10, 04/10, 05/10, 06/10, 07/10, 10/10, and 11/10. PH: 04/10; AMMONIA: 05/10, 06/10, and 07/10. The average flow for the following months were reported as being over design capacity: May 2010: 0.210 MGD; October 2010: 0.174 MGD; and November 2010: 0.266 MGD.

The remedial measure(s), and date(s) to be completed by are as follows:

The permittee must comply with effluent limitations and all conditions of the KPDES permit. Within thirty (30) days of the receipt of this notice, the permittee shall submit a written notification to the undersigned that the permittee complies with all requirements of its permit. Additional remedial measures may be required by the Division of Enforcement. [401 KAR 5:065 Section 2(1)]

11 Violation Description for Subject Item AIOO0000001380():

No person shall directly, or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110].

Description of Non Compliance:

Pollutants have entered and contributed to the pollution of the waters of the Commonwealth. Solids were noted in the creek on February 15, 22, and 23, 2011. Samples obtained on February 22, 2011 revealed that E. Coli was being discharged to the waters of the Commonwealth. Total Residual Chlorine and a composite sample obtained on February 23, 2011 revealed that pollutants were entering the waters of the Commonwealth.

The remedial measure(s), and date(s) to be completed by are as follows:

Immediately cease all activity, which is contributing or has contributed to the pollution of the waters of the Commonwealth. Within thirty (30) days of the receipt of this notice, the permittee/responsible party shall submit a plan of action and a schedule of implementation to the undersigned describing the necessary measures taken to address the non-compliance. Additional remedial measures may be required by the Division of Enforcement. [KRS 224.70-110]

12 Violation Description for Subject Item AIOO0000001380):

Surface waters shall not be aesthetically or otherwise degraded. [401 KAR 10:031 Section 2].

Description of Non Compliance:

The waters of the Commonwealth have been degraded. Solids were noted in the creek on February 15, 22, and 23, 2011. Samples obtained on February 22, 2011 revealed that E. Coli was being discharged and degrading the surface waters. Total Residual Chlorine and a composite sample obtained on February 23, 2011 revealed that pollutants were being discharged and degrading the waters of the Commonwealth.

The remedial measure(s), and date(s) to be completed by are as follows:

Immediately cease all discharges that are aesthetically or otherwise degrading the waters of the Commonwealth. The effluent must be brought into compliance so as to eliminate stream degradation. Within thirty (30) days of the receipt of this notice, the permittee/responsible party shall submit a plan of action and a schedule of implementation to the undersigned describing the necessary measures taken to address the non-compliance. Additional remedial measures may be required by the Division of Enforcement. [401 KAR 10:031 Section 2]

13 Violation Description for Subject Item AIOO0000001380):

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and KRS 224 and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. [401 KAR 5:065 Section 2 as in 40 C.F.R. 122.41(a)]

Description of Non Compliance:

The facility has failed to comply with the terms of the permit. Facility has 1) failed to submit the required paperwork, monitoring information, and discharge monitoring reports; 2) failed to provide proper operation and maintenance; 3) violated plant effluent parameter limits; 4) degraded the waters of the Commonwealth; 5) failed to report partial effluent treatment/bypasses; 6) failed to provide a properly certified collection system operator to operate its collection system; and 7) failed to provide proper disinfection.

The remedial measure(s), and date(s) to be completed by are as follows:

Comply with all conditions of the KPDES permit. With proper approval(s) from the Division of Water, upgrade/update the facility in order to meet the regulatory requirements and facility permit conditions. Proper operation and maintenance includes but is not limited to: 1) evaluation of the

structure/ degradation of the plant for maintenance; 2) clarifier maintenance; 3) safety issues; 4) maintaining the plant to produce effluent that meets the permit limits; 4) maintaining the chlorine delivery system; 5) maintaining the dechlorination system; 6) evaluating the contact basins to allow for the required chlorine contact times; 6) removal of solids/ sludge deposits from the receiving stream; 7) evaluation of the collection system to eliminate I&I which hydraulically overloads the plant. Additional measures needed to bring the facility into compliance with permit condition include: 8) submittal of the required information/ Discharge Monitoring Reports; 9) certified collection system operator; 10) Reporting partial treatment, overflows, and bypasses; 11) reporting of all required parameters. Within thirty (30) days of the receipt of this notice, the permittee to develop and implement a plan of action to bring the facility into compliance with the issued KPDES Permit. Additionally, the permittee shall submit a written notification to the undersigned detailing the corrective actions, taken and proposed, that will bring the facility back into compliance with all requirements of its KPDES permit. Additional remedial measures may be required by the Division of Enforcement. [401 KAR 5:065 Section 2]

Violations of the above cited statute(s) and/or regulation(s) are subject to a civil penalty per day per violation. Violations carry civil penalties of up to \$25,000 per day per violation depending on the statutes/regulations violated. In addition, violations may be concurrently enjoined. Compliance with remedial measures and their deadlines does not provide exemption from liability for violations during the period of remediation, nor prevent additional remedial measures from being required.

If you have questions or need further information, write or call the undersigned:

Division of Water
Frankfort Regional Office
200 Fair Oaks Lane, 3rd floor
Frankfort, KY 40601
502-564-3358 (8:00 AM – 4:30 PM)
Deborah Singleton, Environmental Inspector II

Issued By: *Deborah E. Singleton*
Deborah Singleton, Environmental Inspector II
Date: March 30, 2011

Issued By: *Massoud Shoa*
Mr. Massoud Shoa, Environmental Control Supervisor
Date: March 30, 2011

How Delivered: Certified/Registered Mail Certified/Registered # 7009 2820 0001 8016 5957

Coolbrook Utilities LLC
P.O. Box 91588
Louisville, KY 40291
(502)-238-3301 Fax (502)239-1797

June 6, 2011

Ms. Deborah Singleton
Division of Water
Frankfort Regional Office
200 Fair Oaks Lane 3rd Fl
Frankfort, KY 40601

Re: AI ID: 1380
AI Name: Coolbrook Subdivision
Activity ID: ENV20110001
Permit No. KY0044351
Franklin County, KY

Dear Ms Singleton:

I wish to present our response to the items contained in the NOV dated 2/23/2011 and sent to us with cover letter dated 3/30/2011. I had spoken to you about this response and you had granted me an extension of time to submit the response.

Our response is as follows in the order in which it appears in the NOV:

1. Up until the 13th of May 2011, Jim Thacker, Thacker Environmental, was our operator of record. At that time we felt that it was necessary to relieve him of his duties as the operator of this utility.

Currently I am the operator of record and one of my employees, Shawn Ford, is the collection system operator. Shawn and I are both employees of Covered Bridge Utilities Inc. He has a class I license and was scheduled to attend school and test for a class II on the week of May 25th, 2011. But due to the severe weather we had on the morning of the 25th and the resulting pump failures, I had to cancel his attending this school and reschedule him to test for the class II the week of August 2nd in Frankfort at the training center. Shawn is the only experienced pump and control serviceman that I have on staff and I just could not have him out of town at that time. But by the end of the 1st week in August he should have the class II.

(2)

2. It is certainly our intent to comply with all the requirements of the permit. Copies of all completed DMR's are retained in the office and can be made available for inspection at any time.

The DMR's that you indicate have not been received in the DOW office, I will bring as many of them with me as I can, to turn over to you, at the conference on June 9th. I will also give you further explanation about this item at the conference.

3. Jim Thacker understood your request and the reason for the delay in getting the DMR's to the DOW. This was due to flow data not being sent to the lab by Mr. Thacker. He informed me that he would have the flow data to the lab, Fouser Environmental, promptly so they could finish the DMR's and get them to our office for signature. The sampling and analysis were being performed as required.

I am currently overseeing the operation of this facility, assisted by other service people that work for me, until such time as I can find a highly qualified operator to contract with to operate and maintain the plant and lift stations. I am making sure that flow readings are taken daily and are being maintained at the plant. Also, we have contracted with Beckmar Environmental Lab to do the sampling and testing for us and they began doing this 5/6/11. Beckmar is a very experienced, professional and reliable company and I know that they will do a good job for us.

From this time forward the DMR's will be sent in at the required time.

4. I understand that the DMR's are to be sent in on the 28th day of the month following the test period, and I assure you that it is absolutely our intent that the future DMR's will be completed and sent out in a timely fashion. I regret that there has been some deviation from this practice but every effort will be made to make sure that this doesn't happen again. I am working very closely with the Beckmar Lab personnel to make sure the sampling is being done, properly preserved and all paper work being completed and retained.

I do want to stress to you, that those of us that are involved in the ownership of Coolbrook Utilities LLC, do now and have always wanted the operation and oversight of this Utility and all others that we are involved with, to be done in a proper and professional manner that is in keeping with the regulations of all local and state agencies.

5. According to the entry in the plant log book, by the operator, dated February 16th at 9:00 A.M. they, the operating company, did report the bypass.

- I assure you that we do understand that the permit requires that all bypass events be reported within 24 hours. It is certainly our intent to comply with this requirement
6. Same as item #5.

 7.
 - a. I have received a quotation from a registered professional engineer to make an inspection of this facility and provide us with an evaluation of the structural condition of this plant. I can probably have this completed within 90 days.
 - b. If you saw the clarifiers now, I think you would agree that we have made some major improvements to all four (4) clarifiers. We have removed the top boards off of the inlet baffles in the clarifiers that was holding back foam, sludge and other solid matter. This now allows all of this to flow on to the clarifier where it can now be picked up by the skimmers and returned to the aeration tanks. The skimmers on all clarifiers have been repaired or modified so that they will work as designed.
 - c. I am not sure what safety issues you are referring to, but if you will give me the specific items that you think needs attention, we will tend to them right away.
 - d. This is certainly our intent, that we should always meet our permit limits. The basics that will be attended to daily, are that the percent solids in all aeration tanks are to be maintained below 50%. The dissolved oxygen limits are to be at 2.0 ppm or above throughout the plants. And the Ph to be between 6.5 and 7.5. By keeping these values in all four plants we should consistently meet our permit limits for BOD, TSS and ammonia.
 - e. We have made major repairs to the chlorine delivery system. Some of the tubing has been replaced, areas where leaks existed have been repaired, which includes tubing and valves, and the chlorine chemical feed pump has been overhauled. This is working much, much better now.
 - f. This also applies to the de-chlorination delivery system. Replacements and repairs have been made and a new chemical feed pump has been installed.
 - g. The chlorine contact basins are as they were originally designed, installed and approved.
 - h. The sludge deposits that you refer to had been removed by the time you sent out the NOV. Also, we will regularly monitor the receiving stream and if solids are observed their existence will be properly reported and removed.
 - i. I will this week, start the process of calling for quotes, from various contractors, to provide us with the necessary estimates for performing video surveys of the collection system.

 8. For this item I refer to my comments in item #7 sub e and f. Major repairs Have been completed and the chlorination and dechlorination systems are

(4)

working properly now.

9. There is a perimeter fence all the way around this plant with two (2) double gates that are locked at all times when none of our personnel or subcontractors are working at the site. The areas underneath the fencing near the aeration ladder that you refer to will be repaired by June 15.
10. As I had previously explained, we have had a great deal of trouble with the hypochlorite and sulfite delivery system and many repairs have been made, as well as replacements of a lot of the tubing, fittings and feed pumps. Currently our servicemen have it working just like it is designed to work.

We are trying very hard to keep the plant effluent in compliance. Together with my service personnel we are keeping a close eye on the plant, and if an issue arises we are dealing with it immediately.

We are doing in plant testing regularly to make sure that the percent solids in the aeration tanks don't get above 50% and the dissolved oxygen levels don't get below 2.0 ppm.

Sludge is being hauled when needed, just as soon as it is needed, repairs are being made promptly, chemicals delivered as needed, clarifiers cleaned almost daily and the rest of the plants cleaned regularly.

I assure you that permit compliance is paramount in our minds. Exceeding the limits of the permit is not something that we take lightly. We will be diligent in our efforts to keep this facility in compliance.

11. If I understand what you are referring to in this item, it was during this time period in February, that due to what is felt to have been a lightning strike both of the pumps in the lift station at the plant were damaged and had to be pulled for repair. They were indeed pulled and taken to Quality Electric in Louisville for repair. I was then able to find a new pump that would work in this station at a supplier in Virginia. I sent one of my servicemen to Virginia to pick it up and bring it back to Kentucky. It was then installed and placed in service. During this time that the pumps were down and we installed the new pump, we kept the lift station pumped down using our portable gasoline pump. We pumped the sewage up into the splitter box. The other two pumps have now been repaired and one of them installed and the other is a spare.
12. I believe that I addressed this is item #11. If you need anything else please let me know.

(5)

13. I believe that I addressed this in item #7. If you need anything else please let me know.

Let me close by saying, that my partner, Marty Cogan, and myself are dedicated to the water reclamation industry. Combined we have over 70 years of experience in this field and have always made it our policy to properly operate and maintain all treatment plants that we are associated with. In the 1970's and 80's we were responsible for over 100 plants around the state of Kentucky. We employed a large number of operators, supervisors and service personnel. We were without a doubt the largest service organization in the state of Kentucky. We were employed by Andriot-Davidson Service Company at that time.

All of this to say that we do have the experience and dedication to properly oversee the operation of this utility. Unfortunately, we had contracted with an outside company to operate and maintain this facility up to May 13, 2011 and it just didn't work out. We won't make that mistake again. WE are currently looking in the Frankfort area for another operator to contract the operations with. I promise you that the oversight will be much much closer on any future operators.

Your acceptance of this response would be greatly appreciated. I also hope that you and I can work closer together to resolve issues that might be encountered at the facility.

If you have questions or need additional information please let me know.

Sincerely,

Lawrence W. Smither

Coolbrook Utilites LLC
P.O. Box 91588
Louisville, Kentucky 40291
502-238-3301 Fax 502-239-1797

May 20, 2010

Barbara A. Risk, Environmental Inspector III
Division of Water
Frankfort Regional Office
200 Fair Oaks Lane 3rd Floor
Frankfort, KY 40601

Re: Notice of Violation
AI Name: Coolbrook Subdivision
AI ID: 1380
Incident No. 2309178
Activity ID: CIV20100001/ENV20100001
Permit No.: KY0044351
Franklin County, Kentucky

Dear Ms. Risk:

First of all, let me take this opportunity to thank you for granting me an extension of time to response to the referenced NOV.

My response to the NOV items is as follows:

1) It is true that we have had a great deal of trouble with this Quail Run lift station. It was in a bad state of repairs when we took over this sewer utility from the previous owner and we have spent thousands of dollars making repairs to pumps, controls and even the electric service into the station had to be reinstalled by an electrical contractor after it blew down.

To address the reporting of bypasses issue, the operator feels that his reporting has been in order. Now there may have been some misunderstanding of the correct procedure but I believe that we now have that cleared up. It is understood that all bypasses are to be reported in 24 hours if not immediately, and once the bypass has ended it is to be reported in writing within 5 days, giving all the information that is requested on the DOW Bypass/Overflow notification form. (Copy enclosed)

Coolbrook Utilities LLC
P.O. Box 91588
Louisville, Kentucky 40291
502-238-3301 Fax 502-239-1797

May 23, 2010

Barbara A. Risk
Division of Water
Frankfort Regional Office
200 Fair Oaks Lane, 3rd Floor
Frankfort, KY 40601

Re: CEI Report/Notice of Violation
AI Name: Coolbrook Subd.
AI ID: 1380
Incident No: 2309178
Activity ID: CIN20100001/ENV20100002
Permit No: KY0044351
Franklin County, Kentucky

Dear Ms. Risk:

First of all, let me thank you for granting my request of an extension of time to respond to the referenced NOV.

Our response to the NOV is as follows:

1) On the 18th of January 2010 it was discovered that the electric service at the Quail Run lift station had fallen down. I am not sure if it was weather related or just due to age, but of course when it fell then we didn't have power to the lift station. Cheak Electric was called by the operator, they responded that afternoon, assessed the situation, made a materials list and returned the next morning, the 19th, made the needed repairs and returned the power to the lift station. This incident was reported by the operator, Jim Thacker, to Barbara Risk.

I am currently working with the operator, Jim Thacker, to recover all the reports and data to properly respond to this item. It however is going to take a little more time. I respectfully request some additional time to prepare the response for this item. I will make every effort to have it in your office by the end of this week of the 24th.

2) Find enclosed with this letter the DMR's that you listed as missing from the FRO. As I explained to you, we currently have records, files, mail etc., located at three offices.

Unfortunately, because of this, things do get misplaced from time to time. Within a few weeks, we will be moving to a new office where we will consolidate all records, files etc. And we will just have one address to receive our mail.

3) As stated in item #2 the DMR's in question are enclosed with this letter of response. And with the consolidation of mail and records we should be much more punctual in sending out the completed and signed DMR's by the required date. I assure you we will make every effort to make this happen.

4) To address the reporting of bypasses issue, the operator feels that his reporting has been in order. Now there may have been some misunderstanding of the correct procedure but I believe that we now have that cleared up. It is understood that all bypasses are to be reported in 24 hours if not immediately, and once the bypass has ended it is to be reported in writing within 5 days, giving all the information that is requested on the DOW Bypass/Overflow notification form. (Copy enclosed)

I met with the operator (Jim Thacker) on the 19th, we had a lengthy discussion about this subject, everyone is clear on the necessity of reporting bypasses in a timely fashion and properly documenting the event. I have emailed to him the DOW Bypass/Overflow notification report form. Also, I emphasized that he needed to report all bypasses and if he is not sure if a particular event is a bypass, report it anyway. Better safe than sorry.

5) When we assumed the ownership and operation of the Coolbrook wastewater treatment plant and the two lift stations they were in a state of disrepair. I can understand why the previous owner wanted to get this off his hands.

I admit that there is a lot to do yet, but since taking over late in 2008 we have made significant improvements to the plant and lift stations. We have and continue to spend all the money that comes in each months on operations, repairs, laboratory testing, chemicals etc. In addition to the monthly revenue from the customers, we have borrowed just under \$35,000.00 to make these repairs and I assure you that all of these monies are going back in to the repair and upkeep of this system. We the owners have taken nothing out. In addition to what we have already borrowed, we are in the process of borrowing \$15,000.00 to upgrade the Quail Run lift station.

When we took this system over, at the plant there were a lot of diffuser drops missing and a lot that were in terrible shape. We have fabricated new ones and installed them to replace the missing drops and those in disrepair. Also a lot of diffuser drops were pulled, cleaned and new diffusers installed. We have repaired the skimmer in the #1 clarifier but unfortunately it didn't last. We are currently fabricating a new skimmer for this clarifier. A great deal of sludge has been hauled out of all four (4) digesters and any time sludge hauling is needed by the operator it is ordered right away. I assure you that none of my people have used duct tape to make a repair. If there is duct tape on anything it was left by the previous owner. Fouser Environmental does our sampling and testing and I will speak to them about their procedures.

(3)

In addition to the above we have spent a great deal on repairs or replacements at the Quail Run and Highwood lift stations. Quail Run will soon have all new equipments. The Highwood lift station has two (2) operable pumps, one being new, and the pump control panel has been completely renovated. At the treatment plant lift station, when we took over Coolbrook there was only one operable pump in this station. The previous owner was supposed to have the other one repaired but it never happened. So we spent just over \$3,000.00 pulling the pump that needed repairs, rebuilding the pump and reinstalling. We also had the controls rewired.

We recently had a 240 gallon tank delivered to the plant for storage of the chlorine solution. And the operator has been instructed to order chemicals at least one week before he will actually need them. Also the operator has installed all new feeder tubing from the chemical feed pumps to the CCT.

Additional repairs are under way and we will continue to make needed repairs in the future. It is certainly our intent to have a well operated and maintained utility. We are also in the process of preparing a rate case for the Public Service Commission to review and hopefully award us a monthly sewer rate increase.

You mention the receiving stream from the Quail Run lift station, I had the operator walk that on Friday, the 21st, and reported that it is clean. He did find some trash but it is not the type that would come from the lift station. He picked it up anyway.

By this letter I respectfully request an extension of time to obtain the services of an engineer/professional to evaluate the plant and collection system. Also, I request, that by separate letter you further elaborate and specify what you want this individual to do and how you want us to utilize this information. This could be time consuming and expensive.

6) We do keep at the treatment plant a hardbound book that is to be used as a log book and for the use that you have suggested. I will take this up with the operator right away.

7) I was not aware that we needed to have the chart recorder in service at the treatment plant. You mention that you requested this to be done in 2007 but that was a report that went to the previous owner. However, I contacted River City Controls this morning, the 24th, about repairing the Honeywell chart recorder and I was told they would have a technician out to work on it this week. They have replacement chart recorders on the shelf if one is needed.

(4)

8) I refer to my response in items #2 & #3 – DMR's are enclosed. Every effort will be made now and in the future to assure that all sampling is done properly, flow reading given to the laboratory personnel as required and the DMR's filed with the DOW on the proper dates.

9) Refer to response in item #1. Also note response in item #5, next to the last paragraph.

10) I have spoken with Ray Fouser at Fouser Environmental about this issue and he assures me that proper procedure is being followed. He also informed me that a member of Fouser Environmental will be getting in touch with you today, the 24th, to clear up this matter.

The operator has been providing Fouser Environmental with the flow readings at the end of each month. That has been normal practice. Now if this isn't correct, the flow readings are kept on a report sheet in the building at the plant and the person taking the samples can get them any time they need them. They have the key that will get them in the building. We will work this out and do whatever is right.

11) Particular attention will be paid to this now and in the future to assure that all data on the DMRs for all parameters is being tested for and reported.

12) As I stated in item #10 response, a member of Fouser Environmental will be getting in touch with you today. They will also send you an email statement about their sampling and collection procedures and the preservatives they use.

13) As I had stated previously the station, the waterway and the stream have been cleaned. They were inspected again on the 21st and were found to be clean then also.

I hope that this response will meet with your approval. If you have questions or need additional information please let me know.

Sincerely,

Lawrence W. Smither

ATTACHMENT 2

Corrective Action Plan (CAP) Coolbrook Utilities LLC

The following Corrective Action Plan will provide dates and description of work to be performed, as well as new equipment to be purchased and installed. In addition, I will give dates of recent work that has been completed that will aid us in bringing the Coolbrook treatment plant into compliance. This I feel is applicable, in light of the fact, that some of the items were on the original NOV that started this enforcement action.

1) July 08, 2011 – On this date, our servicemen installed on the hypochlorite and bisulfite chemical feed pumps, new double heads on each pump, that would then make each pump operate as if we had two separate pumps for each chemical. We also changed out all of the tubing that runs from the feed pumps to the contact tanks with UV resistant tubing that was purchased from Stenner Pump. Note: We use Stenner Feed Pumps at Coolbrook, and I contacted Stenner Pump and spoke with one of their engineers, and he suggested these changes.

In the past we have had a great deal of difficulty in meeting the ecoli and TRC limits. But with this addition, we are getting plenty of each of the chemicals in the effluent and thus far have been able to meet our permit limits.

2) September 1, 2011 – By this date we will complete the pulling of the diffuser drops in all four tanks that need to be removed, cleaned or diffusers replaced and reinstalled. There are not that many left to do.

When we first took over this facility, there were a lot of diffuser drops that were either missing or just not working. We have replaced all the missing diffuser drops, the last of the new diffuser drops were installed on July 19, 2011. We have cleaned most all of the diffusers that were in need but there are still a few in need of cleaning.

With all the diffusers in proper operating order, the blowers should operate more efficiently and it should be easier to keep the oxygen levels up in the plant.

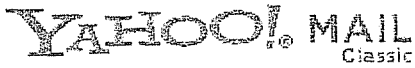
In addition, it is our intent to keep the percent solids level in all plants between 20% and 30%. So we are wasting to the digester to keep the solids down and hauling sludge from the digesters as needed. With the oxygen levels up and the solids level down the quality of the effluent should be consistently good.

3) September 1, 2011 – We have two operable Milltronics flow meters with chart recorder in the treatment plant but they are in need of calibration. By this date we will have them calibrated and certified. Also, the recorder charts will be changed as necessary and the used charts will be maintained at the plant for inspection if needed.

4) September 15, 2011 – By this date we will have a new audible and visible alarm installed at the treatment plant lift station. There is currently no alarm on this station but both of the remote lift stations do have alarms.

(2)

5) September 15, 2011 – By this date we will have the opening in the fence at the effluent discharge location, closed up so that unauthorized individuals can not gain access to the plant. In my earlier letter dated July 1, I indicated that we would have this repair completed by July 15th. I now know that it will not be as easy to seal up this opening as I originally thought so additional time would be helpful.



Coolbrook Utilities

Wednesday, July 27, 2011 9:03 AM

From: "LAWRENCE SMITHER" <larrys76@bellsouth.net>

To: "Greg Wilson" <greg.wilson@ky.gov>

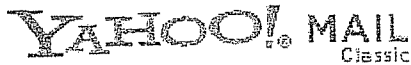
1 File (27KB)



CAP - Co...

Find attached draft of the Corrective Action Plan. Your comments would be appreciated.

Thanks for calling me back this morning.



RE: Coolbrook Utilities

Wednesday, July 27, 2011 11:17 AM

From: "LAWRENCE SMITHER" <larrys76@bellsouth.net>
To: "Greg (EEC)Wilson" <Greg.Wilson@ky.gov>

That would be great. If you don't mind. I would greatly appreciate it!!!!!!!

--- On Wed, 7/27/11, Wilson, Greg (EEC) <Greg.Wilson@ky.gov> wrote:

From: Wilson, Greg (EEC) <Greg.Wilson@ky.gov>
Subject: RE: Coolbrook Utilities
To: "LAWRENCE SMITHER" <larrys76@bellsouth.net>
Date: Wednesday, July 27, 2011, 11:11 AM

Hello Larry,

It looks good to me.

Do you want me to print this submittal and consider the CAP submitted and approved?

Greg

From: LAWRENCE SMITHER [mailto:larrys76@bellsouth.net]
Sent: Wednesday, July 27, 2011 9:04 AM
To: Wilson, Greg (EEC)
Subject: Coolbrook Utilities

Find attached draft of the Corrective Action Plan. Your comments would be appreciated.

Thanks for calling me back this morning.



RE: Coolbrook Utilities

Wednesday, July 27, 2011 11:11 AM

From: "Wilson, Greg (EEC)" <Greg.Wilson@ky.gov>
To: "LAWRENCE SMITHER" <larrys76@bellsouth.net>

Hello Larry,

It looks good to me.

Do you want me to print this submittal and consider the CAP submitted and approved?

Greg

From: LAWRENCE SMITHER [mailto:larrys76@bellsouth.net]
Sent: Wednesday, July 27, 2011 9:04 AM
To: Wilson, Greg (EEC)
Subject: Coolbrook Utilities

Find attached draft of the Corrective Action Plan. Your comments would be appreciated.

Thanks for calling me back this morning.

7/14/11

Coolbrook

7/8/11

Service men Took the new parts that had been ordered for the chemical feed pumps and installed them on both of the pumps. This then made them both a double head pump.

Also ran additional ~~flexing~~ Tubing to each of the chlorine contact tanks.

(Utility supplied the parts.)

Palmer Mileage - \$511.95
(6 Hours @ 80. ⁰⁰/_{hr})
(71 miles @ .45)

7/22/11

Coolbrook

7/19/11

Service men picked up material from Masters Supply, then went to the shop and fabricated 2 new air drops.

Took the air drops to the plant, installed them in the #4 plant. Pulled and cleaned the other drops in the plant that needed it.

Extended the chlorine feed tubing to the first section of the #2 chlorine contact tank.

Cleaned the transfer ports in all 4 tanks.

Salos & Mileage - \$791.¹⁰
(9 hours @ 80.⁰⁰/hr 2 men)
(158 miles @ .45)

**Coolbrook Utilities LLC
P.O. Box 91588
Louisville, Kentucky 40291
502-238-3301 Fax 502-239-1797**

October 27, 2011

Department of Environmental Protection
Division of Enforcement
Attn: Mr. Greg Wilson
300 Fair Oaks Lane
Frankfort, KY 40601

Re: (O&M Manual)
AI ID: 1380
AI Name: Coolbrook Subdivision WWTP
Case#: DOW 100186
Activity ID: ERF20100001
Permit No.: KY0044351
County: Franklin

Dear Mr. Wilson:

This letter is to certify that the O&M Manuals for Coolbrook are finished. I have broken this up into two separate manuals. One is for the operating procedures and safety manual and the second contains a map of the Coolbrook sewers, treatment plant and lift station equipment literature and KPDES permit information.

The first manual has already been taken to the plant and the second one will be taken there on Monday the 31st.

If you have any questions or need additional information please let me know.

Sincerely,

Lawrence W. Smither, Member

**Coolbrook Utilities LLC
P.O. Box 91588
Louisville, Kentucky 40291
502-238-3301 Fax 502-239-1797**

July 1, 2011

Department of Environmental Protection
Division of Enforcement
Attn: Mr. Greg Wilson
300 Fair Oaks Lane
Frankfort, KY 40601

Re: Post Conference Letter

AI ID: 1380

AI Name: Coolbrook Subdivision WWTP

Case#: DOW 100186

Activity ID: ERF20100001

Permit No.: KY0044351

County: Franklin

Dear Mr. Wilson:

Confirming our conversation earlier this week, when you gave me an extension of time of July 1st, to respond to the remedial measures listed in the post conference letter.

My response and request for extension of time to the remedial measures is as follows:

A. It is duly noted that all spills, bypasses and upsets are to be reported within 24 hours of the occurrence and that the follow up written report is to be submitted within 5 days.

B. After a conversation with Deborah Singleton yesterday, I now understand what the area of concern is with the fencing around the treatment plant. There is an opening at the plant effluent discharge pipe and this will be closed up by 7/15/11.

C. I respectfully request that the time be extended to submit the Corrective Action Plan to July 15th, 2011.

D. I respectfully request that the time be extended to submit the O & M Manual for the facility to August 1st, 2011.

(2)

E. Currently Beckmar Environmental Laboratory does the sampling and lab analysis for Coolbrook Utilities and you can rest assured that they follow all the approved test procedures.

F. All the appropriate records are being filled out and maintained. I just spoke with Paul Barker, owner of Beckmar Environmental and he assured me that they retain all records for a period of seven (7) years.

G. These records mentioned in this item are maintained in most cases for at least three (3) years but generally for a much longer period than this.

H. We have and will continue to comply with this item.

I. We will be diligent in our efforts to comply with this item.

J. I respectfully request that the time be extended to submit the Sanitary Sewer Overflow Plan for this facility to August 16th, 2011.

K. I respectfully request that the time be extended to submit the Sewer Overflow Response Protocol for this facility to August 16th, 2011.

L. I respectfully request that the time be extended to submit the Inflow/Infiltration Rehabilitation Project plan to September 1st, 2011.

M. I respectfully request that the time be extended to submit the written Sludge Management Plan to September 15th, 2011.

N. I respectfully request that the date for submitting the first progress report be extended to August 16th, 2011.

O. The progress reports will be sent to the address noted.

P. I respectfully request that the date for Coolbrook to be in compliance with the KPDES permit be extended to September 15th, 2011. However, I do want to add that we are constantly making every effort to be in compliance, and for any area that we may be out of compliance we are making changes to bring it into compliance.

Q. As to the issue of the \$12,000.00 civil penalty, I respectfully request that you give us until August 1st, 2011 to respond to this amount. I have not had an opportunity to discuss this with my partner, Marty Cogan, or our attorney.

(3)

If you have any questions or need additional information please let me know.

Your thoughtful consideration of these time extensions would be greatly appreciated.

Sincerely,

Lawrence W. Smither, Member

Coolbrook Utilities LLC

Sanitary Sewer Overflow Plan

September 8, 2011

- 1) Submit a map for the entire collection system.

When we assumed ownership of this sewer utility in November 2008, the previous owner turned over to me the sewer plans that he had in his possession. There were various pages but not a complete set.

I have spoken to several individuals at the Division of Water, to get some help in locating any available plans. Without exception, they all said that there weren't any that they could find.

Now having said that, I have managed to piece together what I feel is a master plan sheet. Unfortunately I can not verify its accuracy. It appears that the Coolbrook development began in 1972 with phase I and 3 additional phases were later added and none of the plan sheets I have are marked "As Built".

I have attached the master plan sheet that I was able to put together, along with some additional pages that show sewer mains that are not shown on the master plan.

- 2) Indicate the frequency of the overflows.

There isn't anything regular about the overflows in this system. They generally take place either when we get a very heavy rain and the ground is already saturated or when we have trouble with a pump at one of the three lift stations. So to indicate the frequency, I would just have to say that it is during very wet weather.

- 3) Provide an estimate of the annual volume of the overflows.

To provide an estimate would be just that, an estimate. For an entire year, if we had a lot of wet weather it may be between .25 and .5 MGD. It could be more that that if we had a lot of trouble with the pumps at the lift stations.

- 4) Describe the type of overflow, i.e. manhole, pump station, constructed overflow pipe.

It has been my experience since taking over this system that the overflows occur either at the lift station wet well or the last manhole before the lift station. There have been a couple of occasions where a manhole overflowed due to a blockage in the gravity main

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and this was quickly rectified by having a contractor clean out the sewer main with an electric eel and a cutting head.

When we took over this system there were a lot of pump problems at the various lift stations. Such as:

- Quail Run Lift Station – This station was in very bad condition when we started with this system. The pumps and the control panel were old and in need of repair. We repaired them but due to their age and condition it just didn't last very long. In October of 2010, we purchased and installed two new Hydromatic grinder pumps and a new pump control panel. Prior to this new installation overflows were frequent but since we installed the new pumps and control panel we haven't had any overflow occurrences.
- Highwood Lift Station – Right after taking over this system we had to purchase and install a good rebuilt 7.5 H.P. Peabody Barnes submersible pump and we had the pump control panel completely rebuilt. We have had only a few problems with this station but if we get a lot of heavy rain we will experience some overflow at the manhole just prior to the lift station.
- Treatment Plant Lift Station – As with the other lift stations, when we started with this system the lift station was in very bad condition. We had numerous pump failures and control panel problems. In May and June of 2010 we had both of the lift station pumps completely rebuilt and have purchased a new pump for the station, that will be kept on site as a backup. In addition, we had the control system rebuilt. As with the Highwood station, if we experience a lot of very wet weather there will be some amount overflow from the manhole just prior to the lift station.

5) Identify the receiving stream.

The receiving stream next to the treatment plant and the Highwood lift station is the unnamed tributary to South Benson Creek. And at the Quail Run lift station there is a drainage ditch.

6) Describe the immediate area and downstream land use, including potential for public health concerns.

The treatment plant sits right next to the receiving stream, Trib. S. Benson Creek, the effluent enters the creek as well as any sewage that might overflow the manhole at the treatment plant in the event the lift station should malfunction. This of course is in section I of the subdivision and the creek flows west for approximately 1300', running parallel with Highwood Drive, passing through section III and then it leaves the Coolbrook subdivision and runs through the farm belonging to Mr. Don Bailey.

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This also applies to the Highwood Lift Station that is right next to the creek. The manhole that would overflow in the event there is a lift station problem, is in the rear of lot 388 on Wooded Way. If this manhole overflow the sewer flows approximately 100' down a grassy open space and into the creek. This lift station and manhole are within 200' of Mr. Bailey's farm.

The Quail Run Lift Station is next to the drainage ditch that runs south through some open space and then through a residential area.

The potential for health concerns is always there when you have the public coming in contact with raw, untreated or partially untreated waste. It has been and will continue to be our policy to get the waste from any overflow, bypass or spill cleaned up as quickly as possible. We take public health seriously.

As I had mentioned previously, since we have made so many repairs or replacements at the lift stations the overflows have been few and fairly small in quantity.

7) Describe any previous (within the last 5 years), current or proposed studies to investigate the overflows. Note: This probably refers to infiltration/inflow.

We have been involved with Coolbrook for less than three years and we have been so tied up making repairs at the plant and lift stations that we have not been able to approach this issue. Now, I am currently getting quotes from several contractors to perform an I/I survey for us. More information can be supplied concerning this issue within 30 to 45 days.

8) Describe any previous (within the last 5 years), current or proposed rehabilitation or construction work to remediate or eliminate the overflow.

The lift stations and the manholes I described previously are the only locations of overflows that I am aware of. With all the work we have done at these stations the overflows have been greatly reduced.

There hasn't been any repair or construction work performed on any sewer mains to reduce I/I. There have been repairs made to sewer mains when a break or separation is causing problems with backups into residences.

The previous owner of this utility, Classic Construction, to my knowledge didn't do any sewer main repairs for the elimination of I/I, but I understand that the owner before that, Aqua Source, did make some repairs to sewer mains for the purpose of reducing the I/I. I am not familiar with the extent of their repairs.

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In the future, as we perform the I/I survey and start making repairs, this information will be added to update this SSOP.

Submitted by:

Lawrence W. Smither, member

Sewer Overflow Response Protocol

1. General

Entity submitting plan: Coolbrook Utilities LLC (Coolbrook subdivision WWTP)

KPDES#: KY0044351

Contact person:

Name: Lawrence W. Smither

Title: Member

Phone Number: 502-241-4809 -- office
502-693-8634 -- cell

Email address: larrys76@bellsouth.net

Date of Filing Plan: September 14, 2011

2. Overflow Response Procedures

Recording Information

- Find attached, marked attachment 1, the Division of Water, Bypass/Overflow Notification form that we use to record all pertinent information about all bypasses and overflows for this utility. We send this form within 24 hours of all bypasses or overflows. If the bypass has not ended within that 24 hour period we mark in the overflow ended space that it is "On Going". Once the bypass/overflow has ended we send the completed form to the DOW within 5 days and it provides all the information required.

Dispatching Procedures

- Generally all bypass/overflow reports come into me, Larry Smither, and based on the report I will either notify the service technician, Shawn Ford, that does our repair work or the operator, Shane Goldsmith. The serviceman notified will in turn get to the site as quickly as possible, trouble shoot the situation, take corrective action and report back to me. I then will complete the form, attachment 1, and send it to the DOW as required. These servicemen will also clean up the effected area or notify the appropriate contractor to make the necessary clean up. The person that responded to the bypass/overflow is responsible for the site until the cleanup is complete.

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3. Public advisory procedure

- If and when necessary the effected area will be sealed off using yellow caution tape. We will also communicate, generally in person, with any resident that may be impacted by the bypass/overflow.

4. Regulatory Agency Notification Plan

- I, Larry Smither, will generally be the one from our office that makes the necessary report to the Division of Water. If I am out of town, Linda Wood, is the person responsible for making the necessary report. And as I noted in item number 2, we use the Division of Water, Bypass/Overflow Notification form. We submit the initial information within 24 hours and the completed form is sent in within 5 days of the bypass/overflow ending.

5. Maintenance of SORP

- The SORP (sewer overflow response protocol) will be reviewed by myself annually and will be updated as needed.

Submitted by:

Lawrence W. Smither, member

**Environmental & Public Protection Cabinet
Department for Environmental Protection
Division of Water
Bypass/Overflow Notification
BPR#**

TEMPO Incident ID#:

Notified by:

Date and Time bypass/overflow started:

Date and Time bypass/overflow ended:

Responsible/Affected facility:

Location:

Cause of bypass/overflow:

Estimated gallons of loss:

Environmental impact (what streams are impacted?):

Method of cleanup:

Comments:

Notification received by:

Notification date and time:

**Coolbrook Utilities LLC
P.O. Box 91588
Louisville, Kentucky 40291
502-238-3301 Fax 502-239-1797**

December 21, 2011

Department of Environmental Protection
Division of Enforcement
Attn: Mr. Greg Wilson
300 Fair Oaks Lane
Frankfort, KY 40601

Re: Inflow/Infiltration Rehabilitation Project
AI ID: 1380
AI Name: Coolbrook Subdivision WWTP
Case#: DOW 100186
Activity ID: ERF20100001
Permit No.: KY0044351
County: Franklin

Dear Mr. Wilson:

This letter is to inform you how we are proceeding on the I/I rehabilitation project for the Coolbrook subdivision.

Of course, the first step in I/I repair is locating and identifying the areas that need repair. To do this we need a complete video survey of the Coolbrook sewers.

I have obtained from a couple of contractors the needed quotes to perform a complete video survey of the Coolbrook sewers. With the help of our consultant we have taken these quotes, put them together with additional necessary information and have made application to the Kentucky Public Service Commission for a rate surcharge to the customers to accumulate the needed funds to perform this video survey.

This application for a surcharge, along with an application for a general rate case review was submitted to the PSC on October 31, 2011. On November 17th the PSC sent an agent to our bookkeepers office for a field review of all the financial data. We should be getting a data request from them sometime in the next few weeks and we will put the data response together and send it back to the PSC. We hope that then, within 90 days, we will have a staff report awarding us with the requested rate increase and surcharge. With the surcharge in place we can start the video survey, doing it in phases.

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Once I know what the PSC is going to allow us to charge the customers, I will be better able to give you a time table on the video survey.

With this video in hand we can start bidding the needed repair work.

If you have questions or need additional information please let me know.

Sincerely,

Lawrence W. Smither, Member

**Coolbrook Utilities LLC
P.O. Box 91588
Louisville, Kentucky 40291
502-238-3301 Fax 502-239-1797**

August 17, 2011

Department of Environmental Protection
Division of Enforcement
Attn: Mr. Greg Wilson
300 Fair Oaks Lane
Frankfort, KY 40601

Re: Post Conference Letter

AI ID: 1380
AI Name: Coolbrook Subdivision WWTP
Case#: DOW 100186
Activity ID: ERF20100001
Permit No.: KY0044351
County: Franklin

Dear Mr. Wilson:

With respect to the proposed penalty of \$12,000, Coolbrook proposes to pay same, subject to the following terms. Coolbrook will agree to pay the amount of \$1,000.00, with the balance of the \$12,000 penalty to be probated for a period of 12 months. The amount of the probated penalty would be dismissed at the end of 12 months if Coolbrook is in compliance with its KPDES permit and the provisions of this agreement. This probated amount is based upon the fact that Coolbrook has had expenses in the amount of \$80,779.56 over the last 14 months, May 1, 2010 to July 31, 2011, to make needed repairs to the WWTP and the collection system. Copies of the repair invoices are enclosed with this letter.

In addition to the cost of the repairs, Coolbrook incurred other substantial expenses, such as, plant operations of \$26,013.60, electric power of \$39,793.62, sludge hauling of \$13,180.00, KPDES permit testing of \$12,750.00, payment on loans of \$16,620.00, mortgage expense to previous owner of \$15,400.00 and many other smaller expense items that I have not included. But, the total for the items that I have mentioned is \$204,536.78.

Coolbrook's gross revenue for this period was \$162,884.00 less collection expenses of \$24,432.66 for a net total revenue of \$138,451.34 for this period ending July 31, 2011. So, as you can see, Coolbrook has spent more than it has taken in. Accordingly, to

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require Coolbrook to pay a penalty exceeding \$1,000.00 at this time would place an undue financial burden on it.

In addition to making the above described repairs, Coolbrook has taken a number of other steps to improve the operation of the sewer system. As you are aware, Coolbrook terminated the services of the operations company that failed to make the required reports to the Division of Water and has made other arrangements. Additionally, Coolbrook will continue to have to pay for additional costly repairs to its aging WWTP and collection system.

Your thoughtful consideration and acceptance of this alternate plan to the proposed civil penalty would be greatly appreciated.

Sincerely,

Lawrence W. Smither, member