

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

JAN 14 2015

PUBLIC SERVICE
COMMISSION

IN THE MATTER OF:

APPLICATION OF THE CITY OF IRVINE)
UTILITY COMMISSION TO ACQUIRE THE)
FACILITIES OF THE ESTILL COUNTY WATER)
DISTRICT NO. 1)

CASE NO.
2014-00425

RESPONSE TO COMMISSION STAFF'S FIRST REQUEST FOR
INFORMATION TO THE CITY OF IRVINE UTILITY COMMISSION AND
THE ESTILL COUNTY WATER DISTRICT NO. 1

REQUEST NO. 1: Confirm the city of Irvine is classified as a city of the Fourth Class pursuant to KRS 81.010. If not, then provide the classification of the city of Irvine.

RESPONSE: An opinion of the Irvine City Attorney is attached as Request No. 1 & 2.

REQUEST NO. 2: State whether the city of Irvine will be classified as a city of the home rule class pursuant to KRS 81.005(1)(b) effective January 1, 2015. If not, then provide the classification of the city of Irvine effective January 1, 2015.

RESPONSE: An opinion of the Irvine City Attorney is attached as Request No. 1 & 2.

REQUEST NO. 3: *The Annual Report of Estill County Water District #1 Sewer Division to the Public Service Commission for Year Ended December 31, 2012* ("2014 Annual Report") at page 14 of 44 lists an end-of-year balance amount of \$8,146 for customer deposits. With regard to this balance amount, answer the following.

a. State the current balance amount for customer deposits held by the Estill No. 1 Sewer Division.

b. State whether the Estill No. 1 Sewer Division will refund the customer deposits it holds.

c. State whether the Estill No. 1 Sewer Division will transfer any of the customer deposit funds it is holding to Irvine pursuant to the September 15, 2014 Memorandum Settlement Agreement. If so, state the amount of the customer deposit funds that will be transferred.

d. For any customer deposits held by the Estill No. 1 Sewer Division that will not be refunded to customers or transferred to Irvine, state the Estill No. 1 Sewer Division's plan for these customer deposit funds.

RESPONSE: The Estill County Water District No. 1 will transfer all customer deposits collected from sewer customers to Irvine on or before Irvine completes all of its requirements under the Memorandum of Settlement Agreement and the necessary approvals are obtained.

REQUEST NO. 4: The Joint Application at Numbered Paragraph 5, part f, states that "[t]he District shall decommission and abandon use of its existing wastewater treatment and sewer facility." With regard to this statement, answer the following.

a. State the expected total cost to decommission and abandon the existing wastewater treatment and sewer facility.

b. State how Estill No. 1 will fund the decommissioning and abandonment.

RESPONSE: The Estill County Water District No. 1 retained Bell Engineering to

prepare a closure plan for its Wastewater Treatment Plant. Bell Engineering completed this Closure Plan and it was approved by Greg Goode of the Water Infrastructure Branch of the Division of Water who stated in a November 4, 2014 email that he had “. . .read the Closure Plan and communicated to enforcement that it is an acceptable plan”. Bell Engineering estimated that it will cost \$49,000 to implement this plan. The Estill County Water District No. 1 will use funds from its general fund to complete the closure. The Estill County Water District No. 1 has completed the portion of the Closure Plan needed to divert its wastewater to Irvine and will complete the balance of the Closure Plan when Irvine completes its requirements under the Memorandum Settlement Agreement and all of the necessary approvals have been obtained.

REQUEST NO. 5: State whether the litigation in the Estill Circuit Court, Civil Action No. 14-CI-21, styled *The City of Irvine Utility Commission v. Estill County Water District No. 1*, has been dismissed. If so, provide a copy of the Order entered by the Estill Circuit Court terminating the litigation.

RESPONSE: The litigation has not yet been dismissed. Irvine has committed to agreeing to dismiss this Action when it is satisfied the obligations as outlined in the Memorandum Settlement Agreement are met and the litigation will be dismissed by execution and entry of an Agreed Order of Dismissal.

REQUEST NO. 6: The September 15, 2014 Memorandum Settlement Agreement at Numbered Paragraph 3, in pertinent part, states “[t]hat from and after the Effective Date, IMU shall assume, agree to pay, and indemnify and hold the District harmless from the outstanding balance remaining due from the District to the USDA

after the payments referred to in the preceding paragraph.” With regard to this statement, answer the following.

a. State whether Estill No. 1 has or will obtain a release from the USDA with regard to this loan.

b. If Estill No. 1 has not or is not obtaining a release, state the actual or potential liability of the District with regard to the loan. Explain in detail the amount of the liability and the circumstances under which the District may be obligated to repay all or a portion of the loan.

RESPONSE: As soon as the PSC has approved this transaction Irvine Municipal Utilities is prepared to payoff and satisfy, or to assume if permitted to do so, the District’s indebtedness now held by Rural Development (formerly USDA). The District will be released from liability for this indebtedness. Irvine Municipal Utilities has not yet satisfied this indebtedness only because approval by the PSC of the terms of the Settlement Agreement is pending. If approved, the District will have no liability for this indebtedness.

REQUEST NO. 7: The September 15, 2014 Memorandum Settlement Agreement at Numbered Paragraph 14, part b, states that the Agreement is contingent upon Estill No. 1’s receiving “written assurances from such agencies of state government as are applicable that its prior activities, and those necessary for the decommission and closure of its existing wastewater treatment plan, shall not result in any fines, assessments, or penalties against the District.” State whether this contingency remains or has been met. If this provision of the Agreement remains a contingency, state the anticipated date that the contingency will be met.

RESPONSE: The Estill County Water District No. 1 has obtained an October 17, 2014 letter from the Office of General Counsel for the Energy and Environmental Cabinet that states:

In light of this agreement, the Cabinet is willing to place our enforcement case on hold, provided that your client strictly complies with the following:

- 1) Estill must submit a closure plan for the Estill County Wastewater Treatment Plant and receive approval from the Division of Water for the plan;*
- 2) Estill must properly decommission the Estill County Wastewater Treatment Plant as required by the approved closure plan; and*
- 3) Estill must adhere to all guidelines of the contract with the City of Irvine Utilities Commission.*

If the Cabinet determines that these requirements have been met, then no penalty will be sought in the matter and the enforcement case will be dismissed.

The Estill County Water District No. 1 has completed Item No. 1 above and will complete Items Nos. 2 and 3 above when Irvine has completed its requirements under the Settlement Agreement and after all of the required approvals are obtained.

REQUEST NO. 8: The September 15, 2014 Memorandum Settlement Agreement at Numbered Paragraph 14, part c, states that the Agreement is contingent upon Estill No. 1's and/or Estill County's receiving "such assurances as they deem necessary that no grant funds previously made available to them will be required to be repaid if this Agreement is carried out as described herein." State whether this

contingency remains or has been met. If this provision of the Agreement remains a contingency, state the anticipated date that the contingency will be met.

RESPONSE: The Estill County Water District No. 1 has not received satisfactory assurances from Irvine on this issue. The Mayor of the City of Irvine and the County Judge Executive of Estill County have however received a letter (attached as Request No. 8) from Ms. Lynn Littrell which outlines what need happen in order to place both the City and the County in compliance. Irvine is satisfied that none of the grant money previously received will have to be repaid if this transaction is concluded as anticipated.

REQUEST NO. 9: State the number of people that Irvine employs to operate its water and wastewater systems.

RESPONSE: fifteen (15)

REQUEST NO. 10: State the number of Irvine employees that the Kentucky Division of Water has certified as wastewater treatment operators.

RESPONSE: four (4)

REQUEST NO. 11: State whether Estill No. 1 has any customers inside the cities of Irvine and Ravena that will be billed at the inside city rate. If so, then, by city, indicate how many.

RESPONSE: The Estill County Water District No. 1 does not have any sewer customers inside the cities of Irvine or Ravena.

REQUEST NO. 12: The rates in Exhibit B are greater than Estill No. 1's current rates. State whether Estill No. 1 has provided notice of the potential increase in rates associated with this application. If so, then provide a copy of the notice(s).

RESPONSE: The subject matter of this pending application has been the subject of numerous public hearings and newspaper articles since 2005. Some of those newspaper articles are attached at Response # 12.

The proposal presently before the PSC is for the District to go out of the sewer business. After the transaction is completed, Irvine Municipal Utilities will provide sewer service to the residents of both Irvine and Estill County. Irvine will own the equipment, lines, lift stations, and other facilities, all of which will convey the County wastewater to the City treatment facility. Irvine will do the billing, and set the rates.

Once the current transaction is approved by the PSC the District's customers will be notified, in writing, formally advising them that the IMU is now providing them with sewage treatment service; will be billing them for that service and the cost of that service; and that all needs for service should be directed to IMU. To date however there has been no formal written notice given to the District's customers of the increase in rates and believes none is required

REQUEST NO. 13: Describe how wastewater flow in the existing Estill No. 1 system will be conveyed to the treatment plant in the Irvine system. Include with the description a schematic which depicts any physical connection(s) between the existing Estill No. 1 system and the Irvine system.

RESPONSE: Effective October 16, 2014 all wastewater flow from Estill County Water District has been diverted to and is being treated by Irvine Municipal Utilities. The new pump station, installed pursuant to the multi-year project for the regionalization of the Irvine and Estill County sewer treatment, was brought online in October, 2014. All the District's wastewater gravity flows to that pump station. As of December 31,

2014 IMU has treated 8.6 million gallons of the District's wastewater, to date without compensation. No further equipment, lines, or attachments are necessary to accomplish the changeover. Once it was learned that the PSC approval was required for implementation of the terms of the Memorandum Settlement Agreement, the diversion of the sewer flows was already complete, or at least mostly so. Since learning that such approval was required no further steps in the implementation of the Agreement have been undertaken.

A copy of the schematic reflecting the physical connections between the two services is attached and marked as Request No. 13.

REQUEST NO. 14: State whether any additional connection(s), pump stations, or other infrastructure are necessary for the wastewater flow in the existing Estill No. 1 system to be conveyed to the treatment plant in the Irvine system. If so, provide the entity responsible for funding such connections or infrastructure, the estimated cost(s), and the manner in which this cost will be funded.

RESPONSE: The project that included construction of Irvine's new treatment facility included construction of a new pump station and a new "main" under the Kentucky River to divert the flow from the District's treatment plant to Irvine's system. Those are in place and operational. No additional construction or infrastructure or expenditure will be required.

REQUEST NO. 15: With regard to the new treatment facility for the Irvine system, state whether the Kentucky Division of Water has issued a notice of violations concerning the operation of this plant. If so, provide a copy of each notice of violation and all correspondence with the Division of Water regarding the notice of violation.

(Note that this request does not seek information concerning the former wastewater treatment facility of the Irvine system).

RESPONSE: The Irvine facility has received three (3) violation since it was brought online in February, 2012. Copies of those violations are attached hereto as Request No. 15. The violations were caused by operator error relating to operation of a new plant, and operator oversight.

REQUEST NO. 16: State the date by which Estill No. 1 expects to file its 2013 Annual Report.

RESPONSE: The Estill County Water District No. 1 is not certain at this time when its 2013 Annual Report will be filed.

Certificate

The undersigned, for and on behalf of the City of Irvine Utility Commission state that I have examined the Responses to Requests NO. 5, 6, 8, 10, 12, 13, 14, and 15 above and to the best of my knowledge, information, and belief, formed after reasonable inquiry, certify that the information provided in those Responses is true and accurate.

City of Irvine Utility Commission

By: _____

Title: _____

SWORD, FLOYD & MOODY, PLLC

By

Michael R. Eaves
Counsel for Irvine Municipal Utilities

ADDRESS: 218 West Main Street
P.O. Box 300
Richmond, Kentucky 40476-0300
Telephone: 859-623-3728
Email: eaves@sfmky.com

Certificate

The undersigned, for an on behalf of the Estill County Water District No. 1 City of Irvine Utility Commission state that I have examined the Responses to Requests Nos. 3, 4, 7, 11, and 16 above and to the best of my knowledge, information, and belief, formed after reasonable inquiry, certify that the information provided in those Responses is true and accurate.

Estill County Water District NO. 1

By: _____

Title: _____

By: _____

Larry R. Anderson
Counsel for Estill County Water District No. 1

ADDRESS: 4115 Woodmont Park Lane
Louisville, KY 40245
Email: dessiea1@att.net

Certificate

The undersigned, for an on behalf of the Estill County Water District No. 1 City of Irvine Utility Commission state that I have examined the Responses to Requests Nos. 3, 4, 7, 11, and 16 above and to the best of my knowledge, information, and belief, formed after reasonable inquiry, certify that the information provided in those Responses is true and accurate.

Estill County Water District NO. 1

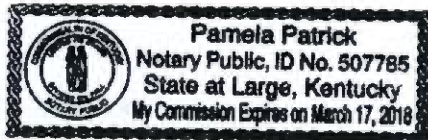
By: Greg Wright

Title: Chairman

Commonwealth of Kentucky)

County of Jefferson)

Signed, sworn to, and acknowledged before me on this the 13 day of January 2015 by Greg Wright.



Pamela Patrick Notary # 507785
Notary Public: State at Large
My Commission expires March 17, 2018

By: Larry R. Anderson
Larry R. Anderson
Counsel for Estill County Water District No. 1

ADDRESS: 4115 Woodmont Park Lane
Louisville, KY 40245
Email: dessiea1@att.net

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PUBLIC SERVICE
COMMISSION

**CLOSURE PLAN
WASTEWATER TREATMENT PLANT
ESTILL COUNTY WATER DISTRICT NO. 1**

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**CLOSURE PLAN
WASTEWATER TREATMENT PLANT
ESTILL COUNTY WATER DISTRICT NO. 1
ESTILL COUNTY, KENTUCKY**

October 27, 2014

GENERAL

The Estill County Water District No. 1 (ECWD No. 1) owns and operates a recirculating sand filter wastewater treatment plant (WWTP), Permit No. KY0095940. The original design capacity of the facility was 0.210 mgd. The facility was derated in 2004 to 0.159 mgd wherein the cap was removed from the filters. The sand filters were then divided into four separate beds, to allow resting on one bed during the operational cycle. The facility will be decommissioned and all wastewater from the ECWD No. 1 sewer service area will be directed to the City of Irvine regional wastewater transportation and treatment facilities.

EXISTING FACILITY

The ECWD No. 1 wastewater treatment plant is a 159,000 gallon per day recirculating sand filter treatment plant with four sand filter beds. The facility is located on KY Highway 499 in Estill County.

The existing treatment plant receives flow from two pump stations. The WWTP influent sources are as follows:

1. West Irvine Pump Station
2. South Irvine Pump Station

The existing treatment plant consists of an influent/recirculation pump station, four sand filters beds and a chlorine contact basin with pumps that discharge treated effluent to the Kentucky River. Dechlorination of wastewater is also accomplished at the discharge of the chlorine contact basin. Wastewater is discharged to the Kentucky River at mile marker 217.7. The point of the discharge is latitude 37° 41' 19" N, longitude 83° 59' 22" W.

PROPOSED FACILITIES

The wastewater flow to the existing ECWD No. 1 WWTP will be redirected into the new regional facilities located in the City of Irvine. The regional facilities include a pump station and force main which will transport wastewater from ECWD No. 1 to the new regional wastewater treatment facility at Irvine. The decommissioning of the existing ECWD No. 1 WWTP will consist of connecting the two above mentioned sources of

wastewater flow into that regional system and demolishing or closing the WWTP structures. Each wastewater source to be tied-into the regional system is discussed in the following paragraphs.

West Irvine Pump Station

The existing West Irvine pump station is a duplex submersible station with a capacity of 180 gallons per minute (gpm). It is located on Kentucky 499, south of the intersection of Kentucky 499 and Kentucky 52. A portion of the existing flow from the ECWD No. 1 area is pumped through this pump station into the treatment facility. Decommissioning of the ECWD No. 1 WWTP will require rerouting wastewater entering the existing West Irvine pump station into the new Irvine Regional pump station located on Kentucky 499. The existing West Irvine pump station will then be decommissioned and closed by others.

South Irvine Pump Station

The existing South Irvine pump station is a duplex submersible station with a capacity of 100 gallons per minute (gpm). It is located on River Street near the intersection of River Street and Kentucky 851. A portion of the existing flow from the ECWD No. 1 area is pumped through this pump station into the treatment facility. Decommissioning of the ECWD No. 1 WWTP will require tie-in of the force main from the South Irvine pump station into the regional system. This will be accomplished by tying the South Irvine force main into the existing ECWD No. 1 plant influent pump station force main from the West Irvine pump station and redirecting the wastewater to the new Irvine Regional pump station. The tie-ins will be performed by others and is not part of this closure plan.

DECOMMISSIONING PROCEDURE

The procedures and costs associated with the tie-in of ECWD No. 1 existing WWTP influent flows into the regional facilities have been included in the City of Irvine WWTP project. Only those procedures and cost associated with the physical decommissioning and closure of the existing sand filter treatment plant will be discussed herein.

Flow Monitoring Manhole

The existing monitoring manhole is a 4 foot diameter precast manhole approximately 5 feet deep with a flume mounted inside. The walls and bottom slab are 6 inches thick. The proposed closure of this structure consists of removing the flume, breaking the walls down 2 feet below grade and placing the rubble inside the basin. Basin fill will continue with crushed stone to a point one foot below grade. The top one foot of fill will be compacted earth. The surface will then be seeded and fertilized.

Influent/Recirculation Pump Stations

The existing influent/recirculation pump station is a precast circular concrete structure 10 feet diameter and 16 feet in depth. The walls and bottom slab are 10 and 12 inches thick respectively. The proposed closure of this structure consists of removing the top slab, pumps and piping, capping the pipes, breaking the walls down 2 feet below grade and placing the rubble inside the basin. Basin fill will continue with crushed stone to a point one foot below grade. The top one foot of fill will be compacted earth. The surface will then be seeded and fertilized.

Recirculation Flow Control Box

The existing recirculation flow control box is a concrete structure with a length of 13 feet 8 inches, a width of 7 feet 8 inches and a depth of 7 feet 6 inches with all wall thickness at 10 inches. The structure is covered with aluminum grating. The proposed closure of the structure consists of removing the aluminum grating, all valves and piping and capping the pipes, breaking the walls down 2 feet below grade and placing the rubble inside the basin. Basin fill will continue with crushed stone to a point one foot below grade. The top one foot of fill will be compacted earth. The surface will then be seeded and fertilized.

Recirculating Sand Filters

The recirculating sand filters at the ECWD No. 1 treatment plant were modified and derated in 2004. The clay cap, filter sand and filter cover was removed and the influent and effluent piping modified. A division wall was added to separate the two existing filters to four filters. Two flow distribution boxes were added to distribute flow to the four filters. The proposed closure plan for the sand filters is "Closure in Place." Upon termination of flow to the filters, the wastewater in the filter will be allowed to drain. Influent and effluent piping will be removed and holes will be punched through the membrane liner. Samples of the residual sand will be analyzed to determine if biological activity is occurring. When biological activity ceases, the sand will be spread and leveled. One foot of soil will then be applied and the area will be re-vegetated. The flow distribution boxes and concrete filter division wall will be partially demolished as follows:

Filter Division Walls

The filter division wall consist of two walls, each 195 feet in length, 5 feet six inches in height and 8 inches thick. The closure plan consists of demolishing the wall to a point two feet below finish grade and incorporating the rubble into the sand filter fill.

Filter Flow Distribution Boxes

There are two existing filter flow distribution boxes, each 6 feet 4 inches by 3 feet 4 inches with a depth of 5 feet and wall thickness of 8 inches. The proposed closure of the

structure consists of removing all piping and capping the pipes, breaking the walls down 2 feet below grade and placing the rubble inside the basin. Basin fill will continue with crushed stone to a point one foot below grade. The top one foot of fill will be compacted earth. The surface will then be seeded and fertilized.

Recirculation Valve Vault

The existing recirculation valve vault which controls the recirculation rate for the filters is a precast circular concrete structure 4 feet diameter and 8.5 feet in depth. The walls and bottom slab are 6 inches thick. The proposed closure of this structure consists of removing the top slab and valve and capping the pipes, breaking the walls down 2 feet below grade and placing the rubble inside the basin. Basin fill will continue with crushed stone to a point one foot below grade. The top one foot of fill will be compacted earth. The surface will then be seeded and fertilized.

Chlorine Contact/Effluent Pump Basin

The existing chlorine contact basin is a precast circular concrete structure 10 feet diameter and 16 feet in depth. The walls and bottom slab are 10 inches thick. The proposed closure of this structure consists of removing the pumps and piping and capping the pipes, breaking the walls down 2 feet below grade and placing the rubble inside the basin. Basin fill will continue with crushed stone to a point one foot below grade. The top one foot of fill will be compacted earth. The surface will then be seeded and fertilized.

Effluent Pump Station Valve Vault

The existing effluent pump station valve vault is a precast circular concrete structure 5 feet diameter and 4.5 feet in depth. The walls and bottom slab are 6 inches thick. The proposed closure of this structure consists of removing the valves and fittings and capping the pipes, breaking the walls down 2 feet below grade and placing the rubble inside the basin. Basin fill will continue with crushed stone to a point one foot below grade. The top one foot of fill will be compacted earth. The surface will then be seeded and fertilized.

Plant Operations Building

The plant operations building shall remain in place. All equipment and furnishings within the building will be salvaged by the owner. All electrical and control wiring to plant equipment will be terminated inside the operations building. The lavatory inside the control building shall remain functional. The septic tank will also remain functional. The gravity sewer effluent from the septic tank shall be redirected to and tied into the plant influent manhole.

Hydrogen Peroxide Feed Building

The hydrogen peroxide feed building is a 10 feet by 10 feet pre-engineered fiberglass building. The hydrogen peroxide feed building shall remain in place. The building and all equipment and furnishings within the building will be salvaged by the owner. All electrical and control wiring to plant equipment will be terminated inside the building.

ESTIMATED COST

The estimated capital cost associated with the closure of these facilities is as follows:

Flow Monitoring Manhole	\$1,000.00
Influent / Recirculation Pump Station	\$6,500.00
Recirculation Flow Control Box	\$3,500.00
Recirculating Sand Filters	\$16,000.00
Filter Division Walls	\$5,000.00
Filter Flow Distribution Boxes	\$4,000.00
Recirculation Valve Vault	\$1,000.00
Chlorine Contact / Effluent Pump Basin	\$ 6,500.00
Effluent Pump Station Valve Vault	\$1,000.00
Electrical and Control Equipment Termination	\$1,000.00
Tie Septic Tank Into Plant Influent Manhole	\$1,500.00
Decommission Hydrogen Peroxide Feed Building	\$1,000.00
Contingency	<u>\$1,000.00</u>
Total Capital Cost for Closure	\$49,000.00

ENVIRONMENTAL IMPACT

Decommissioning the ECWD No.1 WWTP will enhance the environment by eliminating a point source discharge into the Kentucky River thereby improving the water quality of the river and decreasing the potential for public health hazards associated with wastewater treatment plant discharges. The wastewater will be transported to the Irvine regional wastewater treatment plant where it will be treated to permit standards and discharged.



RECEIVED

JAN 14 2015

PUBLIC SERVICE
COMMISSION

ENERGY AND ENVIRONMENT CABINET

Steven L. Beshear
Governor

Office of General Counsel
C. MICHAEL HAINES
EXECUTIVE DIRECTOR
DIANE SCHULER FLEMING
DEPUTY EXECUTIVE DIRECTOR
2 Hudson Hollow Road
Frankfort, Kentucky 40601
Phone (502) 564-2356
Fax (502) 564-9212

Leonard K. Peters
Secretary

October 17, 2014

Larry R. Anderson
4115 Woodmont Park Lane
Louisville, Kentucky 40245

RE: Energy and Environment Cabinet v. Estill County Water District #1
File Nos. DOW-33772-046 and DOW-45286-046

Dear Mr. Anderson:

The Energy and Environment Cabinet (hereinafter "Cabinet") is in receipt of your Memorandum of Settlement Agreement between your client, Estill County Water District #1 (hereinafter "Estill"), and the City of Irvine Utilities Commission. In light of this agreement, the Cabinet is willing to place our enforcement case on hold, provided that your client strictly complies with the following:

- 1) Estill must submit a closure plan for the Estill County Wastewater Treatment Plant and receive approval from the Division of Water for the plan;
- 2) Estill must properly decommission the Estill County Wastewater Treatment Plant as required by the approved closure plan; and
- 3) Estill must adhere to all guidelines of the contract with the City of Irvine Utilities Commission.

If the Cabinet determines that these requirements have been met, then no penalty will be sought in the matter and the enforcement case will be dismissed. However, if the Cabinet determines at any time that Estill is not in compliance with the requirements above, it may reinstate its enforcement case and seek a civil penalty.

Should you have any questions, please feel free to contact my office at the number listed above.

Sincerely,

A handwritten signature in black ink, appearing to read "Anna K. Girard". The signature is fluid and cursive, with the first name "Anna" being the most prominent.

Anna K. Girard

Attorney

Energy and Environment Cabinet

FILED
SEP 22 2014
Office of Administrative Hearings

COMMONWEALTH OF KENTUCKY
ENERGY AND ENVIRONMENT CABINET
FILE NO. DOW-45286-046

ESTILL COUNTY WATER DISTRICT #1,

PETITIONER,

VS.

ORDER SCHEDULING STATUS CONFERENCE

ENERGY AND ENVIRONMENT CABINET,

RESPONDENT.

AND

COMMONWEALTH OF KENTUCKY
ENERGY AND ENVIRONMENT CABINET
FILE NO. DOW-33772-046

ENERGY AND ENVIRONMENT CABINET,

PLAINTIFF,

VS.

ORDER SETTING STATUS CONFERENCE

ESTILL COUNTY WATER DISTRICT,

DEFENDANT.

* * * * *

THIS MATTER was scheduled for a status conference on September 5, 2014. Counsel for the parties agreed by email to reschedule the conference for November 7, 2014, at 11:30 a.m. The parties agreed to reschedule the conference to November 7, 2014, at 11:30 a.m. as scheduled below.


At the next conference, the Hearing Officer will need to discuss the 180 day deadline with the parties in these cases.

HAVING consulted with counsel, and being otherwise duly advised, the Hearing Officer
HEREBY ORDERS:

1. THE PARTIES SHALL APPEAR FOR A STATUS CONFERENCE ON November 7, 2014, at the hour of 11:30 a.m., eastern time. Parties wishing to participate in the conference shall call the Office of Administrative Hearings at 502-564-7312 at the time and on the date set for the conference.

2. If the parties submit to the Office of Administrative Hearings signed documents completely resolving this matter before the date of the conference scheduled in this order, then the conference shall be automatically cancelled.

DATE OF ORDER: 9/15/14


SUSAN ROSE GREEN
HEARING OFFICER
OFFICE OF ADMINISTRATIVE HEARINGS
ENERGY AND ENVIRONMENT CABINET
35-36 FOUNTAIN PLACE
FRANKFORT KY 40601
PHONE: 502-564-7312
FAX: 502-564-4973

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing ORDER, was, on this 22 day of September, 2014, mailed by first-class mail, postage prepaid, to:

HON LARRY R ANDERSON PE
ATTORNEY AT LAW
4115 WOODMONT PARK LANE
LOUISVILLE KY 40245

and hand-delivered to:

HON KATHLEEN SAUNIER
HON ANNA GIRARD
OFFICE OF GENERAL COUNSEL
ENERGY AND ENVIRONMENT CABINET
200 FAIR OAKS LANE
FRANKFORT, KY 40601


DOCKET COORDINATOR

Distribution: DOW
LTS

Audrea Miller

From: Shana Cox [s.cox@estillcountywater.com]
Sent: Monday, January 12, 2015 2:11 PM
To: 'Audi Miller'
Subject: FW: Estill County Water NO DISCHARGE CERT.pdf

From: Goode, Greg (EEC) [mailto:Greg.Goode@ky.gov]
Sent: Friday, November 14, 2014 8:50 AM
To: Ron Rogers
Cc: s.cox@estillcountywater.com
Subject: RE: Estill County Water NO DISCHARGE CERT.pdf

Ron, thanks, I have ensured both documents are in the system in the same location. I read the closure plan and communicated to enforcement that it is an acceptable plan.

Greg Goode, P.E.
Water Infrastructure Branch
Division of Water
502-564-3410

From: Ron Rogers [mailto:rrogers@hkbell.com]
Sent: Thursday, November 13, 2014 2:56 PM
To: Goode, Greg (EEC)
Cc: s.cox@estillcountywater.com
Subject: Fwd: Estill County Water NO DISCHARGE CERT.pdf

Greg,

Included is Closure Certification for Estill County Water District. Call if you need anything else.

Thanks,

Ron



Ronald E. Rogers, P.E.
Senior Vice President

P: 859-278-5412 | C: 859-533-0005 | F: 859-278-2911
rrogers@hkbell.com | www.hkbell.com

2480 Fortune Drive, Suite 350
Lexington, KY 40509

----- Forwarded message -----

From: **Shana Cox** <s.cox@estillcountywater.com>

Date: Thu, Nov 13, 2014 at 2:51 PM

Subject: Estill County Water NO DISCHARGE CERT.pdf

To: rrogers@hkbell.com