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MAR 14 2008

PUBLIC SERVICE COMMISSION

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JOINT APPLICATION OF R.A. WILLIAMS)
 CONSTRUCTION COMPANY, INC. AND)
 CEDARBROOK UTILITIES, LLC FOR APPROVAL)CASE NO. 2008-00040
 OF THE TRANSFER OF WASTEWATER)
 TREATMENT PLANT TO CEDARBROOK,)
 UTILITIES, LLC)

**ANSWERS TO COMMISSION STAFF'S
 FIRST DATA REQUEST TO PETITIONERS**

Come the Petitioners, R.A. Williams Construction Company (“R.A. Williams”) and Cedarbrook Utilities, LLC (“Cedarbrook”), by counsel, and for their Answers to the Commission Staff’s First Data Request to Petitioners states as follows:

1. According to the Petitioners, the treatment facility is permitted by the Kentucky Environmental and Public Protection Cabinet; however, the discharge permit attached to the application as Exhibit E expired on January 31, 2008. Provide the current discharge permit or explain why R.A. Williams has allowed its discharge permit to lapse.

ANSWER: KPDES Permit No. KY0076635 issued to R.A. Williams authorizing a discharge from the Cedarbrook WWTP provided that it expired at midnight, January 31, 2008. Prior to the expiration of the subject permit, R.A. Williams submitted its application to renew the permit in a timely manner. Pursuant to 401 KAR 5:060, Section 1(5)(c), the conditions of the expired permit continue in force until the effective date of a new permit. On February 20, 2008, the Kentucky Division of Water issued the renewal KPDES permit for the Cedarbrook Subdivision WWTP. This renewal permit shall become effective on April 1, 2008, and a copy of same is attached as Exhibit A. This answer is true and accurate to the best of the

knowledge, information and belief formed after reasonable inquiry by Ronald J. Osborne, Jr., President of R.A. Williams.

2. Identify all affiliated companies that will be providing services for Cedarbrook. This response should include the affiliate company's relationship to Cedarbrook, a description of the service that will be performed, and a list of the fees that will be charged to Cedarbrook.

Describe the bidding process that Cedarbrook will use to ensure that the fees charged by the affiliated companies are competitive.

ANSWER: Cedarbrook does not own any companies and is not owned by a company.

Therefore, it does not have any affiliates. However, the members of Cedarbrook, Martin G. Cogan and Lawrence W. Smither are the shareholders of Covered Bridge Utilities, Inc. It is anticipated that Covered Bridge Utilities, Inc., will perform repair work on the plant and/or equipment at the Cedarbrook WWTP on an as-needed basis. The fees for the repair work to be performed on the equipment at the Cedarbrook WWTP cannot be determined at this time. The shareholder of Camden Environmental Service Company, Inc., is Lawrence W. Smither. It is anticipated that Camden Environmental Service Company, Inc., will operate the Cedarbrook WWTP. The fee for this service has not yet been determined.

Prior to entering into any agreement for repair work or for the operation of the Cedarbrook WWTP, Cedarbrook will seek to obtain three written bids for this service or repair work, including bids from Covered Bridge Utilities, Inc., and/or Camden Environmental Services, Inc., and award the job to the entity that submits the best bid, based on price, quality of equipment or service performed and timeliness of performance. This answer is true and accurate to the best of the knowledge, information and belief formed after reasonable inquiry by Martin G. Cogan, Member of Cedarbrook Utilities, LLC.

3. KRS 278.020(6) provides that the Commission must find that the proposed transaction “[i]s to be made in accordance with law, for proper purpose and is consistent with the public interest.” Besides the technical abilities of Cedarbrook’s owners, Marty Cogan and Larry Smither, and the Irrevocable Standby Letter of Credit that will be obtained, explain how the proposed transaction benefits the public.

ANSWER: The transfer of the Cedarbrook WWTP to Cedarbrook Utilities benefits the public for the following reasons:

a) The proposed transfer further benefits the public because it will be in accordance with the Agreed Order entered into between the Kentucky Environmental and Public Protection Cabinet and R.A. Williams. Paragraph 9A of this Agreed Order provides:

R.A. Williams shall convey the facility to a third party approved by the Public Service Commission in a sale approved by the Public Service Commission. The Cabinet acknowledges that R.A. Williams submitted an application to the Public Service Commission on February 1, 2008 for approval to sell the facility to Cedarbrook Utilities, LLC, a Kentucky limited liability company in good standing. If the Public Service Commission does not approve the sale to Cedarbrook Utilities, LLC, then R.A. Williams shall submit a new application to approve the sale of the facility to the Public Service Commission within one hundred twenty (120) days of that commission’s disapproval.

(See Exhibit B.). Accordingly, the Environmental and Public Protection Cabinet has confirmed that the transfer of the Cedarbrook WWTP to Cedarbrook Utilities is in the public interest.

b) R.A. Williams is a construction company and does not have the technical expertise required to operate the subject WWTP;

c) Cedarbrook Utilities will operate the Cedarbrook WWTP subject to an Irrevocable Letter of Credit, whereas R.A. Williams is operating the subject WWTP without the benefit of the third party beneficiary agreement or a Letter of Credit; and

d) R.A. Williams has been working diligently since 1996 to identify a technically qualified entity to which the Cedarbrook WWTP can be transferred, and Cedarbrook Utilities is the only technically qualified entity willing to take ownership of the subject WWTP. Prior to 1996, R.A. Williams worked with the residents of Cedarbrook Subdivision to see if the residents would assume the ownership and operation of same. However, the residents declined to do so. R.A. Williams has been working for approximately 12 years to locate a technically qualified entity that would take over the WWTP. This answer is true and accurate to the best of the knowledge, information and belief formed after reasonable inquiry by Ronald J.

Osborne, Jr., President of R.A. Williams.

4. On page 4 of the application, Petitioners state that “[s]ince July of 2005, Mr. Smither, as a member of Covered Bridge Utilities, LLC, has operated the subject wastewater treatment plant for R.A. Williams Construction Company, Inc.” For the period of January 1, 2005 through February 29, 2008 provide any correspondence, reports, or Notice of Violations that either Petitioner has received from the Division of Water regarding the wastewater facilities owned by R.A. Williams.

ANSWER: See Exhibit C. This answer is true and accurate to the best of the knowledge, information and belief formed after reasonable inquiry by Ronald J. Osborne, Jr., President of R.A. Williams.

5. On pages 3 and 4 of the application, Petitioners state that they own and operate Airview Estates and Brocklyn Subdivision. Provide the same information for these utilities as requested in Item 4.

ANSWER: See Exhibit D. This answer is true and accurate to the best of the knowledge, information and belief formed after reasonable inquiry by Martin G. Cogan, Member of

Cedarbrook Utilities, LLC.

6. Provide the proposed journal entry that R.A. Williams will use to record the transfer.

ANSWER: See Exhibit E. This answer is true and accurate to the best of the knowledge, information and belief formed after reasonable inquiry by Ronald J. Osborne, Jr., President of R.A. Williams.

7. Provide the proposed journal entry that Cedarbrook will use to record the transfer.

ANSWER: See Exhibit F. This answer is true and accurate to the best of the knowledge, information and belief formed after reasonable inquiry by Martin G. Cogan, Member of Cedarbrook Utilities, LLC.

8. On page 3 of the application, Petitioners state that Cedarbrook has the requisite financial ability to operate the subject wastewater treatment and collection facilities. State the basis upon which this statement is based and provide all documents that address Cedarbrook's financial ability to operate a sewage treatment plant.

ANSWER: R. A. Williams filed an Application for Rate Adjustment with the Commission on or about February 1, 2008. This Application for Rate Adjustment, which was prepared with the assistance of Mark Frost with the Public Service Commission, requests an increase in the rate from \$23.55 to \$62.00 per month. It is anticipated that the Commission will approve a rate sufficient to fund plant operations.

Additionally, Cedarbrook is a Kentucky Limited Liability Company that was formed on January 9, 2008, in order to purchase the Cedarbrook Subdivision WWTP from R. A. Williams. The members of Cedarbrook are Martin G. Cogan and Lawrence W. Smither. Mr. Cogan and Mr. Smither own and/or held ownership interests in the below listed wastewater treatment plants located in Kentucky:

Brocklyn Utilities, LLC
Airview Utilities, LLC
Covered Bridge Utilities wastewater treatment plant;
Glenview Utilities wastewater treatment plant;
Lake Columbia Utilities wastewater treatment

Mr. Cogan and Mr. Smither will be employing the bookkeeper that has assisted them in the operation of the above listed plants, and this bookkeeper is very familiar with the record keeping, billing, collection and payment requirements of a wastewater treatment plant. Cedarbrook will also be employing the accountant that has assisted them in performing the accounting operations for the above listed wastewater treatment plants. The employment of these individuals will ensure that the payments made by the customers of the Cedarbrook WWTP will be properly administered and used to pay the bills of the WWTP. This answer is true and accurate to the best of the knowledge, information and belief formed after reasonable inquiry by Martin G. Cogan, Member of Cedarbrook Utilities, LLC.

9. Provide a copy of R.A. Williams' balance sheet, income statement, and statement of retained earnings for the 12-month period ending December 31, 2007.

ANSWER: Objection. R.A. Williams objects to this data request on the basis that it requests information that is completely irrelevant to the Petitioners joint application for approval of the transfer of the subject WWTP to Cedarbrook.

10. On page 8 of the Acquisition Agreement, R.A. Williams agrees to pay \$22,000 to Cedarbrook. State the purpose of this payment. Describe how Cedarbrook will use the proceeds of this payment.

ANSWER: Cedarbrook would not accept the ownership of the Cedarbrook WWTP without this payment being made. Cedarbrook will use these funds to pay claimed overdue management fees, to pay attorneys fees and accountants fees associated with the purchase of

the Cedarbrook WWTP, to pay for repairs to equipment at the plant, to maintain cash on hand for unanticipated expenses, to pay for expenses associated with the issuance of the Letter of Credit and to pay other utility expenses. This answer is true and accurate to the best of the knowledge, information and belief formed after reasonable inquiry by Martin G. Cogan, Member of Cedarbrook Utilities, LLC.

11. On page 4 of its “Alternative Rate Filing” application, R.A. Williams states: “During the calendar year 2004, Cedarbrook contracted with Shield Environmental to perform an I&I analysis of the system. The analysis revealed that Cedarbrook’s system required a majority of its collection system to be replaced.

a. Provide a copy of the results of Shield Environmental’s I&I analysis (“Shield’s Analysis”).

ANSWER: See Exhibit G. This answer is true and accurate to the best of the knowledge, information and belief formed after reasonable inquiry by Ronald J. Osborne, Jr., President of R.A. Williams.

b. Describe in detail the construction that will be required to correct the problems identified in the Shield’s Analysis.

ANSWER: Shield Environmental discovered seven (7) possible significant sources of I-I in the Cedarbrook WWTP collection system. First, manhole 10 had a large crack and appeared to be contributing a large amount of inflow and infiltration into the system. Second, the trunk lines feeding manholes 5 and 4 appeared to have breaks where they entered the manholes. Third, manholes 8 and 9 are located in low spots with poorly seated covers. Fourth, manholes 1, 2 and 3 are located lower than the surrounding pavement. Finally, manholes 6 and 7 had missing broken grout on their rings which could be another sources of inflow. Corrective actions were

implemented by R.A. Williams to fix these problems. The Phase II Infiltration and Inflow Study performed by Shield Environmental detected problems with the connections to the vitrified clay pipe in the collection system, including the misalignment of joints where the pipe pieces had settled. A systematic long term reconstruction of the defective parts of the collection system will need to be implemented. This answer is true and accurate to the best of the knowledge, information and belief formed after reasonable inquiry by Martin G. Cogan, Member of Cedarbrook Utilities, LLC.

c. Provide all cost estimates R.A. Williams has received to date regarding the collection system repairs.

ANSWER: See Exhibit H. This answer is true and accurate to the best of the knowledge, information and belief formed after reasonable inquiry by Ronald J. Osborne, Jr., President of R.A. Williams.

d. Provide an estimated time line for the construction and Cedarbrook's proposed plan to fund the construction.

ANSWER: As reflected in the documents attached as Exhibit H, the cost estimates provided to R.A. Williams in 2006 and 2007 ranged from \$126,342 to \$175,166. The information concerning these cost estimates was provided to Commission Staff prior to preparation of the pending Application for Rate Adjustment, but Commission staff chose not to address these costs in the rate case. If this Application for Approval of Transfer of the subject WWTP is approved, then Cedarbrook will develop a long term program to address the repair of the collection system, which will require the filing of another Application for Rate Adjustment to pay for same. Prior to developing a timeline for the construction and a plan to pay for same, Cedarbrook will be required to obtain new quotes or bids because the prior quotes are outdated

and do not propose to perform the construction in a phased manner. Once the new quotes are received, Cedarbrook anticipates filing an Application for Rate Adjustment to address this long term project. This answer is true and accurate to the best of the knowledge, information and belief formed after reasonable inquiry by Martin G. Cogan, Member of Cedarbrook Utilities, LLC.

12. The Commission's master list of sewer utilities reflects that R.A. Williams Development Co., Inc., d/b/a Cedarbrook Treatment Plant is the name of the entity operating the facility. We note, however, that in Exhibit B of the application a certificate from the Kentucky Secretary of State indicates a name change filed on January 16, 1991 to change the corporate name to R. A. Williams Construction Company, Inc. Did R.A. Williams Construction Company, Inc. notify the Commission of any transfer or change of name that may have occurred? If so, provide a copy of those documents.

ANSWER: R.A. Williams did not provide separate notification to the Commission of the change of R. A. Williams Development Co., Inc. to R. A. Williams Construction Company, Inc. However, upon the amendment of the name, each of the Annual Reports filed by R.A. Williams with the Commission was filed under the name of R. A. Williams Construction Company, Inc. This answer is true and accurate to the best of the knowledge, information and belief formed after reasonable inquiry by Ronald J. Osborne, Jr., President of R. A. Williams.

13. Section 1.1 of the Acquisition Agreement indicates that title is to be conveyed by quitclaim deed.

- a. State whether R.A. Williams has record title to the site.
- b. If R.A. Williams does not have record title to the site, state how long

R.A. Williams has been in possession of the site upon which the plant is located.

c. List and describe each claim R.A. Williams has knowledge of that is adverse to its claim to the site:

ANSWER:

a. R.A. Williams has record title to the site pursuant to quitclaim deed between Highland Development Corporation and R.A. Williams Company, Inc. dated February 21, 1997 of record in Deed Book 216, page 673 in the Harrison County Court Clerk's Office. (See Exhibit I).

b. Not applicable.

c. There are no known claims adverse to R. A. Williams' ownership of the site.

This answer is true and accurate to the best of the knowledge, information and belief formed after reasonable inquiry of Ronald J. Osborne, Jr., President of R. A. Williams.

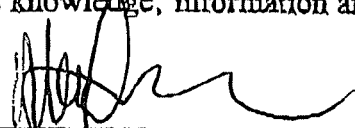
Respectfully Submitted,



Robert C. Moore
Hazelrigg & Cox, LLP
415 West Main Street, 1st Floor
P.O. Box 676
Frankfort, Kentucky 40602-0676

Certification

Martin G. Cogan hereby certifies that the answers provided to the Data Requests of the Public Service Commission are true and accurate to the best of his knowledge, information and belief formed after reasonable inquiry.



Martin G. Cogan, Member

STATE OF KENTUCKY)
)
COUNTY OF JEFFERSON)

Subscribed, sworn to before me this 14th day of March, 2008, by Martin G. Cogan, as Member of Cedarbrook Utilities, LLC.

My commission expires July 12, 2009

Mildred J. Biszmaier
NOTARY PUBLIC

Certification

Ronald J. Osborne hereby certifies that the answers provided to the Data Requests of the Public Service Commission are true and accurate to the best of his knowledge, information and belief formed after reasonable inquiry.

Ronald J. Osborne
President, R.A. Williams
Construction Company, Inc.

STATE OF KENTUCKY)

COUNTY OF FAYETTE)

Subscribed, sworn to before me this ___ day of _____, 2008, by Ronald J. Osborne, as President of the R.A. Williams Construction Company, Inc.

My commission expires:

NOTARY PUBLIC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was filed by hand delivery on Beth O'Donnell, Executive Director, Public Service Commission, P.O. Box 615, Frankfort, Kentucky 40602, and J.R. Goff, Public Service Commission, P.O. Box 615, Frankfort, Kentucky 40602, and by first class mail on David Edward Spenard, Assistant Attorney General, 1024 Capital Center Drive, Suite 200, Frankfort, Ky., 40601-8204 on this the ___ day of March, 2008.

Robert C. Moore

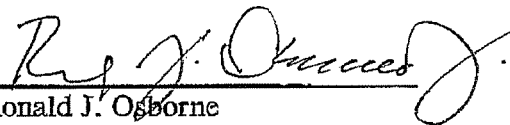
Subscribed, sworn to before me this ___ day of _____, 2008, by Martina G. Cogan, as Member of Cedarbrook Utilities, LLC.

My commission expires:

NOTARY PUBLIC

Certification

Ronald J. Osborne hereby certifies that the answers provided to the Data Requests of the Public Service Commission are true and accurate to the best of his knowledge, information and belief formed after reasonable inquiry.



Ronald J. Osborne
President, R.A. Williams
Construction Company, Inc.

STATE OF KENTUCKY)
)
COUNTY OF FAYETTE)

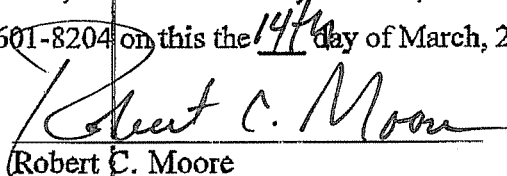
Subscribed, sworn to before me this 14 day of March, 2008, by Ronald J. Osborne, as President of the R.A. Williams Construction Company, Inc.

My commission expires: 5/16/09


NOTARY PUBLIC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was filed by hand delivery on Beth O'Donnell, Executive Director, Public Service Commission, P.O. Box 615, Frankfort, Kentucky 40602, and J.R. Goff, Public Service Commission, P.O. Box 615, Frankfort, Kentucky 40602, and by first class mail on David Edward Spenard, Assistant Attorney General, 1024 Capital Center Drive, Suite 200, Frankfort, Ky., 40601-8204 on this the 14th day of March, 2008.


Robert C. Moore



STEVEN L. BESHEAR
GOVERNOR

ENVIRONMENTAL AND PUBLIC PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF WATER
14 REILLY ROAD
FRANKFORT, KENTUCKY 40601-1190
www.kentucky.gov

ROBERT D. VANCE
SECRETARY

RECEIVED

February 15, 2008

FEB 20 2008

F. A. WILLIAMS
CONSTRUCTION CO., INC.

Mr. Ronald J. Osborne, Jr.
R. A. Williams Company, Incorporated
153 Prosperous Place, Suite 1-A
Lexington, Kentucky 40509

Re: Cedarbrook Subdivision
KPDES No.: KY0076636
Harrison County, Kentucky

Dear Mr. Osborne:

Enclosed is the Kentucky Pollutant Discharge Elimination System (KPDES) permit for the above-referenced facility. This action constitutes a final permit issuance under 401 KAR 5:075, pursuant to KRS 224.16-050.

This permit will become effective on the date indicated in the attached permit provided that no request for adjudication is granted. All provisions of the permit will be effective and enforceable in accordance with 401 KAR 5:075, unless stayed by the Hearing Officer under Sections 11 and 13.

Any demand for a hearing on the permit shall be filed in accordance with the procedures specified in KRS 224.10-420, 224.10-440, 224.10-470 and any regulations promulgated thereto. Any person aggrieved by the issuance of a permit final decision may demand a hearing, pursuant to KRS 224.10-420(2), within thirty (30) days from the date of the issuance of this letter. Two (2) copies of request for hearing should be submitted in writing to the Environmental and Public Protection Cabinet, Office of Administrative Hearings, 35-36 Fountain Place, Frankfort, Kentucky 40601 and the Commonwealth of Kentucky, Environmental and Public Protection Cabinet, Division of Water, 14 Reilly Road, Frankfort, Kentucky 40601. For your record keeping purposes, it is recommended that these requests be sent by certified mail. The written request must conform to the appropriate statutes referenced above.

If you have any questions regarding the KPDES decision, please contact Diana Davidson, Municipal Permit Section, KPDES Branch, at (502) 564-8158, extension 341.

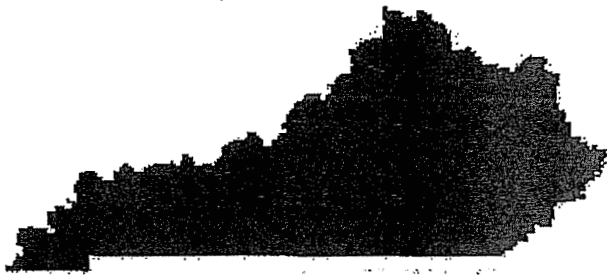
Further information on procedures and legal matters pertaining to the hearing request may be obtained by contacting the Office of Administrative Hearings at (502) 564-7312.

Sincerely,

Sandra L. Gruzesky, Acting Director
Division of Water

SLG:NG:ng
Enclosure
c: Division of Water Files

KPDES



**KENTUCKY POLLUTANT
DISCHARGE ELIMINATION
SYSTEM**

PERMIT

PERMIT NO.: KY0076636
AI NO.: 1754

**AUTHORIZATION TO DISCHARGE UNDER THE
KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM**

Pursuant to Authority in KRS 224,

R. A. Williams Company, Incorporated
153 Prosperous Place, Suite 1-A
Lexington, Kentucky 40509

is authorized to discharge from a facility located at

Cedarbrook Subdivision
Highway 27, south of
Lair, Harrison County, Kentucky

to receiving waters of an

unnamed tributary at mile point 0.3 to Townsend Creek at mile point 2.9.

in accordance with effluent limitations, monitoring requirements and other conditions set forth in this permit. The permit consists of this Cover Sheet, a Subject Item Inventory Sheet, Effluent Limitations and Monitoring Requirements, and Facility Requirements.

This permit shall become effective on April 1, 2008.

This permit and the authorization to discharge shall expire at midnight,
March 31, 2013.

A handwritten signature in black ink, appearing to read "S. L. Gruzesky".

February 15, 2008
Date Signed

Sandra L. Gruzesky, Acting Director
Division of Water

Authorization to Discharge Under the Kentucky Pollutant Discharge Elimination System

Cedarbrook Subd

Subject Item Inventory

Permit Number: KY0076635

Activity ID No.: APE20070001

Subject Item Inventory:

ID	Designation	Description
AJOO1754		
MNPT1	KY0076635 001	sanitary wastewater

Receiving Stream Relationships:

Subject Item	Relationship	Receiving Stream
MNPT1 sanitary wastewater	Discharges Into	Unnamed Tributary 1
	Then Into	Trace Creek
	Then Into	Licking River

KEY

ACTV = Activity

AREA = Area

EQPT = Equipment

PERS = Personnel

STOR = Storage

TRMT = Treatment

AIOO = Agency Interest

COMB = Combustion

MNPT = Monitoring Point

PORT = Transport

STRC = Structure

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Subject Item: sanitary wastewater

MNPT000000001: KY0076635 001

Such discharges shall be limited and monitored by the permittee as specified below:

Parameter	Discharge Limitations							Monitoring Requirements		
	Quantity / Loading Average	Quantity / Loading Maximum	Quantity / Loading Units	Conc. / Quality Minimum	Conc. / Quality Average	Conc. / Quality Maximum	Conc. / Quality Units	Frequency	Sample Type	Which Months
<i>Ammonia Nitrogen, Total (as N) effluent gross value</i>	0.83 Monthly average (AV)	1.25 Daily maximum (MX)	lbs/day	*****	4 Monthly average (AV)	6 Daily maximum (MX)	mg/L	monthly	composite sample	May - October
<i>Ammonia Nitrogen, Total (as N) effluent gross value</i>	2.09 Monthly average (AV)	3.13 Daily maximum (MX)	lbs/day	*****	10 Monthly average (AV)	15 Daily maximum (MX)	mg/L	monthly	composite sample	November - April
<i>BOD, Carbonaceous 05 Day, 20C effluent gross value</i>	6.26 Monthly average (AV)	9.38 Maximum weekly average	lbs/day	*****	30 Monthly average (AV)	45 Maximum weekly average	mg/L	monthly	composite sample	All Year
<i>Chlorine, Total Residual effluent gross value</i>	*****	*****	*****	*****	0.011 Monthly average (AV)	0.019 Daily maximum (MX)	mg/L	monthly	grab sampling	All Year
<i>E. Coli effluent gross value</i>	*****	*****	*****	*****	130 Monthly geometric mean	240 Maximum weekly geometric mean	#/100 mL	monthly	grab sampling	All Year
<i>Flow, In Conduit Or Thru Treatment Plant effluent gross value</i>	Report Monthly average (AV)	Report Daily maximum (MX)	MGD (MA)	*****	*****	*****	*****	monthly	instantaneous measurement	All Year
<i>Oxygen, Dissolved effluent gross value</i>	*****	*****	*****	7.0 Instantaneous minimum	*****	*****	mg/L	monthly	grab sampling	All Year
<i>pH effluent gross value</i>	*****	*****	*****	6.0 Minimum	*****	9.0 Maximum	standard units	monthly	grab sampling	All Year

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Subject Item: sanitary wastewater

MNPT0000000001: KY0076635 001

Such discharges shall be limited and monitored by the permittee as specified below:

Parameter	Discharge Limitations							Monitoring Requirements		
	Quantity / Loading Average	Quantity / Loading Maximum	Quantity / Loading Units	Conc. / Quality Minimum	Conc. / Quality Average	Conc. / Quality Maximum	Conc. / Quality Units	Frequency	Sample Type	Which Months
<i>Solids, Total Suspended (TSS) effluent gross value</i>	6.26 Monthly average (AV)	9.38 Maximum weekly average	lbs/day	*****	30 Monthly average (AV)	45 Maximum weekly average	mg/L	monthly	composite sample	All Year

Authorization to Discharge Under the Kentucky Pollutant Discharge Elimination System

Cedarbrook Subd
Facility Requirements
Permit Number: KY0076635
Activity ID No.: APE20070001

MNPT1 (KY0076635 001) sanitary wastewater:

Submittal/Action Requirements:

Condition
No.

Condition

- | | |
|-----|---|
| S-1 | Duty to reapply: Any permittee with a currently effective permit shall submit permit application for renewal: Due 180 calendar days before permit expiration date of the existing permit, unless permission for a later date has been granted by the cabinet. The cabinet shall not grant permission for applications to be submitted later than the expiration date of the existing permit. [401 KAR 5:060 Section 1(5)] |
| S-2 | Discharge Monitoring Report (DMR): The permittee shall submit analytical results on monthly Discharge Monitoring Report (DMR) : Due monthly, by the 28th of the following month to the Division of Water. [401 KAR 5:065 Section 1(12)(d)] |

Narrative Requirements:

Part I A Effluent Limitations and Monitoring Requirements:

Condition
No.

Condition

- | | |
|-----|---|
| T-1 | Part I A Effluent Limitations and Monitoring Requirements: The average daily design capacity for this treatment plant is 0.025 mgd. [401 KAR 5:005 Section 24(4)(a)] |
| T-2 | Part I A Effluent Limitations and Monitoring Requirements: There shall be no discharge of floating solids or visible foam in other than trace amounts. [401 KAR 5:031 Section 2] |
| T-3 | Part I A Effluent Limitations and Monitoring Requirements: Effluent samples shall be taken at the following location: nearest accessible point after final treatment, but prior to actual discharge or mixing with receiving waters. [401 KAR 5:070 Section 3(1)] |

Part I B Schedule of Compliance:

Condition
No.

Condition

- | | |
|-----|---|
| T-4 | Part I B Schedule of Compliance: The permittee shall achieve compliance with all requirements on the effective date of this permit. [401 KAR 5:070 Section 2] |
|-----|---|

Authorization to Discharge Under the Kentucky Pollutant Discharge Elimination System

Cedarbrook Subd
Facility Requirements
Permit Number: KY0076635
Activity ID No.: APE20070001

Page 2 of 11

MNPT1 (continued):

Narrative Requirements:

Part II Standard Conditions for KPDES Permit:

Condition No.	Condition
T-5	<p>Part II Standard Conditions for KPDES Permit: 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.</p> <p>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.</p> <p>It is the responsibility of the permittee to demonstrate compliance with permit parameter limitations by utilization of sufficiently sensitive analytical methods. [401 KAR 5:055 Section 1]</p>
T-6	<p>Part II Standard Conditions for KPDES Permit: Surface waters shall not 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, or turbidity; (d) Injure, are chronically or acutely toxic to or produce adverse physiological or behavioral responses in humans, animals, fish and other aquatic life; or (e) Produce undesirable aquatic life or result in the dominance of nuisance species. [401 KAR 5:031 Section 2]</p>
T-7	<p>Part II Standard Conditions for KPDES Permit: Each wastewater system shall be operated under the supervision of an individual holding a Kentucky operator's certificate for at least the class of system supervised. [401 KAR 5:010 Section 2(1)]</p>
T-8	<p>Part II Standard Conditions for KPDES Permit: This treatment unit is temporary and in no way supersedes the need of a regional sewer system. The permittee will eliminate the discharge and treatment unit by connection to a regional sewer system when it becomes available as defined in 401 KAR 5:002. [401 KAR 5:005 Section 4(6)]</p>
T-9	<p>Part II Standard Conditions for KPDES Permit: Duty to Comply, General Requirement: The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of KRS Chapter 224, among which are the following remedies: enforcement action, permit revocation, revocation and reissuance, or modification; or denial of a permit renewal application. [401 KAR 5:065 Section 1(1)(a)]</p>
T-10	<p>Part II Standard Conditions for KPDES Permit: Duty to Reapply: If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall apply for and obtain a new permit as required in 401 KAR 5:060, Section 1. [401 KAR 5:065 Section 1(2)]</p>
T-11	<p>Part II Standard Conditions for KPDES Permit: Duty to Mitigate: The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. [401 KAR 5:065 Section 1(4)]</p>

Authorization to Discharge Under the Kentucky Pollutant Discharge Elimination System

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MNPT1 (continued):

Narrative Requirements:

Part II Standard Conditions for KPDES Permit:

Condition No.	Condition
T-12	Part II Standard Conditions for KPDES Permit: 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 that 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)]
T-13	Part II Standard Conditions for KPDES Permit: Permit Actions: The permit may be modified, revoked and reissued, or revoked for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or revocation, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition. [401 KAR 5:065 Section 1(6)]
T-14	Part II Standard Conditions for KPDES Permit: Duty to Provide Information: 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. [401 KAR 5:065 Section 1(8)]
T-15	Part II Standard Conditions for KPDES Permit: Inspection and Entry: The permittee shall allow the cabinet, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to: (a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records pertinent to the KPDES program are or may be kept; (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit; (c) Inspect at reasonable times any facilities, equipment, including monitoring and control equipment, practices, or operations regulated or required under this permit; and (d) Sample or monitor at reasonable times, for the purposes of assuring KPDES program compliance or as otherwise authorized by KRS Chapter 224, any substances or parameters at any location. [401 KAR 5:065 Section 1(9)]
T-16	Part II Standard Conditions for KPDES Permit: Monitoring and records: Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. [401 KAR 5:065 Section 1(10)(a)]

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MNPT1 (continued):

Narrative Requirements:

Part II Standard Conditions for KPDES Permit:

Condition No.	Condition
T-17	<p>Part II Standard Conditions for KPDES Permit: Monitoring and records: 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 1(10)(b)]</p>
T-18	<p>Part II Standard Conditions for KPDES Permit: Monitoring and records: Records of monitoring information shall include:</p> <ol style="list-style-type: none">1. The date, exact place, and time of sampling or measurements;2. The individuals who performed the sampling or measurements;3. The dates analyses were performed;4. The individuals who performed the analyses;5. The analytical techniques or methods used; and6. The results of the analyses. [401 KAR 5:065 Section 1(10)(c)]
T-19	<p>Part II Standard Conditions for KPDES Permit: Monitoring and records: Monitoring shall be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in the permit. [401 KAR 5:065 Section 1(10)(d)]</p>
T-20	<p>Part II Standard Conditions for KPDES Permit: Monitoring and records: Any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under the permit shall, upon conviction, be subject to penalties under KRS 224.99-010(4). [401 KAR 5:065 Section 1(10)(e)]</p>
T-21	<p>Part II Standard Conditions for KPDES Permit: Signatory Requirement: All applications, reports, or information submitted to the cabinet shall be signed and certified as indicated in 401 KAR 5:060, Section 9. Any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be subject to penalties under KRS 224.99-010(4). [401 KAR 5:065 Section 1(11)]</p>

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MNPT1 (continued):

Narrative Requirements:

Part II Standard Conditions for KPDES Permit:

Condition No.	Condition
T-22	<p>Part II Standard Conditions for KPDES Permit: Reporting Requirements - Planned changes: The permittee shall give notice to the cabinet as soon as possible of any physical alteration or additions to the permitted facility. Notice is required only when:</p> <ol style="list-style-type: none">1. The alteration or addition to a permitted facility may meet one (1) of the criteria for determining whether a facility is a new source in 401 KAR 5:080, Section 5; <p>or</p> <ol style="list-style-type: none">2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject either to effluent limitations in the permit, or to notification requirements under 401 KAR 5:080, Section 5. [401 KAR 5:065 Section 1(12)(a)]
T-23	<p>Part II Standard Conditions for KPDES Permit: Reporting Requirements - Anticipated Noncompliance: The permittee shall give advance notice to the cabinet of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. [401 KAR 5:065 Section 1(12)(b)]</p>
T-24	<p>Part II Standard Conditions for KPDES Permit: Reporting Requirements - Transfers: The permit is not transferable to any person except after notice to the Cabinet. The cabinet may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under KRS Chapter 224. [401 KAR 5:065 Section 1(12)(c)]</p>
T-25	<p>Part II Standard Conditions for KPDES Permit: Reporting Requirements - Monitoring Reports: Monitoring results shall be reported at the intervals specified in the permit. [401 KAR 5:065 Section 1(12)(d)]</p>
T-26	<p>Part II Standard Conditions for KPDES Permit: Reporting Requirements - Monitoring Reports: Monitoring results shall be reported as follows: Monitoring results shall be reported on a Discharge Monitoring Report (DMR). [401 KAR 5:065 Section 1(12)(d)1]</p>
T-27	<p>Part II Standard Conditions for KPDES Permit: Reporting Requirements - Monitoring Reports: Monitoring results shall be reported as follows: If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR Part 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR. [401 KAR 5:065 Section 1(12)(d)2]</p>
T-28	<p>Part II Standard Conditions for KPDES Permit: Reporting Requirements - Monitoring Reports: Monitoring results shall be reported as follows: Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Cabinet in the permit. [401 KAR 5:065 Section 1(12)(d)3]</p>

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MNPT1 (continued):

Narrative Requirements:

Part II Standard Conditions for KPDES Permit:

Condition No.	Condition
T-29	Part II Standard Conditions for KPDES Permit: Reporting Requirements - Compliance Schedules: Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date. [401 KAR 5:065 Section 1(12)(e)]
T-30	Part II Standard Conditions for KPDES Permit: 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 1(12)(f)]
T-31	Part II Standard Conditions for KPDES Permit: Twenty-four (24) hour reporting. A written submission shall also be provided within five (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 recurrence of the noncompliance. The cabinet may waive the written report on a case-by-case basis if the oral report has been received within 24 hours. [401 KAR 5:065 Section 1(12)(f)]
T-32	Part II Standard Conditions for KPDES Permit: Twenty-four (24) hour reporting. The following shall be included as events which shall be reported within 24 hours: 1. Any unanticipated bypass which exceeds any effluent limitation in the permit, as indicated in subsection (13) of this section; 2. Any upset which exceeds any effluent limitation in the permit; or 3. Violation of a maximum daily discharge limitation for any of the pollutants listed by the cabinet in the permit to be reported within 24 hours, as indicated in Section 2(7) of this administrative regulation. [401 KAR 5:065 Section 1(12)(f)]
T-33	Part II Standard Conditions for KPDES Permit: Any person having knowledge in advance of the necessity to bypass a sewage system shall notify the Division of Water before such bypass is commenced. Notification shall be given as far in advance as possible. [401 KAR 5:015 Section 1]
T-34	Part II Standard Conditions for KPDES Permit: Whenever by reason of emergency or accident a spill or discharge occurs from a sewage system or from a container or pipeline used to transport or store substances which would result in or contribute to the pollution of the waters, the person in charge of such activity shall immediately notify the Division of Water by the most rapid means available at 1-800-928-2380. [401 KAR 5:015 Section 2]

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MNPT1 (continued):

Narrative Requirements:

Part II Standard Conditions for KPDES Permit:

Condition No.	Condition
T-35	Part II Standard Conditions for KPDES Permit: Reporting Requirements - Other Noncompliance: The permittee shall report all instances of noncompliance not reported under paragraphs (d), (e), and (f) of 401 KAR 5:065, Section 1 (12), (Monitoring Reports, Compliance Schedules, and Twenty-four (24) hour reporting) when monitoring reports are submitted. The reports shall contain the information listed under Compliance Schedules. [401 KAR 5:065 Section 1(12)(g)]
T-36	Part II Standard Conditions for KPDES Permit: Reporting Requirements - Other information: Where the permittee becomes aware that it failed to submit any relevant fact in a permit application, or submitted incorrect information in a permit application or in any report to the Cabinet, it shall promptly submit these facts or information. [401 KAR 5:065 Section 1(12)(h)]
T-37	Part II Standard Conditions for KPDES Permit: Occurrence of a Bypass - Notice: Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of the bypass. Compliance with this requirement constitutes compliance with 401 KAR 5:015, Section 1. [401 KAR 5:065 Section 1(13)(b)1]
T-38	Part II Standard Conditions for KPDES Permit: No person shall construct, modify, or operate a facility without having received a permit from the cabinet. A construction or modification permit is not required for maintenance replacement for components of an existing facility or for changes which do not affect the treatment processes of the facility, but is required for replacement of an entire wastewater treatment plant. The operational permit provisions of 401 KAR 5:005, Section 27, shall be satisfied by those facilities which have a valid KPDES permit issued pursuant to 401 KAR 5:050 to 5:080. [401 KAR 5:005 Section 1]

Part III Other Requirements:

Condition No.	Condition
T-39	Part III Other Requirements: KPDES Permit Reopener Clause: This permit shall be modified, or alternatively revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under 401 KAR 5:050 through 5:080 and KRS 224.70-120, if the effluent standard or limitation so issued or approved: Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or Controls any pollutant not limited in the permit. The permit as modified or reissued under this paragraph shall also contain any other requirements of KRS Chapter 224 when applicable. [401 KAR 5:070 Section 6]

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MNPT1 (continued):

Narrative Requirements:

Part III Other Requirements:

Condition
No.

Condition

- | Condition No. | Condition |
|---------------|---|
| T-40 | Part III Other Requirements: A permit to construct a facility shall be effective upon issuance unless otherwise conditioned. Construction shall be completed within twelve (12) months unless additional time is requested. If construction is not commenced within the twelve (12) months following a permit's issuance, a new permit shall be obtained before construction may begin. The cabinet may allow a single twelve (12) month extension to begin construction if site conditions have not changed. [401 KAR 5:005 Section 24(1)] |
| T-41 | Part III Other Requirements: Applicability. Any person responsible for conducting any of the following activities shall prepare and implement a groundwater protection plan: [List 1 of 2]
storing or related handling of bulk quantities of pesticides or fertilizers for commercial purposes or distribution to a retail sales outlet;
applying of pesticides or fertilizers for commercial purposes or for public right-of-way maintenance or institutional lawn care;
land treatment or land disposal of a pollutant;
storing, treating, disposing, or handling of hazardous waste, solid waste, or special waste in landfills, incinerators, surface impoundments, tanks, drums, other containers, or in piles;
commercial or industrial storing or related handling in bulk quantities of raw materials, intermediate substances or products, finished products, substances held for recycling, or other pollutants held in tanks, drums, other containers, or in piles;
transmission in pipelines of raw materials, intermediate substances or products, finished products, or other pollutants;
installation or operation of on-site sewage disposal systems. [401 KAR 5:037 Section 2(2)] |
| T-42 | Part III Other Requirements: Applicability. Any person responsible for conducting any of the following activities shall prepare and implement a groundwater protection plan: [List 2 of 2]
storing or related handling of road oils, dust suppressants, or deicing agents at a central location;
application or related handling of road oils, dust suppressants or deicing materials;
mining and associated activities;
installation, construction, operation, or abandonment of wells, bore holes, or core holes;
collection or disposal of pollutants in an industrial or commercial facility through the use of floor drains which are not connected to on-site sewage disposal systems, closed-loop collection or recovery systems, or a waste treatment system permitted under KPDES;
impoundment or containment of pollutants in surface impoundments, lagoons, pits, or ditches;
or commercial or industrial transfer, including loading and unloading, in bulk quantities of raw materials, intermediate substances or products, finished products, substances held for recycling, or other pollutants. [401 KAR 5:037 Section 2(2)] |

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MNPT1 (continued):

Narrative Requirements:

Part III Other Requirements:

Condition No.	Condition
T-43	Part III Other Requirements: The permit is issued to the applicant and the permittee shall remain the responsible party for compliance with all applicable statutes and administrative regulations until a notarized applicable change in ownership certification is submitted and the transfer of ownership is acknowledged by the cabinet. [401 KAR 5:005 Section 24(3)]
T-44	Part III Other Requirements: The permittee shall ensure that the effluent is of satisfactory quality to prevent violations of the standards in 401 KAR Chapter 5. If violations of the standards of 401 KAR Chapter 5 result from the discharge of the treated effluent, the owner shall provide additional treatment or an extension of the effluent line. [401 KAR 5:005 Section 24(4)(c)1]
T-45	Part III Other Requirements: Applicants shall keep records of all data used to complete permit applications and any supplemental information submitted under this section for a period of at least three (3) years from the date the application is signed. [401 KAR 5:060 Section 6]
T-46	Part III Other Requirements: All wastewater treatment plants shall have a disinfection process which meets one of the four following requirements: (a) An ultraviolet disinfection system designed to treat the anticipated peak hourly flow; (b) 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 (c) a chlorination system with a manually controlled feed system and a flow equalization basin designed to eliminate the diurnal flow variations. (d) Other disinfection processes providing equivalent treatment as approved by the cabinet. [401 KAR 5:005 Section 11(1), 401 KAR 5:065 Section 1(5)]
T-47	Part III Other Requirements: Flow equalization basins shall have an emergency overflow to an appropriate point in the treatment scheme. [401 KAR 5:005 Section 17(1)(c), 401 KAR 5:065 Section 1(5)]
T-48	Part III Other Requirements: Wastewater treatment lagoons shall be at least 200 feet from any present or future residence. [401 KAR 5:005 Section 18(3), 401 KAR 5:065 Section 1(5)]
T-49	Part III Other Requirements: A water supply shall be provided to facilitate cleaning and maintenance of the wastewater treatment plant. If a potable source is provided, backflow preventers shall be installed to protect the water supply. [401 KAR 5:005 Section 10(6), 401 KAR 5:065 Section 1(5)]
T-50	Part III Other Requirements: Fencing and/or other adequate protection shall be provided around the wastewater treatment plant. [401 KAR 5:005 Section 10(7), 401 KAR 5:065 Section 1(5)]

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MNPT1 (continued):

Narrative Requirements:

Part III Other Requirements:

Condition No.	Condition
T-51	Part III Other Requirements: An all-weather access road shall be provided to the wastewater treatment plant. [401 KAR 5:005 Section 10(8), 401 KAR 5:065 Section 1(5)]
T-52	Part III Other Requirements: No bypass or overflow structure of any type shall be constructed in any sewer line or pump station or at any wastewater treatment plant unless specifically approved by the cabinet in writing. [401 KAR 5:005 Section 7(5), 401 KAR 5:065 Section 1(5)]
T-53	Part III Other Requirements: Sharp crested weirs shall be used for measuring effluent flow only and shall have the following characteristics: the weir shall be installed perpendicular to the axis of flow and there shall be no leakage at the weir edges or bottom; the weir plate shall be level and adjustable; the sides of a rectangular contracted weir shall be vertical; the angles of V-notch weirs shall be cut precisely; the thickness of the weir crest shall be less than one-tenth (0.1) of an inch; the distance from the weir crest to the bottom of the approach channel shall be more than one foot or two times the maximum weir head, whichever is greater; the distance from the sides of the weir to the sides of the approach channel shall be more than one foot or two times the maximum weir head, whichever is greater. This does not apply to suppressed rectangular weirs; air shall circulate freely under, and on both sides of, the nappe; the measurement of head on the weir shall be made at least four times the maximum weir head upstream from the weir crest; the cross-sectional area of the approach channel shall be at least eight times the area of the nappe. The approach channel shall be straight and uniform upstream from the weir for a distance of fifteen times the maximum weir head; the minimum acceptable weir head is two-tenths (0.2) foot; the maximum downstream pool level shall be at least two-tenths (0.2) foot below the crest elevation; the weir length for a rectangular, suppressed, or cippolletti weir shall be at least three times the maximum weir head; and a reference staff gauge shall be provided. [401 KAR 5:005 Section 12(2), 401 KAR 5:065 Section 1(5)]
T-54	Part III Other Requirements: Parshall flumes may be used to measure influent or effluent flows and shall have the following characteristics: the approach channel upstream of the flume shall be straight and have a width uniform for the length required by the following; if the flume throat width is less than one-half (1/2) the width of the approach channel, the straight upstream channel length shall be twenty times the throat width; if the flume throat width is equal to or larger than one-half (1/2) the width of the approach channel, the straight upstream length shall be greater than ten times the approach channel width; and if the cross-sectional area of the inlet to the approach channel is smaller than the cross-sectional area of the approach channel, additional straight upstream channel length may be required to dissipate the velocity; the throat section walls shall be vertical; the head measuring point shall be at two-thirds (2/3) the length of the converging sidewall; the flow shall be evenly distributed across the channel, shall be free of turbulence or waves, and shall not be located after transition sections; the longitudinal and lateral axes of the converging crest floor shall be level; free flow conditions shall be maintained; and a reference staff gauge shall be provided for H _a and H _b to determine if submergence occurs. [401 KAR 5:005 Section 12(3), 401 KAR 5:065 Section 1(5)]
T-55	Part III Other Requirements: A positive sludge return shall be provided for the extended aeration package wastewater treatment plant. [401 KAR 5:005 Section 10(5), 401 KAR 5:065 Section 1(5)].

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MNPT1 (continued):

Narrative Requirements:

Part III Other Requirements:

Condition No.	Condition
T-56	Part III Other Requirements: Tablet type chlorination equipment shall not be used in intermediate or large wastewater treatment plants. [401 KAR 5:005 Section 11(2), 401 KAR 5:065 Section 1(5)]
T-57	Part III Other Requirements: An audible and visible alarm shall be provided at the wastewater pump station. [Ten States (WW) 45, 401 KAR 5:065 Section 1(5)]
T-58	Part III Other Requirements: If the discharge from the wastewater treatment plant enters a sinkhole directly or enters a disappearing stream, the applicant shall submit a proposal for a groundwater tracer study or results from a previously conducted study to the cabinet for approval. [401 KAR 5:005 Section 4(5)]
T-59	Part III Other Requirements: The permittee shall comply with Requirements for Recording and Reporting of Monitoring Results: (1) Requirements concerning the proper use, maintenance, and installation, when appropriate, of monitoring equipment or methods, including biological monitoring methods when appropriate; (2) Required monitoring including type, intervals, and frequency sufficient to yield data which are representative of the monitored activity including, when appropriate, continuous monitoring; and (3) Applicable reporting requirements based upon the impact of the regulated activity and as specified in 401 KAR 5:065, Sections 1 and 2. Reporting shall be no less frequent than specified in 401 5:070, Section 2, Schedules of Compliance. [401 KAR 5:070 Section 3]



STEVEN L. BESHEAR
GOVERNOR

ENVIRONMENTAL AND PUBLIC PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF WATER
14 REILLY ROAD
FRANKFORT, KENTUCKY 40601-1190
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ROBERT D. VANCE
SECRETARY

FACT SHEET

**KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM
PERMIT TO DISCHARGE TREATED WASTEWATER
INTO WATERS OF THE COMMONWEALTH**

KPDES No.: KY0076636 Permit Writer: Diana Davidson Date: February 15, 2008
AI No.: 1754

1. **SYNOPSIS OF APPLICATION**

a. Name and Address of Applicant

R. A. Williams Company, Incorporated
153 Prosperous Place, Suite 1-A
Lexington, Kentucky 40509

b. Facility Location

Cedarbrook Subdivision
Highway 27, south of
Lair, Harrison County, Kentucky

c. Description of Applicant's Operation

Subdivision

d. Design Capacity

0.025 MGD

e. Description of Existing Pollution Abatement Facilities

Facility has one discharge of sanitary wastewater which is treated by aeration, settling, chlorine disinfection, and dechlorination.

f. Permitting Action

This is a reissuance of a minor KPDES permit for a wastewater treatment plant serving a subdivision.

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AI No.: 1754
Fact Sheet Page 2

2. RECEIVING WATER

a. Name/Mile Point

Facility discharges to an unnamed tributary at mile point 0.3 of Townsend Creek at mile point 2.9.

b. Stream Segment Use Classification

Warmwater Aquatic Habitat, Primary/Secondary Contact Recreation, and Domestic Water Supply

c. Stream Segment Categorization

This stream is categorized as High Quality Water.

d. Stream Low Flow Condition

The 7-day, 10-year (7Q10) low flow condition of the receiving stream is 0.00 cfs.

3. REPORTED DISCHARGE AND PROPOSED LIMITS - SANITARY FACILITY

Serial Number 001 - Sanitary Wastewater

Effluent Characteristics	Reported Discharge		Proposed Limits		Applicable Water Quality Criteria and/or Effluent Guidelines
	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	
Flow (MGD) (Design Flow = 0.025 MGD)	0.0114	0.0321	Report	Report	401 KAR 5:065, Section 2(8)
CBOD ₅ (mg/l)	17.39	17.39	30	45	401 KAR 5:031, Section 4 401 KAR 5:045, Sections 3 and 5
Total Suspended Solids (mg/l)	19.93	19.93	30	45	401 KAR 5:031, Section 4 401 KAR 5:045, Sections 2 and 3
Fecal Coliform (N/100 ml)	22.42	23.14	Removing from permit		401 KAR 5:080, Section 1(2)(c)2
<i>Escherichia Coli</i> (N/100 ml)	NR	NR	130	240	401 KAR 5:031, Section 7 401 KAR 5:045, Section 4 401 KAR 5:080, Section 1(2)(c)2
Ammonia Nitrogen (as mg/l N)					
May 1 - October 31	0.86	0.86	4.0	6.0	401 KAR 5:031, Section 4
November 1 - April 30	7.21	7.29	10.0	15.0	401 KAR 5:045, Sections 3 and 5
Dissolved Oxygen (mg/l) (minimum)	8.13		Not less than 7.0		401 KAR 5:031, Section 4 401 KAR 5:045, Sections 3 and 5
pH (standard units)	6.44	8.1	6.0 (min)	9.0 (max)	401 KAR 5:031, Section 4 401 KAR 5:045, Section 4
Total Residual Chlorine, mg/l	NR	NR	0.011	0.019	401 KAR 5:031, Section 4

The data contained under the reported discharge columns is not from the renewal application, but rather from the analysis of the DMR data that has been reported during the term of the previous permit.

The abbreviation CBOD₅ means Carbonaceous Biochemical Oxygen Demand (5-day).

The abbreviation NR means not reported on the Discharge Monitoring Report (DMR).

The effluent limitations for CBOD₅ and Total Suspended Solids are Monthly Averages and Weekly Averages.

The effluent limitations for *Escherichia Coli* are 30 day and 7 day Geometric Means.

4. METHODOLOGY USED IN DETERMINING LIMITATIONS

a. Serial Number

Outfall 001 Sanitary Wastewater

b. Effluent Characteristics

Flow, Carbonaceous Biochemical Oxygen Demand (5-day), Total Suspended Solids, Fecal Coliform Bacteria, *Escherichia Coli*, pH, Ammonia Nitrogen, Dissolved Oxygen, and Total Residual Chlorine (TRC).

c. Pertinent Factors

The Cedarbrook Subdivison and its wastewater treatment plant are not located within the regional facility planning area of the city of Cynthiana. Existing sewers are not available within one mile of the facility.

d. Monitoring Requirements

Flow shall be monitored instantaneously once per month.

Ammonia Nitrogen, Carbonaceous Biochemical Oxygen Demand (5-day), and Total Suspended Solids, shall be monitored once per month by composite sample.

Escherichia Coli, pH, Dissolved Oxygen and Total Residual Chlorine shall be monitored once per month by grab sample.

e. Justification of Conditions

The Kentucky regulations cited below have been duly promulgated pursuant to the requirements of Chapter 224 of the Kentucky Revised Statutes.

Escherichia Coli and Fecal Coliform Bacteria

The limits for *Escherichia Coli* are consistent with the requirements of 401 KAR 5:031, Section 7, 401 KAR 5:045 Section 4 and 401 KAR 5:080, Section 1(2)(c) 2. The removal of Fecal Coliform Bacteria is consistent with the requirements of 401 KAR 5:080k Section 1 (2) (c)2. Although Fecal Coliform Bacteria has been used as an indicator of fecal contamination, it does contain other species that are not necessarily fecal in origin. EPA recommends *Escherichia Coli*, which is specific to fecal material from warm-blooded animals, as the best indicator of health risk from contact with recreational waters. Therefore, it is the "Best Professional Judgment "BPJ" of the Division of Water that *Escherichia Coli* replace Fecal Coliform Bacteria on this permit.

Flow

The monitoring requirements for this parameter are consistent with the requirements of 401 KAR 5:065, Section 2(8).

CBOD₅, Ammonia Nitrogen, and Dissolved Oxygen

The limits for these parameters are consistent with the requirements of 401 KAR 5:031, Section 4, and 401 KAR 5:045, Sections 3 and 5. Section 4 of 5:031 establishes water quality criteria for the protection of Kentucky's waters. Section 5 of 5:045 requires biochemically degradable wastewaters to receive treatment in excess of secondary treatment if the Cabinet determines that the receiving water would not satisfy applicable water quality standards as a result of a facility discharge or discharges from multiple facilities

4. METHODOLOGY USED IN DETERMINING LIMITATIONS

e. Justification of Conditions

Total Suspended Solids

The limits for this parameter are consistent with the requirements of 401 KAR 5:031, Section 4 and 5:045, Sections 2 and 3. Section 4 of 5:031 establishes water quality criteria for the protection of Kentucky's waters. Sections 2 and 3 of 5:045 require biochemically degradable wastewaters to receive secondary treatment.

pH

The limits for these parameters are consistent with the requirements of 401 KAR 5:031, Section 4 and 5:045, Section 4. Section 4 of 5:031 establishes water quality criteria for the protection of Kentucky's waters. Section 4 of 5:045 establishes the acceptable levels of these parameters for biochemically degradable wastewaters.

Total Residual Chlorine

The limits for these parameters are consistent with the requirements of 401 KAR 5:031, Section 4.

5. ANTIDegradation

The development of this permit commenced prior to the April 12, 2005 EPA approval of Kentucky's Antidegradation Regulation promulgated on September 8, 2004. Therefore, previous antidegradation requirements are applicable. The conditions of 401 KAR 5:029, Section 1(1) have been satisfied by this permit action. A review under Section 1(2), (3), and (4) is not applicable.

6. PROPOSED COMPLIANCE SCHEDULE FOR ATTAINING EFFLUENT LIMITATIONS

The permittee will comply with all effluent limitations by the effective date of the permit.

7. PROPOSED SPECIAL CONDITIONS WHICH WILL HAVE A SIGNIFICANT IMPACT ON THE DISCHARGE

This treatment unit is temporary and in no way supersedes the need of a comprehensive sewer system. The permittee will eliminate the discharge and will connect to a comprehensive sewer system when it becomes available as defined in 401 KAR 5:002, provided such system can adequately treat the wastes.

8. PERMIT DURATION

Five (5) years. This facility is in the Salt/Licking Basin Management Unit as per the Kentucky Watershed Management Framework.

9. PERMIT INFORMATION

The application, draft permit, fact sheet, public notice, comments received, and additional information is available from the Division of Water at 14 Reilly Road, Frankfort Office Park, Frankfort, Kentucky 40601.

KPDES No.: KY0076636
AI No.: 1754
Fact Sheet Page 6

10. REFERENCES AND CITED DOCUMENTS

All material and documents referenced or cited in this fact sheet are parts of the permit information as described above and are readily available at the Division of Water Central Office. Information regarding these materials may be obtained from the person listed below.

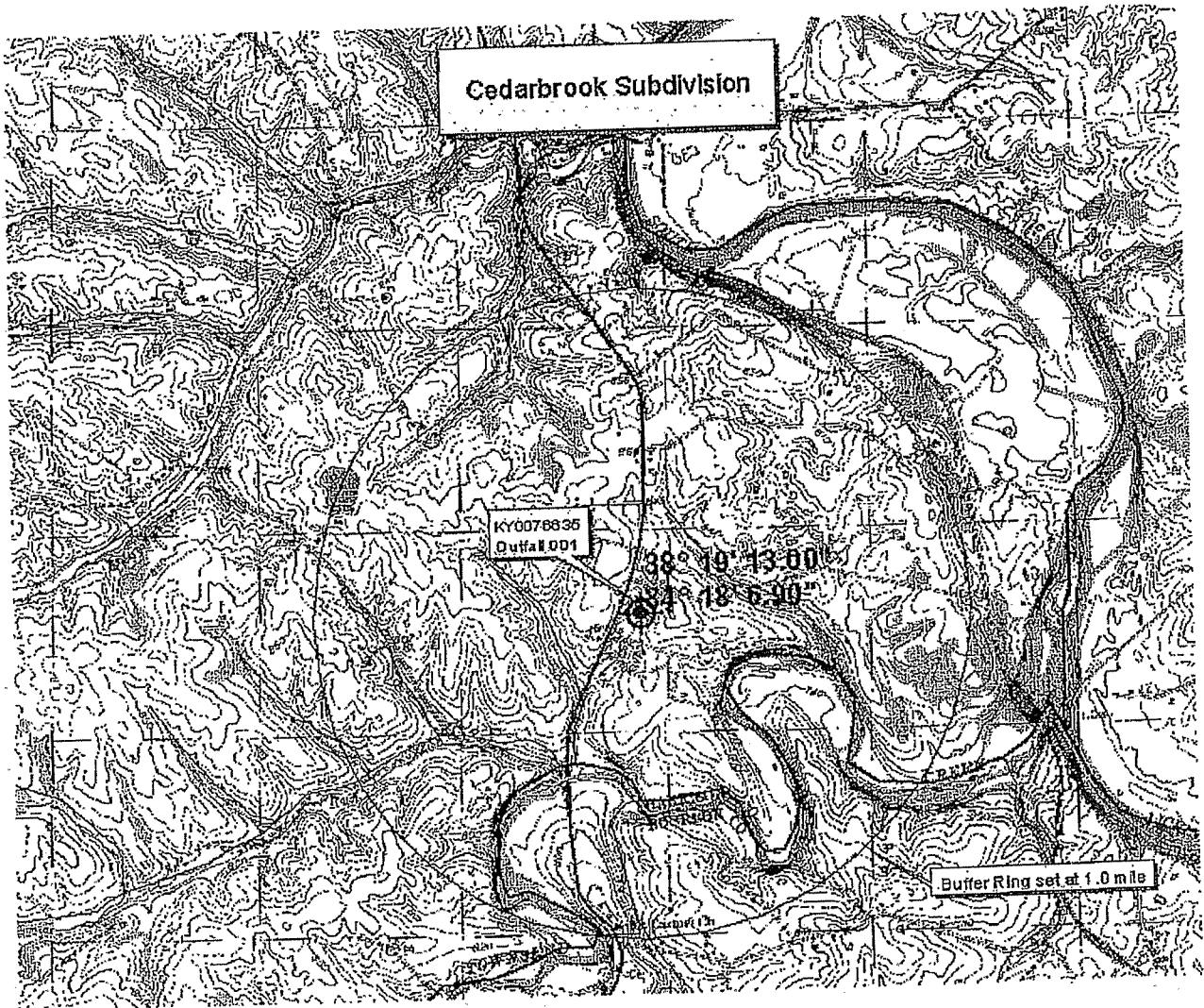
11. CONTACT

For further information on the draft permit or comment process, contact the individual identified on the Public Notice or the Permit Writer - Diana Davidson at (502) 564-8518, extension 341, or email Diana.Davidson@ky.gov.

12. PUBLIC NOTICE INFORMATION

Please refer to the attached Public Notice for details regarding the procedures for a final decision, deadline for comments and other information required by 401 KAR 5:075, Section 4(2)(e).

KPDES No.: KY0076636
AI No.: 1754
Fact Sheet Page 7



COMMONWEALTH OF KENTUCKY
ENVIRONMENTAL AND PUBLIC PROTECTION CABINET
FILE NO. DOW-33217-156

IN RE: R.A. Williams Construction Company, Inc.
153 Prosperous Way, Suite 1A
Lexington, Kentucky 40509
Agency Interest No. 1754

AGREED ORDER

WHEREAS, the parties to this Agreed Order, the Environmental and Public Protection Cabinet (hereinafter "Cabinet") and R.A. Williams Construction Company, Inc. (hereinafter "R.A. Williams"), state:

STATEMENTS OF FACT

1. The Cabinet is charged with the statutory duty of enforcing KRS Chapter 224, and the regulations promulgated pursuant thereto.
2. R.A. Williams, a Kentucky corporation in good standing, owns and operates a wastewater treatment plant (WWTP) with a sewer system (hereinafter "facility") serving the Cedarbrook Subdivision on U.S. Highway 27 south of Cynthiana in Harrison County, Kentucky.
3. R.A. Williams holds Kentucky Pollutant Discharge Elimination System (KPDES) Permit No. KY0076635, issued by the Cabinet's Division of Water, for the discharge of treated effluent into an unnamed tributary of Townsend Creek from the facility.
4. On August 22, 2003, the Cabinet entered into Agreed Order No. DOW 02501 with R.A. Williams to abate violations that occurred in 2001 and 2002 at the facility.

5. On or about the dates listed below, authorized representatives of the Cabinet identified the following alleged violations of KRS Chapter 224 and the regulations promulgated pursuant thereto at the facility described in paragraph 2 above:

- a. 401 KAR 5:005 – Failure to provide an appropriate disinfection system on August 4, 2004;
- b. 401 KAR 5:010 – Failure to provide a certified operator on October 28, 2005;
- c. 401 KAR 5:031 – Degrading the waters of the Commonwealth on August 4, 2004;
- d. 401 KAR 5:065 – Failure to comply with terms and conditions of KPDES permit on August 4, 2004;
- e. 401 KAR 5:065 – Failure to comply with KPDES permit effluent discharge limitations on March 9, 2004, August 4, 2004, and October 28, 2005;
- f. 401 KAR 5:065 – Failure to provide proper operation and maintenance of the Facility on August 4, 2004, and October 28, 2005; and
- g. 401 KAR 5:065 – Failure to submit Discharge Monitoring Reports on October 28, 2005.

6. On or about March 10, 2004, August 12, 2004, and November 4, 2005, the Cabinet issued R.A. Williams notices of violations for the violations described in paragraph 5 above.

7. On July 5, 2006, the Cabinet issued a written demand for payment of civil penalty to R.A. Williams for its failure to complete supplemental environmental projects set forth in Agreed Order DOW 02501.

8. R.A. Williams neither admits nor denies the violations described above but accepts civil liability for those violations as alleged above.

NOW THEREFORE, in the interest of settling all civil claims and controversies involving the violations described above, the parties hereby consent to the entry of this Agreed Order and agree as follows:

REMEDIAL MEASURES

9. R.A. Williams shall perform the following remedial measures by the dates specified herein:

- a. R.A. Williams shall convey the facility to a third party approved by the Public Service Commission in a sale approved by the Public Service Commission. The Cabinet acknowledges that R.A. Williams submitted an application to the Public Service Commission on February 1, 2008 for approval to sell the facility to Cedarbrook Utilities, LLC, a Kentucky limited liability company in good standing. If the Public Service Commission does not approve the sale to Cedarbrook Utilities, LLC, then R.A. Williams shall submit a new application to approve the sale of the facility to the Public Service Commission within one hundred and twenty (120) days of that commission's disapproval.
- b. R.A. Williams shall remain solely responsible for compliance with the terms of KRS Chapter 224 and the regulations promulgated pursuant thereto, this Agreed Order, and any permit requirement until the facility described in

paragraph 2 above is conveyed by R.A. Williams to a third party in a sale approved by the Public Service Commission.

- c. Within thirty (30) days of the Public Service Commission's approval of the sale of the facility, R.A. Williams shall submit a "change in ownership certification" form to the Division of Water, KPDES Branch, 14 Reilly Road, Frankfort, Kentucky 40601 certifying that the entity approved by the Public Service Commission is the owner of the facility and accepts responsibility for compliance with the facility's KPDES permit.

PENALTIES

10. R.A. Williams shall pay the Cabinet a civil penalty in the amount of seven thousand five hundred dollars (\$7,500) for the violations described above. The amount of the civil penalty shall be tendered by R.A. Williams to the Cabinet with the return of this signed Agreed Order.

11. Payment of civil penalties shall be by cashier's check, certified check, or money order, made payable to "Kentucky State Treasurer" and sent to the attention of the Director, Division of Enforcement, Department for Environmental Protection, 300 Fair Oaks Lane, Frankfort, Kentucky 40601. Note "File No. DOW-33217-156" on the instrument of payment.

MISCELLANEOUS PROVISIONS

12. This Agreed Order addresses only those violations specifically described above. Other than those matters resolved by entry of this Agreed Order nothing contained herein shall be construed to waive or to limit any remedy or cause of action by the Cabinet based on statutes or regulations under its jurisdiction and R.A. Williams reserves its defenses thereto. The Cabinet

expressly reserves its right at any time to issue administrative orders and to take any other action it deems necessary that is not inconsistent with this Agreed Order, including the right to order all necessary remedial measures, assess penalties for violations, or recover all response costs incurred, and R.A. Williams reserves its defenses thereto.

13. This Agreed Order shall not prevent the Cabinet from issuing, reissuing, renewing, modifying, revoking, suspending, denying, terminating, or reopening any permit to R.A. Williams. R.A. Williams reserves its defenses thereto, except that R.A. Williams shall not use this Agreed Order as a defense.

14. R.A. Williams waives its right to any hearing on the matters alleged herein. However, failure by R.A. Williams to comply strictly with any or all of the terms of this Agreed Order shall be grounds for the Cabinet to seek enforcement of this Agreed Order in Franklin Circuit Court and to pursue any other appropriate administrative or judicial action under KRS Chapter 224, and the regulations promulgated pursuant thereto.

15. The Agreed Order may not be amended except by a written order of the Cabinet's Secretary or his designee. R.A. Williams may request an amendment by writing the Director of the Division of Enforcement at 300 Fair Oaks Lane, Frankfort, Kentucky 40601 and stating the reasons for the request. If granted, the amended Agreed Order shall not affect any provision of this Agreed Order unless expressly provided in the amended Agreed Order.

16. The Cabinet does not, by its consent to the entry of this Agreed Order, warrant or aver in any manner that R.A. Williams' complete compliance with this Agreed Order will result in compliance with the provisions of KRS Chapter 224, and the regulations promulgated pursuant

thereto. Notwithstanding the Cabinet's review and approval of any plans formulated pursuant to this Agreed Order, R.A. Williams shall remain solely responsible for compliance with the terms of KRS Chapter 224, and the regulations promulgated pursuant thereto, this Agreed Order and any permit and compliance schedule requirements.

17. R.A. Williams shall give notice of this Agreed Order to any purchaser, lessee or successor in interest prior to the transfer of ownership and/or operation of any part of its now-existing facility occurring prior to termination of this Agreed Order, shall notify the Cabinet that such notice has been given, and shall follow all statutory and regulatory requirements for a transfer. Whether or not a transfer takes place, R.A. Williams shall remain fully responsible for payment of all civil penalties and response costs and for performance of all remedial measures identified in this Agreed Order.

18. The Cabinet agrees to allow the performance of the above-listed remedial measures and payment of civil penalty by R.A. Williams to satisfy R.A. Williams' obligations to the Cabinet generated by the violations described above.

19. The Cabinet and R.A. Williams agree that the remedial measures agreed to herein are facility-specific and designed to comply with the statutes and regulations cited herein. This Agreed Order applies specifically and exclusively to the unique facility referenced herein and is inapplicable to any other site or facility.

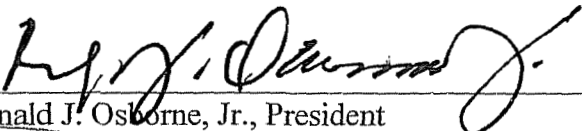
20. This Agreed Order shall be of no force and effect unless and until it is entered by the Secretary or his designee as evidenced by his signature thereon. If this Agreed Order contains any date by which R.A. Williams is to take any action or cease any activity, and the Secretary enters the

Agreed Order after that date, then R.A. Williams is nonetheless obligated to have taken the action or ceased the activity by the date contained in this Agreed Order.

TERMINATION

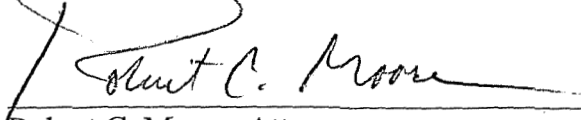
21. This Agreed Order shall terminate upon R.A. Williams' completion of all requirements described in this Agreed Order. R.A. Williams may submit written notice to the Cabinet when it believes all requirements have been performed. The Cabinet will notify R.A. Williams in writing of whether it intends to agree with or object to termination. The Cabinet reserves its right to enforce this Agreed Order, and R.A. Williams reserves its right to file a petition for hearing pursuant to KRS 224.10-420(2) contesting the Cabinet's determination.

AGREED TO BY:



Ronald J. Osborne, Jr., President
R.A. Williams Construction Company, Inc.

2/22/09
Date



Robert C. Moore, Attorney
For R.A. Williams Construction Company, Inc.

2/25/09
Date

APPROVAL RECOMMENDED BY:

Sharon R. Vriesenga, Attorney
Office of Legal Services

Date

Jeffrey A. Cummins, Acting Director
Division of Enforcement

Date

Shannan Stamper Carroll, Executive Director
Office of Legal Services

Date

ORDER

Wherefore, the foregoing Agreed Order is entered as the final Order of the Environmental and Public Protection Cabinet this ___ day of _____, 2008.

ENVIRONMENTAL AND PUBLIC
PROTECTION CABINET

ROBERT D. VANCE, SECRETARY

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing **AGREED ORDER** was mailed, postage prepaid, to the following this _____ day of _____, 2008.

Ronald J. Osborne, President
R.A. Williams Construction Company, Inc.
153 Prosperous Way, Suite 1A
Lexington, Kentucky 40509

Robert C. Moore
Attorney for R.A. Williams Construction Company, Inc.
Hazelrigg & Cox, LLP
415 West Main Street
Post Office Box 676
Frankfort, Kentucky 40602-0676

and mailed, messenger to:

Jeffrey A. Cummins, Acting Director
Division of Enforcement
14 Reilly Road
Frankfort, Kentucky 40601

Sharon R. Vriesenga
Office of Legal Services
Fifth Floor Capital Plaza Tower
Frankfort, Kentucky 40601

DOCKET COORDINATOR



ENVIRONMENTAL AND PUBLIC PROTECTION CABINET

Steven L. Beshear
Governor

DEPARTMENT FOR ENVIRONMENTAL PROTECTION
300 FAIR OAKS LANE
FRANKFORT, KENTUCKY 40601
PHONE (502) 564-2150
FAX (502) 564-4245
www.dep.ky.gov

Robert D. Vance
Secretary

R. Bruce Scott
Commissioner

RECEIVED

MAR - 4 2008

**R. A. WILLIAMS
CONSTRUCTION CO., INC.**

29 February 2008

R. A. Williams Company, Inc.
Attn: Mr. Ronald J. Osborne
153 Prosperous Way
Suite 1A
Lexington, Kentucky 40509

Re: Compliance Evaluation Inspection
Cedarbrook Subdivision WTPP
KPDES No. KY0076635
AI No. 1754/CIN20080001
Harrison County, Kentucky

Dear Mr. Osborne:

Enclosed is a copy of the Compliance Evaluation Inspection conducted 17 December 2007. The inspection was satisfactory. Should you have any questions concerning the Compliance Evaluation Inspection Report or Notice of Violation, please contact us at (502) 564-3358.

Sincerely,

Barbara A. Risk
Environmental Inspector III
Frankfort Regional Office
Division of Water

**Environmental and Public Protection Cabinet
Kentucky Department for Environmental Protection
Division of Water**

Activity: CIN20080001 Inspection

Lead Investigator: Risk, Barbara

Agency Interest/Permit ID: 1754

Agency Interest Name: Cedarbrook Subd

Agency Interest Address: US 27 S
Lair, KY 41031

Program: Wastewater

County: Harrison

Type of Agency Interest: RESIDENCE- Subdivision (nec)

Agency Interest Contact:

Title:

Phone:

Purpose: Inspection

Inspection Type: WW CEI-Minor Non-Mun

Inspection Date: 12/17/2008

Start Time: 01:00 PM

End Time: 01:30 PM

Latitude: 38.31805600

Longitude: -84.31222200

Coordinate Collection Method:Decimal Degrees

Incident ID(s):

General Comments:

KPDES PERMIT NO. KY0076635

N38° 19' 5.7" W84° 18' 44.5"

THE FACILITY PERMIT EXPIRES 31 JANUARY 2008. THE PERMIT RENEWAL APPLICATION WAS RECEIVED BY DOW KPDES BRANCH 08 AUGUST 2007. BAR SCREEN WAS SATISFACTORY. THE MLSS APPEARED TO BE WEAK, BUT NO ODOR; THE PLANT APPEARED TO HAVE BEEN OFF FOR SOMETIME BUT WAS NOT SEPTIC. NO ODOR WAS NOTED. THE CLARIFIER HAD FLOATING SOLIDS. FLOATING GREASE IN THE CONTACT BASIN WAS NEGLIGIBLE. FINAL EFFLUENT WAS CLEAR. THE OUTFALL WAS CLEAN; HOWEVER, SOME TRACES OF SLUDGE IN CREEK. THE FACILITY LOGBOOK WAS NOT INSPECTED. THE GROUNDS WERE CLEAN.

REVIEW OF THE FACILITY DISCHARGE MONITORING REPORTS FROM AUGUST 2007 THROUGH OCTOBER 2007 REVEALED THE FACILITY IN COMPLIANCE FOR THE DMR REVIEW PERIOD. FACILITY IS SCHEDULED TO INSTALL AN APPROPRIATE LIQUID CHLORINE FEED SYSTEM OR OTHER APPROVED METHOD OF DISINFECTION.

Person(s) Interviewed:

Name

Organization

Status/Comments:

GINSI

Requirement	Status	Results or Comments
C/A (2) - Have all required permits been obtained from the Division of Water prior to the construction, modification, or operation of the facility? . [401 KAR 5:005 Section 1]	C	KPDES PERMIT NO. KY0076635 BECAME EFFECTIVE 1 FEBRUARY 2003 AND WILL EXPIRE 31 JANUARY 2008. THE FACILITY PERMIT EXPIRES 31 JANUARY 2008. THE PERMIT RENEWAL APPLICATION WAS RECEIVED BY DOW KPDES BRANCH.
C/A (8) - Did the facility notify the Division of Water by the most rapid means available whenever, by reason of emergency or accident, a spill or discharge occurs which results in pollution of the waters of the Commonwealth? . [401 KAR 5:015 Section 2]	C	THE FACILITY IS AWARE TO REPORT ALL OVERFLOWS, UPSETS, SPILLS, ACCIDENTS, PLANT SHUT-DOWNS, DISCHARGES THAT WOULD NOT MEET PERMIT CONDITIONS, BYPASSES, RELEASES, ETC. BY THE MOST RAPID MEANS AVAILABLE AND WITHIN 24 HOURS OF DISCOVERY.
R/OC (1) - Is the facility being operated under the supervision of a properly certified operator?. [401 KAR 5:010 Section 2(1)]	C	MR. LARRY SMITHER, ACTIVE WWTP OPERATOR CLASS II. CERTIFICATION NO. 13390. EXPIRES 30 JUNE 2009.
C/RK (2) - Does the permittee retain records of all monitoring information including: the date, exact place, and time of sampling or measurements; the name of the individual who performed the sampling or measurements; the dates and times analyses were performed; the name of the individual who performed the analyses; the analytical techniques or methods used; the results of the analyses; 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 the period required by the cabinet and at a minimum of at least three (3) years from the date of the sample, measurement, report, or application? . [401 KAR 5:065 Section 1(10)(b)]	E	MR. SMITHER KEEPS A LOGBOOK IN THE FACILITY BUILDING. INSPECTOR DID NOT HAVE ACCESS TO THE BUILDING. PAST INSPECTIONS OF THE LOGBOOK HAVE BEEN SATISFACTORY. THE PERMITTEE IS AWARE OF THE REQUIREMENT TO RETAIN ALL RECORDS, DOCUMENTS, ETC. PERTAINING TO KPDES PERMIT NO. KY0076635 FOR AT LEAST THREE YEARS.
C/RR (1) - Is the permittee reporting monitoring results to the cabinet at the intervals specified in the permit? . [401 KAR 5:065 Section 1(12)(d)]	C	THE PERMITTEE SUBMITS ALL MONITORING RESULTS TO THE CABINET ON DISCHARGE MONITORING REPORTS POSTMARKED ON OR BEFORE THE 28TH DAY OF THE MONTH FOLLOWING THE COMPLETED REPORTING PERIOD.
C/RR (2) - Are the monitoring results reported to the cabinet on a Discharge Monitoring Report (DMR)? . [401 KAR 5:065 Section 1(12)(d)1]	C	THE PERMITTEE SUBMITS ALL MONITORING RESULTS TO THE CABINET ON DISCHARGE MONITORING REPORTS.
C/RR (3) - If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR Part 136 or as specified in the permit, are the results of this monitoring included in the calculation and reporting of the data submitted in the DMR? . [401 KAR 5:065 Section 1(12)(d)2]	C	THE FACILITY IS AWARE OF THIS REQUIREMENT.
C/RR (4) - Are the calculations for all limitations which require averaging of measurements utilizing an arithmetic mean unless otherwise specified by the Cabinet in the permit? . [401 KAR 5:065 Section 1(12)(d)3]	C	LIMITATIONS WHICH REQUIRE AVERAGING ARE CALCULATED UTILIZING THE ARITHMETIC AVERAGE.

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Requirement	Status	Results or Comments
C/RR (7) - Is the permittee in compliance for the reporting of spills, bypasses, and non-compliance according KAR 401 5:065 Section 1(12)(f). [401 KAR 5:065 Section 1(12)(f)]	C	THE FACILITY IS AWARE TO REPORT ALL OVERFLOWS, UPSETS, SPILLS, ACCIDENTS, PLANT SHUT-DOWNS, DISCHARGES THAT WOULD NOT MEET PERMIT CONDITIONS, BYPASSES, RELEASES, ETC. BY THE MOST RAPID MEANS AVAILABLE AND WITHIN 24 HOURS OF DISCOVERY.
R/OM (1) - Is the facility being properly operated and maintained as specified in regulation 5:065? This includes: (a) proper operation and maintenance of all facilities, systems of treatment and control, and related appurtenances which are installed or used by the permittee to achieve compliance with permit conditions; (b) proper operation and maintenance also includes adequate laboratory controls, and appropriate quality assurance procedures; (c) this provision also 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)]	C	BAR SCREEN WAS SATISFACTORY. THE MLSS APPEARED TO BE WEAK, BUT NO ODOR; THE PLANT APPEARED TO HAVE BEEN OFF FOR SOMETIME BUT WAS NOT SEPTIC. NO ODOR WAS NOTED. THE CLARIFIER HAD FLOATING SOLIDS. FLOATING GREASE IN THE CONTACT BASIN WAS NEGLIGIBLE. FINAL EFFLUENT WAS CLEAR. THE OUTFALL WAS CLEAN; HOWEVER, SOME TRACES OF SLUDGE IN CREEK. THE FACILITY LOGBOOK WAS NOT INSPECTED. THE GROUNDS WERE CLEAN.
R/OM (2) - Are the disinfection unit(s) maintained and operated properly to allow for compliance with permit conditions? . [401 KAR 5:005 Section 11(1)]	I	THE FACILITY IS CURRENTLY USING TABLET CHLORINATION FOR DISINFECTION PURPOSES AT THIS TIME. THIS IS AN INAPPROPRIATE METHOD OF DISINFECTION FOR PLANTS WITH A FLOW DESIGN EXCEEDING 0.001MGD. THE FACILITY PERMIT EXPIRES 31 JANUARY 2008. THE PERMIT RENEWAL APPLICATION WAS RECEIVED BY DOW KPDES BRANCH 08 AUGUST 2007. FACILITY IS SCHEDULED TO INSTALL AN APPROPRIATE LIQUID CHLORINE FEED SYSTEM OR OTHER APPROVED METHOD OF DISINFECTION.
C/OM (3) - Does the flow measuring device measure all flow received at the WWTP? For large wastewater facilities (average daily design capacity >50, 000 gpd), is flow measured by an indicating, recording, and totalizing flow measuring device? . [401 KAR 5:005 Section 12]	N	THE PLANT IS NOT REQUIRED TO MAINTAIN A FLOWMETER. FLOWS ARE MEASURED BY TIMED DISCHARGE.
C/OM (7) - Is there a source of water provided for cleanup? If potable water is used, is a backflow preventor installed to protect the water supply?. [401 KAR 5:005 Section 10(6)]	C	THE HYDRANT HAS NOT BEEN REPLACED; HOWEVER, A BACKFLOW PERVENTER HAS BEEN INSTALLED ON THE LINE.
C/OM (8) - Has fencing and/or other adequate protection been installed around the wastewater treatment plant? . [401 KAR 5:005 Section 10(7)]	C	THE FACILITY IS FENCED AND IS SECURED WHEN NOT ATTENDED.
C/OM (9) - Has an all-weather access road been installed to allow access to the wastewater treatment plant? Is the road adequately maintained to allow access to the facility for operation and maintenance activity? . [401 KAR 5:005 Section 10(8)]	C	THE FACILITY DOES NOT MAINTAIN AN ALL WEATHER ROAD; HOWEVER, THE PLANT CAN BE EASILY ACCESSED.
S/OM (11) - Is the sharp crested weir used to measure effluent flow installed in accordance with the criteria specified in regulation 401 KAR 5:005? . [401 KAR 5:005 Section 12(2)]	E	THE DIVISION INSPECTORS DO NOT HAVE ACCESS TO AS-BUILT PLANS TO DETERMINE IF THE SHARP-CRESTED WEIR (V-NOTCH) WAS INSTALLED AS PER SPECIFICATIONS.

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Requirement	Status	Results or Comments
S/OM (12) - Is the Parshall flume(s) used to measure influent or effluent flows installed and maintained in accordance with the criteria specified in regulation 401 KAR 5:005? . [401 KAR 5:005 Section 12(3)]	N	THE FACILITY DOES NOT MAINTAIN A PARSHALL FLUME.
C/OM (16) - Sewage sludge. Did the facility meet the requirements governing the disposal of sewage sludge from publicly owned treatment works, in accordance with 40 CFR Part 503? . [401 KAR 5:065 Section 2(15)]	N	THIS IS NOT A MUNICIPAL PLANT. SLUDGE IS WASTED AND HAULED TO THE POTW.
C/OM (18) - Is the effluent in compliance with KPDES permit limitations? Do the Discharge Monitoring Reports indicate KPDES permit violations?. [401 KAR 5:065 Section 1(1)(a)]	C	REVIEW OF THE FACILITY DISCHARGE MONITORING REPORTS FROM AUGUST 2007 THROUGH OCTOBER 2007 REVEALED THE FACILITY IN COMPLIANCE FOR THE DMR REVIEW PERIOD. FACILITY IS SCHEDULED TO INSTALL AN APPROPRIATE LIQUID CHLORINE FEED SYSTEM OR OTHER APPROVED METHOD OF DISINFECTION.
R/DE (1) - Is the effluent causing degradation of the waters of the Commonwealth 401 KAR 5:031 Section 2 (1) (a, b, c, & d). [401 KAR 5:031 Section 2]	C	FINAL EFFLUENT WAS A BIT TURBID. THE OUTFALL WAS CLEAN; HOWEVER, SOME TRACES OF SLUDGE IN CREEK.
C/MA (1) - Are samples collected at sites specified in the KPDES permit and are they representative samples? Are flow proportioned samples obtained when required by the KPDES permit? Are grab samples collected according to the KPDES permit requirements? Are composite samples collected and analyzed according to the KPDES permit conditions? Are samples collected according to KPDES permit requirements?. [401 KAR 5:065 Section 1(1)(a)]	E	DOW IS NOT PRESENT WHEN FACILITY SAMPLES ARE COLLECTED AND ASSUMES THAT THE OPERATOR IS DILIGENTLY OBSERVING APPROVED SAMPLING PROTOCOL, LOCATION, DOCUMENTATION, HOLDING TIMES, PRESERVATION, ANALYSES, ETC.
C/MA (5) - Is sampling and analysis completed on all parameters specified in the KPDES permit? . [401 KAR 5:065 Section 1(1)(a)]	E	DOW IS NOT PRESENT WHEN FACILITY SAMPLES ARE COLLECTED AND ASSUMES THAT THE OPERATOR IS DILIGENTLY OBSERVING APPROVED SAMPLING PROTOCOL, LOCATION, DOCUMENTATION, HOLDING TIMES, PRESERVATION, ANALYSES, ETC.
C/MA (6) - Are the facility sample collection procedures adequate? Are the samples collected in proper containers, preserved, and refrigerated properly? Are all samples analyzed within the allowed holding times? . [401 KAR 5:065 Section 1(10)(d)]	E	DOW IS NOT PRESENT WHEN FACILITY SAMPLES ARE COLLECTED AND ASSUMES THAT THE OPERATOR IS DILIGENTLY OBSERVING APPROVED SAMPLING PROTOCOL, LOCATION, DOCUMENTATION, HOLDING TIMES, PRESERVATION, ANALYSES, ETC.
C/MA (10) - Are samples taken in compliance with the monitoring requirements and taken at the following location(s): nearest accessible point after final treatment, but prior to actual discharge or mixing with receiving waters? . [401 KAR 5:065 Section 1(1)(a)]	E	DOW IS NOT PRESENT WHEN FACILITY SAMPLES ARE COLLECTED AND ASSUMES THAT THE OPERATOR IS DILIGENTLY OBSERVING APPROVED SAMPLING PROTOCOL, LOCATION, DOCUMENTATION, HOLDING TIMES, PRESERVATION, ANALYSES, ETC.
S/MA (11) - Is the facility sampling in accordance with sampling requirements specified for biomonitoring in the KPDES permit conditions? . [401 KAR 5:065 Section 1(1)(a)]	N	THIS FACILITY IS NOT REQUIRED TO PARTICIPATE IN THE BIOMONITORING PROGRAM.

Investigator: [Signature] Title: Env. Insp. III Date: 12-17-07

- N - Not Applicable
- E - Not Evaluated
- V - Out of Compliance-NOV
- C - No Violations observed
- I - No Violations obs-but impending viol trends obs
- D - Out of Compliance-Violations Documented
- O - Out of Comp-LOW non-recurrent Adm. or O&M

Received By: _____ Title: _____ Date: _____

Delivery Method:



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10-11-07
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ERNIE FLETCHER
GOVERNOR

ENVIRONMENTAL AND PUBLIC PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

TERESA J. HILL
SECRETARY

Division of Water
643 Teton Trail Ste B
Frankfort, KY 40601
www.kentucky.gov

RECEIVED

OCT 11 2007

R. A. WILLIAMS
CONSTRUCTION CO., INC.

October 9, 2007

R. A. Williams Company, Inc.
Attn: Mr. Ronald J. Osborne
153 Prosperous Way
Suite 1A
Lexington, Kentucky 40509

Re: CEI Report/Letter of Warning
AI ID: 1754
AI Name: Cedarbrook Subd
Activity ID: CIN20070001/ELW20070001
Permit No. KYR1000047
Harrison County, Kentucky

Dear Mr. Osbourne:

On August 20, 2007, the Division of Water issued a Letter of Warning to R. A. Williams regarding a noncompliance issue at the Cedarbrook Subdivision wastewater treatment plant. The Frankfort Regional Office appreciates your efforts to address this issue raised by the LOW. The actions taken by R. A. Williams in response to the LOW are considered sufficient at this time with regard to the violations listed in the LOW. Therefore, the Division of Water does not presently intend to further pursue this LOW either through the Division of Enforcement or legal proceedings. However, the Cabinet reserves its rights under KRS Chapter 224 and its administrative regulations to undertake such enforcement action hereafter as it deems appropriate, which may include consideration of the compliance issues addressed by the LOW. If you have any questions, please feel free to contact me at (502) 564-3358.

Sincerely,

Barbara A. Risk
Environmental Inspector III
Division of Water
Frankfort Regional Office

c: File
Larry Smither



ERNIE FLETCHER
GOVERNOR

ENVIRONMENTAL AND PUBLIC PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

TERESA J. HILL
SECRETARY

Division of Water
643 Teton Trail Ste B
Frankfort, KY 40601
www.kentucky.gov

August 20, 2007

RECEIVED

AUG 28 2007

H. A. WILLIAMS
CONSTRUCTION CO., INC.

Certified No. 7006 2150 0002 1526 4953
Return Receipt Requested

R. A. Williams Company, Inc.
Attn: Mr. Ronald J. Osborne
153 Prosperous Way
Suite 1A
Lexington, Kentucky 40509

Re: CEI Report/Letter of Warning
AI ID: 1754
AI Name: Cedarbrook Subd
Activity ID: CIN20070001/ELW20070001
Permit No. KYR1000047
Harrison County, Kentucky

Dear Mr. Osborne:

The Kentucky Department for Environmental Protection (DEP) has issued the enclosed inspection report and the resulting Letter of Warning for violations discovered during an inspection of your sit on August 10, 2007. Please review this Letter of Warning carefully to ensure that all remedial measures are completed by the specified deadlines.

Failure to comply with all remedial measures could result in enforcement action and the assessment of penalties. Your cooperation and attention to this matter is appreciated. If you have any questions, please contact me at (502) 564-3358.

Sincerely,

Barbara A. Risk,
Environmental Inspector III
Division of Water
Frankfort Regional Office

Enclosures

**Environmental and Public Protection Cabinet
Kentucky Department for Environmental Protection
Division of Water**

Activity: CIN20070001 Inspection

Lead Investigator: Risk, Barbara

Agency Interest/Permit ID: 1754

Agency Interest Name: Cedarbrook Subd

Agency Interest Address: US 27 S
Lair, KY 41031

Program: Wastewater

County: Harrison

Type of Agency Interest: RESIDENCE- Subdivision (nec)

Agency Interest Contact: Title: Phone:

Purpose: Inspection

Inspection Type: WW CEI-Minor Non-Mun

Inspection Date: 08/10/2007 **Start Time:** 01:00 PM **End Time:** 01:30 PM

Latitude: 38.31888900 **Longitude:** -84.30361100

Coordinate Collection Method: Decimal Degrees

Incident ID(s):

General Comments:

KPDES PERMIT NO. KY0076635

N38° 19' 5.7" W84° 18' 44.5"

THE FACILITY PERMIT EXPIRES 31 JANUARY 2008. THE PERMIT RENEWAL APPLICATION WAS RECEIVED BY DOW KPDES BRANCH 08 AUGUST 2007. THE PERMIT RENEWAL WAS DUE 31 JULY 2007. ALL PERMIT RENEWAL APPLICATIONS ARE DUE 180 DAYS PRIOR TO EXPIRATION.

BAR SCREEN WAS SATISFACTORY. THE MLSS WAS A BIT DARK, BUT NO ODOR; RETURNS WERE OPERABLE. THE CLARIFIER WAS SATISFACTORY. FLOATING GREASE IN THE CONTACT BASIN WAS NEGLIGIBLE. FINAL EFFLUENT WAS CLEAR. THE OUTFALL WAS CLEAN; HOWEVER, SOME TRACES OF SLUDGE IN CREEK.

THE FACILITY LOGBOOK WAS NOT INSPECTED. THE GROUNDS WERE CLEAN. THE ELECTRICAL PANEL ON THE LIFT STATION IS DEGRADED AND APPEARS TO BE LOOSE AND NEEDS SOME ATTENTION.

REVIEW OF THE FACILITY DISCHARGE MONITORING REPORTS FROM DECEMBER 2005 THROUGH JULY 2007 REVEALED THE FACILITY IN NONCOMPLIANCE FOR EXCEEDING FECAL COLIFORM PARAMETERS IN MAY 2006 AND AGAIN IN FEBRUARY 2007 AND TOTAL SUSPENDED SOLIDS IN MARCH 2007. THE FACILITY CURRENTLY USES TABLET CHLORINE FOR DISINFECTION. AS MENTIONED IN PREVIOUS INSPECTIONS, THIS METHOD OF DISINFECTION IS NOT APPROPRIATE FOR PLANTS OVER 0.001MGD DESIGN FLOW. DOW HAS BEEN MONITORING THE FACILITY'S FECAL COLIFORM COMPLIANCE. THE PLANT WAS IN NONCOMPLIANCE FOR EXCEEDING FECAL COLIFORM PARAMETERS TWICE IN THE DMR REVIEW PERIOD. FACILITY TO RESEARCH APPROPRIATE DISINFECTION METHODS SUCH AS A LIQUID SODIUM HYPOCHLORITE DELIVERY SYSTEM FOR APPROVAL BY THE DIVISION OF WATER.

Person(s) Interviewed:

Name	Organization
------	--------------

Status/Comments:

GINSI

Requirement	Status	Results or Comments
C/A (2) - Have all required permits been obtained from the Division of Water prior to the construction, modification, or operation of the facility? . [401 KAR 5:005 Section 1]	O	KPDES PERMIT NO. KY0076635 BECAME EFFECTIVE 1 FEBRUARY 2003 AND WILL EXPIRE 31 JANUARY 2008. THE FACILITY PERMIT EXPIRES 31 JANUARY 2008. THE PERMIT RENEWAL APPLICATION WAS RECEIVED BY DOW KPDES BRANCH 08 AUGUST 2007. THE PERMIT RENEWAL WAS DUE 31 JULY 2007. ALL PERMIT RENEWAL APPLICATIONS ARE DUE 180 DAYS PRIOR TO EXPIRATION.
C/A (8) - Did the facility notify the Division of Water by the most rapid means available whenever, by reason of emergency or accident, a spill or discharge occurs which results in pollution of the waters of the Commonwealth? . [401 KAR 5:015 Section 2]	C	THE FACILITY IS AWARE TO REPORT ALL OVERFLOWS, UPSETS, SPILLS, ACCIDENTS, PLANT SHUT-DOWNS, DISCHARGES THAT WOULD NOT MEET PERMIT CONDITIONS, BYPASSES, RELEASES, ETC. BY THE MOST RAPID MEANS AVAILABLE AND WITHIN 24 HOURS OF DISCOVERY.
R/OC (1) - Is the facility being operated under the supervision of a properly certified operator?. [401 KAR 5:010 Section 2(1)]	C	MR. LARRY SMITHER, ACTIVE WWTP OPERATOR CLASS II. CERTIFICATION NO. 13390. EXPIRES 30 JUNE 2009.
C/RK (2) - Does the permittee retain records of all monitoring information including: the date, exact place, and time of sampling or measurements; the name of the individual who performed the sampling or measurements; the dates and times analyses were performed; the name of the individual who performed the analyses; the analytical techniques or methods used; the results of the analyses; 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 the period required by the cabinet and at a minimum of at least three (3) years from the date of the sample, measurement, report, or application? . [401 KAR 5:065 Section 1(10)(b)]	E	MR. SMITHER KEEPS A LOGBOOK IN THE FACILITY BUILDING. INSPECTOR DID NOT HAVE ACCESS TO THE BUILDING. PAST INSPECTIONS OF THE LOGBOOK HAVE BEEN SATISFACTORY. THE PERMITTEE IS AWARE OF THE REQUIREMENT TO RETAIN ALL RECORDS, DOCUMENTS, ETC. PERTAINING TO KPDES PERMIT NO. KY0076635 FOR AT LEAST THREE YEARS.
C/RR (1) - Is the permittee reporting monitoring results to the cabinet at the intervals specified in the permit? . [401 KAR 5:065 Section 1(12)(d)]	C	THE PERMITTEE SUBMITS ALL MONITORING RESULTS TO THE CABINET ON DISCHARGE MONITORING REPORTS POSTMARKED ON OR BEFORE THE 28TH DAY OF THE MONTH FOLLOWING THE COMPLETED REPORTING PERIOD.
C/RR (2) - Are the monitoring results reported to the cabinet on a Discharge Monitoring Report (DMR)? . [401 KAR 5:065 Section 1(12)(d)1]	C	THE PERMITTEE SUBMITS ALL MONITORING RESULTS TO THE CABINET ON DISCHARGE MONITORING REPORTS.
C/RR (3) - If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR Part 136 or as specified in the permit, are the results of this monitoring included in the calculation and reporting of the data submitted in the DMR? . [401 KAR 5:065 Section 1(12)(d)2]	C	THE FACILITY IS AWARE OF THIS REQUIREMENT.
C/RR (4) - Are the calculations for all limitations which require averaging of measurements utilizing an arithmetic mean unless otherwise specified by the Cabinet in the permit? . [401 KAR 5:065 Section 1(12)(d)3]	C	LIMITATIONS WHICH REQUIRE AVERAGING ARE CALCULATED UTILIZING THE ARITHMETIC AVERAGE.

GINSI

Requirement	Status	Results or Comments
C/RR (7) - Is the permittee in compliance for the reporting of spills, bypasses, and non-compliance according KAR 401 5:065 Section 1(12)(f). [401 KAR 5:065 Section 1(12)(f)]	C	<p>THE FACILITY IS AWARE TO REPORT ALL OVERFLOWS, UPSETS, SPILLS, ACCIDENTS, PLANT SHUT-DOWNS, DISCHARGES THAT WOULD NOT MEET PERMIT CONDITIONS, BYPASSES, RELEASES, ETC. BY THE MOST RAPID MEANS AVAILABLE AND WITHIN 24 HOURS OF DISCOVERY.</p>
<p>R/OM (1) - Is the facility being properly operated and maintained as specified in regulation 5:065? This includes:</p> <p>(a) proper operation and maintenance of all facilities, systems of treatment and control, and related appurtenances which are installed or used by the permittee to achieve compliance with permit conditions;</p> <p>(b) proper operation and maintenance also includes adequate laboratory controls, and appropriate quality assurance procedures;</p> <p>(c) this provision also 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)]</p>	C	<p>BAR SCREEN WAS SATISFACTORY. THE MLSS WAS A BIT DARK, BUT NO ODOR; RETURNS WERE OPERABLE. THE CLARIFIER WAS SATISFACTORY. FLOATING GREASE IN THE CONTACT BASIN WAS NEGLIGIBLE. FINAL EFFLUENT WAS CLEAR. THE OUTFALL WAS CLEAN; HOWEVER, SOME TRACES OF SLUDGE IN CREEK.</p> <p>THE FACILITY LOGBOOK WAS NOT INSPECTED. THE GROUNDS WERE CLEAN. THE ELECTRICAL PANEL ON THE LIFT STATION IS DEGRADED AND APPEARS TO BE LOOSE AND NEEDS SOME ATTENTION.</p>
R/OM (2) - Are the disinfection unit(s) maintained and operated properly to allow for compliance with permit conditions? . [401 KAR 5:005 Section 11(1)]	O	<p>THE FACILITY IS CURRENTLY USING TABLET CHLORINATION FOR DISINFECTION PURPOSES AT THIS TIME. THIS IS AN INAPPROPRIATE METHOD OF DISINFECTION FOR PLANTS WITH A FLOW DESIGN EXCEEDING 0.001MGD. DOW HAS MENTIONED THIS IN PREVIOUS INSPECTIONS AND NOTED THAT THE DIVISION WILL CONTINUE TO CLOSELY MONITOR THE FECAL COLIFORM RESULTS FOR NONCOMPLIANCE. IF NONCOMPLIANCE PERSISTS, THE FACILITY WILL BE REQUESTED TO INSTALL AN APPROPRIATE, APPROVED METHOD OF DISINFECTION.</p> <p>REVIEW OF THE FACILITY DISCHARGE MONITORING REPORTS FROM DECEMBER 2005 THROUGH JULY 2007 REVEALED THE FACILITY IN NONCOMPLIANCE FOR EXCEEDING FECAL COLIFORM PARAMETERS IN MAY 2006 AND AGAIN IN FEBRUARY 2007. DOW HAS BEEN MONITORING THE FACILITY'S FECAL COLIFORM COMPLIANCE. THE PLANT WAS IN NONCOMPLIANCE FOR EXCEEDING FECAL COLIFORM PARAMETERS TWICE IN THE DMR REVIEW PERIOD. FACILITY TO RESEARCH APPROPRIATE DISINFECTION METHODS SUCH AS A LIQUID SODIUM HYPOCHLORITE DELIVERY SYSTEM FOR APPROVAL BY THE DIVISION OF WATER.</p>
C/OM (3) - Does the flow measuring device measure all flow received at the WWTP? For large wastewater facilities (average daily design capacity >50, 000 gpd), is flow measured by an indicating, recording, and totalizing flow measuring device? . [401 KAR 5:005 Section 12]	N	<p>THE PLANT IS NOT REQUIRED TO MAINTAIN A FLOWMETER. FLOWS ARE MEASURED BY TIMED DISCHARGE.</p>

GINSI

Requirement	Status	Results or Comments
C/OM (7) - Is there a source of water provided for cleanup? If potable water is used, is a backflow preventor installed to protect the water supply?. [401 KAR 5:005 Section 10(6)]	C	THE HYDRANT HAS NOT BEEN REPLACED; HOWEVER, A BACKFLOW PERVENTER HAS BEEN INSTALLED ON THE LINE.
C/OM (8) - Has fencing and/or other adequate protection been installed around the wastewater treatment plant? . [401 KAR 5:005 Section 10(7)]	C	THE FACILITY IS FENCED AND IS SECURED WHEN NOT ATTENDED.
C/OM (9) - Has an all-weather access road been installed to allow access to the wastewater treatment plant? Is the road adequately maintained to allow access to the facility for operation and maintenance activity? . [401 KAR 5:005 Section 10(8)]	C	THE FACILITY DOES NOT MAINTAIN AN ALL WEATHER ROAD; HOWEVER, THE PLANT CAN BE EASILY ACCESSED.
S/OM (11) - Is the sharp crested weir used to measure effluent flow installed in accordance with the criteria specified in regulation 401 KAR 5:005? . [401 KAR 5:005 Section 12(2)]	E	THE DIVISION INSPECTORS DO NOT HAVE ACCESS TO AS-BUILT PLANS TO DETERMINE IF THE SHARP-CRESTED WEIR (V-NOTCH) WAS INSTALLED AS PER SPECIFICATIONS.
S/OM (12) - Is the Parshall flume(s) used to measure influent or effluent flows installed and maintained in accordance with the criteria specified in regulation 401 KAR 5:005? . [401 KAR 5:005 Section 12(3)]	N	THE FACILITY DOES NOT MAINTAIN A PARSHALL FLUME.
C/OM (16) - Sewage sludge. Did the facility meet the requirements governing the disposal of sewage sludge from publicly owned treatment works, in accordance with 40 CFR Part 503? . [401 KAR 5:065 Section 2(15)]	N	THIS IS NOT A MUNICIPAL PLANT. SLUDGE IS WASTED AND HAULED TO THE POTW.
C/OM (18) - Is the effluent in compliance with KPDES permit limitations? Do the Discharge Monitoring Reports indicate KPDES permit violations?. [401 KAR 5:065 Section 1(1)(a)]	O	REVIEW OF THE FACILITY DISCHARGE MONITORING REPORTS FROM DECEMBER 2005 THROUGH JULY 2007 REVEALED THE FACILITY IN NONCOMPLIANCE FOR EXCEEDING FECAL COLIFORM PARAMETERS IN MAY 2006 AND AGAIN IN FEBRUARY 2007 AND TOTAL SUSPENDED SOLIDS IN MARCH 2007.
R/DE (1) - Is the effluent causing degradation of the waters of the Commonwealth 401 KAR 5:031 Section 2 (1) (a, b, c, & d). [401 KAR 5:031 Section 2]	C	FINAL EFFLUENT WAS CLEAR. THE OUTFALL WAS CLEAN; HOWEVER, SOME TRACES OF SLUDGE IN CREEK.
C/MA (1) - Are samples collected at sites specified in the KPDES permit and are they representative samples? Are flow proportioned samples obtained when required by the KPDES permit? Are grab samples collected according to the KPDES permit requirements? Are composite samples collected and analyzed according to the KPDES permit conditions? Are samples collected according to KPDES permit requirements?. [401 KAR 5:065 Section 1(1)(a)]	E	DOW IS NOT PRESENT WHEN FACILITY SAMPLES ARE COLLECTED AND ASSUMES THAT THE OPERATOR IS DILIGENTLY OBSERVING APPROVED SAMPLING PROTOCOL, LOCATION, DOCUMENTATION, HOLDING TIMES, PRESERVATION, ANALYSES, ETC.
C/MA (5) - Is sampling and analysis completed on all parameters specified in the KPDES permit? . [401 KAR 5:065 Section 1(1)(a)]	E	DOW IS NOT PRESENT WHEN FACILITY SAMPLES ARE COLLECTED AND ASSUMES THAT THE OPERATOR IS DILIGENTLY OBSERVING APPROVED SAMPLING PROTOCOL, LOCATION, DOCUMENTATION, HOLDING TIMES, PRESERVATION, ANALYSES, ETC.
C/MA (6) - Are the facility sample collection procedures adequate? Are the samples collected in proper containers, preserved, and refrigerated properly? Are all samples analyzed within the allowed holding times? . [401 KAR 5:065 Section 1(10)(d)]	E	DOW IS NOT PRESENT WHEN FACILITY SAMPLES ARE COLLECTED AND ASSUMES THAT THE OPERATOR IS DILIGENTLY OBSERVING APPROVED SAMPLING PROTOCOL, LOCATION, DOCUMENTATION, HOLDING TIMES, PRESERVATION, ANALYSES, ETC.

GINSI

Requirement	Status	Results or Comments
C/MA (10) - Are samples taken in compliance with the monitoring requirements and taken at the following location(s): nearest accessible point after final treatment, but prior to actual discharge or mixing with receiving waters? . [401 KAR 5:065 Section 1(1)(a)]	E	DOW IS NOT PRESENT WHEN FACILITY SAMPLES ARE COLLECTED AND ASSUMES THAT THE OPERATOR IS DILIGENTLY OBSERVING APPROVED SAMPLING PROTOCOL, LOCATION, DOCUMENTATION, HOLDING TIMES, PRESERVATION, ANALYSES, ETC.
S/MA (11) - Is the facility sampling in accordance with sampling requirements specified for biomonitoring in the KPDES permit conditions? . [401 KAR 5:065 Section 1(1)(a)]	N	THIS FACILITY IS NOT REQUIRED TO PARTICIPATE IN THE BIOMONITORING PROGRAM.

Investigator: Paula D. Dillard Title: Env. Insp. III Date: 08-10-07

- N - Not Applicable
- E - Not Evaluated
- V - Out of Compliance-NOV
- C - No Violations observed
- I - No Violations obs-but impending viol trends obs
- D - Out of Compliance-Violations Documented
- O - Out of Comp-LOW non-recurrent Adm. or O&M

Received By: _____ Title: _____ Date: _____

Delivery Method:

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

RECEIVED

AUG 28 2007

R. A. WILLIAMS
CONSTRUCTION CO., INC.

LETTER OF WARNING

To: R. A. Williams Company, Inc.
Attn: Mr. Ronald J. Osborne
153 Prosperous Way
Suite 1A
Lexington, Kentucky 40509

AI Name: Cedarbrook Subd
AI ID: 1754
Activity ID: ELW20070001
County: Harrison
Enforcement Case ID:
Date(s) Violation(s) Observed: 08/10/2007

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

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

No person shall construct, modify, or operate a facility without having received a permit from the cabinet. A construction or modification permit is not required for maintenance replacement for components of an existing facility or for changes which do not affect the treatment processes of the facility, but is required for replacement of an entire wastewater treatment plant. The operational permit provisions of Section 27 of this administrative regulation shall be satisfied by those facilities which have a valid KPDES permit issued pursuant to 401 KAR 5:050 to 5:080. [401 KAR 5:005 Section 1]

Description of Non Compliance:

KPDES PERMIT NO. KY0076635 BECAME EFFECTIVE 1 FEBRUARY 2003 AND WILL EXPIRE 31 JANUARY 2008. THE FACILITY PERMIT EXPIRES 31 JANUARY 2008. THE PERMIT RENEWAL APPLICATION WAS RECEIVED BY DOW KPDES BRANCH 08 AUGUST 2007. THE PERMIT RENEWAL WAS DUE 31 JULY 2007. ALL PERMIT RENEWAL APPLICATIONS ARE DUE 180 DAYS PRIOR TO EXPIRATION.

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

PERMITTEE TO COMPLY WITH ALL PERMIT CONDITIONS UPON RECEIPT OF THIS LETTER. FUTURE SUBMITTAL OF PERMIT RENEWAL APPLICATIONS MUST BE MADE AT LEAST 180 DAYS PRIOR TO EXPIRATION OF THE CURRENT PERMIT. [401 KAR 5:005 Section 1]

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

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:

THE FACILITY IS CURRENTLY USING TABLET CHLORINATION FOR DISINFECTION PURPOSES AT THIS TIME. THIS IS AN INAPPROPRIATE METHOD OF DISINFECTION FOR PLANTS WITH A FLOW DESIGN EXCEEDING 0.001MGD. DOW HAS MENTIONED THIS IN PREVIOUS INSPECTIONS AND NOTED THAT THE DIVISION WILL CONTINUE TO CLOSELY MONITOR THE FECAL COLIFORM RESULTS FOR NONCOMPLIANCE. IF NONCOMPLIANCE PERSISTS, THE FACILITY WILL BE REQUESTED TO INSTALL AN APPROPRIATE, APPROVED METHOD OF DISINFECTION. REVIEW OF THE FACILITY DISCHARGE MONITORING REPORTS FROM DECEMBER 2005 THROUGH JULY 2007 REVEALED THE FACILITY IN NONCOMPLIANCE FOR EXCEEDING FECAL COLIFORM PARAMETERS IN MAY 2006 AND AGAIN IN FEBRUARY 2007. DOW HAS BEEN MONITORING THE FACILITY'S FECAL COLIFORM COMPLIANCE. THE PLANT WAS IN NONCOMPLIANCE FOR EXCEEDING FECAL COLIFORM PARAMETERS TWICE IN THE DMR REVIEW PERIOD. FACILITY TO RESEARCH APPROPRIATE DISINFECTION METHODS SUCH AS A LIQUID SODIUM HYPOCHLORITE DELIVERY SYSTEM FOR APPROVAL BY THE DIVISION OF WATER.

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

FACILITY TO RESEARCH APPROPRIATE DISINFECTION METHODS SUCH AS A LIQUID SODIUM HYPOCHLORITE DELIVERY SYSTEM FOR APPROVAL BY THE DIVISION OF WATER. PERMITTEE SHALL SUBMIT A WRITTEN RESPONSE, PLAN OF ACTION AND SCHEDULE OF IMPLEMENTATION TO THE DIVISION'S FRANKFORT REGIONAL OFFICE BY 01 OCTOBER 2007, DESCRIBING REMEDIAL MEASURES FOR CORRECTION. [401 KAR 5:005 Section 11(1)]

3 Violation Description for Subject Item GINS000000001(KPDES Individual):

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 DECEMBER 2005 THROUGH JULY 2007 REVEALED THE FACILITY IN NONCOMPLIANCE FOR EXCEEDING FECAL COLIFORM PARAMETERS IN MAY 2006 AND AGAIN IN FEBRUARY 2007 AND TOTAL SUSPENDED SOLIDS IN MARCH 2007.

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

PERMITTEE TO COMPLY WITH ALL PERMIT CONDITIONS UPON RECEIPT OF THIS

LETTER. [401 KAR 5:065 Section 1(1)(a)]

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:

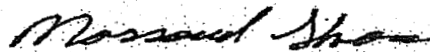
Division of Water
Frankfort Regional Office
663 Teton Trail
Frankfort, Kentucky 40601
502-564-3358 (8:00 AM – 4:30 PM)
Barbara A. Risk, Environmental Inspector III



Issued By: _____

Barbara A. Risk, Environmental Inspector III

Date: August 20, 2007



Issued By: _____

Massoud Shoa, Environmental Control Supervisor

Date: August 20, 2007

How Delivered:

Certified Mail

Certified/Registered # 7006 2150 0002 1526 4953



MAR 22 2006

ENVIRONMENTAL AND PUBLIC PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

Ernie Fletcher
Governor

Frankfort Regional Office
643 Teton Trail, Ste.B
Frankfort, Kentucky 40601-1758
www.kentucky.gov

LaJuana S. Wilcher
Secretary

20 March 2006

R. A. Williams Company, Inc.
Attn: Mr. Ronald J. Osborne
153 Prosperous Way
Suite 1A
Lexington, Kentucky 40509

Re: Routine Inspection
Cedarbrook Subdivision WTP
KPDES No. KY0076635/AI No. 1754
Harrison County, Kentucky

Dear Mr. Osborne:

Enclosed is a copy of the routine inspection conducted 08 February 2006. The inspection was satisfactory. The facility still needs to install a frost free hydrant with a weep hole or a backflow prevention device on the potable water supply.

Should you have any questions concerning the Routine Inspection Report or need technical assistance, please contact us at (502) 564-3358.

Sincerely,

Barbara A. Risk
Environmental Inspector III
Frankfort Regional Office
Division of Water

C: File
Enclosures

CEDARBROOKCEI2006.LET

**Environmental and Public Protection Cabinet
Kentucky Department for Environmental Protection
Division of Water**

Activity: CIN20060001 Inspection

Lead Investigator: Risk, Barbara

Agency Interest/Permit ID: 1754

Agency Interest Name: Cedarbrook Subd

Agency Interest Address: US 27 S

Lair, KY 41031

Program: Wastewater

County: Harrison

Type of Agency Interest: RESIDENCE- Subdivision (nec)

Agency Interest Contact:

Title:

Phone:

Purpose: Inspection

Inspection Type: WW Routine - Minor Non-π

Inspection Date: 02/08/2006

Start Time: 09:30 AM

End Time: 10:15 AM

Latitude: 38.31888900

Longitude: -84.30361100

Coordinate Collection Method: Decimal Degrees

Incident ID(s):

General Comments:

KPDES PERMIT NO. KY0076635

N38° 19' 5.7" W84° 18' 44.5"

BAR SCREEN WAS SATISFACTORY. THE MLSS WAS UNREMARKABLE, RETURNS WERE OPERABLE. THE PLANT HAD A GOOD ODOR AND ROLL WHEN THE BLOWERS STARTED UP. THE CLARIFIER WAS SATISFACTORY. FLOATING GREASE IN THE CONTACT BASIN WAS NEGLIGIBLE.

THE FACILITY LOGBOOK WAS NOT INSPECTED. THE GROUNDS WERE CLEAN. NO ODOR WAS NOTED. SOME TRACES OF SLUDGE IN CREEK.

Person(s) Interviewed:

Name

Organization

Status/Comments:

GINSI

Requirement	Status	Results or Comments
C/A (2) - Have all required permits been obtained from the Division of Water prior to the construction, modification, or operation of the facility? . [401 KAR 5:005 Section 1]	C	KPDES PERMIT NO. KY0076635 BECAME EFFECTIVE 1 FEBRUARY 2003 AND WILL EXPIRE 31 JANUARY 2008. THE PERMIT WAS MODIFIED IN JULY 2004 TO INCLUDE A TOTAL RESIDUAL CHLORINE PARAMETER TO BE MONITORED AND REPORTED FOR ONE YEAR, BEGINNING 01 AUGUST 2005.
C/A (8) - Did the facility notify the Division of Water by the most rapid means available whenever, by reason of emergency or accident, a spill or discharge occurs which results in pollution of the waters of the Commonwealth? . [401 KAR 5:015 Section 2]	C	THE FACILITY IS AWARE TO REPORT ALL OVERFLOWS, UPSETS, SPILLS, ACCIDENTS, PLANT SHUT-DOWNS, DISCHARGES THAT WOULD NOT MEET PERMIT CONDITIONS, BYPASSES, RELEASES, ETC. BY THE MOST RAPID MEANS AVAILABLE AND WITHIN 24 HOURS OF DISCOVERY.
R/OC (1) - Is the facility being operated under the supervision of a properly certified operator?. [401 KAR 5:010 Section 2(1)]	C	MR. LARRY SMITHER, ACTIVE WWTP OPERATOR CLASS II. CERTIFICATION NO. 13390. EXPIRES 30 JUNE 2007.
C/RK (2) - Does the permittee retain records of all monitoring information including: the date, exact place, and time of sampling or measurements; the name of the individual who performed the sampling or measurements; the dates and times analyses were performed; the name of the individual who performed the analyses; the analytical techniques or methods used; the results of the analyses; 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 the period required by the cabinet and at a minimum of at least three (3) years from the date of the sample, measurement, report, or application? . [401 KAR 5:065 Section 1(10)(b)]	E	NOT EVALUATED. ROUTINE INSPECTION WAS CONDUCTED.
C/RR (1) - Is the permittee reporting monitoring results to the cabinet at the intervals specified in the permit? . [401 KAR 5:065 Section 1(12)(d)]	E	NOT EVALUATED. ROUTINE INSPECTION WAS CONDUCTED.
C/RR (2) - Are the monitoring results reported to the cabinet on a Discharge Monitoring Report (DMR)? . [401 KAR 5:065 Section 1(12)(d)1]	E	NOT EVALUATED. ROUTINE INSPECTION WAS CONDUCTED.
C/RR (3) - If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR Part 136 or as specified in the permit, are the results of this monitoring included in the calculation and reporting of the data submitted in the DMR? . [401 KAR 5:065 Section 1(12)(d)2]	C	THE FACILITY IS AWARE OF THIS REQUIREMENT.
C/RR (4) - Are the calculations for all limitations which require averaging of measurements utilizing an arithmetic mean unless otherwise specified by the Cabinet in the permit? . [401 KAR 5:065 Section 1(12)(d)3]	C	LIMITATIONS WHICH REQUIRE AVERAGING ARE CALCULATED UTILIZING THE ARITHMETIC AVERAGE.
C/RR (7) - Is the permittee in compliance for the reporting of spills, bypasses, and non-compliance according KAR 401 5:065 Section 1(12)(f). [401 KAR 5:065 Section 1(12)(f)]	C	THE FACILITY IS AWARE TO REPORT ALL OVERFLOWS, UPSETS, SPILLS, ACCIDENTS, PLANT SHUT-DOWNS, DISCHARGES THAT WOULD NOT MEET PERMIT CONDITIONS, BYPASSES, RELEASES, ETC. BY THE MOST RAPID MEANS AVAILABLE AND WITHIN 24 HOURS OF DISCOVERY.

GINSI

Requirement	Status	Results or Comments
<p>R/OM (1) - Is the facility being properly operated and maintained as specified in regulation 5:065? This includes: (a) proper operation and maintenance of all facilities, systems of treatment and control, and related appurtenances which are installed or used by the permittee to achieve compliance with permit conditions; (b) proper operation and maintenance also includes adequate laboratory controls, and appropriate quality assurance procedures; (c) this provision also 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)]</p>	C	<p>BAR SCREEN WAS SATISFACTORY. THE MLSS WAS UNREMARKABLE, RETURNS WERE OPERABLE. THE PLANT HAD A GOOD ODOR AND ROLL WHEN THE BLOWERS STARTED UP. THE CLARIFIER WAS SATISFACTORY. FLOATING GREASE IN THE CONTACT BASIN WAS NEGLIGIBLE.</p> <p>THE FACILITY LOGBOOK WAS NOT INSPECTED. THE GROUNDS WERE CLEAN. NO ODOR WAS NOTED. SOME TRACES OF SLUDGE IN CREEK.</p>
<p>R/OM (2) - Are the disinfection unit(s) maintained and operated properly to allow for compliance with permit conditions? . [401 KAR 5:005 Section 11(1)]</p>	C	<p>THE FACILITY IS CURRENTLY USING TABLET CHLORINATION FOR DISINFECTION PURPOSES AT THIS TIME. THIS IS AN INAPPROPRIATE METHOD OF DISINFECTION FOR PLANTS WITH A FLOW DESIGN EXCEEDING 0.001MGD; HOWEVER, IN SPEAKING WITH THE OPERATOR OF THE PLANT, THE FECAL COLIFORM NONCOMPLIANCE HAS BEEN MINIMAL AND MOST RECENTLY DUE TO THE LOSS OF THE OLD OPERATOR AND FAILURE TO PROVIDE DISINFECTION IN HIS ABSENCE. THE OPERATOR STATED THAT HE WAS PLANNING TO PURCHASE A CHLORINE TABLET DELIVERY SYSTEM FOR THE CONTACT BASIN. TABLETS ARE CURRENTLY PLACED IN THE WEIR TROUGH PRIOR TO THE CONTACT BASIN. THE DIVISION WILL CONTINUE TO CLOSELY MONITOR THE FECAL COLIFORM RESULTS FOR NONCOMPLIANCE. IF NONCOMPLIANCE PERSISTS, THE FACILITY WILL BE REQUESTED TO INSTALL AN APPROPRIATE, APPROVED METHOD OF DISINFECTION.</p>
<p>C/OM (3) - Does the flow measuring device measure all flow received at the WWTP? For large wastewater facilities (average daily design capacity >50, 000 gpd), is flow measured by an indicating, recording, and totalizing flow measuring device? . [401 KAR 5:005 Section 12]</p>	N	<p>NOT APPLICABLE. THE PLANT IS NOT REQUIRED TO MAINTAIN A FLOWMETER. FLOWS ARE MEASURED BY TIMED DISCHARGE.</p>
<p>C/OM (7) - Is there a source of water provided for cleanup? If potable water is used, is a backflow preventer installed to protect the water supply?. [401 KAR 5:005 Section 10(6)]</p>	I	<p>THE DIVISION REPRESENTATIVE SPOKE WITH THE OPERATOR REGARDING THE HYDRANT ON SITE DURING THE PREVIOUS INSPECTION. THE HYDRANT DOES NOT HAVE A WEEP HOLE. A BACKFLOW PREVENTER NEEDS TO BE CONSIDERED OR REPLACEMENT WITH A FROST-FREE HYDRANT WITH WEEP HOLE.</p>
<p>C/OM (8) - Has fencing and/or other adequate protection been installed around the wastewater treatment plant? . [401 KAR 5:005 Section 10(7)]</p>	C	<p>THE FACILITY IS FENCED AND IS SECURED WHEN NOT ATTENDED.</p>
<p>C/OM (9) - Has an all-weather access road been installed to allow access to the wastewater treatment plant? Is the road adequately maintained to allow access to the facility for operation and maintenance activity? . [401 KAR 5:005 Section 10(8)]</p>	C	<p>THE FACILITY DOES NOT MAINTAIN AN ALL WEATHER ROAD; HOWEVER, THE PLANT CAN BE EASILY ACCESSED.</p>

GINSI

Requirement	Status	Results or Comments
S/OM (11) - Is the sharp crested weir used to measure effluent flow installed in accordance with the criteria specified in regulation 401 KAR 5:005? . [401 KAR 5:005 Section 12(2)]	E	NOT EVALUATED. THE DIVISION INSPECTORS DO NOT HAVE ACCESS TO AS-BUILT PLANS TO DETERMINE IF THE SHARP-CRESTED WEIR (V-NOTCH) WAS INSTALLED AS PER SPECIFICATIONS.
S/OM (12) - Is the Parshall flume(s) used to measure influent or effluent flows installed and maintained in accordance with the criteria specified in regulation 401 KAR 5:005? . [401 KAR 5:005 Section 12(3)]	N	NOT APPLICABLE. THE FACILITY DOES NOT MAINTAIN A PARSHALL FLUME.
C/OM (16) - Sewage sludge. Did the facility meet the requirements governing the disposal of sewage sludge from publicly owned treatment works, in accordance with 40 CFR Part 503? . [401 KAR 5:065 Section 2(15)]	N	NOT APPLICABLE. THIS IS NOT A MUNICIPAL PLANT. SLUDGE IS WASTED AND HAULED TO THE POTW.
C/OM (18) - Is the effluent in compliance with KPDES permit limitations? Do the Discharge Monitoring Reports indicate KPDES permit violations?. [401 KAR 5:065 Section 1(1)(a)]	E	NOT EVALUATED. ROUTINE INSPECTION WAS CONDUCTED.
R/DE (1) - Is the effluent causing degradation of the waters of the Commonwealth 401 KAR 5:031 Section 2 (1) (a, b, c, & d). [401 KAR 5:031 Section 2]	C	IN COMPLIANCE.
C/MA (1) - Are samples collected at sites specified in the KPDES permit and are they representative samples? Are flow proportioned samples obtained when required by the KPDES permit? Are grab samples collected according to the KPDES permit requirements? Are composite samples collected and analyzed according to the KPDES permit conditions? Are samples collected according to KPDES permit requirements?. [401 KAR 5:065 Section 1(1)(a)]	E	NOT EVALUATED. ROUTINE INSPECTION WAS CONDUCTED.
C/MA (5) - Is sampling and analysis completed on all parameters specified in the KPDES permit? . [401 KAR 5:065 Section 1(1)(a)]	E	NOT EVALUATED. ROUTINE INSPECTION WAS CONDUCTED.
C/MA (6) - Are the facility sample collection procedures adequate? Are the samples collected in proper containers, preserved, and refrigerated properly? Are all samples analyzed within the allowed holding times? . [401 KAR 5:065 Section 1(10)(d)]	E	NOT EVALUATED. ROUTINE INSPECTION WAS CONDUCTED.
C/MA (10) - Are samples taken in compliance with the monitoring requirements and taken at the following location(s): nearest accessible point after final treatment, but prior to actual discharge or mixing with receiving waters? . [401 KAR 5:065 Section 1(1)(a)]	E	NOT EVALUATED. ROUTINE INSPECTION WAS CONDUCTED.
S/MA (11) - Is the facility sampling in accordance with sampling requirements specified for biomonitoring in the KPDES permit conditions? . [401 KAR 5:065 Section 1(1)(a)]	N	NOT APPLICABLE. THIS FACILITY IS NOT REQUIRED TO PARTICIPATE IN THE BIOMONITORING PROGRAM.

Investigator: *[Handwritten Signature]*

Title: *Env. Insp III*

Date: *02-08-06*

- N - Not Applicable
- E - Not Evaluated
- V - Out of Compliance-NOV
- C - No Violations observed
- I - No Violations obs-but impending viol trends obs
- D - Out of Compliance-Violations Documented
- O - Out of Comp-LOW non-recurrent Adm. or O&M

Received By:

Title:

Date:

Delivery Method:



NOV 18 2005

ENVIRONMENTAL AND PUBLIC PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

Ernie Fletcher
Governor

Frankfort Regional Office
643 Teton Trail, Ste.B
Frankfort, Kentucky 40601-1758
www.kentucky.gov

Lajuana S. Wilcher
Secretary

16 November 2005

R. A. Williams Company, Inc.
Attn: Mr. Ronald J. Osborne
153 Prosperous Way
Suite 1A
Lexington, Kentucky 40509

Re: Routine Inspection/NOV Follow-up
Cedarbrook Subdivision WTP
KPDES No. KY0076635/AI No. 1754
Harrison County, Kentucky

Dear Mr. Osborne:

Enclosed is a copy of the Routine Inspection conducted 09 November 2005. A Routine inspection does not include records review and is simply an onsite physical inspection of the facility. Mr. Larry Smither accompanied the Division during the inspection. Mr. Smither explained the improvements that have been made to the plant since the previous inspection. This inspection was satisfactory. The plant was clean and operating well at the time of the inspection.

Should you have any questions concerning the Compliance Evaluation Inspection Report or the Notice of Violation, please contact us at (502) 564-3358.

Sincerely,

Barbara A. Risk
Environmental Inspector III
Frankfort Regional Office
Division of Water

C: File
Enclosures

CEDARBROOKROU2006.LET

Status/Comments:

GINSI

Requirement	Status	Results or Comments
C/A (2) - Have all required permits been obtained from the Division of Water prior to the construction, modification, or operation of the facility? . [401 KAR 5:005 Section 1]	C	IN COMPLIANCE. KPDES PERMIT NO. KY0076635 BECAME EFFECTIVE 1 FEBRUARY 2003 AND WILL EXPIRE 31 JANUARY 2008. THE PERMIT WAS MODIFIED IN JULY 2004 TO INCLUDE A TOTAL RESIDUAL CHLORINE PARAMETER TO BE MONITORED AND REPORTED FOR ONE YEAR, BECOMING EFFECTIVE 01 AUGUST 2005.
C/A (8) - Did the facility notify the Division of Water by the most rapid means available whenever, by reason of emergency or accident, a spill or discharge occurs which results in pollution of the waters of the Commonwealth? . [401 KAR 5:015 Section 2]	C	IN COMPLIANCE. THE FACILITY IS AWARE TO REPORT ALL OVERFLOWS, UPSETS, SPILLS, ACCIDENTS, PLANT SHUT-DOWNS, DISCHARGES THAT WOULD NOT MEET PERMIT CONDITIONS, BYPASSES, RELEASES, ETC. BY THE MOST RAPID MEANS AVAILABLE AND WITHIN 24 HOURS OF DISCOVERY.
R/OC (1) - Is the facility being operated under the supervision of a properly certified operator?. [401 KAR 5:010 Section 2(1)]	C	IN COMPLIANCE. MR. LARRY SMITHER, ACTIVE WWTP OPERATOR CLASS II. CERTIFICATION NO. 13390. EXPIRES 30 JUNE 2007.
C/RK (2) - Does the permittee retain records of all monitoring information including: the date, exact place, and time of sampling or measurements; the name of the individual who performed the sampling or measurements; the dates and times analyses were performed; the name of the individual who performed the analyses; the analytical techniques or methods used; the results of the analyses; 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 the period required by the cabinet and at a minimum of at least three (3) years from the date of the sample, measurement, report, or application? . [401 KAR 5:065 Section 1(10)(b)]	C	IN COMPLIANCE. THE FACILITY LOG BOOK WAS ON SITE, CURRENT AND COMPLETE. FOUSER ENVIRONMENTAL COLLECTS AND ANALYZES THE SAMPLES.
C/RR (1) - Is the permittee reporting monitoring results to the cabinet at the intervals specified in the permit? . [401 KAR 5:065 Section 1(12)(d)]	E	NOT EVALUATED. ROUTINE INSPECTION.
C/RR (2) - Are the monitoring results reported to the cabinet on a Discharge Monitoring Report (DMR)? . [401 KAR 5:065 Section 1(12)(d)1]	E	NOT EVALUATED. ROUTINE INSPECTION.
C/RR (3) - If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR Part 136 or as specified in the permit, are the results of this monitoring included in the calculation and reporting of the data submitted in the DMR? . [401 KAR 5:065 Section 1(12)(d)2]	C	IN COMPLIANCE. THE FACILITY IS AWARE OF THIS REQUIREMENT.
C/RR (4) - Are the calculations for all limitations which require averaging of measurements utilizing an arithmetic mean unless otherwise specified by the Cabinet in the permit? . [401 KAR 5:065 Section 1(12)(d)3]	C	IN COMPLIANCE. LIMITATIONS WHICH REQUIRE AVERAGING ARE CALCULATED UTILIZING THE ARITHMETIC AVERAGE.

GINSI

Requirement	Status	Results or Comments
<p>C/RR (7) - Is the permittee in compliance for the reporting of spills, bypasses, and non-compliance according KAR 401 5:065 Section 1(12)(f). [401 KAR 5:065 Section 1(12)(f)]</p>	<p>C</p>	<p>IN COMPLIANCE. THE FACILITY IS AWARE TO REPORT ALL OVERFLOWS, UPSETS, SPILLS, ACCIDENTS, PLANT SHUT-DOWNS, DISCHARGES THAT WOULD NOT MEET PERMIT CONDITIONS, BYPASSES, RELEASES, ETC. BY THE MOST RAPID MEANS AVAILABLE AND WITHIN 24 HOURS OF DISCOVERY.</p>
<p>R/OM (1) - Is the facility being properly operated and maintained as specified in regulation 5:065? This includes: (a) proper operation and maintenance of all facilities, systems of treatment and control, and related appurtenances which are installed or used by the permittee to achieve compliance with permit conditions; (b) proper operation and maintenance also includes adequate laboratory controls, and appropriate quality assurance procedures; (c) this provision also 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)]</p>	<p>C</p>	<p>IN COMPLIANCE. THE DIVISION MET MR. LARRY SMITHER, OPERATOR, AT THE PLANT TO CONDUCT THIS ROUTINE/NOV FOLLOW-UP INSPECTION. THE COLOR OF THE MLSS HAD IMPROVED FROM THE DARK COLOR OBSERVED ON 28 OCTOBER 2005 AND THE SCUM RETURNS WERE OPERABLE. THE PLANT HAD A GOOD ODOR AND ROLL. THE OPERATOR REPLACED THE AIR LINES AND VALVES THE 1ST WEEK OF NOVEMBER. THE CLARIFIER WAS CLEAR AND IMPROVED. MINIMAL FLOATING GREASE WAS NOTED IN THE CONTACT BASIN.</p> <p>THE FACILITY LOGBOOK WAS UP-TO-DATE AND COMPLETE. THE OPERATOR HAD SENT NOTIFICATION TO THE DIVISION REGARDING HIS STATUS AS PLANT OPERATOR, BUT APPARENTLY THE DIVISION DID NOT RECEIVE IT. MR. SMITHER HAS SUBMITTED NOTIFICATION TO THE DIVISION'S FRANKFORT REGIONAL OFFICE STATING THAT HE IS THE OPERATOR IN DIRECT RESPONSIBLE CHARGE OF THE PLANT. MR. SMITHER VISITS THE PLANT FOUR TIMES PER WEEK FOR MAINTENANCE AND OPERATION. NICE IMPROVEMENT.</p>

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Requirement	Status	Results or Comments
R/OM (2) - Are the disinfection unit(s) maintained and operated properly to allow for compliance with permit conditions? . [401 KAR 5:005 Section 11(1)]	C	<p>IN COMPLIANCE.</p> <p>THE FACILITY IS CURRENTLY USING TABLET CHLORINATION FOR DISINFECTION PURPOSES AT THIS TIME. THIS IS AN INAPPROPRIATE METHOD OF DISINFECTION FOR PLANTS WITH A FLOW DESIGN EXCEEDING 0.001MGD; HOWEVER, IN SPEAKING WITH THE OPERATOR OF THE PLANT, THE FECAL COLIFORM NONCOMPLIANCE HAS BEEN MINIMAL AND MOST RECENTLY DUE TO THE LOSS OF THE OLD OPERATOR AND FAILURE TO PROVIDE DISINFECTION IN HIS ABSENCE. THE OPERATOR STATED THAT HE WAS PLANNING TO PURCHASE A CHLORINE TABLET DELIVERY SYSTEM FOR THE CONTACT BASIN. TABLETS ARE CURRENTLY PLACED IN THE WEIR TROUGH PRIOR TO THE CONTACT BASIN. THE DIVISION WILL CONTINUE TO CLOSELY MONITOR THE FECAL COLIFORM RESULTS FOR NONCOMPLIANCE. IF NONCOMPLIANCE PERSISTS, THE FACILITY WILL BE REQUESTED TO INSTALL AN APPROPRIATE, APPROVED METHOD OF DISINFECTION.</p>
C/OM (3) - Does the flow measuring device measure all flow received at the WWTP? For large wastewater facilities (average daily design capacity >50,000 gpd), is flow measured by an indicating, recording, and totalizing flow measuring device? . [401 KAR 5:005 Section 12]	N	<p>NOT APPLICABLE.</p> <p>THE PLANT IS NOT REQUIRED TO MAINTAIN A FLOWMETER. FLOWS ARE MEASURED BY TIMED DISCHARGE.</p>
C/OM (7) - Is there a source of water provided for cleanup? If potable water is used, is a backflow preventer installed to protect the water supply?. [401 KAR 5:005 Section 10(6)]	I	<p>THE DIVISION SPOKE WITH THE OPERATOR REGARDING THE HYDRANT ON SITE. THE HYDRANT DOES NOT HAVE A WEEP HOLE. A BACKFLOW PREVENTER NEEDS TO BE CONSIDERED OR REPLACEMENT WITH A FROST-FREE HYDRANT WITH WEEP HOLE.</p>
C/OM (8) - Has fencing and/or other adequate protection been installed around the wastewater treatment plant? . [401 KAR 5:005 Section 10(7)]	C	<p>IN COMPLIANCE.</p> <p>THE FACILITY IS FENCED AND IS SECURE WHEN NOT ATTENDED.</p>
C/OM (9) - Has an all-weather access road been installed to allow access to the wastewater treatment plant? Is the road adequately maintained to allow access to the facility for operation and maintenance activity? . [401 KAR 5:005 Section 10(8)]	C	<p>IN COMPLIANCE.</p> <p>THE FACILITY DOES NOT MAINTAIN AN ALL WEATHER ROAD; HOWEVER, THE PLANT CAN BE EASILY ACCESSED.</p>
S/OM (11) - Is the sharp crested weir used to measure effluent flow installed in accordance with the criteria specified in regulation 401 KAR 5:005? . [401 KAR 5:005 Section 12(2)]	E	<p>NOT EVALUATED.</p> <p>THE DIVISION INSPECTORS DO NOT HAVE ACCESS TO AS-BUILT PLANS TO DETERMINE IF THE SHARP-CRESTED WEIR (V-NOTCH) WAS INSTALLED AS PER SPECIFICATIONS.</p>
S/OM (12) - Is the Parshall flume(s) used to measure influent or effluent flows installed and maintained in accordance with the criteria specified in regulation 401 KAR 5:005? . [401 KAR 5:005 Section 12(3)]	N	<p>NOT APPLICABLE.</p> <p>THE FACILITY DOES NOT MAINTAIN A PARSHALL FLUME.</p>

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Requirement	Status	Results or Comments
C/OM (16) - Sewage sludge. Did the facility meet the requirements governing the disposal of sewage sludge from publicly owned treatment works, in accordance with 40 CFR Part 503? . [401 KAR 5:065 Section 2(15)]	N	NOT APPLICABLE. THIS IS NOT A MUNICIPAL PLANT. SLUDGE IS WASTED AND HAULED TO THE POTW.
C/OM (18) - Is the effluent in compliance with KPDES permit limitations? Do the Discharge Monitoring Reports indicate KPDES permit violations?. [401 KAR 5:065 Section 1(1)(a)]	E	NOT EVALUATED. ROUTINE INSPECTION.
R/DE (1) - Is the effluent causing degradation of the waters of the Commonwealth 401 KAR 5:031 Section 2 (1) (a, b, c, & d). [401 KAR 5:031 Section 2]	C	IN COMPLIANCE.
C/MA (1) - Are samples collected at sites specified in the KPDES permit and are they representative samples? Are flow proportioned samples obtained when required by the KPDES permit? Are grab samples collected according to the KPDES permit requirements? Are composite samples collected and analyzed according to the KPDES permit conditions? Are samples collected according to KPDES permit requirements?. [401 KAR 5:065 Section 1(1)(a)]	C	IN COMPLIANCE. THE SAMPLES ARE NOW BEING COLLECTED AND ANALYZED BY FOUSER ENVIRONMENTAL AS PER KPDES PERMIT NO. KY0076635 REQUIREMENTS.
C/MA (5) - Is sampling and analysis completed on all parameters specified in the KPDES permit? . [401 KAR 5:065 Section 1(1)(a)]	C	IN COMPLIANCE. THE SAMPLES ARE NOW BEING COLLECTED AND ANALYZED BY FOUSER ENVIRONMENTAL AS PER KPDES PERMIT NO. KY0076635 REQUIREMENTS.
C/MA (6) - Are the facility sample collection procedures adequate? Are the samples collected in proper containers, preserved, and refrigerated properly? Are all samples analyzed within the allowed holding times? . [401 KAR 5:065 Section 1(10)(d)]	C	IN COMPLIANCE. THE SAMPLES ARE NOW BEING COLLECTED AND ANALYZED BY FOUSER ENVIRONMENTAL AS PER KPDES PERMIT NO. KY0076635 REQUIREMENTS.
C/MA (10) - Are samples taken in compliance with the monitoring requirements and taken at the following location(s): nearest accessible point after final treatment, but prior to actual discharge or mixing with receiving waters? . [401 KAR 5:065 Section 1(1)(a)]	C	IN COMPLIANCE. THE SAMPLES ARE NOW BEING COLLECTED AND ANALYZED BY FOUSER ENVIRONMENTAL AS PER KPDES PERMIT NO. KY0076635 REQUIREMENTS.
S/MA (11) - Is the facility sampling in accordance with sampling requirements specified for biomonitoring in the KPDES permit conditions? . [401 KAR 5:065 Section 1(1)(a)]	N	NOT APPLICABLE. THIS FACILITY IS NOT REQUIRED TO PARTICIPATE IN THE BIOMONITORING PROGRAM.

Investigator: *[Signature]* Title: *[Signature]* Date: 11-09-05

- N - Not Applicable
- E - Not Evaluated
- V - Out of Compliance-NOV
- C - No Violations observed
- I - No Violations obs-but impending viol trends obs
- D - Out of Compliance-Violations Documented
- O - Out of Comp-LOW non-recurrent Adm. or O&M

Received By: _____ Title: _____ Date: _____

Delivery Method:



ERNIE FLETCHER
GOVERNOR

ENVIRONMENTAL AND PUBLIC PROTECTION CABINET

LAJUANA S. WILCHER
SECRETARY

DEPARTMENT FOR ENVIRONMENTAL PROTECTION

Division of Water
643 Teton Trail
Frankfort, KY 40601
www.kentucky.gov

November 4, 2005

Certified No. 7001 0320 0004 8170 3581
Return Receipt Requested

R. A. Williams Company, Inc.
Attn: Mr. Ronald J. Osborne
153 Prosperous Way
Suite 1A
Lexington, Kentucky 40509

Re: CEI Report/Notice of Violation
Cedarbrook Subdivision WTP
KPDES No.: KY0076635/AI No.: 1754
CIN20050001/ENV20050001
Harrison County, Kentucky

Dear Mr. Osborne:

The Kentucky Department for Environmental Protection (DEP) has issued the enclosed Notice of Violation for violations discovered as the results of a Compliance Evaluation Inspection (CEI) on October 28, 2005, at your facility. Please review this Notice of Violation and the enclosed CEI report carefully to ensure that all remedial measures are completed.

Your cooperation and attention to this matter is appreciated. If you have any questions, please contact this office at (502) 546-3358.

Sincerely,

Barbara A. Risk, Environmental Inspector III
Division of Water
Frankfort Regional Office.

Bar/BAR

Enclosures

C: File

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

NOTICE OF VIOLATION

To: R. A. Williams Company, Inc.
Attn: Mr. Ronald J. Osborne
153 Prosperous Way
Suite 1A
Lexington, Kentucky 40509

AI Name: Cedarbrook Subd. **AI ID:** 1754 **Activity ID:** ENV20050001
County: Harrison
KPDES Permit No. KY0076635
Enforcement Case ID:
Date(s) Violation(s) Observed: 10/28/2005

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

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

Each wastewater system shall be operated under the supervision of an individual holding a Kentucky operator's certificate for at least the class of system supervised. [401 KAR 5:010 Section 2(1)]

Description of Non Compliance:

REVIEW OF THE FACILITY RECORDS INDICATE THAT THIS FACILITY DOES NOT HAVE A REGISTERED CERTIFIED OPERATOR IN DIRECT RESPONSIBLE CHARGE OF THE PLANT. CHRIS JOHNSON RESIGNED HIS POSITION AS OPERATOR EFFECTIVE 1 JULY 2005.

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

FACILITY TO PROVIDE AN APPROPRIATELY CERTIFIED WASTEWATER TREATMENT PLANT OPERATOR TO OPERATE THE PLANT UPON RECEIPT OF THIS NOTICE. ALL OTHER REMEDIAL MEASURES AS PER THE DIVISION OF ENFORCEMENT. [401 KAR 5:010 Section 2(1)]

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

Reporting Requirements - Monitoring Reports: Monitoring results shall be reported at the intervals specified in the permit. [401 KAR 5:065 Section 1(12)(d)]

Description of Non Compliance:

THE FACILITY IS REQUIRED TO REPORT MONITORING RESULTS ON DISCHARGE MONITORING REPORTS THAT HAVE BEEN POSTMARKED ON OR BEFORE THE 28TH DAY OF THE MONTH FOLLOWING THE END OF THE COMPLETED QUARTER. AS OF 02 NOVEMBER 2005, THE 3RD QUARTER DMRS HAVE NOT YET BEE RECEIVED BY THE DIVISION'S KPDES BRANCH OR THE FRANKFORT REGIONAL OFFICE.

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

UPON RECEIPT OF THIS NOTICE, THE FACILITY SHALL BEGIN SUBMITTING ALL DISCHARGE MONITORING REPORTS TO THE DIVISION POSTMARKED BY THE 28TH

DAY OF THE MONTH FOLLOWING THE COMPLETED QUARTER. ALL OTHER REMEDIAL MEASURES AS PER THE DIVISION OF ENFORCEMENT. [401 KAR 5:065 Section 1(12)(d)]

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 1(5)]

Description of Non Compliance:

THE MLSS WAS DARK AND APPEARED TO BE IN RECOVERY FROM AN UPSET. THE SCUM RETURN WAS INOPERABLE AT THE TIME OF THE INSPECTION. FLOATING SOLIDS AND GREASE WERE NOTED ON THE CLARIFIER. FLOATING GREASE AND SOME SOLIDS WERE NOTED IN THE CONTACT BASIN. THE CONTACT BASIN WAS VERY LOW AND THE PLANT EFFLUENT WAS NOT DISCHARGING INTO THE CONTACT BASIN WHEN IT WAS RUNNING. WHEN THE TIMER SHUT THE PLANT DOWN, EFFLUENT DISCHARGED TO THE CONTACT BASIN. INSPECTION OF THE OUTFALL REVEALED VISUALLY CLEAR EFFLUENT AND MINIMAL SLUDGE IN TOWNSEND CREEK. REVIEW OF THE FACILITY RECORDS INDICATE THAT THIS FACILITY DOES NOT HAVE A REGISTERED CERTIFIED OPERATOR IN DIRECT RESPONSIBLE CHARGE OF THE PLANT.

The required remedial measure(s), and date(s) to be completed by are as follows:
FACILITY TO PROVIDE PROPER OPERATION AND MAINTENANCE OF THE PLANT UPON RECEIPT OF THIS NOTICE. ALL OTHER REMEDIAL MEASURES AS PER THE DIVISION OF ENFORCEMENT. [401 KAR 5:065 Section 1(5)]

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

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'S DISCHARGE MONITORING REPORTS FROM THE 3RD QUARTER 2004 THROUGH THE 2ND QUARTER 2005 REVEALED THE FACILITY IN NONCOMPLIANCE IN SEPTEMBER 2004 FOR DEFICIENT DISSOLVED OXYGEN, EXCEEDING CBOD5 PARAMETERS IN JANUARY AND MARCH 2005; EXCEEDING TOTAL SUSPENDED SOLIDS PARAMETERS JANUARY AND FEBRUARY 2005; EXCEEDING NH3 PARAMETERS IN JANUARY AND FEBRUARY 2005 AND EXCEEDING FECAL COLIFORM PARAMETERS IN JUNE 2005 AND NOT REPORTING TRC DATA.

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

FACILITY TO COMPLY WITH ALL KPDES PERMIT NO. KY0076635 CONDITIONS UPON RECEIPT OF THIS NOTICE. ALL OTHER REMEDIAL MEASURES AS PER THE DIVISION OF ENFORCEMENT. [401 KAR 5:065 Section 1(1)(a)]

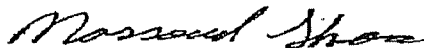
Violations of the above cited statute(s) and/or regulation(s) are subject to a civil penalty per day per violation. Violations carry civil penalties of up to \$25,000 per day per violation depending on the statutes/regulations violated. In addition, violations may be concurrently enjoined. Compliance 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: November 4, 2005



Issued By: _____
Massoud Shoa, Environmental Control Supervisor
Date: November 4, 2005

How Delivered: Certified Certified/Registered # 7001 0320 0004 8170 3581

Status/Comments:

GINS1

Requirement	Status	Results or Comments
C/A (2) - Have all required permits been obtained from the Division of Water prior to the construction, modification, or operation of the facility? . [401 KAR 5:005 Section 1]	C	IN COMPLIANCE. KPDES PERMIT NO. KY0076635 BECAME EFFECTIVE 1 FEBRUARY 2003 AND WILL EXPIRE 31 JANUARY 2008. THE PERMIT WAS MODIFIED IN JULY 2004 TO INCLUDE A TOTAL RESIDUAL CHLORINE PARAMETER TO BE MONITORED AND REPORTED FOR ONE YEAR, BECOMING EFFECTIVE 01 AUGUST 2005.
C/A (8) - Did the facility notify the Division of Water by the most rapid means available whenever, by reason of emergency or accident, a spill or discharge occurs which results in pollution of the waters of the Commonwealth? . [401 KAR 5:015 Section 2]	C	IN COMPLIANCE. THE FACILITY IS AWARE TO REPORT ALL OVERFLOWS, UPSETS, SPILLS, ACCIDENTS, PLANT SHUT-DOWNS, DISCHARGES THAT WOULD NOT MEET PERMIT CONDITIONS, BYPASSES, RELEASES, ETC. BY THE MOST RAPID MEANS AVAILABLE AND WITHIN 24 HOURS OF DISCOVERY.
R/OC (1) - Is the facility being operated under the supervision of a properly certified operator?. [401 KAR 5:010 Section 2(1)]	V	REVIEW OF THE FACILITY RECORDS INDICATE THAT THIS FACILITY DOES NOT HAVE A REGISTERED CERTIFIED OPERATOR IN DIRECT RESPONSIBLE CHARGE OF THE PLANT. CHRIS JOHNSON RESIGNED HIS POSITION AS OPERATOR EFFECTIVE 1 JULY 2005.
C/RK (2) - Does the permittee retain records of all monitoring information including: the date, exact place, and time of sampling or measurements; the name of the individual who performed the sampling or measurements; the dates and times analyses were performed; the name of the individual who performed the analyses; the analytical techniques or methods used; the results of the analyses; 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 the period required by the cabinet and at a minimum of at least three (3) years from the date of the sample, measurement, report, or application? . [401 KAR 5:065 Section 1(10)(b)]	E	NOT EVALUATED. THE DIVISION DID NOT HAVE ACCESS TO PLANT LOGBOOKS AND RECORDS.
C/RR (1) - Is the permittee reporting monitoring results to the cabinet at the intervals specified in the permit? . [401 KAR 5:065 Section 1(12)(d)]	V	THE FACILITY IS REQUIRED TO REPORT MONITORING RESULTS ON DISCHARGE MONITORING REPORTS THAT HAVE BEEN POSTMARKED ON OR BEFORE THE 28TH DAY OF THE MONTH FOLLOWING THE END OF THE COMPLETED QUARTER. AS OF 02 NOVEMBER 2005, THE 3RD QUARTER DMRS HAVE NOT YET BEE RECEIVED BY THE DIVISION'S KPDES BRANCH OR THE FRANKFORT REGIONAL OFFICE.
C/RR (2) - Are the monitoring results reported to the cabinet on a Discharge Monitoring Report (DMR)? . [401 KAR 5:065 Section 1(12)(d)1]	C	IN COMPLIANCE. THE FACILITY IS REQUIRED TO REPORT MONITORING RESULTS ON DISCHARGE MONITORING REPORTS.

GINSI

Requirement	Status	Results or Comments
C/RR (3) - If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR Part 136 or as specified in the permit, are the results of this monitoring included in the calculation and reporting of the data submitted in the DMR? . [401 KAR 5:065 Section 1(12)(d)2]	C	IN COMPLIANCE. THE FACILITY IS AWARE OF THIS REQUIREMENT.
C/RR (4) - Are the calculations for all limitations which require averaging of measurements utilizing an arithmetic mean unless otherwise specified by the Cabinet in the permit? . [401 KAR 5:065 Section 1(12)(d)3]	C	IN COMPLIANCE. LIMITATIONS WHICH REQUIRE AVERAGING ARE CALCULATED UTILIZING THE ARITHMETIC AVERAGE.
C/RR (7) - Is the permittee in compliance for the reporting of spills, bypasses, and non-compliance according KAR 401 5:065 Section 1(12)(f). [401 KAR 5:065 Section 1(12)(f)]	C	IN COMPLIANCE. THE FACILITY IS AWARE TO REPORT ALL OVERFLOWS, UPSETS, SPILLS, ACCIDENTS, PLANT SHUT-DOWNS, DISCHARGES THAT WOULD NOT MEET PERMIT CONDITIONS, BYPASSES, RELEASES, ETC. BY THE MOST RAPID MEANS AVAILABLE AND WITHIN 24 HOURS OF DISCOVERY.
R/OM (1) - Is the facility being properly operated and maintained as specified in regulation 5:065? This includes: (a) proper operation and maintenance of all facilities, systems of treatment and control, and related appurtenances which are installed or used by the permittee to achieve compliance with permit conditions; (b) proper operation and maintenance also includes adequate laboratory controls, and appropriate quality assurance procedures; (c) this provision also 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)]	V	THE MLSS WAS DARK AND APPEARED TO BE IN RECOVERY FROM AN UPSET. THE SCUM RETURN WAS INOPERABLE AT THE TIME OF THE INSPECTION. FLOATING SOLIDS AND GREASE WERE NOTED ON THE CLARIFIER. FLOATING GREASE AND SOME SOLIDS WERE NOTED IN THE CONTACT BASIN. THE CONTACT BASIN WAS VERY LOW AND THE PLANT EFFLUENT WAS NOT DISCHARGING INTO THE CONTACT BASIN WHEN IT WAS RUNNING. WHEN THE TIMER SHUT THE PLANT DOWN, EFFLUENT DISCHARGED TO THE CONTACT BASIN. INSPECTION OF THE OUTFALL REVEALED VISUALLY CLEAR EFFLUENT AND MINIMAL SLUDGE IN TOWNSEND CREEK. REVIEW OF THE FACILITY RECORDS INDICATE THAT THIS FACILITY DOES NOT HAVE A REGISTERED CERTIFIED OPERATOR IN DIRECT RESPONSIBLE CHARGE OF THE PLANT.
R/OM (2) - Are the disinfection unit(s) maintained and operated properly to allow for compliance with permit conditions? . [401 KAR 5:005 Section 11(1)]	I	THE PLANT HAS BEEN OUT OF COMPLIANCE FOR EXCEEDING FECAL COLIFORM PARAMETERS IN JUNE 2005. THE PLANT FLOW DESIGN IS 0.025 MGD. ANY PLANT WHOSE FLOW DESIGN EXCEEDS 0.01 MGD IS REQUIRED TO EMPLOY AN APPROVED METHOD OF DISINFECTION OTHER THAN TABLET CHLORINATION.
C/OM (3) - Does the flow measuring device measure all flow received at the WWTP? For large wastewater facilities (average daily design capacity >50, 000 gpd), is flow measured by an indicating, recording, and totalizing flow measuring device? . [401 KAR 5:005 Section 12]	N	NOT APPLICABLE. THE PLANT IS NOT REQUIRED TO MAINTAIN A FLOWMETER. FLOWS ARE MEASURED BY TIMED DISCHARGE.
C/OM (7) - Is there a source of water provided for cleanup? If potable water is used, is a backflow preventor installed to protect the water supply?. [401 KAR 5:005 Section 10(6)]	C	IN COMPLIANCE. FROST FREE HYDRANT WITH WEEP HOLE.
C/OM (8) - Has fencing and/or other adequate protection been installed around the wastewater treatment plant? . [401 KAR 5:005 Section 10(7)]	C	IN COMPLIANCE. THE FACILITY IS FENCED AND IS SECURE WHEN NOT ATTENDED.

GINSI

Requirement	Status	Results or Comments
C/OM (9) - Has an all-weather access road been installed to allow access to the wastewater treatment plant? Is the road adequately maintained to allow access to the facility for operation and maintenance activity? . [401 KAR 5:005 Section 10(8)]	C	IN COMPLIANCE. THE FACILITY DOES NOT MAINTAIN AN ALL WEATHER ROAD; HOWEVER, THE PLANT CAN BE EASILY ACCESSED.
S/OM (11) - Is the sharp crested weir used to measure effluent flow installed in accordance with the criteria specified in regulation 401 KAR 5:005? . [401 KAR 5:005 Section 12(2)]	E	NOT EVALUATED. THE DIVISION INSPECTORS DO NOT HAVE ACCESS TO AS-BUILT PLANS TO DETERMINE IF THE SHARP-CRESTED WEIR (V-NOTCH) WAS INSTALLED AS PER SPECIFICATIONS.
S/OM (12) - Is the Parshall flume(s) used to measure influent or effluent flows installed and maintained in accordance with the criteria specified in regulation 401 KAR 5:005? . [401 KAR 5:005 Section 12(3)]	N	NOT APPLICABLE. THE FACILITY DOES NOT MAINTAIN A PARSHALL FLUME.
C/OM (16) - Sewage sludge. Did the facility meet the requirements governing the disposal of sewage sludge from publicly owned treatment works, in accordance with 40 CFR Part 503? . [401 KAR 5:065 Section 2(15)]	N	NOT APPLICABLE. THIS IS NOT A MUNICIPAL PLANT. SLUDGE IS WASTED AND HAULED TO THE POTW.
C/OM (18) - Is the effluent in compliance with KPDES permit limitations? Do the Discharge Monitoring Reports indicate KPDES permit violations?. [401 KAR 5:065 Section 1(1)(a)]	V	REVIEW OF THE FACILITY'S DISCHARGE MONITORING REPORTS FROM THE 3RD QUARTER 2004 THROUGH THE 2ND QUARTER 2005 REVEALED THE FACILITY IN NONCOMPLIANCE IN SEPTEMBER 2004 FOR DEFICIENT DISSOLVED OXYGEN, EXCEEDING CBOD5 PARAMETERS IN JANUARY AND MARCH 2005; EXCEEDING TOTAL SUSPENDED SOLIDS PARAMETERS JANUARY AND FEBRUARY 2005; EXCEEDING NH3 PARAMETERS IN JANUARY AND FEBRUARY 2005 AND EXCEEDING FECAL COLIFORM PARAMETERS IN JUNE 2005 AND NOT REPORTING TRC DATA.
R/DE (1) - Is the effluent causing degradation of the waters of the Commonwealth 401 KAR 5:031 Section 2 (1) (a, b, c, & d). [401 KAR 5:031 Section 2]	C	IN COMPLIANCE. INSPECTION OF OUTFALL 001 AND TOWNSEND CREEK, THE RECEIVING STREAM REVEALED A VISUALLY CLEAR EFFLUENT DISCHARGE AND MINIMAL SLUDGE DEPOSITS IN THE CREEK.
C/MA (1) - Are samples collected at sites specified in the KPDES permit and are they representative samples? Are flow proportioned samples obtained when required by the KPDES permit? Are grab samples collected according to the KPDES permit requirements? Are composite samples collected and analyzed according to the KPDES permit conditions? Are samples collected according to KPDES permit requirements?. [401 KAR 5:065 Section 1(1)(a)]	E	NOT EVALUATED. SEE COVER LETTER FOR DISCUSSION REGARDING FOUSER ENVIRONMENTAL AND SAMPLING FOR THE 3RD QUARTER 2005.
C/MA (5) - Is sampling and analysis completed on all parameters specified in the KPDES permit? . [401 KAR 5:065 Section 1(1)(a)]	E	NOT EVALUATED. SEE COVER LETTER FOR DISCUSSION REGARDING FOUSER ENVIRONMENTAL AND SAMPLING FOR THE 3RD QUARTER 2005.
C/MA (6) - Are the facility sample collection procedures adequate? Are the samples collected in proper containers, preserved, and refrigerated properly? Are all samples analyzed within the allowed holding times? . [401 KAR 5:065 Section 1(10)(d)]	E	NOT EVALUATED. SEE COVER LETTER FOR DISCUSSION REGARDING FOUSER ENVIRONMENTAL AND SAMPLING FOR THE 3RD QUARTER 2005.

GINSI

Requirement	Status	Results or Comments
C/MA (10) - Are samples taken in compliance with the monitoring requirements and taken at the following location(s): nearest accessible point after final treatment, but prior to actual discharge or mixing with receiving waters? . [401 KAR 5:065 Section 1(1)(a)]	E	NOT EVALUATED. SEE COVER LETTER FOR DISCUSSION REGARDING FOUSER ENVIRONMENTAL AND SAMPLING FOR THE 3RD QUARTER 2005.
S/MA (11) - Is the facility sampling in accordance with sampling requirements specified for biomonitoring in the KPDES permit conditions? . [401 KAR 5:065 Section 1(1)(a)]	N	NOT APPLICABLE. THIS FACILITY IS NOT REQUIRED TO PARTICIPATE IN THE BIOMONITORING PROGRAM.

Investigator:

R. D. [Signature]

Title:

Env. Insp. III

Date:

10/28/05

- N - Not Applicable
- E - Not Evaluated
- V - Out of Compliance-NOV
- C - No Violations observed
- I - No Violations obs-but impending viol trends obs
- D - Out of Compliance-Violations Documented
- O - Out of Comp-LOW non-recurrent Adm. or O&M

Received By:

Title:

Date:

Delivery Method:



*Rec'd
6/01/07
ce LWS
m&c*

ERNIE FLETCHER
GOVERNOR

ENVIRONMENTAL AND PUBLIC PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

TERESA J. HILL
SECRETARY

Division of Water
9116 Leegate Rd
Louisville, KY 40222-5084
www.kentucky.gov

May 30, 2007

Certified No. 7006 0100 0002 6727 3416
Return Receipt Requested

Mr. Lawrence W. Smither
1706 Bardstown Rd
Louisville, KY 40205

Re: Notice of Violation
AI ID: 1643
AI Name: Airview Utilities LLC
Activity ID: ENV20070001
Permit No. KY0045390
Hardin County, KY

Dear Mr. Lawrence W. Smither:

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.

Failure to comply with all remedial measures could result in enforcement action and the assessment of penalties. Your cooperation and attention to this matter is appreciated. If you have any questions, please contact me at 502-429-7122.

Sincerely,

Cynthia Smith

Ms. Cindy A Smith,
Environmental Inspector III
Division of Water

Enclosure

*6/29/07
Talked To Cindy she
said monday response would be
OK. 7/2/07*

**ENVIRONMENTAL AND PUBLIC PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
Division of Water**

NOTICE OF VIOLATION

To: Mr. Lawrence W. Smither
1706 Bardstown Rd
Louisville, KY 40205

AI Name: Airview Utilities LLC **AI ID:** 1643 **Activity ID:** ENV20070001
County: Hardin
Enforcement Case ID:
Date(s) Violation(s) Observed: 05/17/2007

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

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

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]

Description of Non Compliance:

Discoloration in receiving stream

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

Abide by all KPDES permit conditions Submit documentation of remedial measures by June 30, 2007..
[401 KAR 5:065 Section 1]

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

There shall be no discharge of floating solids or visible foam in other than trace amounts. [401 KAR 5:031 Section 2]

Description of Non Compliance:

Discoloration in receiving stream

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

Abide by all KPDES permit conditions Submit documentation of remedial measures by June 30, 2007..
[401 KAR 5:031 Section 2]

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

Monitoring results shall be reported on a Discharge Monitoring Report (DMR). [401 KAR 5:065 Section 1(12)(d)1]

Description of Non Compliance:

DMR review for January-March 2007 indicated violations for TSS and fecal coliform.

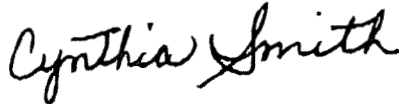
The remedial measure(s), and date(s) to be completed by are as follows:

Abide by all KPDES permit conditions Submit documentation of remedial measures by June 30, 2007..
[401 KAR 5:065 Section 1]

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.

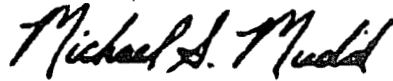
If you have questions or need further information, write or call the undersigned:

Division of Water
Louisville Regional Office
9116 Leesgate Rd
Louisville, KY 40222-5084
502-429-7122 (8:00 AM - 4:30 PM)
Ms. Cindy A Smith, Environmental Inspector III



Issued By:

Cindy A Smith, Environmental Inspector III
Date: May 30, 2007



Issued By:

Michael S Mudd, Environmental Control Supervisor
Date: May 30, 2007

Certified/Registered # 7006 0100 0002 6727 3416

Environmental and Public Protection Cabinet
Department for Environmental Protection
Division of Water
Wastewater Inspection Report

AI ID: 1643 **AI Type:** RESIDENCE- Subdivision (nec)
AI Name: Airview Utilities LLC
AI Address: US 31 W
City: Elizabethtown, **State:** Kentucky **Zip:** 42701
County: Hardin **Regional Office:** Louisville Regional Office
Latitude: 37.758333 **Longitude:** -85.892222
Site Contact: Larry Smithers
Title: Ownerne)
Inspection Type: WW CEI-Minor Non-Mun **Activity #:** CIN20070001
Incident IDs: 3097, 171849
Inspection Start Date: May 17, 2007 **Time:** 07:45 AM **End Date:** May 17, 2007 **Time:** 09:30 AM
Site/Permit ID: KY0045390

Lead DEP Investigator: Cindy A Smith
Other DEP Investigators:
External Investigators:
Persons Interviewed: Larry Smithers

General Comments: Overall Compliance Status: Out of Compliance- NOV

Investigation Results

SI: AIOO1643

SI: GINS1 The lagoon is full and needs to have sludge removed to gain capacity. A fecal sample was taken at the time of inspection which resulted in 20 col/100ml

Requirement: R/A (1) - Inspection and Entry: Did the permittee allow the cabinet, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to: (a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records pertinent to the KPDES program are or may be kept?; (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit?; (c) Inspect at reasonable times any facilities, equipment, including monitoring and control equipment, practices, or operations regulated or required under this permit?; and (d) Sample or monitor at reasonable times, for the purposes of assuring KPDES program compliance or as otherwise authorized by KRS Chapter 224, any substances or parameters at any location? .401 KAR 5:065 Section 1(9)

Compliance Status: No Violations observed

Comment:

Requirement: C/A (2) - Have all required permits been obtained from the Division of Water prior to the construction, modification, or operation of the facility? .401 KAR 5:005 Section 1

Compliance Status: No Violations observed

Comment:

Requirement: C/A (4) - Has the facility reapplied in a timely fashion prior to the expiration date of the current permit as specified in regulation 401 KAR 5:060, section 1? .401 KAR 5:065 Section 1(2)

Compliance Status: No Violations observed

Comment:

Requirement: C/A (5) - Has the facility with a currently effective permit submitted a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the cabinet? .401 KAR 5:060 Section 1(5)

Compliance Status: No Violations observed

Comment:

Requirement: C/A (6) - Can this facility connect to an available regional wastewater facility? .401 KAR 5:005 Section 4(6)

Compliance Status: Not Applicable

Comment: This facility is currently out of the planning area of the City of Elizabethtown.

Requirement: C/A (8) - Did the facility notify the Division of Water by the most rapid means available whenever, by reason of emergency or accident, a spill or discharge occurs which results in pollution of the waters of the Commonwealth? .401 KAR 5:015 Section 2

Compliance Status: No Violations observed

Comment:

Requirement: C/A (9) - Is the facility required to prepare and implement a groundwater protection plan (GPP) as specified in regulation 401 KAR 5:037? (a) If yes, does the facility have a GPP? .401 KAR 5:037 Section 2(2)

Compliance Status: Not Evaluated

Comment:

Requirement: C/A (19) - Occurrence of a Bypass - Prohibition of a Bypass:1. Bypassing is prohibited, and the cabinet may take enforcement action against a permittee for bypass, unless: a. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage. b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and c. The permittee submitted notices as required under paragraph (b) of this subsection.2. The cabinet may approve an anticipated bypass, after considering its adverse effects, if the cabinet determines that it will meet the three (3) conditions listed in above. 401 KAR 5:065 Section 1(13)(c)

Compliance Status: No Violations observed

Comment:

Requirement: R/OC (1) - Does the facility have a properly certified operator that is in direct responsible charge at time of inspection? .401 KAR 5:010 Section 2(1)

Compliance Status: No Violations observed

Comment:

Requirement: R/OC (2) - If the certified operator is not physically present while a system is operating, is the operator reasonably available? .401 KAR 5:010 Section 2(2)

Compliance Status: No Violations obs-but impending viol trends obs

Comment:

Requirement: C/RK (1) - Are all samples and measurements, taken for the purpose of monitoring, representative of the monitored activity? .401 KAR 5:065 Section 1(10)(a)

Compliance Status: Not Evaluated

Comment:

Requirement: C/RK (2) - Does the permittee retain records of all monitoring information including: the date, exact place, and time of sampling or measurements; the name of the individual who performed the sampling or measurements; the dates and times analyses were performed; the name of the individual who performed the analyses; the analytical techniques or methods used; the results of the analyses; 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 the period required by the cabinet and at a minimum of at least three (3) years from the date of the sample, measurement, report, or application? .401 KAR 5:065 Section 1(10)(b)

Compliance Status: Not Evaluated

Comment:

Requirement: C/RK (3) - Has monitoring been conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in the permit? .401 KAR 5:065 Section 1(10)(c)

Compliance Status: Not Evaluated

Comment:

Requirement: C/RK (4) - Has the permittee falsified, tampered with, or knowingly rendered inaccurate any monitoring device or method required to be maintained under the permit? .401 KAR 5:065 Section 1(10)(e)

Compliance Status: Not Evaluated

Comment:

Requirement: C/RR (5) - Records Retention:a. Did the permittee maintain records of all monitoring, including: the exact place of sampling, dates and times, sampling and analytical methods used, persons obtaining samples or measurements, analyses dates and times, persons performing analyses, and results of analyses and measurements?; b. Did the permittee maintain records for three (3) years or longer if there is unresolved litigation or if requested by the Division of Water? .401 KAR 5:065 Section 1(10)(b)

Compliance Status: Not Evaluated

Comment:

Requirement: C/RR (1) - Is the permittee reporting monitoring results to the cabinet at the intervals specified in the permit? .401 KAR 5:065 Section 1(12)(d)

Compliance Status: No Violations observed

Comment:

Requirement: C/RR (2) - Are the monitoring results reported to the cabinet on a Discharge Monitoring Report (DMR)? .401 KAR 5:065 Section 1(12)(d)1

Compliance Status: No Violations observed

Comment:

Requirement: C/RR (3) - If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR Part 136 or as specified in the permit, are the results of this monitoring included in the calculation and reporting of the data submitted in the DMR? .401 KAR 5:065 Section 1(12)(d)2

Compliance Status: Not Applicable

Comment:

Requirement: C/RR (4) - Are the calculations for all limitations which require averaging of measurements utilizing an arithmetic mean unless otherwise specified by the Cabinet in the permit? .401 KAR 5:065 Section 1(12)(d)3

Compliance Status: No Violations observed

Comment:

Requirement: C/RR (5) - Signatory Requirement:Are all applications, reports, or information submitted to the cabinet signed and certified as indicated in 401 KAR 5:060, Section 9? Any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be subject to penalties under KRS 224.99-010(4). 401 KAR 5:065 Section 1(11)

Compliance Status: No Violations observed

Comment:

Requirement: C/RR (6) - Planned Changes: When required as specified by regulation 401 KAR 5:065, did the permittee give notice to the cabinet as soon as possible of any planned physical alteration or additions to the permitted facility including alterations or additions that could significantly change the nature or increase the quantity of discharged pollutants? .401 KAR 5:065 Section 1(12)(a)

Compliance Status: Not Applicable

Comment:

Requirement: C/RR (7) - Did the permittee follow the provisions of 401 KAR 5:015 and orally report any noncompliance which may endanger health or the environment, within twenty-four (24) hours from the time the permittee becomes aware of the circumstances? .401 KAR 5:065 Section 1(12)(f)

Compliance Status: No Violations observed

Comment: Operator routinely reports overflows within 24 hours.

Requirement: C/RR (8) - Did the permittee also provide within five (5) days of the time the permittee becomes aware of the circumstances a written submission that contains 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 recurrence of the noncompliance. The cabinet may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours. 401 KAR 5:065 Section 1(12)(f)

Compliance Status: No Violations observed

Comment:

Requirement: C/RR (9) - Did the permittee have and report any of the following events within 24 hours? The following events shall be reported within twenty-four (24) hours:

1. Any unanticipated bypass which exceeds any effluent limitation in the permit, as indicated in subsection (13) of 401 KAR 5:065.
2. Any upset which exceeds any effluent

limitation in the permit.

3. Violation of a maximum daily discharge limitation for

any of the pollutants listed by the cabinet in the permit to be reported within twenty-four (24) hours, as indicated in Section 2(7) of regulation 5:065. 401 KAR 5:065 Section 1(12)(f)

Compliance Status: No Violations observed

Comment: Operator reports overflows within 24 hours.

Requirement: R/OM (1) - Is the facility being properly operated and maintained as specified in regulation 5:065?

This includes:

(a) proper operation

and maintenance of all facilities, systems of treatment and control, and related appurtenances which are installed or used by the permittee to achieve compliance with permit conditions;

(b) proper operation and maintenance also includes adequate laboratory controls, and appropriate quality assurance procedures;

(c) this provision also 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)

Compliance Status: No Violations observed

Comment: Lift station pumps have all been repaired.

Requirement: R/OM (2) - Are the disinfection unit(s) maintained and operated properly to allow for compliance with permit conditions? 401 KAR 5:005 Section 11(1)

Compliance Status: No Violations observed

Comment:

Requirement: C/OM (3) - Does the flow measuring device measure all flow received at the WWTP? For large wastewater facilities (average daily design capacity >50,000 gpd), is flow measured by an indicating, recording, and totalizing flow measuring device? 401 KAR 5:005 Section 12

Compliance Status: No Violations observed

Comment:

Requirement: C/OM (4) - Does the distribution piping in the slow sand filter(s) designed, operated and maintained to drain properly? 401 KAR 5:005 Section 15(6)

Compliance Status: Not Applicable

Comment:

Requirement: C/OM (5) - Does the flow equalization basin(s) have an emergency overflow to an appropriate point in the treatment scheme; no bypassing to the stream is observed? 401 KAR 5:005 Section 17(1)(c)

Compliance Status: Not Applicable

Comment:

Requirement: C/OM (6) - Is the location of each lagoon at least 200 feet from any present or future residence? 401 KAR 5:005 Section 18(3)

Compliance Status: No Violations observed

Comment:

Requirement: C/OM (7) - Has a water supply with a suitable backflow preventer been provided to facilitate cleaning and maintenance of the wastewater treatment plant? 401 KAR 5:005 Section 10(6)

Compliance Status: No Violations observed

Comment: Water supply available for cleaning.

Requirement: C/OM (8) - Has fencing and/or other adequate protection been installed around the wastewater treatment plant? 401 KAR 5:005 Section 10(7)

Compliance Status: No Violations observed

Comment:

Requirement: C/OM (9) - Has an all-weather access road been installed to allow access to the wastewater treatment plant? Is the road adequately maintained to allow access to the facility for operation and maintenance activity? 401 KAR 5:005 Section 10(8)

Compliance Status: No Violations observed

Comment:

Requirement: C/OM (10) - Has a bypass or overflow structure been constructed in the sewer line(s), pump stations, or wastewater treatment plant without prior written approval from the Cabinet? 401 KAR 5:005 Section 7(5)

Compliance Status: No Violations observed

Comment:

Requirement: C/OM (13) - Are positive sludge returns provided for the extended aeration package wastewater treatment plant and are they operating properly? 401 KAR 5:005 Section 10(5)

Compliance Status: No Violations observed

Comment:

Requirement: C/OM (14) - Tablet chlorination equipment shall not be used on wastewater treatment facilities with an average daily design capacity of > 10,000 gpd. 401 KAR 5:005 Section 11(2)

Compliance Status: Not Applicable

Comment:

Requirement: C/OM (16) - Sewage sludge. Did the facility meet the requirements governing the disposal of sewage sludge from publicly owned treatment works, in accordance with 40 CFR Part 503? .401 KAR 5:065 Section 2(14)

Compliance Status: No Violations observed

Comment: Sludge hauled to landfill by septic hauler. The lagoon is full and needs to be cleaned out.

Requirement: C/OM (18) - Is the facility in compliance with all permit conditions listed in KPDES regulation 401 KAR 5:065? .401 KAR 5:065 Section 1

Compliance Status: Out of Compliance-NOV

Comment: Discoloration in receiving stream

Requirement: R/DE (1) - Does the effluent contain floating solids, visible sheen, or foam in other than trace amounts? .401 KAR 5:031 Section 2

Compliance Status: Out of Compliance-NOV

Comment: Discoloration in receiving stream

Requirement: C/MA (1) - Are samples collected at sites specified in the KPDES permit and are they representative samples? .401 KAR 5:070 Section 3

Compliance Status: Not Evaluated

Comment:

Requirement: C/MA (2) - Are flow proportioned samples obtained when required by the KPDES permit? .401 KAR 5:070 Section 3

Compliance Status: Not Evaluated

Comment:

Requirement: C/MA (3) - Are grab samples collected according to the KPDES permit requirements? .401 KAR 5:070 Section 3

Compliance Status: Not Evaluated

Comment:

Requirement: C/MA (4) - Are composite samples collected and analyzed according to the KPDES permit conditions? .401 KAR 5:070 Section 3

Compliance Status: Not Evaluated

Comment:

Requirement: C/MA (5) - Is sampling and analysis completed on all parameters specified in the KPDES permit? .401 KAR 5:070 Section 3

Compliance Status: Not Evaluated

Comment:

Requirement: C/MA (6) - Are the facility sample collection procedures adequate? .401 KAR 5:065 Section 1(10)(d)

Compliance Status: Not Evaluated

Comment:

Requirement: C/MA (7) - Are the samples collected in proper containers, preserved, and refrigerated properly? .401 KAR 5:065 Section 1(10)(d)

Compliance Status: Not Evaluated

Comment:

Requirement: C/MA (8) - Are all samples analyzed within the allowed holding times? .401 KAR 5:065 Section 1(10)(d)

Compliance Status: Not Evaluated

Comment:

Requirement: C/MA (9) - Does the facility Discharge Monitoring Reports indicate KPDES permit violations? .401 KAR 5:065 Section 1(12)(d)1

Compliance Status: Out of Compliance-NOV

Comment: DMR review for January-March 2007 indicated violations for TSS and fecal coliform.

Requirement: C/MA (10) - Are samples taken in compliance with the monitoring requirements and taken at the following location(s): nearest accessible point after final treatment, but prior to actual discharge or mixing with

receiving waters? .401 KAR 5:070 Section 3
Compliance Status: Not Evaluated
Comment:

Documentation

- | | |
|---|---|
| <input checked="" type="checkbox"/> Photos taken | <input type="checkbox"/> Record of visual determination of opacity |
| <input type="checkbox"/> Documents obtained from facility | <input checked="" type="checkbox"/> Samples taken by DEP |
| <input type="checkbox"/> Samples taken by outside source | <input type="checkbox"/> Regional office instrument readings taken |
| <input type="checkbox"/> Request for Submission of Documents | <input type="checkbox"/> Other documentation |

Inspector:

Cynthia Smith

Date: 05/30/2007

Received By: _____ **Title:** _____ **Date:** _____

Delivery Method:

Certified Mail Number: 7006 0100 0002 6727 3416

**Airview Utilities Inc.
1706 Bardstown Road
Louisville, Kentucky 40205
502-238-3301 Fax 502-238-3329**

July 2, 2007

Ms. Cindy A. Smith
Environmental Inspector III
Division of Water
9116 Leesgate Road
Louisville, KY 40222-5084

Re: Airview Utilities Inc.
AI ID 1643
Activity ID ENV20070001
Permit No. KY 0045390
Hardin County

Dear Ms. Smith:

In response to your inspection report and notice of violation the cause of the discoloration of the receiving stream and the problem in meeting the conditions of the KPDES Permit is the tertiary lagoon and its condition.

As you are well aware the lagoon is full of solids that have accumulated there over a period of many years. Of course, the only remedy for this is to have the lagoon pumped and cleaned, and this has been scheduled.

Several years ago the previous owner of this sewer utility, Fred Schlatter, tendered an application to the Public Service Commission for a sewer rate increase and also a surcharge to accumulate the necessary funds to make capital improvements to this utility. Among those items was the cleaning of the lagoon. This request was approved and the collection of the surcharge was started 3 years ago.

Attached you will find a copy of Attachment "B" from the PSC staff report which authorized the surcharge and the attachment lists the items of repair and the order in which they were to be addressed.

(2)

The funds have now been accumulated, the designated time has arrived and a contract has been let to Martin's Sanitation Service Co., Inc., of Paris Kentucky to clean the lagoon.

I have been informed by Mike Thornton, President of Martin's Sanitation, that the lagoon cleaning is scheduled to begin on or about August 15, 2007 and should take between 3 to 4 weeks to complete.

Once the cleaning is complete and the lagoon refills, I trust that the quality of the effluent discharged from this facility should improve because generally the effluent from the secondary clarifier is of good quality.

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

Sincerely,

Lawrence W. Smither

**ATTACHMENT B
STAFF REPORT CASE NO. 2003-000494
STAFF'S RECOMMENDED REPAIR SCHEDULE**

Repair Description	Estimated Repair Costs		Accumulated Surcharge Collections	Month Construction to Begin ¹
	Itemized Costs	Accumulated Costs		
1) Remote Lift Station (Guide Rail, Pumps, & Control Panel)	\$ 22,552	\$ 22,552	\$ 23,143.47	7
2) 2 Blower Motors & Control Panel	11,893	34,445	36,358.31	11
3) 13 1/2" Diffuser Drops with 3/8" Diffusers	4,145	38,590	39,674.52	12
4) Pump-Out & Dispose of Lagoon Sludge	75,000	113,590	115,717.35	35
5) Video Inspection of Mains	5,400	118,990	118,990.00	36
Totals	\$ 118,990			

¹The Month construction is scheduled to begin is from the date of the Final Order.

Proposed Journal Entry of R.A. Williams

The cost associated with the transfer is as follows:

Cost of Transfer \$30,000.00

Loans Payable \$30,000.00

Close to Retained Earnings:

Retained Earnings \$30,000.00

Cost of Transfer \$30,000.00

Write off of assets and liabilities:

Accumulated Depreciation	\$ 10,586.16	
Loans Payable	195,947.03	
Note Payable – Long Term	12,425.31	
Contribution in Aid of Construction	91,255.00	
Cash		\$ 16,928.21
Accounts Receivable		8,739.89
Property		102,210.59
Retained Earnings		182,334.81

This journal entry will change as the plant will continue to operate until the date of transfer.

TO BE PROVIDED

**Corrective Action Plan
Phase II I/I Study**

**Cedarbrook Subdivision
U.S. Highway 27
Cynthiana, KY**

Prepared for:

The R.A. Williams Company
153 Prosperous Place
Lexington, KY 40509

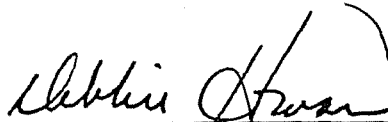
Prepared by:

Shield Environmental Associates, Inc.
2456 Fortune Drive, Suite 100
Lexington, KY 40509

Project No. 300-1771



Nicole R. Galavotti, P.E.
Project Engineer



Debbie Howard
Environmental Specialist

July 2004



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E. Pipe Eyes, LLC TV Report



1.0 Introduction

1.1 Background

Shield Environmental Associates, Inc. (Shield) was contracted by The R.A Williams Company to perform the Phase II Inflow and Infiltration Investigation for the Cedarbrook Subdivision. This work is being performed in accordance with Agreed Order Case No. DOW 02501 filed August 22, 2003.

The Cedarbrook Subdivision is a small residential community located on U.S. Highway 27 in Cynthiana (Harrison County), KY. (Figure 1) The development is comprised of 54 single family dwellings. The wastewater discharged from these dwellings flows to and is treated by the Cedarbrook Wastewater Treatment Plant (WWTP). The WWTP is an extended aeration activated sludge plant permitted by the Kentucky Department of Environmental Protection, KPDES permit number KY0076635. Design capacity of the plant is 25,000 gallons per day and services a collection system consisting of eleven gravity sewer lines, one force main, eleven manholes and one pump station. The treated effluent is discharged into an unnamed tributary of Townsend Creek.

Shield performed the initial I/I study in 2000. The results from this study can be found in the Shield report titled "Inflow and Infiltration Study, December 2000". During this investigation it was noted that there were a number of issues which were contributing to the additional flow into the sewer system during periods of precipitation. According to the plant operator, Chris Johnson, the deficiencies stated in the original report have been addressed.

1.2 Scope and Objectives

The objective of this study was to attempt to quantify and locate the storm water inflow and infiltration into the sanitary sewer lines that exist in the Cedarbrook Subdivision. Actions performed at the site include the following:

- Flow data loggers installed in three areas of the system and monitored for three weeks



- Rainfall data collected for the three weeks when flow was monitored
- Visually inspected the system during a rainfall event
- Television (TV) inspected the suspected areas of I/I
- Phase II report prepared to summarize findings

1.3 Report Organization

This report is divided into four sections. Section 1 presents background information as well as the scope and objectives of the investigation performed. Section 2 documents the data collection process from the flow monitoring, local precipitation records and TV line study. Section 3 presents the results and provides a discussion of the data. Section 4 provides Shield's conclusions and recommendations based on the activities performed.



2.0 Data Collection

Flow measurements were taken at three locations to quantify the flow in different areas of the collection system. This information was then compared with the rainfall data for the area. A TV system was set up in the main trunk line to view any anomalies in the pipe, service connections or entrances to manholes.

2.1 Flow Monitoring

Flow monitoring was performed in three locations as noted in the filed Agreed Order Case No. DOW 02501. The areas located are detailed on Figure 2. The areas observed were chosen due to the past investigation and to ascertain if the I/I was being contributed from just one area of the system. Isco 4150 Area Velocity Flow Loggers were used with low profile sensors. Photos of this equipment can be found in Appendix A. The instruments were calibrated and the inputs were made to calculate flow based on depth in an eight inch pipe. Flowlink Software 4.1 for Windows was used to download the instruments on a weekly basis. The original test period was anticipated to be three weeks, although some areas tested slightly more and some slightly less due to operational issues. It should also be noted that the instrument time readouts are based on Eastern Standard Time. These tests were performed during Daylight Savings Time, which causes a one hour discrepancy.

Flow monitoring near Manhole #5 in the line section originating before Manhole #10 and ending at Manhole #5 was designated as "Cedarbrook". The flow was monitored November 14th through December 8th. The data logger was installed earlier to ensure it was operating effectively and to ensure the download process to retrieve data was operational. Data points were recorded 8 times every hour for three plus weeks.

Another flow monitor was set up at Manhole #4 to capture flow from the system up to that point. This point was chosen to determine if the section around Manhole #5 and #10 were contributing to the I/I or if the additional line to Manhole #4 was an issue also. The area included Manhole #10, #5, #3, #4, the pump station and force main. The force main and pump station were included because there is typically less likelihood of I/I from these sources. This data logger was designated "Cedarbrook3". The data logger



monitored flow from November 17th through December 8th. The data from December 5th shows a large amount of negative numbers indicating some fouling with the sensor. This days data has been removed from the dataset.

The last flow monitor was set up at Manhole #7 near the WWTP. There was inconsistent historical data on flow entering the plant, so this monitor would verify the information provided by the flow meter at the WWTP. This data logger monitored flow from November 17th through December 3rd and was designated "Cedarbrook4". On December 3rd there was a buildup of grease in the line which resulted in the surcharging of Manhole #7. After the surcharge, the data logger would not record any further data and shut itself down. Typically the unit would reset itself in this instance, but it is believed that faulty seals caused the unit to no longer be a submersible enclosure. Although the dataset is a few days from the requested three weeks, there were no sizable rain events during this timeframe.

2.2 Inspection during rain event

Several inspections were made at the site during rain events. None of these rain events were sizable in reviewing the rainfall data for that particular day, but the rainfall data is recorded from 7 am to 7 am. Trips were made to the site on November 18th and November 19th to inspect the manholes and note any other information that may have been of interest. The documentation is provided for the November 19th inspection. There were no abnormalities reported with any manholes. The field notes and photos can be found in Appendix B.

2.3 TV Inspection

R.A. Williams performed a television inspection on the line upgradient of Manhole #10 through Manhole #10 and down to Manhole #5 on June 8, 2001. Based on the information recorded by the data loggers and the precipitation data acquired from the National Climatic Data Center it was decided that we would TV the line from the plant to Manhole #7, Manhole #8, Manhole #9 to Manhole 9A. Manhole 9A was not mentioned in the previous report because it could not be located. Shield verified by using the TV camera that the manhole does exist and is approximately 320 feet from Manhole #9.



Pipe Eyes, LLC was hired on January 12, 2004 to TV the lines and document the event on video. The total footage of lines that were viewed with the camera was 814 feet.

2.4 Precipitation Data

Precipitation data was collected from the National Climatic Data Center (NCDC) from National Oceanic and Atmospheric Administration (NOAA). The Coop ID for the Cynthiana area is 151998. Rainfall is reported on a daily basis from 7 am to 7 am. The precipitation from November and December 2003 can be found in Appendix C. Below is a table containing the days that rainfall was reported during the timeframe the data loggers were collecting flow data.

Year	Month	Day	Precip. (in)
2003	Nov.	14	0.3
2003	Nov.	15	0.09
2003	Nov.	18	0.41
2003	Nov.	19	0.07
2003	Nov.	24	0.28
2003	Nov.	27	1.17
2003	Nov.	28	0.26
2003	Dec.	6	0.13

Table 1 Rainfall Data for November, December 2003



3.0 Results and Discussion

The results of the data collected are presented and discussed in this section.

3.1 Flow Data vs. Precipitation Data

On average there was three weeks of data at three locations in the system. After reviewing the data and plotting it on an hourly basis the precipitation data could be correlated. As can be seen in Figure 3, Figure 4, and Figure 5, the flow during days of little or no rainfall are fairly consistent. The peak flow noted on November 28th is a direct result of the rainfall event which measured 1.17 inches on November 27th. The rainfall takes time to percolate the soil, but then enters the system and is illustrated in the graphs. All three data loggers demonstrate flows three to four times higher than the average daily flow. This correlation suggests that there is prevalent inflow and infiltration to the system in all three areas.

Figure 6 illustrates the flow for the November 27th, 28th and 29th. The data has been corrected to remove the average base flow for that time interval. The average flow based on a specific time increment has been calculated using all data excluding the increased flow from November 28th and 29th. For instance, the average flow for the Cedarbrook data logger at 6:00am is 0.4 gpm. This number has been subtracted from the flow for the three days mentioned and then all positive values were plotted. The subsequent graph shows the amount of infiltration/inflow at the three stations. The maximum flows seen during the test period reflect approximately 14 gpm of I/I at the Cedarbrook data logger. Taking into account the I/I from Cedarbrook, the I/I from Cedarbrook3 is approximately 46 gpm and with the same rationalization, Cedarbrook4 is approximately 25 gpm. According to the data collected, all areas appear to have been affected by the rainfall.



3.2 TV Inspection

A report detailing the TV inspection can be found in Appendix E. The inspection originated at Manhole #7 and continued through Manhole #8, #9 and #9A. As seen in the video from 2001, the joints where the pipe pieces were connected has settled causing misalignment of the pipe. This same issue was noted in the 2004 video. A compression joint for vitrified clay pipe was developed for joint tightness, but it is unclear from the video if the original pipe was installed with this compression joint.

There seems to be a prevalent issue with how service connections were made to the main trunk line. Most service connections have not been sealed and some do not remain flush with the side of the main line. It does not appear that one contractor made the connections to the main line using a required method, but instead it was done on an as-needed basis. The issues surrounding the service connections can account for a considerable amount of I/I. Homeowners will be held responsible for repairing and/or installing proper connections to the main sewer lines.

Roots are visible in the video as well is a break in the 8" VCP near Manhole #9A. These signs, as well as the pipe misalignment, are evidence of the deteriorating condition of the remaining pipe.

One item that is not probably contributing to the I/I at the Cedarbrook Subdivision, but is causing operational issues, is the excessive amount of grease balls found in the line. A subdivision of this size typically does not have this much grease, which would lead one to suspect that someone may illegally be dumping waste grease into the system from an outside source.



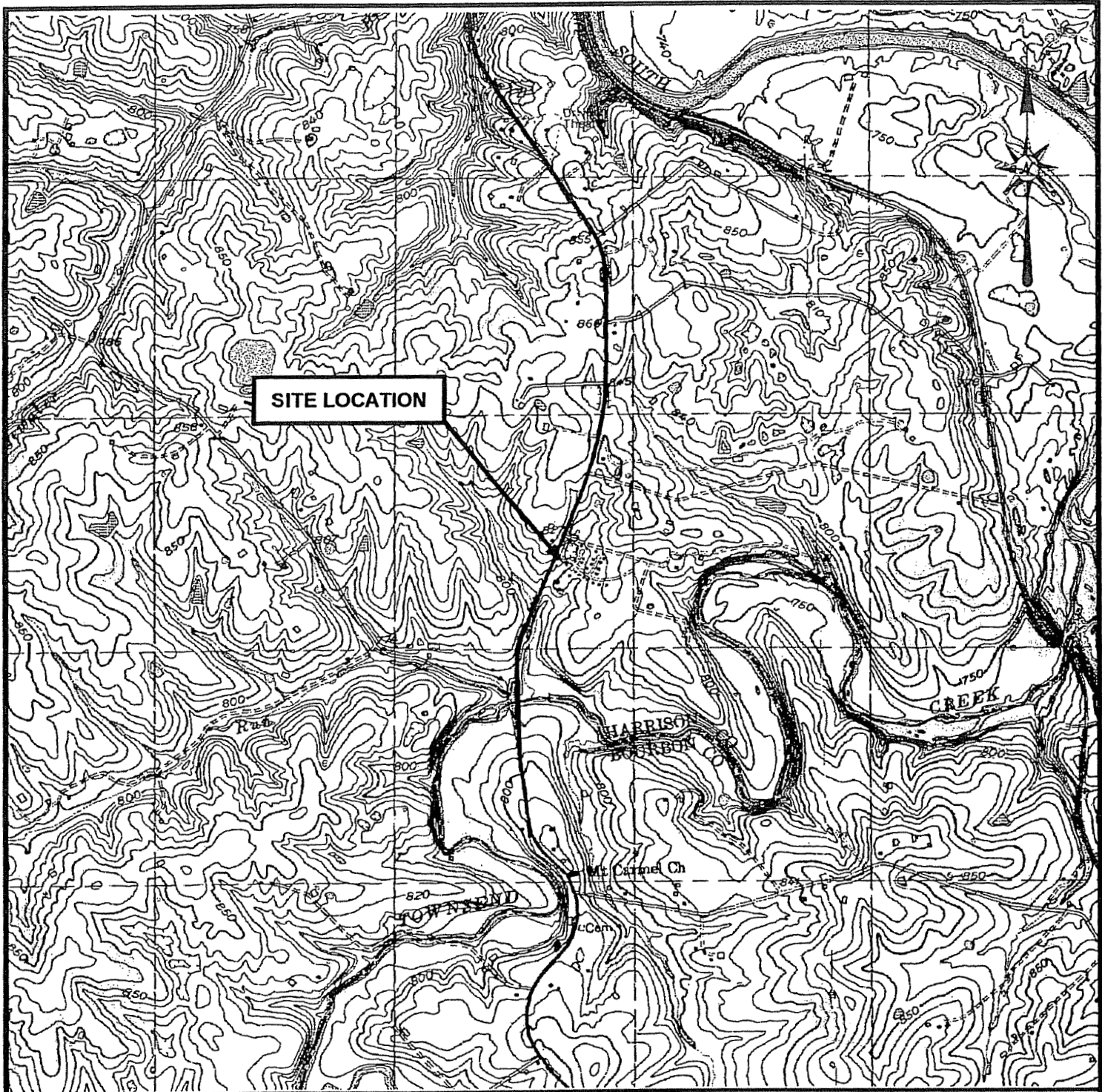
4.0 Conclusions

The conveyance system at Cedarbrook Subdivision suffers from a number of physical issues that have resulted in the inflow and infiltration of storm water during sizable rain events. After identifying and analyzing the severity of the inflow and infiltration problem, R. A. Williams Construction Co., Inc. (RAWC) has determined that it is not financially feasible to repair the system. In its current structure, the limited income from the 54 homes will not provide funding for this remedial work. RAWC has operated the plant for several years at a loss; it can no longer afford to do so.

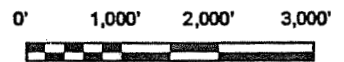
Previously the management of RAWC tried to help the residents of the subdivision to take over operations of the plant without success due to lack of interest of the residents. In light of the continuing losses, the cost of the remedial actions necessary for continued operations and the need to meet the regulation of the Division of Water RAWC plans to close the treatment plant and effectively end the discharge into the unnamed tributary of Townsend Creek.

RAWC will promptly notify the residents and the Public Service Commission of this decision. An effective closing date will be determined and the Division of Water notified. Shield Environmental will oversee the closure of the plant.





SOURCE: USGS 7.5' TOPOGRAPHIC QUADRANGLE MAP
SHA WHAN QUAD, KENTUCKY



JANUARY 2004

FIGURE 1
TOPOGRAPHIC MAP



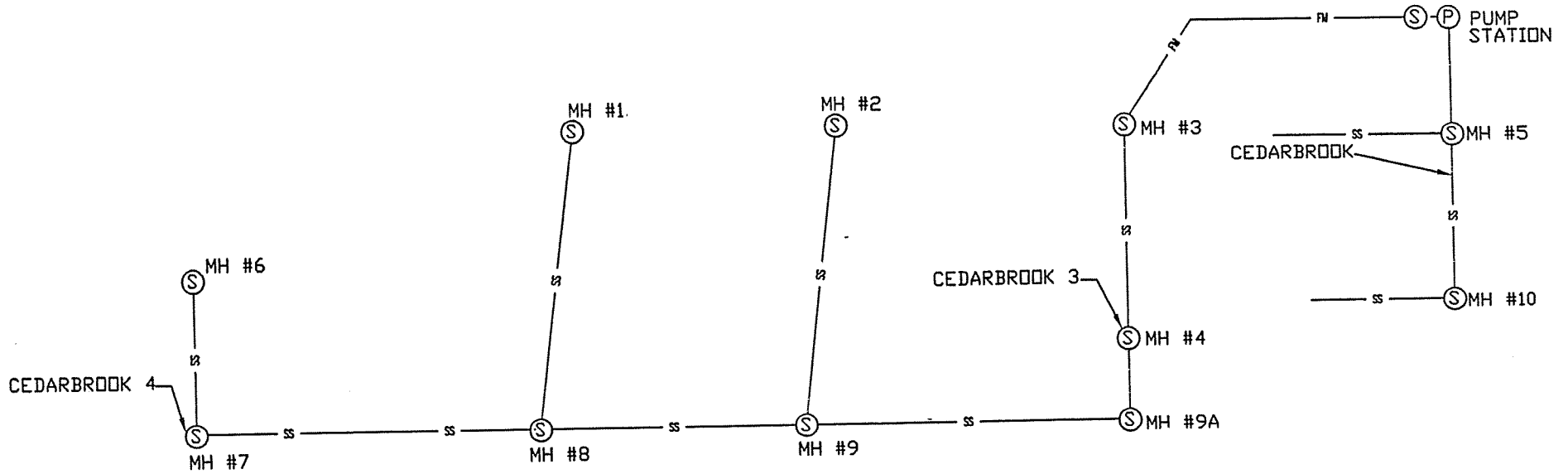
PROJECT NO.: 300-1771
DRAWN BY: DLH
APPROVED BY: NG

CEDARBROOK SUBDIVISION
CYNTHIANA, KENTUCKY

2456 Fortune Drive, Suite 100
Lexington, KY 40509
(859) 294-5155

LEGEND

- Ⓟ PUMP STATION
- Ⓢ SANITARY MANHOLE
- FM— FORCE MAIN
- SS— SANITARY SEWER LINE



JANUARY 2004

PROJECT NO: 300-1771
 DRAWN BY: DLH
 APPROVED BY: NG

FIGURE 2

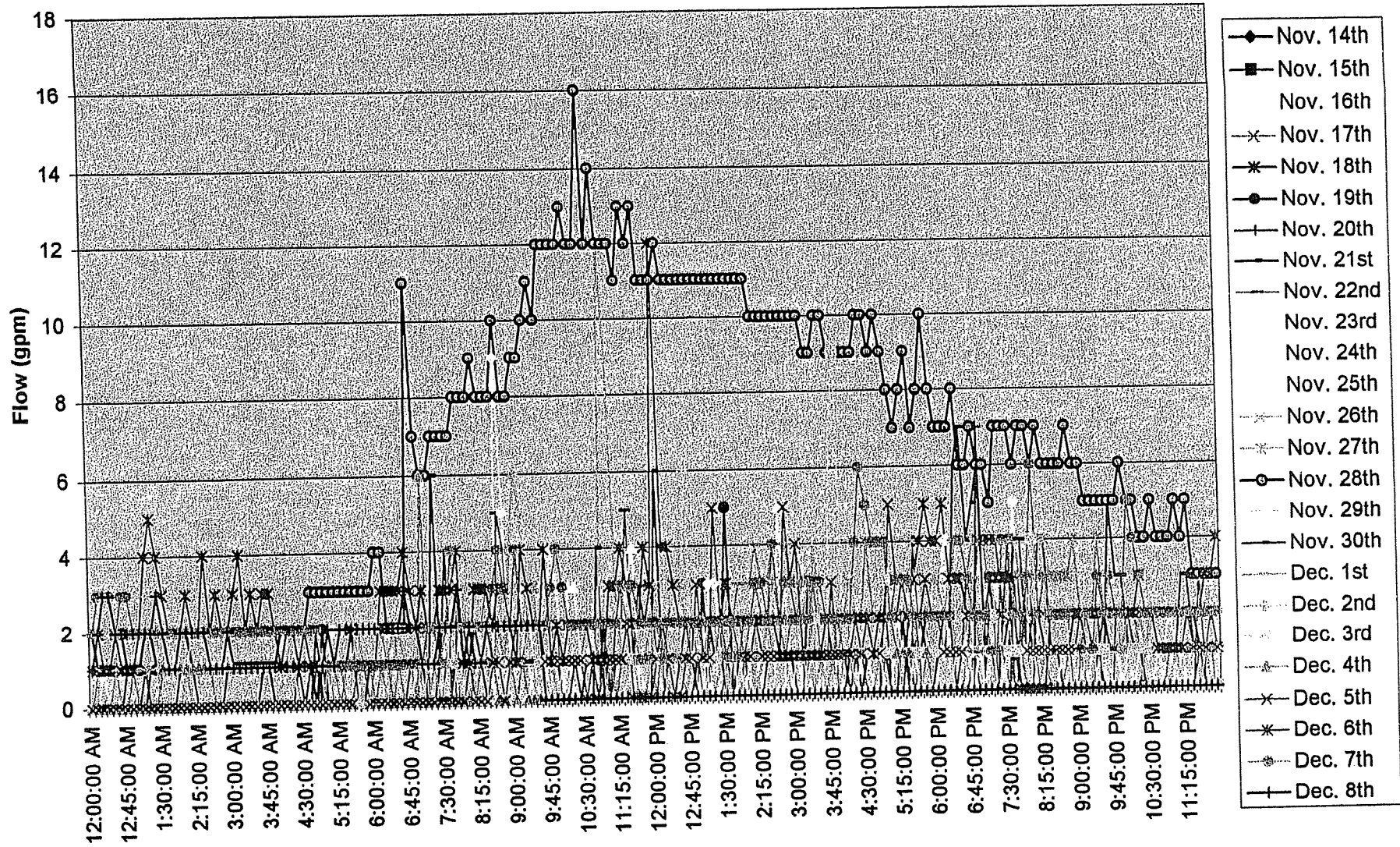
MANHOLE LOCATIONS
 CEDARBROOK SUBDIVISION
 CYNTHIANA, KENTUCKY



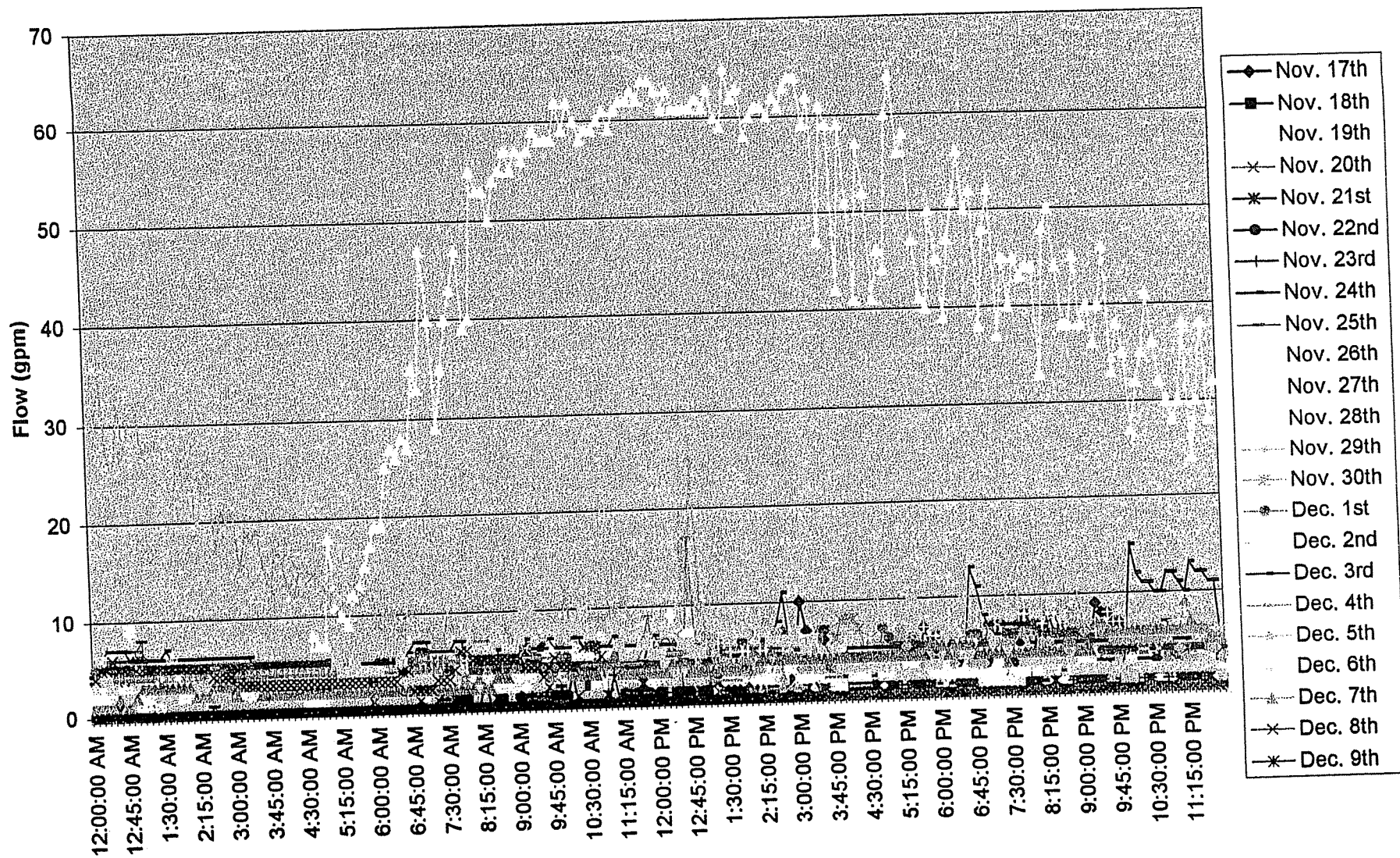
2456 Fortune Drive, Suite 100
 Lexington, KY 40509
 (859) 294-5155

CEDARBROOK

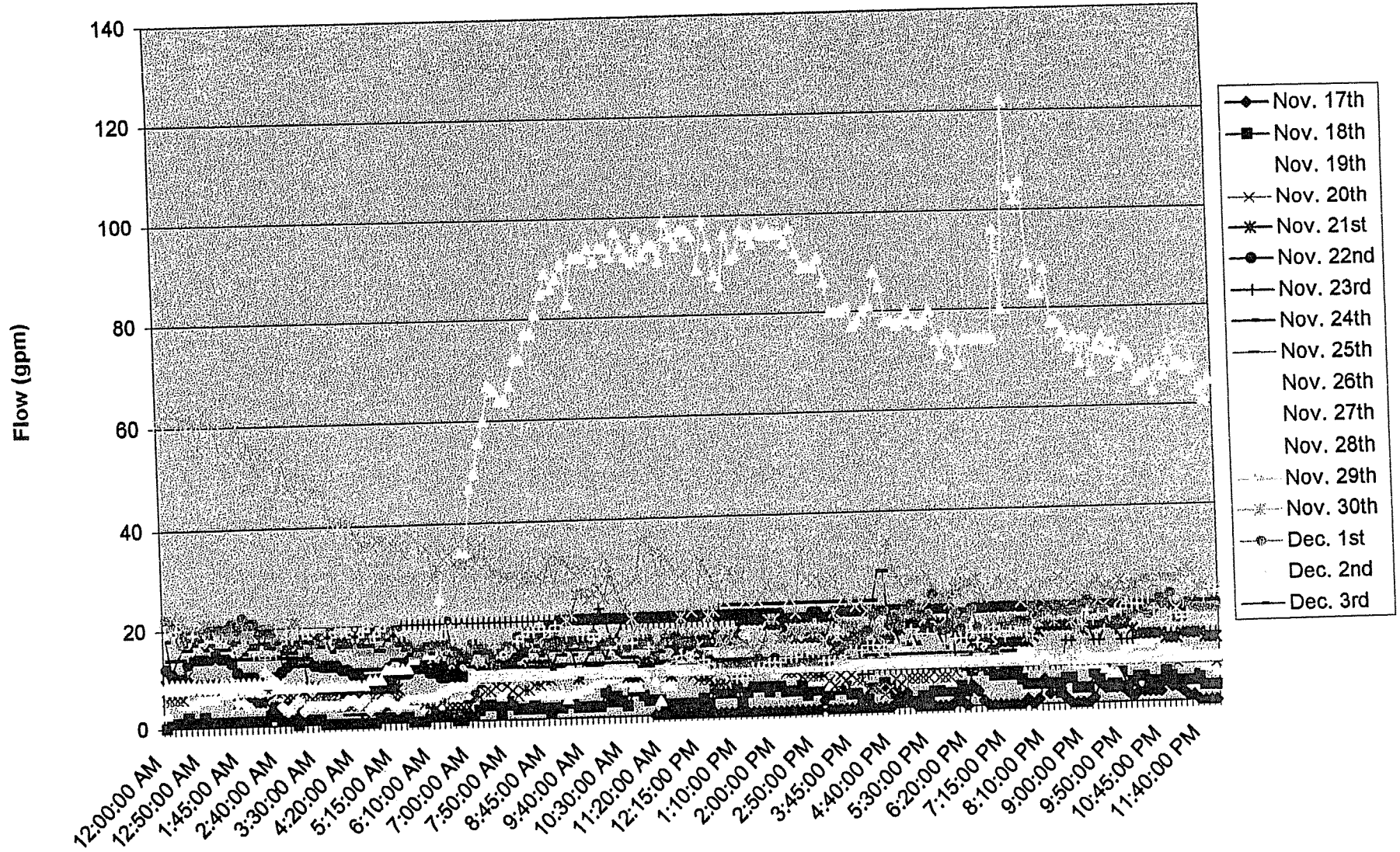
Cedarbrook



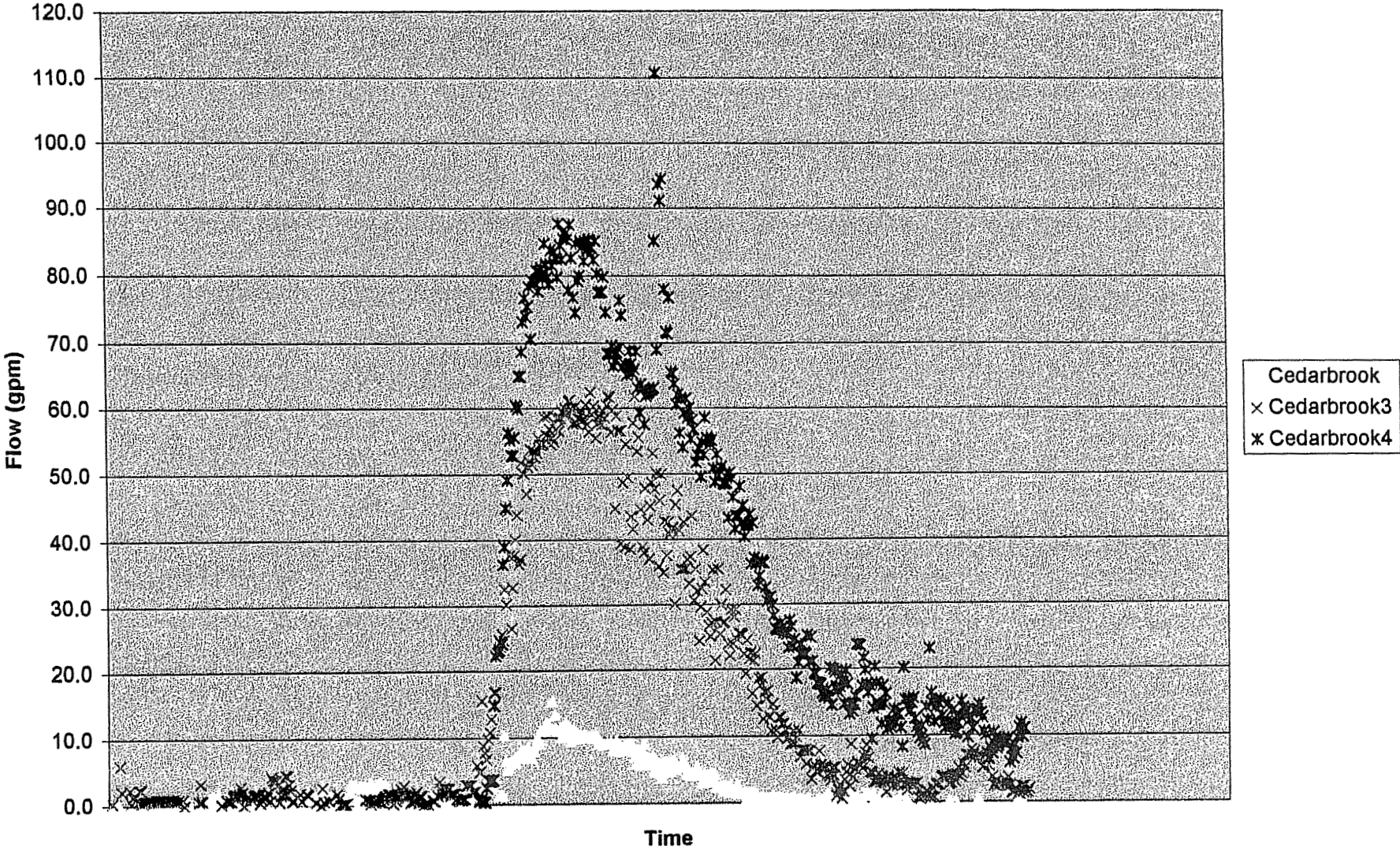
Cedarbrooke 3 Flowrate

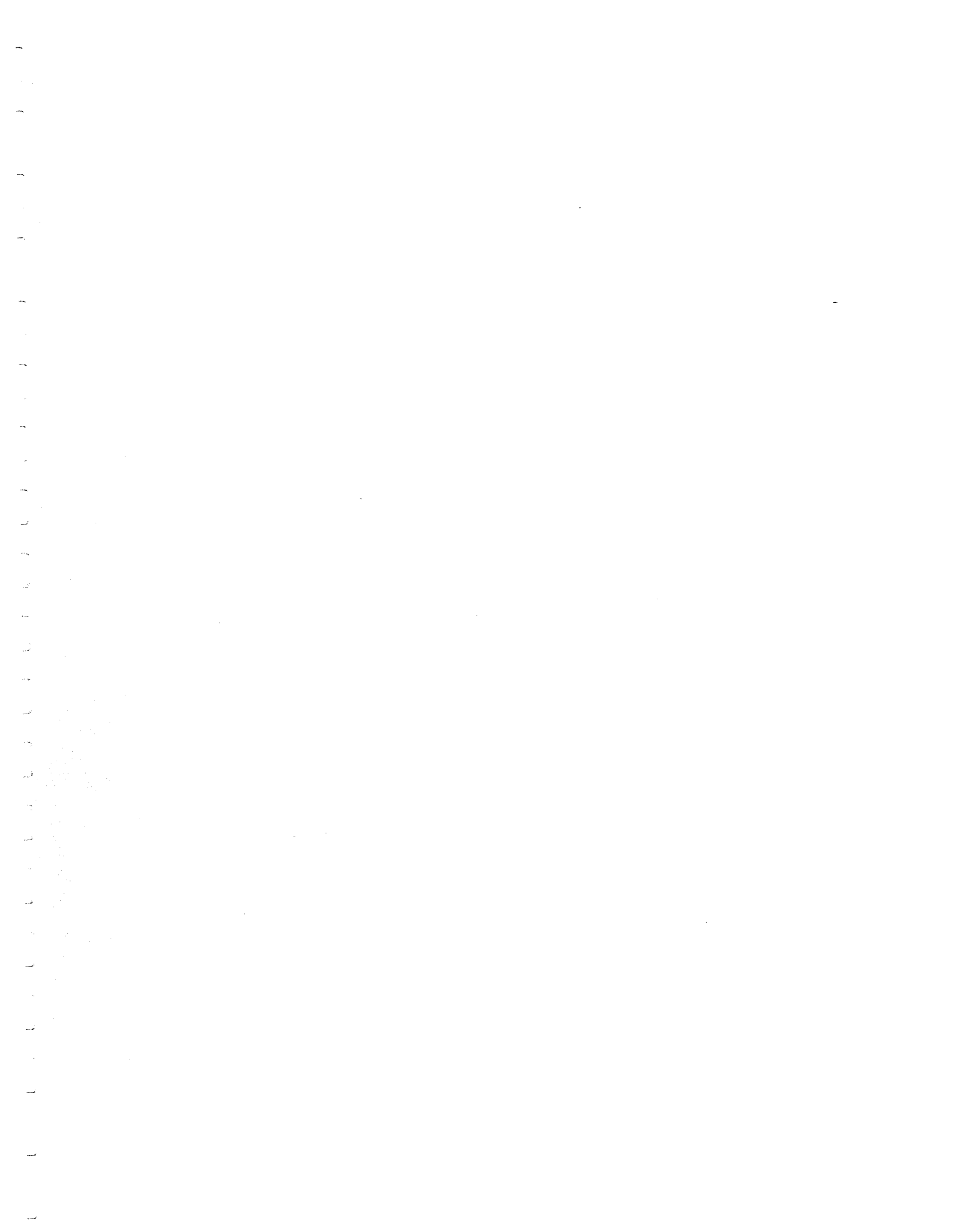


Cedarbrook 4 Flow



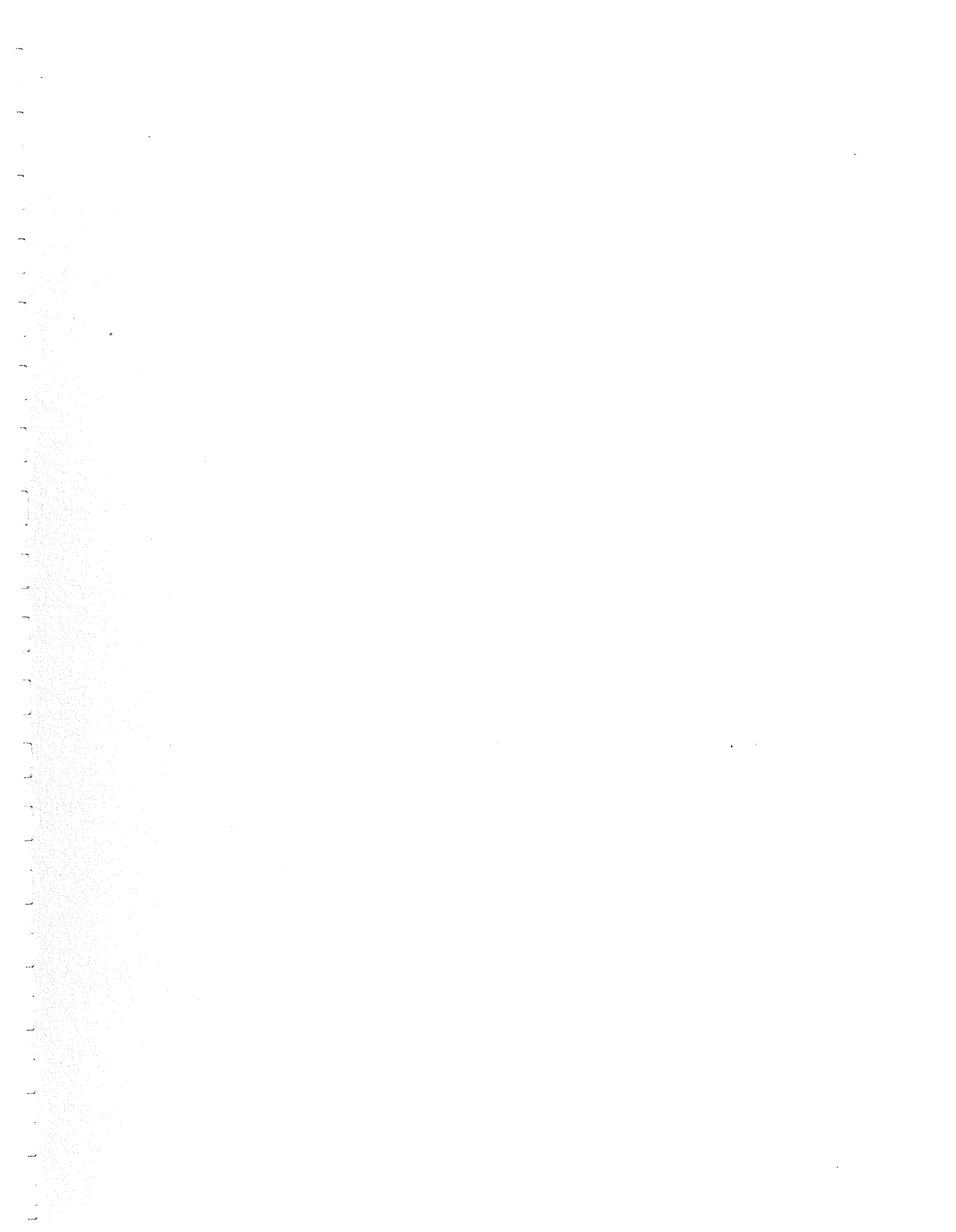
Flow Minus Baseline During a Sizable Rain Event





Year	Month	Day	Precip. (in)
2003	Nov.	14	0.3
2003	Nov.	15	0.09
2003	Nov.	18	0.41
2003	Nov.	19	0.07
2003	Nov.	24	0.28
2003	Nov.	27	1.17
2003	Nov.	28	0.26
2003	Dec.	6	0.13

Table 1 Rainfall Data for November, December 2003





Appendix A

Photos of Flow Monitoring Equipment

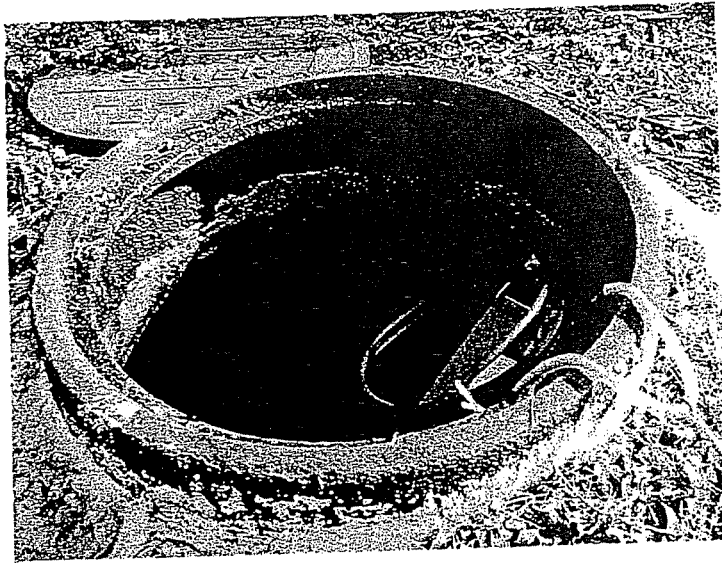


Photo 1
ISCO Area Velocity Flow Data Logger



Photo 2
ISCO Low Profile Sensor

Photos Number 1 and 2

CEDARBROOK SUBDIVISION
Cynthiana, Kentucky
SHIELD ENVIRONMENTAL ASSOCIATES, INC.





Appendix B

Manhole Inspection Field Report



Photo 3
Bottom of Manhole #2



Photo 4
Manhole #2 with Cap in Place

Photos Number 3 and 4

CEDARBROOK SUBDIVISION
Cynthiana, Kentucky
SHIELD ENVIRONMENTAL ASSOCIATES, INC.

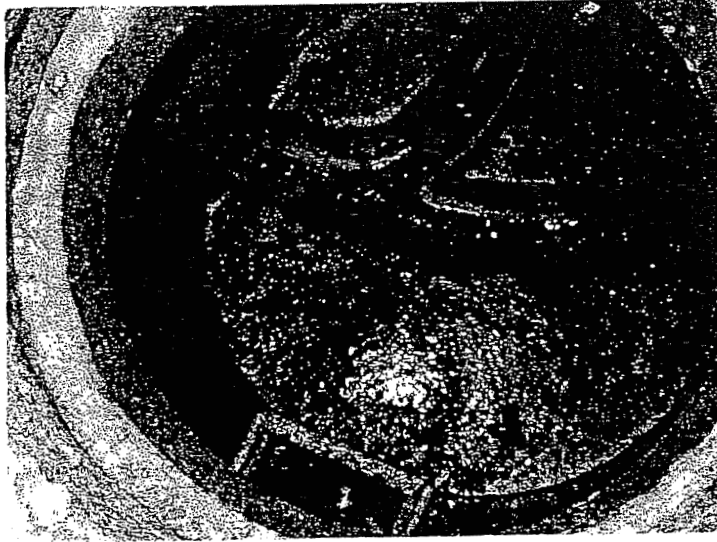


Photo 5
Manhole #8

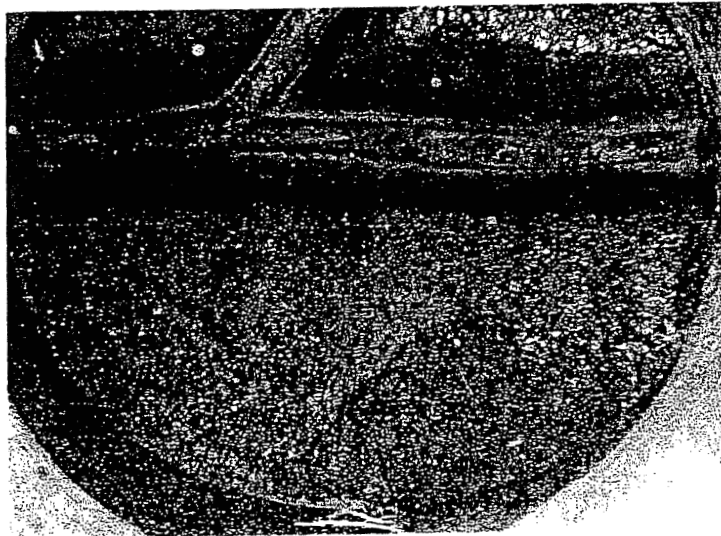


Photo 6
Manhole #1

Photos Number 5 and 6

CEDARBROOK SUBDIVISION
Cynthiana, Kentucky
SHIELD ENVIRONMENTAL ASSOCIATES, INC.

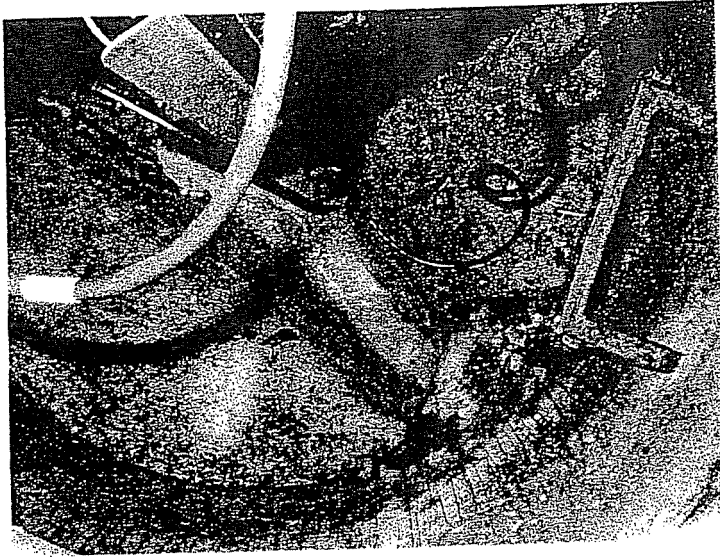


Photo 7
ISCO Logger in Manhole #5

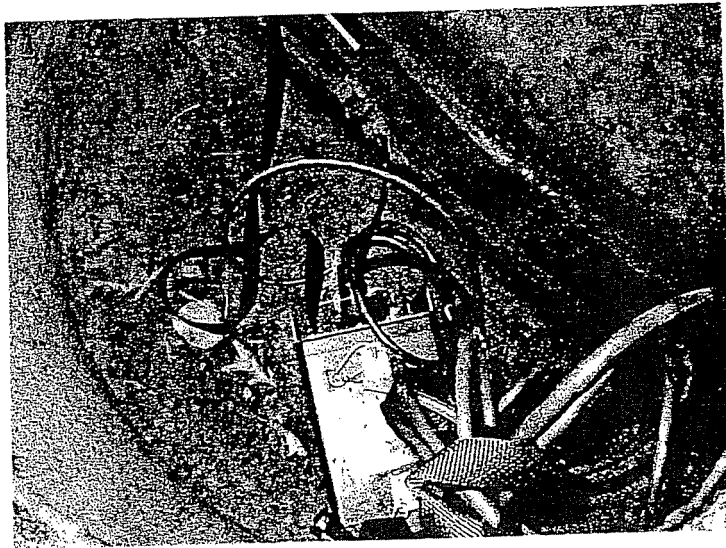


Photo 8
ISCO Logger in Manhole #4

Photos Number 7 and 8

CEDARBROOK SUBDIVISION
Cynthiana, Kentucky
SHIELD ENVIRONMENTAL ASSOCIATES, INC.



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Affiliated Offices:

Louisville, KY

Charlotte, NC

Pittsburgh, PA

8 - 0930 NORMAL FLOW - (CAP)

9 0936 NORMAL FLOW (CAP)

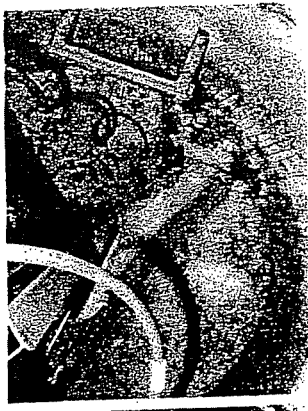
10 - 0925 - NORMAL FLOW

OFF SITE @ 1000
@ STOP @ 1100

EVENT TIMER @ PLANT SHOWS 7200 GAL. FLOW
THIS IS NORMAL

OPERATOR HAS PLACED CAPS IN 4 MANHOLES
AND GROUTED OTHER MANHOLES SINCE
LAST I/I STUDY.

100



#5



#2 ✓
(Copy in folder)



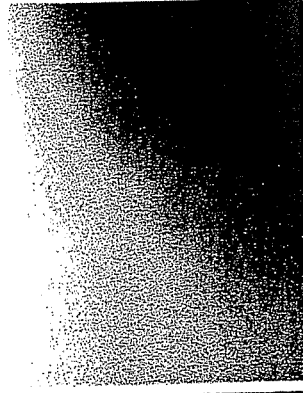
#4



#8 ✓



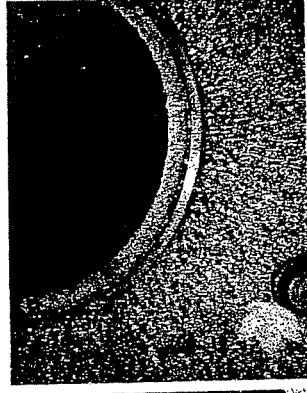
#3



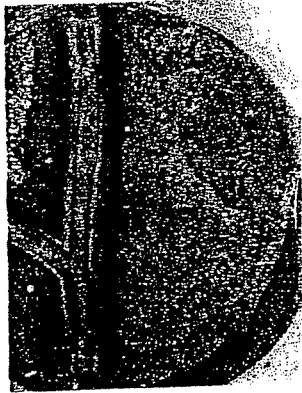
#1



#2



#9

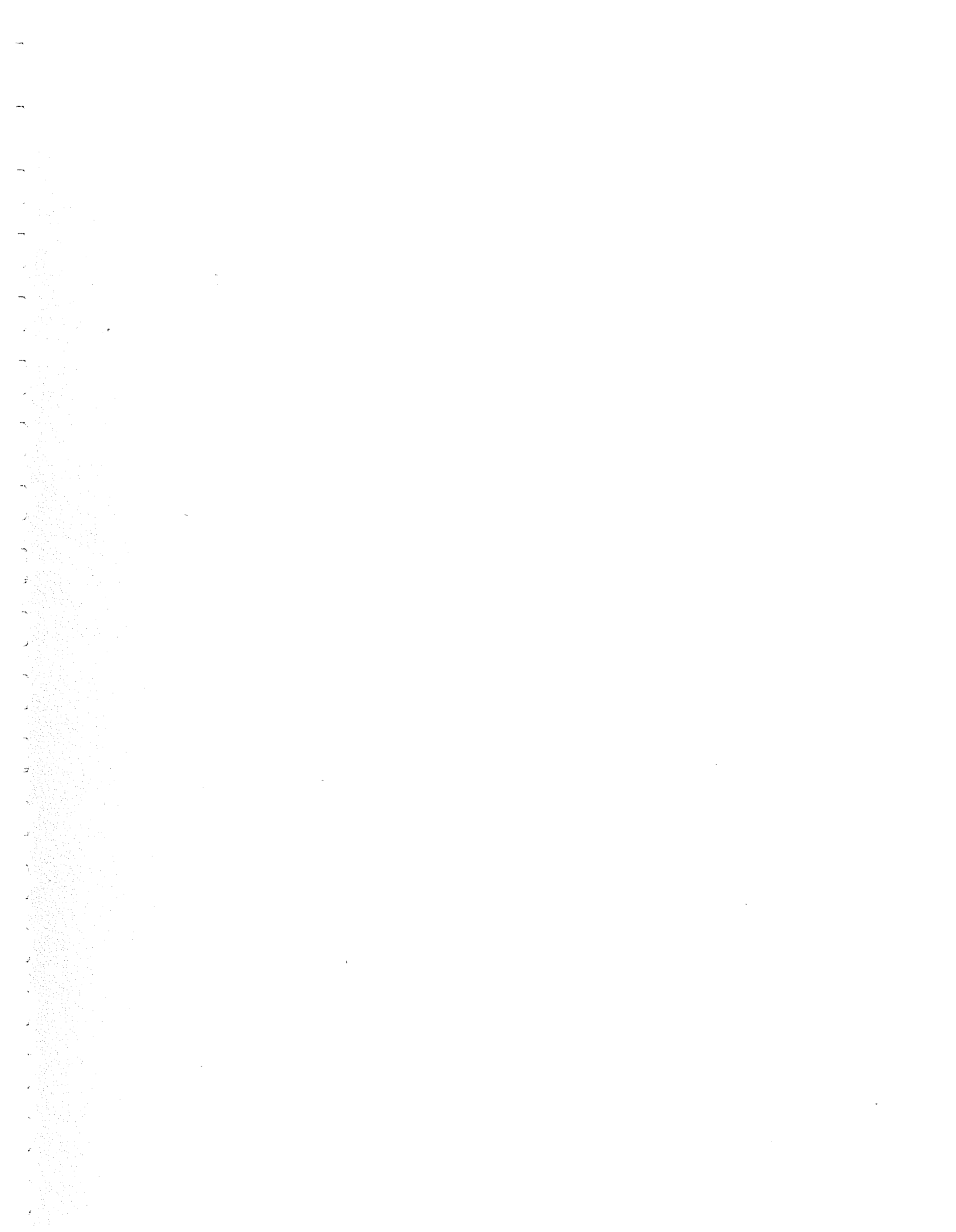


#1



#10







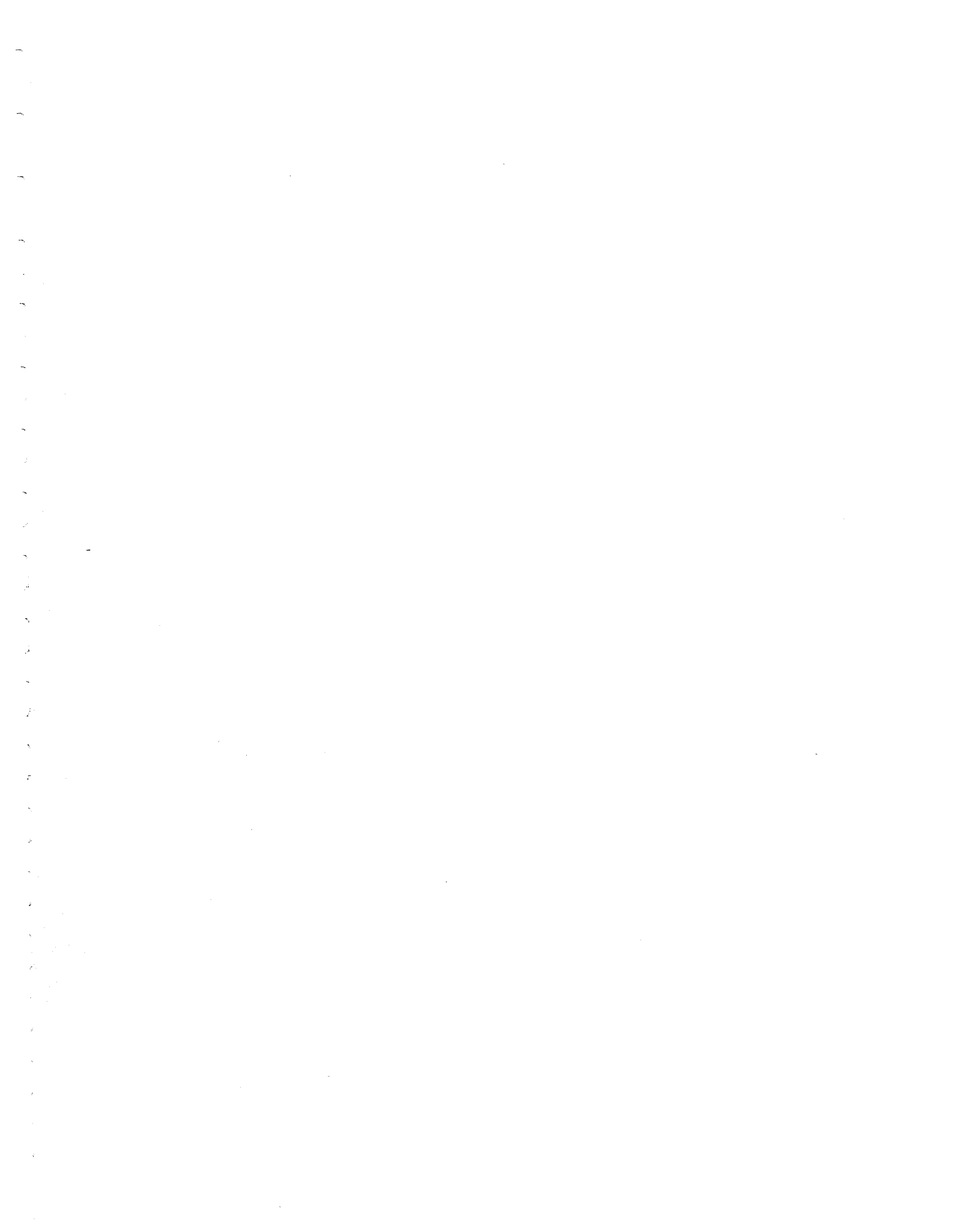
Appendix C

NOAA Rainfall Data

Station: CYNTHIANA State: KY County: HARRISON Standard Time: EASTERN										Record of Climatological C					
Observation Time Temperature: 0700 Precipitation: 0700 (LST) Evaporation: Soil:										** These data are quality controlled identical to the original obser					
P r e l i m i n a r y	Y e a r	M o n t h	D a y	Temperature (?F)			Precipitation (see **)			Evaporation	Soil Temper:				
				24 hrs. ending at observation time		at O b s e r v a t i o n	24 Hour Amounts ending at observation time		At Observation Time		24 Hour Wind Movement (miles)	Amount of Evaporation (Inches & hundredths)	4 inch depth		
				Max.	Min.		Rain, melted snow, etc. (Inches & hundredths)	Snow, ice pellets (Inches & tenths)					Snow, ice pellets, hail, ice on ground (Inches)	Ground Cover (see *)	Max.
*	2003	11	1	69	50	50	T	0	99999						
*	2003	11	2	79	47	47	0	0	0						
*	2003	11	3	78	45	46	0	0	0						
*	2003	11	4	79	46	59	0	0	0						
*	2003	11	5	70	51	51	0.20	0	0						
*	2003	11	6	51	38	38	0.16	0	0						
*	2003	11	7	51	29	29	T	0	0						
*	2003	11	8	47	28	28	0	0	0						
*	2003	11	9	51	28	40	0	0	0						
*	2003	11	10	62	38	54	0.03	0	0						
*	2003	11	11	66	54	62	0.32	0	0						
*	2003	11	12	65	36	36	2.02	0	0						
*	2003	11	13	44	28	28	0	0	0						
*	2003	11	14	43	28	37	0.30	0	0						
*	2003	11	15	48	37	47	0.09	0	0						
*	2003	11	16	55	37	42	0	0	0						
*	2003	11	17	64	37	58	0	0	0						
*	2003	11	18	68	57	59	0.41	0	0						
*	2003	11	19	59	36	37	0.07	0	0						
*	2003	11	20	63	36	39	0	0	0						
*	2003	11	21	70	39	47	0	0	0						
*	2003	11	22	70	47	49	0	0	0						
*	2003	11	23	69	42	42	0	0	0						
*	2003	11	24	41	23	23	0.28	0	0						
*	2003	11	25	43	23	36	0	0	0						
*	2003	11	26	53	36	49	0	0	0						
*	2003	11	27	50	42	43	1.17	0	0						
*	2003	11	28	43	28	29	0.26	0	0						
*	2003	11	29	38	29	37	0	0	0						
*	2003	11	30	48	37	46	0	0	0						
Summary				57.9	37.7		5.31	0							
The ** flags in Preliminary indicate the data have not completed processing and quality control and may not be identical to the original obser															
All 9's (e.g. 999999, 99999.9, etc.) in the data column indicate that the value was not received or is missing															
*Ground Cover: 1=Grass; 2=Fallow; 3=Bare Ground; 4=Brome grass; 5=Sod; 6=Straw mulc; 7=Grass muck; 8=Bare muck; 0=Unknov															
**The values T in the Precipitation category above indicate a TRACE value was recorded for these elements															

Station: CYNTHIANA										Record of Climatological ** These data are are preliminary gone through full, quality control				
State: KY County: HARRISON Standard Time: EASTERN														
Observation Time Temperature: Precipitation: 9900														
(LST) Evaporation: Soil:														
P r e l i m i n a r y	Y e a r	M o n t h	D a y	Temperature (°F)			Precipitation (see **)			Evaporation		Soil Temperature		
				24 hrs. ending at observation time		at O b s e r v a t i o n	24 Hour Amounts ending at observation time		At Observation Time	24 Hour Wind Movement (miles)	Amount of Evaporation (Inches & hundredths)	4 inch depth		
				Max.	Min.		Rain, melted snow, etc. (Inches & hundredths)	Snow, ice pellets (Inches & tenths)	Snow, ice pellets, hail, ice on ground (Inches)			Ground Cover (see *)	Max.	Min.
*	2003	12	1	99999	99999	99999	9999.99	9999.9	99999		999.99			
*	2003	12	2	99999	99999	99999	9999.99	9999.9	99999		999.99			
*	2003	12	3	99999	99999	99999	9999.99	9999.9	99999		999.99			
*	2003	12	4	99999	99999	99999	9999.99	9999.9	99999		999.99			
*	2003	12	5	99999	99999	99999	9999.99	9999.9	99999		999.99			
*	2003	12	6	99999	99999	99999	0.13	9999.9	99999		999.99			
*	2003	12	7	99999	99999	99999	9999.99	9999.9	99999		999.99			
*	2003	12	8	99999	99999	99999	9999.99	9999.9	99999		999.99			
*	2003	12	9	99999	99999	99999	9999.99	9999.9	99999		999.99			
*	2003	12	10	99999	99999	99999	0.16	9999.9	99999		999.99			
*	2003	12	11	99999	99999	99999	9999.99	9999.9	99999		999.99			
*	2003	12	12	99999	99999	99999	9999.99	9999.9	99999		999.99			
*	2003	12	13	99999	99999	99999	9999.99	9999.9	99999		999.99			
*	2003	12	14	99999	99999	99999	9999.99	9999.9	99999		999.99			
*	2003	12	15	99999	99999	99999	9999.99	9999.9	99999		999.99			
*	2003	12	16	99999	99999	99999	9999.99	9999.9	99999		999.99			
*	2003	12	17	99999	99999	99999	9999.99	9999.9	99999		999.99			
*	2003	12	18	99999	99999	99999	9999.99	9999.9	99999		999.99			
*	2003	12	19	99999	99999	99999	9999.99	9999.9	99999		999.99			
*	2003	12	20	99999	99999	99999	9999.99	9999.9	99999		999.99			
*	2003	12	21	99999	99999	99999	9999.99	9999.9	99999		999.99			
*	2003	12	22	99999	99999	99999	9999.99	9999.9	99999		999.99			
*	2003	12	23	99999	99999	99999	9999.99	9999.9	99999		999.99			
*	2003	12	24	99999	99999	99999	9999.99	9999.9	99999		999.99			
*	2003	12	25	99999	99999	99999	9999.99	9999.9	99999		999.99			
*	2003	12	26	99999	99999	99999	9999.99	9999.9	99999		999.99			
*	2003	12	27	99999	99999	99999	9999.99	9999.9	99999		999.99			
*	2003	12	28	99999	99999	99999	9999.99	9999.9	99999		999.99			
*	2003	12	29	99999	99999	99999	9999.99	9999.9	99999		999.99			
*	2003	12	30	99999	99999	99999	9999.99	9999.9	99999		999.99			
*	2003	12	31	99999	99999	99999	9999.99	9999.9	99999		999.99			
Summary														
The '**' flags in Preliminary indicate the data have not completed processing and quality control and may not be identical to the original observations														
All 9's (e.g. 999999, 99999.9, etc.) in the data column indicate that the value was not received or is missing														
*Ground Cover: 1=Grass; 2=Fallow; 3=Bare Ground; 4=Brome grass; 5=Sod; 6=Straw mulch; 7=Grass muck; 8=Bare muck; 0=Unknown														
**The values T in the Precipitation category above indicate a TRACE value was recorded for these elements														

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Appendix D

Flow Data Printout

Site Name	Cedarbrook	
Isco Quantity	Flow Rate	
Label	Flow Rate	
Units	gpm	
Resolution		1
Significant Digits		7

11/14/2003 15:10	0
11/14/2003 15:15	0
11/14/2003 15:20	0
11/14/2003 15:30	0
11/14/2003 15:40	0
11/14/2003 15:45	0
11/14/2003 15:50	0
11/14/2003 16:00	0
11/14/2003 16:10	0
11/14/2003 16:15	0
11/14/2003 16:20	0
11/14/2003 16:30	0
11/14/2003 16:40	0
11/14/2003 16:45	0
11/14/2003 16:50	0
11/14/2003 17:00	0
11/14/2003 17:10	0
11/14/2003 17:15	0
11/14/2003 17:20	0
11/14/2003 17:30	0
11/14/2003 17:40	0
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11/14/2003 18:45	0
11/14/2003 18:50	0
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11/14/2003 19:50	0
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11/14/2003 20:10	0
11/14/2003 20:15	0
11/14/2003 20:20	0
11/14/2003 20:30	0
11/14/2003 20:40	0

11/15/2003 3:15	0
11/15/2003 3:20	0
11/15/2003 3:30	0
11/15/2003 3:40	0
11/15/2003 3:45	0
11/15/2003 3:50	0
11/15/2003 4:00	0
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11/15/2003 7:40	0
11/15/2003 7:45	0
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11/15/2003 8:50	0
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11/15/2003 9:10	0
11/15/2003 9:15	0
11/15/2003 9:20	0
11/15/2003 9:30	0
11/15/2003 9:40	0

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11/15/2003 16:45	0
11/15/2003 16:50	0
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11/15/2003 22:20	0
11/15/2003 22:30	0
11/15/2003 22:40	0

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11/16/2003 5:45	0
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11/18/2003 1:15	0
11/18/2003 1:20	0
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11/25/2003 3:15	0
11/25/2003 3:20	0
11/25/2003 3:30	0
11/25/2003 3:40	0

11/25/2003 10:15	3
11/25/2003 10:20	1
11/25/2003 10:30	0
11/25/2003 10:40	1
11/25/2003 10:45	0
11/25/2003 10:50	0
11/25/2003 11:00	1
11/25/2003 11:10	1
11/25/2003 11:15	1
11/25/2003 11:20	3
11/25/2003 11:30	4
11/25/2003 11:40	0
11/25/2003 11:45	0
11/25/2003 11:50	1
11/25/2003 12:00	1
11/25/2003 12:10	1
11/25/2003 12:15	0
11/25/2003 12:20	0
11/25/2003 12:30	0
11/25/2003 12:40	0
11/25/2003 12:45	0
11/25/2003 12:50	0
11/25/2003 13:00	2
11/25/2003 13:10	0
11/25/2003 13:15	1
11/25/2003 13:20	0
11/25/2003 13:30	0
11/25/2003 13:40	0
11/25/2003 13:45	0
11/25/2003 13:50	0
11/25/2003 14:00	1
11/25/2003 14:10	1
11/25/2003 14:15	0
11/25/2003 14:20	0
11/25/2003 14:30	0
11/25/2003 14:40	5
11/25/2003 14:45	0
11/25/2003 14:50	0
11/25/2003 15:00	0
11/25/2003 15:10	0
11/25/2003 15:15	1
11/25/2003 15:20	1
11/25/2003 15:30	0
11/25/2003 15:40	1
11/25/2003 15:45	1
11/25/2003 15:50	1
11/25/2003 16:00	1
11/25/2003 16:10	2
11/25/2003 16:15	0
11/25/2003 16:20	1
11/25/2003 16:30	1
11/25/2003 16:40	0