

In the Matter of:

PRO MAN PROPERTY MANAGEMENT, LLC

CASE NO. 2013-00286

REQUEST FOR DEVIATION FROM 807 KAR 5:071, SECTION 7(4)

PRO MAN PROPERTY MANAGEMENT, LLC'S RESPONSES TO

COMMISSION STAFF'S FIRST REQUEST FOR INFORMATION

RECEIVED
NOV 1 2013
PUBLIC SERVICE
COMMISSION

Tab 1 – Copy of Commission Staff's Request

Tab 2 – Copy of Responses from PRO MAN PROperty MANagement LLC

Tab 3 –Exhibit A: Copies of Notice of Violations ("NOV") recvd from Division of Water since Jan 2008

Tab 4 – Exhibit B: Aerial Photograph of Immediate Vicinity of the South Hill Subdivision Sewer Plant

Tab 5 – Exhibit C: Signed Certification of Preparer

ORIGINAL

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PRO MAN PROPERTY MANAGEMENT, LLC)
REQUEST FOR DEVIATION FROM 807 KAR) CASE NO. 2013-00286
5:071, SECTION 7(4))

COMMISSION STAFF'S FIRST REQUEST FOR INFORMATION
TO PRO MAN PROPERTY MANAGEMENT, LLC

Pro Man Property Management, LLC ("Pro Man Property"), pursuant to 807 KAR 5:001, shall file with the Commission no later than November 1, 2013, the original and ten copies of the following information, with a copy to all parties of record. Responses to requests for information shall be appropriately bound, tabbed and indexed. Each response shall include the name of the witness responsible for responding to the questions related to the information provided.

Each response shall be answered under oath or, for representatives of a public or private corporation or a partnership or association or a governmental agency, be accompanied by a signed certification of the preparer or person supervising the preparation of the response on behalf of the entity that the response is true and accurate to the best of that person's knowledge, information, and belief formed after a reasonable inquiry.

Pro Man Property shall make timely amendment to any prior response if it obtains information which indicates that the response was incorrect when made or, though correct when made, is now incorrect in any material respect. For any request to which Pro Man Property fails or refuses to furnish all or part of the requested

information, it shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.

Careful attention should be given to copied material to ensure that it is legible. When the requested information has been previously provided in this proceeding in the requested format, reference may be made to the specific location of that information in responding to this request.

1. State whether the requested deviation is sought for Pro Man Property's South Hill Subdivision Sewer Plant.

2. List and provide a copy of each notice of violation ("NOV") that Pro Man Property has received regarding the operation of its sewer facilities from the Kentucky Division of Water since January 1, 2008. State the current status of each NOV.

3. List and describe each complaint that that Pro Man Property has received regarding the operation of its sewer facilities from the Northern Kentucky Health Department since January 1, 2008.

4. List the name of each person that Pro Man Property employs as a certified wastewater treatment plant operator for its South Hill Subdivision Sewer Plant.

5. Provide a copy of each contract currently in effect that Pro Man Property has for the provision of certified wastewater treatment plant operator services for its South Hill Subdivision Sewer Plant.

6. Provide a copy of each contract currently in effect and not provided in response to Request 4 that Pro Man Property has for maintenance services for its South Hill Subdivision Sewer Plant.

7. Pro Man Property reported incurring total maintenance expenses of \$6,970 for the year ending December 31, 2012. Identify and describe the major components of this expense.

8. Describe the mechanical equipment of the South Hill Subdivision Sewer Plant.

9. State how frequently South Hill Subdivision Sewer Plant's mechanical equipment is currently inspected.

10. State the current cost of inspecting South Hill Subdivision Sewer Plant's mechanical equipment.

11. State the annual cost of inspecting South Hill Subdivision Sewer Plant's mechanical equipment if inspections are conducted on a daily basis. Describe how this annual cost was derived.

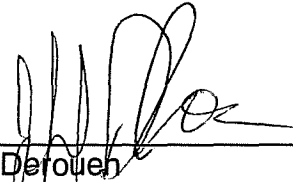
12. In his letter of July 3, 2013, to the Public Service Commission, Mr. Brett Cade refers to a "substantial burden" that will result if daily inspections of mechanical equipment must be performed. Describe this "substantial burden."

13. Describe the actions necessary for Pro Man Property to implement daily inspections of its South Hill Subdivision Sewer Plant.

14. Describe all alarm systems and monitoring systems that are installed at the South Hill Subdivision Sewer Plant that would enable Pro Man Property or its agents to monitor or detect problems at the sewer facility without conducting an onsite inspection.

15. State the location of the South Hill Subdivision Sewer Plant.

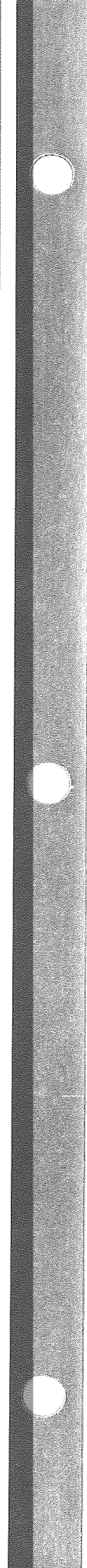
16. Describe the area in the immediate vicinity of the South Hill Subdivision Sewer Plant. This description should include the presence of residential neighbors, schools, nursing home facilities, and industries.



Jeff DeFoueh
Executive Director
Public Service Commission
P.O. Box 615
Frankfort, Kentucky 40602

DATED OCT 21 2013

cc: Parties of Record



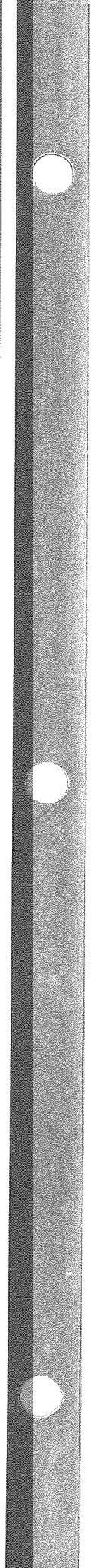
Each of the following responses were provided by:

Jeff Cox

Lucas Sanitation

- 1) Deviation is still requested by PRO MAN PROperty MANagaement LLC.
- 2) * NOV from Division of Water dated *June 17, 2010*. Current status – Accepted. Copy attached as Exhibit A, under Tab 3.
*NOV from Division of Water dated *September 19, 2011*. Current status – Accepted. Copy attached as Exhibit A, under Tab 3.
- 3) PRO MAN PROperty MANAgement LLC has received no complaints from the Northern Kentucky Health Department since Jan 2008.
- 4) Jeff Cox is the Certified wastewater treatment plant operator for South Hill Subdivison Sewer Plant.
- 5) There is a verbal contract only between PRO MAN PROperty MANAgement and Lucas Sanitation, which has been the plant operator of South Hills Subdivision Sewer Plant for the past 27 years.
- 6) There are no other contracts in effect in regards to the maintenance of the sewer plant.
- 7) The maintenance expenses incurred for South Hills Subdivision Sewer Plant consist of service calls/service visits to travel back and forth to the plant, maintenance on the complete system, sludge hauling – two visits per week.
- 8) The mechanical equipment of the plant consists of a 5HP motor driving rotary blower with control panel.
- 9) The plant's mechanical equipment is inspected twice weekly.
- 10) The current cost of inspecting the mechanical equipment during the bi-weekly service visits is actually a very small portion of the overall cost. The majority of the expense to inspect the mechanical equipment is largely the service visit: the man, the vehicle, the tools and insurance necessary to travel to and from the facility. The cost to inspect equipment is minimal. The major cost is due to time and travel involved to perform the service visit.
- 11) To increase of number of service visits from 2 visits per week to 7 visits per week would increase the cost by 3.5 times the current fee. (Effectively a 350% price increase.) The majority of the cost is for the service visit to perform inspection, and this travel cost does not vary.
- 12) The 'substantial burden' referred to if daily inspections are implemented , refers to the increase in operating costs. This would mean paying 3.5 times the current basic operational fee. (Effectively a 350% price increase.)
- 13) Daily inspections of the facility would require finding a certified wastewater treatment plant operator that would be willing and able to perform inspections 365 days per year at a reasonable cost.
- 14) Since the plant can be heard running from our office/maintenance shed throughout the day, there are no alarm monitors installed.

- 15) The South Hills Subdivision Sewer Plant is located at Davjo Drive in Cold Spring, Campbell County, Kentucky. (39° 00' 23" N/84° 25' 28")
- 16) The immediate vicinity of the South Hills Subdivision Sewer Plant consists of residential apartment units. Aerial map is attached as Exhibit B, Tab 4.





STEVEN L. BESHEAR
GOVERNOR



LEONARD K. PETERS
SECRETARY

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

Division of Water
8020 Veterans Memorial Dr Ste 110
Florence, KY 41042
www.kentucky.gov

July 14, 2010

Certified No. 7009 0960 000 8475 6971
Return Receipt Requested

Mr. Brett Cade
PO Box 613
Alexandria (Campbell), KY 41001

Re: Notice of Violation
AI ID: 638
AI Name: South Hills Subd
Activity ID: ENV20100001
Permit No. KY0034711
Campbell County, KY

Dear Mr. Cade:

The Kentucky Department for Environmental Protection (DEP) has issued the enclosed Notice of Violation for violations discovered at your facility. 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 859-525-4923.

Sincerely,

Catherine Haven,
Environmental Inspector I
Division of Water

Enclosure

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

NOTICE OF VIOLATION

To: Mr. Brett Cade
PO Box 613
Alexandria (Campbell), KY 41001
AI Name: South Hills Subd AI ID: 638 Activity ID: ENV20100001
County: Campbell
Enforcement Case ID:
Date(s) Violation(s) Observed: 06/17/2010

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

1 Violation Description for Subject Item GINS0000000001(KPDES Individual):

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. Any person possessing or controlling a pollutant or contaminant shall, as soon as that person has knowledge of any release or threatened release of a pollutant or contaminant from a site to the environment in a quantity which may present an imminent or substantial danger to the public health or welfare, immediately notify the cabinet's twenty-four (24) hour environmental response line. In the notice to be made to the cabinet, the person shall state, at a minimum, the location of the release or threatened release, the material released or threatened to be released, and the approximate quantity and concentration of the release or threatened release. [KRS 224.01-400(7)] [401 KAR 5:015 Section 2]

Description of Non Compliance:

In Plant I (plant nearest to US 27): DOW observed solids washed from the plant in the area of the bar screen and aeration basin. We also observed these solids to be present in the receiving stream. These observations are evidence that the plant "washed out" or experienced a wet weather bypass. Division of Water has not received any reports of bypass or upset conditions as required by 401 KAR 5:065 Section 2.

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. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and/or your company to an immediate referral to the Division of Enforcement. [401 KAR 5:015 Section 2; KRS 224.01-400(7).]

2 Violation Description for Subject Item GINS0000000001(KPDES Individual):

Twenty-four (24) hour reporting. The permittee shall follow the provisions of 401 KAR 5:015 and shall orally report any noncompliance which may endanger health or the environment, within 24 hours from the time the permittee becomes aware of the circumstances. This report shall be in addition to and not in lieu of any other reporting requirement applicable to the noncompliance. [401 KAR 5:065 Section 2 (1)]

Description of Non Compliance:

Plant I (plant nearest to US 27): DOW observed solids washed from the plant in the area of the bar screen and aeration basin. We also observed these solids to be present in the receiving stream. These observations are evidence that the plant "washed out" or experienced a wet weather bypass. Division of Water has not received any reports of bypass or upset conditions as required by 401 KAR 5:065 Section 2.

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. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and/or your company to an immediate referral to the Division of Enforcement. [401 KAR 5:065 Section 2 (1)]

3 Violation Description for Subject Item GINS0000000001(KPDES Individual):

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)]

Description of Non Compliance:

Plant 1 (the plant nearest US 27); The plant has experienced a wet weather bypass and lost solids to the creek. Solids have overtopped the baffle and the surface of the clarifier is covered by a thick layer of sludge. The baffle needs to be cleaned and disposed of properly. The clarifier is in need of maintenance. Plant 2 (the plant furthest from US 27): The piping from the overflow weir to the lagoon is leaking a steady stream of partially treated wastewater. This is an unpermitted point source discharge. Over time there has been a lot of sludge loss from the plant clarifier into the lagoon. This is evidenced by the sludge in the overflow weir as well as the amount of sludge present in the lagoon. The lagoon is in need of maintenance. Although effluent from the permitted outfall from Plant 2 appeared to be acceptable, failure to attend to the maintenance issue with the lagoon, in a timely manner, could result in loss of solids to the receiving stream. The diffusers in the aeration basins of both plants 1 and 2 are in need of timely maintenance.

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. Within (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. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and/or your company to an immediate referral to the Division of Enforcement. [401 KAR 5:065 Section 2]

4 Violation Description for Subject Item GINS0000000001(KPDES Individual):

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:

DOW documented a significant amount of sludge, sludge worms and debris downstream of plant 1. Plant 2: The lagoon was filled with sludge and solids. We also observed broken pipes leading into the lagoon. The overflow pipe from the lagoon was partially submerged.

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

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 written plan of action and a schedule of implementation to the undersigned describing the necessary measures taken to address the noncompliance. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and/or your company to an immediate referral to the Division of Enforcement. [401 KAR 10:031 Section 2]

5 Violation Description for Subject Item GINS0000000001(KPDES Individual):

Applicability of the KPDES Requirements. The KPDES program shall require a permit to discharge pollutants from a point source into waters of the Commonwealth. Compliance with the KPDES program requirements shall constitute compliance with the operational permit requirements of 401 KAR 5:005 and requirements related to the operational permit. Failure to obtain a KPDES permit shall not relieve a discharger subject to the KPDES program from complying with the applicable performance standards of that program, 401 KAR 5:050 to 5:080, inclusive. Specific inclusions. The following examples are specific categories of point sources that require a KPDES permit to discharge. These terms are further defined in 401 KAR 5:002. Permits required on a case-by-case basis: Prior to a case-by-case determination that an individual permit is required for a storm water discharge under 401 KAR 5:060, Section 12, the cabinet may require the discharger to submit a permit application or other information regarding the discharge under 401 KAR 5:060, Section 1(6). In requiring the information, the cabinet shall notify the discharger in writing and shall send an application form with the notice. The discharger shall apply for a permit under 401 KAR 5:060, Section 12, within sixty (60) days of notice, unless permission for a later date is granted by the cabinet. The question whether the initial designation was proper shall remain open for consideration during the public comment period under 401 KAR 5:075 and in any subsequent hearing pursuant to KRS 224.10-420(2). [401 KAR 5:055 Section 2]

Description of Non Compliance:

Plant 2 has an unpermitted point source discharge. The piping from the overflow weir to the lagoon has a leak that is discharging a steady stream of partially treated wastewater.

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

Cease all unpermitted discharges. Repair all leaks to pipes from plant to the lagoon as well as the pipe in the lagoon. Within thirty (30) days from the receipt of this notice, an application for the proper KPDES permit must be completed and submitted to the Kentucky Division of Water. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and/or your company to an immediate referral to the Division of Enforcement. [401 KAR 5:055 Section 2]

6 Violation Description for Subject Item GINS0000000001(KPDES Individual):

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:

DOW documented a significant amount of sludge, sludge worms and debris downstream of plant 1. Plant 2: The lagoon was filled with sludge and solids. We also observed broken pipes leading into the lagoon. The overflow pipe from the lagoon was partially submerged.

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

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 written plan of action and a schedule of implementation to the undersigned describing the necessary measures taken to address the noncompliance. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and/or your company to an immediate referral to the Division of Enforcement. [KRS 224.70-110]

August 20, 2010

Energy and Environment Cabinet
Division of Water
8020 Veterans Memorial Drive, Suite 110
Florence, Kentucky 41042

RE: Notice of Violation
AI ID: 638
AI Name: South Hills Subd
Activity ID: ENV20100001
Permit No. KY0034711
Campbell County, KY

Ms. Catherine Haven and Mr. Todd Giles:

I received this letter earlier this month on August 2nd after it was forwarded to my current address. Upon receiving the letter, I realized that it was dated more than 2 weeks prior. So I apologize for the delay in my response.

Since receiving the letter, I immediately contacted Jeff Cox with Lucas Sanitation and met him at the location to discuss the problems outlined and how we would address them. In the two weeks since meeting with Jeff, we have addressed the issues as follows:

Items 1 and 2: The drainage around the plant has been rerouted to assist in the prevention of future washouts during periods of unusually heavy, hard rains. In addition, maintenance will make a point to inspect the plant areas after any unusually hard downpours, and report as needed.

Item 3: Cleaning and maintenance has been performed as required, and sludge has been removed. The pipes leading to the lagoon (and pipes in the lagoon) has been repaired. The diffusers in the aeration basins have been addressed with Plant 1 having been completely repiped, and Plant 2 having been repaired.

Item 4: The drainage around the plant may have contributed to this problem during unusually heavy rains. The drainage has been rerouted. At Plant 2 the pipes have been repaired in the lagoon (and leading to the lagoon). In addition to routine sludge hauling, we have begun the use of organic materials to aid in the breakdown of the sludge, and will implement a more aggressive maintenance schedule.

Item 5: The piping has been repaired.

Item 6: Please refer to Item 4 response.

Please accept this as my plan of actions taken to remedy the mentioned issues. If you have any further questions or concerns, please contact me or Jeff Cox of Lucas Sanitation. (Please note my updated mailing address below.)

Respectfully,

Brett Cade
200 Water Works Road, Office B
Fort Thomas, KY 41075



STEVEN L. BESHEAR
GOVERNOR

LEONARD K. PETERS
SECRETARY

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

Division of Water
8020 Veterans Memorial Dr Ste 110
Florence, KY 41042
www.kentucky.gov

October 4, 2011

Certified No. 7011 1570 0003 7065 3635
Return Receipt Requested

Mr. Brett Cade
PO Box 618
Alexandria, KY 41001

Re: Notice of Violation
AI ID: 638
AI Name: South Hills Subdivision
Activity ID: ENV20110001
Permit No. KY0034711
Campbell County, KY

Mr. Cade:

The Kentucky Department for Environmental Protection (DEP) has issued the enclosed Notice of Violation for violations discovered at your facility. 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 859-525-4923.

Sincerely,

A handwritten signature in cursive script that reads "Wesley L. Byrd".

Wesley L. Byrd,
Environmental Inspector
Division of Water

Enclosure

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

NOTICE OF VIOLATION

To:

South Hills Subdivision
Davjo Rd
Cold Spring, KY 41076

AI Name: South Hills Subdivision AI ID: 638 Activity ID: ENV20110001

Discovery ID: CIN20110001 County: Campbell

Enforcement Case ID:

Date(s) Violation(s) Observed: 09/19/2011

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

1 **Violation Description for Subject Item AIOO0000006380:**

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. [40 CFR 122.41(e)]. [401 KAR 5:065 Section 2(1)]

Description of Non Compliance:

At treatment plant 1, sludge was discharging from the clarifier into the chlorine contact tank (CCT). In the CCT the effluent leaving the plant contained sludge. The unnamed tributary that outfall 001 discharges into was observed to have sludge worms and a sludge build up in the streambed.

At treatment plant 2 neither Return Activated Sludge (RAS) was working. Water exiting the treatment plant into the polishing lagoon was carrying a very heavy load of sludge and suspended solids. This has caused plant 2 polishing lagoon to become almost full of solids, leaving only a small freeload area for incoming water from plant 2. If plant 2 was operating properly the polishing lagoon would not be receiving large amounts of suspended solids.

The clarifier chambers in both plants have a large amount of debris and solids building up behind the baffle. This needs to be cleaned out and disposed of properly. Within both plants, the chlorine contact tanks should be cleaned as a build up debris is visibly noticeable. The aeration chambers are almost full of sludge and need to be wasted.

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. Within thirty (30) days of the receipt of this notice, the permittee shall submit a written notification to the undersigned of what actions will be implemented to bring the facility back in compliance with the permit. Failure to comply with the remedial measures or repeated violations of this requirement, may subject you and/or your company to an immediate referral to the Division of Enforcement. [401 KAR 5:065 Section 2(1)]

2 **Violation Description for Subject Item AIOO0000000638():**
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]. [401 KAR 5:005 Section 11]

Description of Non Compliance:

At the time of the inspection the Chlorine Contact Tank (CCT) at treatment plant 2 was not operating properly. Influent coming in from the treatment plant 2 polishing lagoon was not making contact with the chlorine tablets in the CCT. Only one of the four chlorine tubes was in use and it had a tablet hung up inside the tube at a much higher point than the incoming water level. This was preventing proper operation of the disinfection process.

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. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and/or your company to an immediate referral to the Division of Enforcement. [401 KAR 5:005 Section 11]

3 **Violation Description for Subject Item AIOO0000000638():**
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]. [KRS 224.70-110]

Description of Non Compliance:

Outfall 001 was polluting the unnamed tributary that leads to Owl Creek with grey water at the time of inspection. Sludge was being carried out of the plant causing a sludge build up in the stream bed. Due to the sludge being deposited in the stream sludge worms could be seen around the outfall 001.

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

Plant 1 needs to be functioning properly in order to ensure waters of the Commonwealth are not being polluted. 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. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and or your company to an immediate referral to the Division of Enforcement. [KRS 224.70-110]

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|---|
| <p>4 Violation Description for Subject Item AIOO000000638(): Surface waters shall not be aesthetically or otherwise degraded. [401 KAR 10:031 Section 2].</p> |
| <p>Description of Non Compliance: The quality of the unnamed tributary that leads to Owl Creek has been degraded. Plant 1 was discharging untreated final effluent from outfall 001 into the stream.</p> |
| <p>The remedial measure(s), and date(s) to be completed by are as follows: The effluent must be brought into compliance so as to eliminate stream degradation. The permittee shall check into tying South Hills Subdivision sewage in with Sanitation District 1 (SD 1) sewer system to alleviate this issue. Provide documentation that SD 1 has been contacted and their reply to the request of the facility to tie in to their local sewer system. 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. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and or your company to an immediate referral to the Division of Enforcement. [401 KAR 10:031 Section 2]</p> |

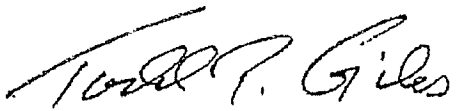
Violations of the above cited statute(s) and/or regulation(s) are subject to a civil penalty per day per violation. Violations carry civil penalties of up to \$25,000 per day per violation depending on the statutes/regulations violated. In addition, violations may be concurrently enjoined. Compliance 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
 Florence Regional Office
 8020 Veterans Memorial Dr Ste 110
 Florence, KY 41042
 859-525-4923 (8:00 AM – 4:30 PM)



Issued By: _____
 Wesley L Byrd, Environmental Inspector
 Date: October 4, 2011



Issued By: _____
 Todd Giles, Environmental Control Supervisor
 Date: October 4, 2011

How Delivered: Certified Mail Certified/Registered # 7011 1570 0003 7065 3635

December 21, 2011

Energy and Environment Cabinet
Division of Water
8020 Veterans Memorial Drive, Suite 110
Florence, Kentucky 41042

RE: Notice of Violation
AI ID: 638
AI Name: South Hills Subdivision
Activity ID: ENV20110001
Permit No. KY0034711
Campbell County, KY

Dear Mr. Wesley Byrd:

Upon receipt of this letter on November 23rd, I contacted Lucas Sanitation to begin addressing the issues. The steps that have been taken are as follows:

Item 1: Determined that the timer on Plant 1 was not cycling properly, and this was contributing to the sludge discharge. Repairs were made to the timer. In regards to Plant 2, Jeff informed us that the 2nd plant had had a broken pipe in the clarifier, causing the clarifier not to settle properly. This issue had already been addressed, when it was discovered earlier during a routine check. Also subsequently installed extra aerators in lagoon to remedy the existing solids. The aeration and clarifier chambers have been cleaned.

Item 2: Adjustments have been made to the Chlorine Contact Tank to allow for proper operation and disinfection.

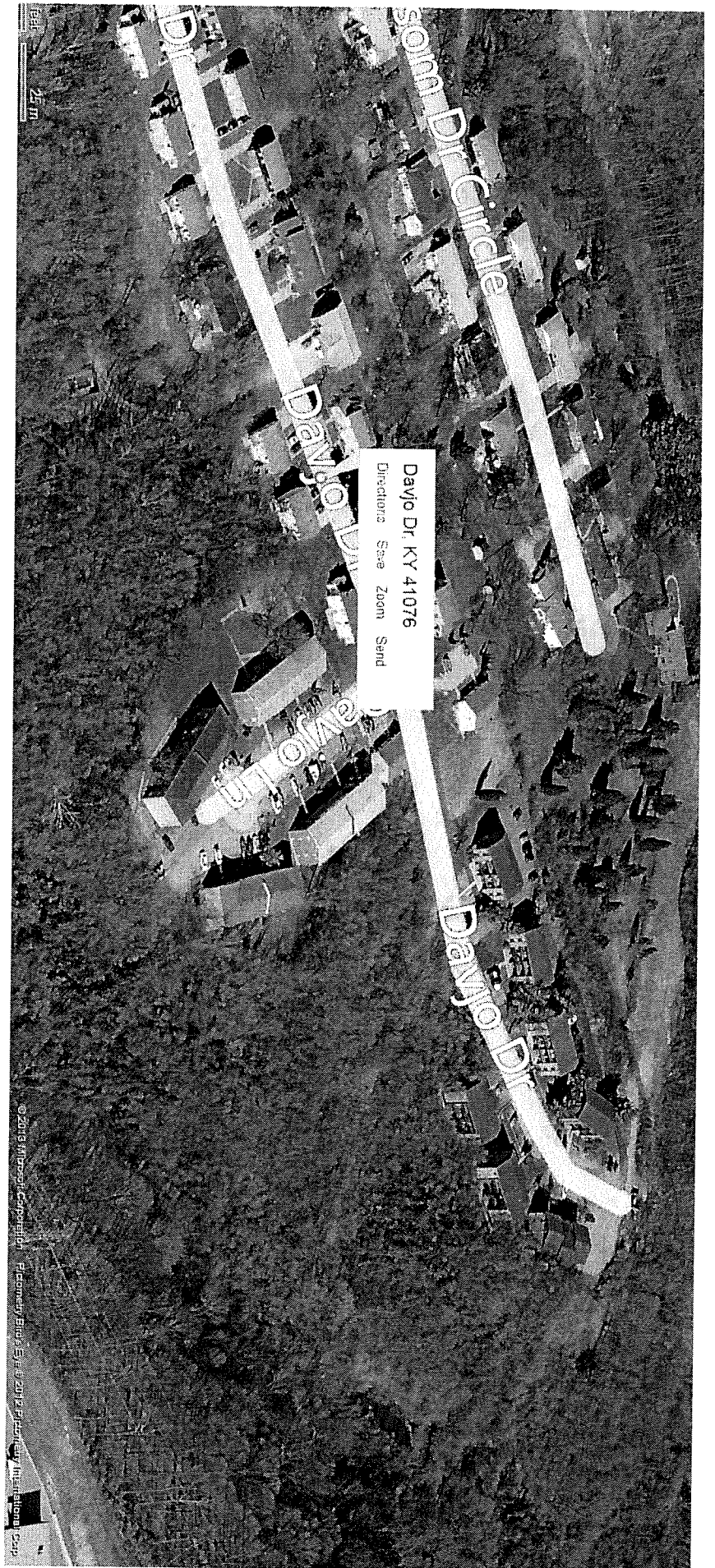
Item 3: Upon discovering that the timer was not functioning properly, the necessary repairs were made that should prevent sludge from being carried out of the plant. The sludge worm area was cleaned up at the outfall.

Item 4: Upon receipt of the letter, Sanitation District 1 was contacted. After several attempts, we were directed by Darren Martin to download and complete the "Request for Reservation of Sanitary Sewer Capacity" form. The form has been completed and submitted to Sanitation District 1. As of the date of this letter, we have not yet received a response.

If you have any further questions or concerns, please contact Jeff Cox at Lucas Sanitation. (Please note my updated mailing address below.)

Respectfully,

Brett Cade
200 Water Works Road, Office B
Fort Thomas, KY 41075



October 29, 2013

Kentucky Public Service Commission

211 Sower Blvd

Frankfort, KY 40601

In the Matter of:

PRO MAN PROperty MANagement, LLC

Case No. 2013-00286

Request for Deviation From 807 KAR 5:071, Section 7(4)

In response to the Commission's Request for Information, the following responses were provided by Jeff Cox, certified operator for Lucas Sanitation, and prepared by Brett Cade. Each response is believed to be true and accurate to the best of our knowledge and belief.

For additional inquiries, please contact Brett Cade at 200 Water Works Road Ofc B, Fort Thomas, KY 41075.

Respectfully,

A handwritten signature in black ink that reads "Brett Cade". The signature is written in a cursive style with a large, sweeping initial "B".

Brett Cade