

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

SEP 22 2016

PUBLIC SERVICE COMMISSION

In the Matter of:

AIRVIEW UTILITIES, LLC'S NOTICE OF)
SURRENDER AND ABANDONMENT)
OF UTILITY PROPERTY)

CASE NO. 2016-00207

**ANSWERS OF AIRVIEW UTILITIES, LLC TO
ATTORNEY GENERAL'S DATA REQUESTS**

Comes Airview Utilities, LLC ("Airview"), by counsel, and for its Answers to the information request of the Attorney General of the Commonwealth of Kentucky, and states as follows:

Information Request No. 1. Reference the Airview Utilities, LLC's Notice of Surrender and Abandonment of Utility Property (Airview Surrender and Abandonment Notice), paragraph 1 where the Company states that the utility property is located near the Elizabethtown, Kentucky city limits.

- a. Provide the name of the owner(s) of Airview Utilities, LLC.
- b. Do the owners of Airview Utilities, LLC own any other sewer utilities? Provide a detailed list of the other sewer utilities owned.
- c. Have the owners of Airview Utilities, LLC ever abandoned any other utility? If so, provide a detailed list of all other abandoned utilities, including the Public Service Commission Case Number if applicable.
- d. Provide the exact distance that the Airview Wastewater Treatment Plant (Treatment Plant) and collection system are from the city limits of Elizabethtown.

e. Are the Treatment Plant and collection system closer in distance to any other sewer treatment provider other than the City of Elizabethtown?

Answer:

(a) Airview Utilities, LLC is a Kentucky limited liability company. Accordingly, its owners are referred to as Members. The Members of Airview Utilities, LLC are Lawrence W. Smither and Martin G. Cogan.

(b) Lawrence W. Smither and Martin G. Cogan are the only Members of Brocklyn Utilities, LLC, Coolbrook Utilities, LLC, Fox Run Utilities, LLC, and Lake Columbia, LLC. Each of these utilities owns a wastewater treatment plant and collection system.

(c) No.

(d) The area served by the Airview WWTP is not in the City limits of Elizabethtown, Kentucky, but is bounded on three sides by the City of Elizabethtown. The City of Elizabethtown's Pine Valley Drive manhole is the manhole on its sanitary sewer system that is closest to the Airview sanitary sewer system, and this manhole is approximately one (1) mile from the Airview sanitary sewer system. Airview has a lift station located on Pine Valley Drive. The Airview WWTP is believed to be within one mile of the city limits of Elizabethtown.

(e) No.

Information Request Number 2. Reference the Airview Surrender and Abandonment Notice, paragraph 2 to answer the following questions:

a. Provide a detailed response explaining what caused Airview Utilities to be unable to meet the financial obligations to its vendors, suppliers, and service entities.

b. Provide a breakdown of all the Treatment Plant's expenses for each of the last five years.

- c. Provide the tangible and intangible compensations that have been provided to the owners of Airview for the past five years.
- d. Provide a full and complete list of Airview's creditors, all debts that are outstanding to the creditors, and a narrative explaining the reason for each debt.
- e. Provide a detailed explanation as to why Airview did not make the referenced significant upgrades to the Treatment Plant previously.
- f. Airview proposes that the Treatment Plant needs significant upgrades such as a new chlorine contact tank, dechlorination equipment, a new flo-meter, and tertiary lagoon cleaning. Provide a detailed cost for each of the suggested upgrades.
- g. Airview states that it is unable to adequately serve its ratepayers and will be unable to protect the waters of Kentucky. Is the Treatment Plant currently in compliance with all state and federal laws and regulations? Provide any and all notice of violations that Airview has received from the Kentucky Division of Water, and any other state or federal entity, and if applicable, Agreed Orders or resolutions of same.
- h. Airview states that "it appears economically prudent to dismantle the Airview WWTP and connect it to an existing sanitary sewer system instead of requiring Airview's ratepayers to bear the cost of these upgrades." Provide a detailed narrative and explain what exactly Airview is proposing. For example, is Airview proposing to dismantle the Airview Treatment Plant and have all the individual homeowners hook up to another sewer system, have another entity take over the Treatment Plant, connect the Treatment Plant to another sewer system, etc.?
- i. Provide the name of the "existing sanitary sewer system" that Airview proposes to take over the sewer system needs for its ratepayers.

Answer:

(a) Airview is unable to collect the total amount due from its customers to meet its financial obligations. Airview serves an area that houses a very transient population. Many of the residences served by Airview are rental properties. Pursuant to the policy of the Public Service Commission, Airview cannot require the property owner to contract for wastewater treatment, and Airview is instead required to contract with the tenant, which results in significant difficulties in obtaining payment for the service provided. Due to these difficulties, Airview has requested Hardin County Water District No. 2, the utility that provides water service to Airview's customers, to provide billing and collection services, but it has declined to provide these billing and collection services.

Furthermore, the Airview WWTP is a package treatment plant, and it is approximately forty (40) years old. Package treatment plants were designed to be a temporary remedy to provide wastewater treatment services to its customers until service could be provided on a permanent WWTP. The attached evaluation of the Airview WWTP performed by a licensed professional engineer indicates that it has reached the end of its forty (40) year life span. The costs to continue to maintain this aging WWTP have been high, also making it difficult for Airview to meet all of its financial obligations.

(b) See Attachment A which reflects Airview's paid expenses for each of the last five (5) years. This does not reflect Airview's unpaid bills.

(c) The members of Airview have not received any tangible or intangible compensation from Airview over each of the last five years.

(d) See Attachment B which contains a list of Airview's creditors, all debts that are outstanding to the creditors and a narrative explaining the reason for each debt.

(e) The revenue generated by Airview did not raise sufficient funds to pay for the needed upgrades.

(f) It will cost approximately \$30,000 to install a new chlorine contact tank (includes plans and specifications, cost of tank, site work and installation), approximately \$3,000 to install a new chemical feed system (includes plans and specifications, cost of equipment and installation), approximately \$4,500 to \$5,000 to install a new flo-meter, and approximately \$125,000 to clean the lagoon.

(g) The Energy and Environment Cabinet filed an Administrative Complaint against Airview on February 25, 2016, due to Notices of Violation issued on or about May 19, 2011, July 20, 2012, June 13, 2013, August 12, 2014, January 15 and 16, 2015, and July 8, 2015. Airview states that its discharge is in compliance with its permit at this time. (See attachment C; Administrative Complaint)

(h) The evaluation of the Airview wastewater treatment plant (“WWTP”) performed by a licensed professional engineer indicates that the subject WWTP has reached the end of its 40 year average life-span. The evaluation reflects that the estimate of the cost for a similar system with a capacity of 55,000 GPD is \$300,000, with another \$200,000 required to upgrade from secondary treatment to tertiary treatment if required by the Kentucky Division of Water. An estimated \$125,000 will be required to restore the current lagoon. (See Attachment A to the Airview’s Answers to Public Service Commission’s Data Requests) Accordingly, Airview recommends that the current WWTP be dismantled, and rather than constructing a new package treatment plant at this location, the Airview collection system should be connected to the City of Elizabethtown sanitary sewer system. The wastewater generated by the residents of Airview would then be treated by the City of Elizabethtown WWTP.

- (i) The City of Elizabethtown, Kentucky.

Information Request Number 3. Reference the Airview Surrender and Abandonment Notice, paragraph 3 to answer the following questions:

- a. Airview states that it has suffered significant difficulty in obtaining payment for its services, and this difficulty has contributed substantially to Airview's inability to pay for the needed upgrades to the Airview Treatment Plant. Explain in detail what the significant difficulty has been in obtaining payment.
- b. Indicate whether Airview has used a collection agency and, if so, the name and address of the collection agency used.
- c. Provide the total number of late payments received for calendar year 2015 and calendar year 2016.
- d. Provide the total number of disconnections and reconnections for calendar year 2015 and calendar year 2016.

Answer:

(a) The Airview WWTP serves an area that houses a very transient population. Many of the residences served by Airview are rental properties. Pursuant to the policy of the Public Service Commission, Airview cannot require the property owner to contract for wastewater treatment, and instead is required to contract with the tenant, which results in significant difficulties in obtaining payment for the service provided. Airview has requested Hardin County Water District No. 2, the utility that provides water service to Airview's customers, to provide billing and collection services, but it has declined to provide these billing and collection services. The following information is provided with respect to delinquent accounts: a) There are 23

accounts with no billing address. These properties are either vacant or Airview is unable to get a customer's name in order to issue the invoice. Airview has posted notes on doors to the properties asking the residents to register their account. Airview has also been able to obtain some information through the office of the Hardin County PVA, but many of the properties are rental properties, and information concerning tenants is not available from the PVA. Airview has also contacted the Hardin County Water District No. 2 that provides water service and it is unable to provide contact information due to privacy concerns; b) In addition to the accounts with no billing address, there are 55 accounts that are at least 3 months past due; c) There was \$9,741.51 in uncollectable accounts in 2014 and \$4,992.77 in uncollectable accounts in 2015. In response to the recommendation of the accountant that prepares Airview's tax returns, these accounts have been written off as bad debts; and, d) There is \$6,171.44 due from uncollectible accounts to date in 2016, according to Airview's accounts receivables records.

(b) Airview used a Collection Agency named Credit Solutions, LLC, 2277 Thunderstick Drive, 40505. Credit Solutions, LLC was unable to collect the delinquent accounts; therefore, Airview is no longer using a collection agency, but instead is taking the following steps to attempt to collect delinquent accounts: a) When an account is delinquent, "PAST DUE" is stamped on the monthly statement for the account; b) When an account is delinquent by 3 months, a letter of reminder is sent to the account; c) If Airview receives no response to a letter of reminder, a letter is forwarded to the account providing a disconnect date; d) If Airview has a telephone number for the account, a telephone call is made to the account; e) Airview has also posted notices on doors; and f) Airview has retained Murphy Excavating to disconnect delinquent accounts when a lateral line only serves the residence of the delinquent

account. When Murphy Excavating arrives at the property to disconnect the residence, in several cases, payment has been received.

(c) There was \$9,741.51 in uncollectable accounts in 2014 and \$4,992.77 in uncollectible accounts in 2015. In accordance with the recommendation of the accountant that prepares Airview's tax returns, these accounts have been written off as bad debts; and, d) there is \$6,171.44 due from uncollectible accounts to date in 2016. In 2015, Airview received a total number of 675 late payments. To date, Airview has received a total number of 188 late payments in 2016.

(d) No disconnections have been performed to date due to the following reasons: a) Many of the lateral lines to the residences served by Airview serve more than one residence. These lateral lines cannot be disconnected from the system, because it would result in disconnecting a customer whose account is current; and, b) As reflected in Airview's rates, the cost to disconnect a delinquent customer is significant, and pursuant to the Public Service Commission's policy, Airview will be unable to recover this cost if the delinquent tenant/customer has moved out or left on deployment.

Information Request No. 4. Reference the Airview Surrender and Abandonment Notice, paragraph 4 to answer the following questions:

- a. Provide a detailed list of Airview's monthly expenses.
- b. Provide a detailed List of Airview's monthly revenue.

Answer:

- (a) See Attachment D.
- (b) See Attachment D.

Information Request Number 5. Reference the Airview Surrender and Abandonment Notice generally to answer the following:

a. Provide a list of entities that Airview has contacted in regards to taking control and/or operation of the Treatment Plant, and how each entity has responded to the inquiry.

Provide all documentation from the contact.

b. Provide any and all contracts that Airview has entered with any entity to own and/or operate the Treatment Plant.

c. Airview states that the customers are currently paying a monthly fee of \$41.36 for sewage treatment. Is Airview aware of what the monthly fee for sewage treatment will be after the abandonment? If so, provide the monthly fee amount.

Answer:

(a) The City of Elizabethtown, Hardin County Water District No. 1 and Hardin County Water District No. 2. To date, none of these entities have been willing to accept the Airview WWTP and collection system. The City of Elizabethtown is still considering whether it should take ownership of the Airview WWTP and collection system.

(b) Airview has not entered into contracts with another entity to own or operate the Airview WWTP.

(c) Airview is not aware of what the monthly fee will be after abandonment.

Respectfully submitted,




Robert C. Moore
Katie M. Glass
STITES & HARBISON PLLC
421 West Main Street
P.O. Box 634
Frankfort, KY 40602-0634
Telephone: (502) 223-3477
Email: rmoore@stites.com

COUNSEL FOR AIRVIEW UTILITIES, LLC

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing ANSWERS were served by electronic mail, on this 22nd day of September, 2016 upon:

Angela M. Goad
angela.goad@ky.gov
S. Morgan Faulkner
Samantha.faulkner@ky.gov
Rebecca W. Goodman
Rebecca.goodman@ky.gov
Assistant Attorneys General
1024 Capital Center Drive, Suite 200
Frankfort, KY 40601-8204



Robert C. Moore

ATTACHMENT A

Attachment A

AIRVIEW INFORMATION FOR PSC IN CASE NO. 2016-00207

#2b	Treatment plant's paid expenses for 5 years				
	2016	2015	2014	2013	2012
Auto Expense			64.00	57.15	
Bad debt expense		144.99	9,741.51	15,169.19	
Bankcard charges		907.94	953.05	260.14	
Management		151.20		300.00	
Sludge hauling		2,100.00	3,275.00	2,225.00	900.00
Continuing Education	92.70	504.35			213.10
Lab Testing	6,150.00	10,226.01	6,072.25	9,204.20	8,980.60
Chemicals	1,473.62	231.12	955.98	617.11	279.28
Rent expense	600.00	1,100.00	300.00		
Utilities	7,775.31	15,004.66	14,567.85	14,868.97	13,054.75
Plant operator	7,350.00	10,261.30	6,300.00	7,000.00	10,500.00
Treatment system maintenance	22,190.61	26,144.29	22,953.78	27,999.14	22,552.17
Collection Expense					552.49
Office	1,043.12	1,338.44	919.31	686.21	170.75
Bank & merchant charges	1,320.76	397.08		248.50	280.75
Customer invoicing	2,800.00	4,800.00	2,800.00	3,200.00	1,200.00
Legal & Professional fees	300.00	5,800.00	4,400.00	3,044.50	2,272.50
Supervision		286.00	618.00	944.95	228.50
Tier II Emergency Fee	252.00	252.00	252.00	250.00	250.00
KPDES Permit				760.00	
Insurance	575.00	1,154.51	1,100.00	1,135.68	1,300.00
Misc: Storage, damage claim	212.50	510.00	1,112.50	1,194.00	466.00
Tax	1,336.65	1,384.81	617.92	1,805.89	1,058.19
Loans	713.11	800.00			699.43
	54185.38	83498.7	77,003.15	90,970.63	64,958.51

ATTACHMENT B

Attachment B

4,950.00	Brocklyn Utilities – Brocklyn Utilities made loans to Airview Utilities so that Airview Utilities could continue to operate and maintain the Airview WWTP.
39,950.56	Covered Bridge Utilities – Airview Utilities owes this amount to Covered Bridge Utilities for repairs and maintenance performed at the Airview WWTP, and the remote lift station.
12,950.00	Shawn Ford – Airview Utilites owes this amount to Shawn Ford for operating the WWTP.
3,485.28	Hazelrigg & Cox, LLP – Airview Utilities owes this amount to Hazelrigg & Cox, LLP for legal work performed for the utility.
6,650.00	Murphy Excavating – Airview owes this amount to Murphy Excavating for sewer repair work, including unclogging sewer mains, property service connections and other general sewer line repair work.
4,115.00	Coolbrook Loan – Coolbrook Utilities made loans to Airview Utilities so that Airview Utilities could continue to operate and maintain the Airview WWTP.
11,400.00	Integrity Bookkeeping – Airview Utilities owes this amount to Integrity Bookkeeping for bookkeeping work done for the company, including but not limited to billing of customers and collections and payment of bills.
476.00	Hornback Plumbing – Airview Utilities owes this amount to Hornback Plumbing for sewer main repairs.
3,536.60	Stites & Harbison, PLLC - Airview Utilities owes this amount to Stites & Harbison PLLC for legal work performed for the utility.
2,400.00	Strothman & Co, CPA - Airview Utilities owes this amount to Strothman & Co for accounting work, including but not limited to the preparation and filing of tax returns.
299.66	KY State Property Tax- Airview Utilities owes this amount for 2015 property taxes.
90,213.10	Total

ATTACHMENT C

ATTACHMENT C

FILED
FEB 25 2016
Office of Administrative Hearings

COMMONWEALTH OF KENTUCKY
ENERGY AND ENVIRONMENT CABINET
FILE NO. DOW-34206

ENERGY AND ENVIRONMENT CABINET

PLAINTIFF

VS.

ADMINISTRATIVE COMPLAINT

Airview Utilities, LLC

DEFENDANT

SERVE VIA CERTIFIED MAIL:
Robert C. Moore
415 West Main Street
Post Office Box 676
Frankfort, Kentucky 40601
Serve as Registered Agent listed for Airview Utilities, LLC

COMES NOW, the Plaintiff, Energy and Environment Cabinet, by and through counsel, and for its complaint against Defendant, Airview Utilities, LLC, states the following:

1. The Plaintiff, Energy and Environment Cabinet (hereinafter "Cabinet") is an administrative agency of the Commonwealth, charged with the statutory duty of protecting public health and the environment pursuant to KRS Chapter 224 and the regulations promulgated pursuant thereto.

2. The Defendant, Airview Utilities, LLC (hereinafter "Airview"), according to the website maintained by the office of the Commonwealth of Kentucky, Secretary of State, is an

A

active Kentucky corporation in good standing. According to the Secretary of State's website the registered agent for service of process for Airview Utilities, LLC is Robert C. Moore. The address for the registered agent is 415 West Main Street Frankfort, Kentucky 40602. The principal office of Airview is listed as Post Office Box 91588 Louisville, Kentucky 40291.

3. At all times relevant to this complaint Airview operated a wastewater treatment plant (hereinafter "WWTP") at the in Airview Estates subdivision (hereinafter, "the facility") in Hardin County, Kentucky.

4. Airview was issued Kentucky Pollutant Discharge Elimination System (hereinafter "KPDES") permit number KY0045390 to operate the WWTP. The permit was issued on February 1, 2009 and expired on January 31, 2014.

5. On or about May 19, 2011, July 20, 2012, June 13, 2013, August 12, 2014, January 15 and 16, 2015, and July 8, 2015 inspections of the facility were conducted by authorized agents of the Cabinet. It was observed by the Cabinet's authorized agents that the facility was exceeding effluent parameters, observing improper operation and maintenance, and degrading the waters of the Commonwealth.

6. On or about May 25, 2011, July 24, 2012, July 29, 2013, August 20, 2014, January 27, 2015, and July 16, 2015, the Cabinet issued Airview Notices of Violation ("NOVs") for the conditions described above, as follows:

- a) 401 KAR 5:065 Section 2: failure to report and comply as required in the KPDES permit;
- b) 401 KAR 5:005: failure to properly operate and maintain the facility;
- c) 401 KAR 5:015: failure to report bypass and/or spill;

- d) KRS 224.70-110: Polluting the waters of the Commonwealth; and
- e) 401 KAR 10:031 Section 2: Causing or contributing to the degradation of the waters of the Commonwealth.

The NOV's include the remedial measures required to bring the facility into compliance.

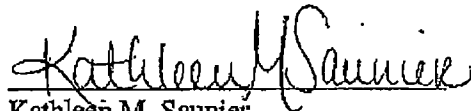
A copy of the NOV's are attached hereto and incorporated herein as Plaintiff's Exhibit 1.

WHEREFORE, for all of the foregoing reasons, the Cabinet demands the following relief:

1. That the defendant be found to be in violation of the statutes and regulations cited above; and
2. That the defendant be ordered to comply with any and all remedial measures set forth in the NOV's described above; and
3. That the defendant be ordered to pay a civil penalty of twenty-five thousand dollars (\$25,000) per day per violation for each violation identified in paragraphs five (5) and six (6) above, pursuant to KRS 224.99-010(1); and
4. That the Cabinet be awarded any and all other relief to which it is entitled.

Respectfully submitted,

ENERGY AND ENVIRONMENT
CABINET



Kathleen M. Saunier
Daniel C. Cleveland
Office of General Counsel
2 Hudson Hollow
Frankfort, KY 40601
Telephone: 502-564-2356

COUNSEL FOR PLAINTIFF



STEVEN L. BESHEAR
GOVERNOR

LEONARD K. PETERS
SECRETARY

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

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

May 25, 2011

Certified No. 7010 2780 0001 7871 9857
Return Receipt Requested

Mr. Lawrence W. Smither
Airview Utilities LLC
1706 Bardstown Road
Louisville, KY 40205

Re: Notice of Violation
AI ID: 1643
AI Name: Airview Utilities LLC
Activity ID: ENV20110002
Permit No. KY0045390
Hardin County, KY

Dear Airview Utilities LLC:

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.

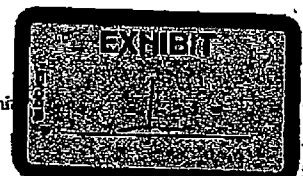
Please be aware that due to continued violations this facility will be referred to the Division of Enforcement for their action.

Your cooperation and attention to this matter is appreciated. If you have any questions, please contact me at 502 429-7122.

Sincerely,

Mr. Charlie Roth, Supervisor
Louisville Regional Office
Division of Water

Enclosure



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

NOTICE OF VIOLATION

To: Airview Utilities LLC
1706 Bardstown Road
Louisville, KY 40205

AI Name: Airview Utilities LLC AI ID: 1643 Activity ID: ENV20110002
Discovery ID: CIN20110002 County: Hardin
Enforcement Case ID:
Date(s) Violation(s) Observed: 05/19/2011

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

1 Violation Description for Subject Item AIOO0000001643():

Design Considerations. No bypass or overflow structure of any type shall be constructed in any sewer line or pump station or at any WWTP unless specifically approved by the cabinet in writing. [401 KAR 5:005 Section 7(4)]

Description of Non Compliance:

The manhole at the lift station located on Pine Valley Drive has a constructed overflow leading to the roadside ditch.

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

Immediately remove the unapproved constructed overflow. Within thirty (30) days of the receipt of this notice, the permittee shall submit a written notification to the undersigned that the permittee complies with this requirement. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and or your company to an immediate referral to the Division of Enforcement. [401 KAR 5:005 Section 7(4)]

2 Violation Description for Subject Item AIOO0000001643():

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

Description of Non Compliance:

The facility has failed to submit monitoring results at intervals specified in the permit. There are no records of DMRs being submitted to DOW for August, September, October, November, December 2010 and February 2011.

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

The permittee must begin reporting monitoring results at the intervals specified in the permit. Any permit non-compliance shall constitute a violation of KRS 224, among which shall be the following remedies: Enforcement action, permit revocation, revocation and reissuance, or modification, or denial of permit renewal application. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and or your company to an immediate referral to the Division of Enforcement. [401 KAR 5:065 Section 2(1)]

3 Violation Description for Subject Item AIOO0000001643():

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

Description of Non Compliance:

The facility has failed to report monitoring results on a DMR. There are no records of DMRs being

submitted to DOW for August, September, October, November, December 2010 and February 2011.

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

The permittee must report monitoring results on a DMR. Any permit non-compliance shall constitute a violation of KRS 224, among which shall be the following remedies: Enforcement action, permit revocation, revocation and reissuance, or modification; or denial of permit renewal application. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and or your company to an immediate referral to the Division of Enforcement. [401 KAR 5:065 Section 2(1)]

4 Violation Description for Subject Item AIOO0000016430:

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

Description of Non Compliance:

The facility is not being properly operated and maintained as required. The daily log book indicates repeated incidents of clogging of the return and transfer pipes. There are repeated permit violations as well as visible signs of solids in the receiving stream indicating a lack of proper operation and maintenance of the plant.

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

The permittee must, at all times, properly operate & maintain the facility. With proper approval(s) from the Division of Water, upgrade/update the facility in order to meet the regulatory requirements and facility permit conditions. Within thirty (30) days of the receipt of this notice, the permittee shall submit a written notification to the undersigned that the permittee complies with all requirements of its permit. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and/or your company to an immediate referral to the Division of Enforcement. [401 KAR 5:065 Section 2(1)]

5 Violation Description for Subject Item AIOO0000016430:

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

Description of Non Compliance:

The facility has failed to properly maintain and / or operate the disinfection unit. The facility has no dechlorination capability at this time. The KPDES permit requires dechlorination with a limit of 0.011 mg/l Monthly Average and 0.019 mg/l Daily Max. Shawn Ford took a Total Residual Chlorine reading at the time of this inspection with a result of 1.47 mg/l

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

The permittee must immediately maintain and operate the disinfection unit to allow for compliance with permit conditions. Within thirty (30) days of the receipt of this notice, the permittee shall submit a written notification to the undersigned that the permittee complies with all requirements of its permit. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and/or your company to an immediate referral to the Division of Enforcement. [401 KAR 5:005 Section 11].

6 Violation Description for Subject Item AIOO0000016430:

A water supply with suitable backflow preventer shall be provided to facilitate cleaning and maintenance of the wastewater treatment plant. [401 KAR 5:005 Section 10(6)].

Description of Non Compliance:

The facility has not installed a backflow preventer to protect the water supply.

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

The permittee must immediately provide a water source for cleanup with a backflow preventer installed to protect the water supply. Within thirty (30) days of the receipt of this notice, the permittee shall submit a written notification to the undersigned that the permittee complies with all requirements of its permit. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and/or your company to an immediate referral to the Division of Enforcement. [401 KAR 5:005 Section 10(6)]

7 Violation Description for Subject Item AIOO0000016430:

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

Description of Non Compliance:

The facility has failed to comply with the effluent limitations contained in the permit. DMR review for April 2010-March 2011 indicated violations for: TRC (April, May, June 2010; January and March 2011); Total Ammonia Nitrogen (May, June 2010; March 2011); TSS (May 2010); BOD (January, March 2011); E. coli (March 2011). In addition no DMRs were received for August, September, October, November, December 2010 and February 2011.

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

The permittee must comply with effluent limitations and all conditions of the KPDES permit. Within thirty (30) days of the receipt of this notice, the permittee shall submit a written notification to the undersigned that the permittee complies with all requirements of its permit. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and/or your company to an immediate referral to the Division of Enforcement. [401 KAR 5:065 Section 2(1)]

8 Violation Description for Subject Item AIOO0000016430:

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

Description of Non Compliance:

Pollutants have entered and contributed to the pollution of the waters of the Commonwealth. There were visible indications of solids in the receiving stream at the time of the inspection.

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

Immediately cease all activity, which is contributing or has contributed to the pollution of the waters of the Commonwealth. Within thirty (30) days of the receipt of this notice, the permittee/responsible party shall submit a plan of action and a schedule of implementation to the undersigned describing the necessary measures taken to address the non-compliance. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and or your company to an immediate referral to the Division of Enforcement. [KRS 224.70-110].

- 9 **Violation Description for Subject Item AIOO00000016430:**
Surface waters shall not be aesthetically or otherwise degraded, [401 KAR 10:031 Section 2].

Description of Non Compliance:

The waters of the Commonwealth have been degraded. There were visible indications of solids in the receiving stream at the time of the inspection.

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

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

- 1 **Violation Description for Subject Item AIOO00000016430:**

0

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

Description of Non Compliance:

The facility has failed to comply with the terms of the permit. In addition to the violations listed there is no sign posted at the outfall as required in the KPDES permit.

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

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

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)
Mr. Charlie Roth, Supervisor

Issued By:

Charles A. Roth

Mr. Charlie Roth, Supervisor

Date: May 25, 2011

How Delivered: Certified Mail Certified/Registered # 7010 2780 0001 7871 9857



STEVEN L. BESHEAR
GOVERNOR

LEONARD K. PETERS
SECRETARY

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

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

July 24, 2012

Certified No. 7010 1060 0000 9371 7132
Return Receipt Requested

Airview Estates Inc
1706 Bardstown Rd
Louisville, KY 40205

Re: Notice of Violation
AI ID: 1643
AI Name: Airview Utilities LLC
Activity ID: ENV20120001
Permit No. KY0045390
Hardin County, KY

Dear Mr. Smithers:

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 deadline **August 25, 2012**.

Your cooperation and attention to this matter is appreciated. If you have any questions, please contact me at 502-429-7122.

Sincerely,

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

Enclosure

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

NOTICE OF VIOLATION

To: Airview Estates Inc
1706 Bardstown Rd
Louisville, KY 40205

AI Name: Airview Utilities LLC AI ID: 1643 Activity ID: ENV20120001
Discovery ID: CIN20120001 County: Hardin
Enforcement Case ID:
Date(s) Violation(s) Observed: 07/20/2012

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

1 Violation Description for Subject Item AIOO00000016430:

Design Considerations. No bypass or overflow structure of any type shall be constructed in any sewer line or pump station or at any WWTP unless specifically approved by the cabinet in writing. [401 KAR 5:005 Section 7(5)]

Description of Non Compliance:

The manhole at the lift station located on Pine Valley Drive has a constructed overflow leading to the road ditch.

2 Violation Description for Subject Item AIOO00000016430:

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

Description of Non Compliance:

The facility is not being properly operated and maintained as required. Reviewed DMR's from July 2011 through May of 2012. The facility had excursions for the following parameters: (MULTIPLE E.COLI VIOLATIONS)

2012

May: Ammonia Nitrogen, Total Cl Residual

Apr: Amm. Nitrogen, Total Cl Resid., E. Coli

Mar: Total Cl Resid., E. Coli

Feb: Total Cl Resid.

Jan: Amm. Nitrogen, Total Cl Resid., E. Coli, BOD

2011

Dec: Amm. Nitrogen, Total Cl Resid., E. Coli, BOD

Nov: Total Cl Resid., E. Coli

Oct: Amm. Nitrogen, Total Cl Resid., E. Coli

Sept: Amm. Nitrogen, Total Cl Resid., E. Coli

Aug: Amm. Nitrogen, Total Cl Resid., BOD

July: Dissolved Oxygen, Amm. Nitrogen, Total Cl Resid., E. Coli

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

The permittee must, at all times, properly operate & maintain the facility. With proper approval(s) from the Division of Water, upgrade/update the facility in order to meet the regulatory requirements and facility permit conditions. By August 25 2012, the permittee shall submit a written notification to the undersigned that the permittee complies with all requirements of its permit. Additional remedial measures could be added by the Division Of Enforcement. [401 KAR 5:065 Section 2(1)]

3 Violation Description for Subject Item AIOO0000016430:

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

Description of Non Compliance:

The facility has failed to properly maintain and / or operate the disinfection unit.

The facility has no dechlorination capability at this time. The KPDES permit requires the facility to dechlorinate with a limit of 0.011 mg/l Monthly Average and 0.019 mg/l Daily Max.

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

The permittee must immediately maintain and operate the disinfection unit to allow for compliance with permit conditions. By August 25, 2012, the permittee shall submit a written notification to the undersigned that the permittee complies with all requirements of its permit. Additional remedial measures could be added by the Division Of Enforcement. [401 KAR 5:005 Section 11]

4 Violation Description for Subject Item AIOO0000016430:

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

Description of Non Compliance:

The facility has failed to comply with the effluent limitations contained in the permit.

Questionable ability to measure quantity of loading without a flow meter.

2012

May: Ammonia Nitrogen, Total Cl Residual

Apr: Amm. Nitrogen, Total Cl Resid., E. Coli

Mar: Total Cl Resid., E. Coli

Feb: Total Cl Resid.

Jan: Amm. Nitrogen, Total Cl Resid., E. Coli, BOD

2011

Dec: Amm. Nitrogen, Total Cl Resid., E. Coli, BOD

Nov: Total Cl Resid., E. Coli

Oct: Amm. Nitrogen, Total Cl Resid., E. Coli

Sept: Amm. Nitrogen, Total Cl Resid., E. Coli

Aug: Amm. Nitrogen, Total Cl Resid., BOD

July: Dissolved Oxygen, Amm. Nitrogen, Total Cl Resid., E. Coli

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

The permittee must comply with effluent limitations and all conditions of the KPDES permit. By August 25 2012, the permittee shall submit a written notification to the undersigned that the permittee complies with all requirements of its permit. Additional remedial measures could be added by the Division Of Enforcement. [401 KAR 5:065 Section 2(1)]

5 **Violation Description for Subject Item AIO0000001643():**

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

Description of Non Compliance:

Pollutants have entered and contributed to the pollution of the waters of the Commonwealth.
Visible solids in the stream at the time of inspection.

2012

May: Ammonia Nitrogen, Total Cl Residual

Apr: Amm. Nitrogen, Total Cl Resid., E.Coli

Mar: Total Cl Resid., E. Coli

Feb: Total Cl Resid.

Jan: Amin. Nitrogen, Total Cl Resid., E. Coli, BOD

2011

Dec: Amm. Nitrogen, Total Cl Resid., E. Coli, BOD

Nov: Total Cl Resid., E. Coli

Oct: Amm. Nitrogen, Total Cl Resid., E. Coli

Sept: Amm. Nitrogen, Total Cl Resid., E. Coli

Aug: Amm. Nitrogen, Total Cl Resid., BOD

July: Dissolved Oxygen, Amm. Nitrogen, Total Cl Resid., E. Coli

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

Immediately cease all activity, which is contributing or has contributed to the pollution of the waters of the Commonwealth. By August 25, 2012 the permittee/responsible party shall submit a plan of action and a schedule of implementation to the undersigned describing the necessary measures taken to address the non-compliance. Additional remedial measures could be added by the Division Of Enforcement.. [KRS 224.70-110]

6 **Violation Description for Subject Item AIO0000001643():**

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

Description of Non Compliance:

The waters of the Commonwealth have been degraded. Pollutants have entered and contributed to the pollution of the waters of the Commonwealth.

Visible solids in the stream at the time of inspection.

2012

May: Ammonia Nitrogen, Total Cl Residual

Apr: Amm. Nitrogen, Total Cl Resid., E.Coli

Mar: Total Cl Resid., E. Coli

Feb: Total Cl Resid.

Jan: Amm. Nitrogen, Total Cl Resid., E. Coli, BOD

2011

Dec: Amm. Nitrogen, Total Cl Resid., E. Coli, BOD

Nov: Total Cl Resid., E. Coli

Oct: Amm. Nitrogen, Total Cl Resid., E. Coli

Sept: Amm. Nitrogen, Total Cl Resid., E. Coli

Aug: Amm. Nitrogen, Total Cl Resid., BOD

July: Dissolved Oxygen, Amm. Nitrogen, Total Cl Resid., E. Coli

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

Immediately cease all discharges that are aesthetically or otherwise degrading the waters of the Commonwealth. The effluent must be brought into compliance so as to eliminate stream degradation. By August 25, 2012 the permittee/responsible party shall submit a plan of action and a schedule of implementation to the undersigned describing the necessary measures taken to address the non-compliance. Additional remedial measures could be added by the Division Of Enforcement. [401 KAR 10:031 Section 2]

7 Violation Description for Subject Item AIOO0000016430:

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

Description of Non Compliance:

The facility has failed to comply with the terms of the permit.
Pollutants have entered and contributed to the pollution of the waters of the Commonwealth.
Visible solids in the stream at the time of inspection.

2012

May: Ammonia Nitrogen, Total Cl Residual
Apr: Amm. Nitrogen, Total Cl Resid., E.Coli
Mar: Total Cl Resid., E. Coli
Feb: Total Cl Resid.
Jan: Amm. Nitrogen, Total Cl Resid., E. Coli, BOD

2011

Dec: Amm. Nitrogen, Total Cl Resid., E. Coli, BOD
Nov: Total Cl Resid., E. Coli
Oct: Amm. Nitrogen, Total Cl Resid., E. Coli
Sept: Amm. Nitrogen, Total Cl Resid., E. Coli
Aug: Amm. Nitrogen, Total Cl Resid., BOD
July: Dissolved Oxygen, Amm. Nitrogen, Total Cl Resid., E. Coli

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

Comply with all conditions of the KPDES permit. Additional remedial measures could be added by the Division Of Enforcement. [401 KAR 5:065 Section 2]

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

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

Division of Water
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

Cynthia Smith

Issued By:

Ms. Cindy A Smith, Environmental Inspector III
Date: July 24, 2012

Brad Trivette

Issued By:

Brad Trivette Acting Supervisor for Charlie Roth
Date: July 24, 2012

Certified/Registered # 7010 1060 0000 9371 7132



STEVEN L. BESHEAR
GOVERNOR

LEONARD K. PETERS
SECRETARY

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

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

July 29, 2013

Certified No. 7005 0390 0003 0864 0087
Return Receipt Requested

Airview Utilities LLC
PO Box 91588
Louisville, KY 40291

Re: Notice of Violation
AI ID: 1643
AI Name: Airview Utilities LLC
Activity ID: ENV20130001
Permit No. KY0045390
Hardin County, KY

Dear Airview Utilities LLC:

The Kentucky Department for Environmental Protection (DEP) has issued the enclosed Notice of Violation for violations discovered at your facility on 06/13/2013. Please review this Notice of Violation carefully to ensure that all remedial measures are completed by the specified deadlines.

Your cooperation and attention to this matter is appreciated. If you have any questions, please contact me at Louisville Regional Office 502-429-7122

Sincerely,

Garry Crabtree,
Environmental Inspector
Division of Water

Enclosure

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

NOTICE OF VIOLATION

To:

Airview Utilities LLC
US 31 W
Elizabethtown, KY 42701

AI Name: Airview Utilities LLC AI ID: 1643 Activity ID: ENV20130001
Discovery ID: CIN20130001 County: Hardin
Enforcement Case ID:
Date(s) Violation(s) Observed: 06/13/2013

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

1 Violation Description for Subject Item AIOO0000001643():

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

Description of Non Compliance:

The inspector has concerns about the amount of time the operator is actually at the plant. Permit violations indicate lack of consistent O&M in order to maintain facility in compliance.

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

The permittee must, at all times, properly operate & maintain the facility. With proper approval(s) from the Division of Water, upgrade/update the facility in order to meet the regulatory requirements and facility permit conditions. By August 28, 2013, the permittee shall submit a written notification to the undersigned that the permittee complies with all requirements of its permit. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and/or your company to an immediate referral to the Division of Enforcement. [401 KAR 5:065 Section 2(1)]

2 Violation Description for Subject Item AIOO000001643():

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

Description of Non Compliance:

Units were feeding at the time of inspection. However the DMR violations for Chlorine and E coli indicate lack of consistence proper operation.

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

The permittee must immediately maintain and operate the disinfection unit to allow for compliance with permit conditions. By August 28, 2013 the permittee shall submit a written notification to the undersigned that the permittee complies with all requirements of its permit. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and/or your company to an immediate referral to the Division of Enforcement. [401 KAR 5:005 Section 11]

3 Violation Description for Subject Item AIOO000001643():

The flow measuring device shall measure all flow received at the wastewater treatment plant. An indicating, recording, and totalizing flow measuring device shall be installed at each large wastewater treatment plant. [401 KAR 5:005 Section 12]

Description of Non Compliance:

The facility is not properly measuring flow as required. The plant has no flow meter influent or effluent. Results are entered in on the DMR.

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

The permittee must take all action necessary to ensure proper flow measurement and properly operate & maintain the facility. With proper approval(s) from the Division of Water, upgrade/update the facility in order to meet the regulatory requirements and facility permit conditions. By August 28, 2013, the permittee shall submit a written notification to the undersigned that the permittee complies with all requirements of its permit. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and/or your company to an immediate referral to the Division of Enforcement. [401 KAR 5:005 Section 12]

4 Violation Description for Subject Item AIOO000001643():

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

Description of Non Compliance:

A review of DMR the discharge for permit # KY0045390 AI # 1643 Airview Estates from April 2012 to May 2013 indicated these exceeded limits: NH3N and Cl2 E coli for April and June to Sep. 2012. Nov and Dec Cl2 exceeded limits. Jan 2013 to Feb 2013 D.O., Cl2 and E coli exceeded limits. March 2013 Cl2 and E coli exceeded limits. April to May NH3N, CL2 and Ecoli exceeded limits. TSS exceeded limits for the month of April. The facility has failed to comply with the effluent limitations contained in the permit. Violations have been consistent in the effluent:

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

The permittee must comply with effluent limitations and all conditions of the KPDES permit. By August 28, 2013 the permittee shall submit a written notification to the undersigned that the permittee complies with all requirements of its permit. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and/or your company to an immediate referral to the Division of Enforcement. [401 KAR 5:065 Section 2(1)]

5 Violation Description for Subject Item AIO00000016430:

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

Description of Non Compliance:

The facility has failed to comply with the terms of the permit.

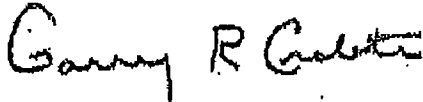
The remedial measure(s), and date(s) to be completed by are as follows:

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

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.

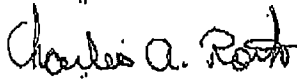
If you have questions or need further information, write or call the undersigned:

Division of Water
Louisville Regional Office
9116 Leesgate Rd
Louisville, KY 40222-5084
(8:00 AM - 4:30 PM)
Garry Crabtree, Environmental Inspector



Issued By:

Garry Crabtree, Environmental Inspector
Date: July 29, 2013



Issued By:

Charlie Roth, Control Supervisor
Date: July 29, 2013

How Delivered: Certified Mail Certified/Registered # 7005 0390 0003 0864 0087



STEVEN L. BESHEAR
GOVERNOR

LEONARD K. PETERS
SECRETARY

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

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

August 20, 2014

Certified No. 7011 1150 0001 2003 4455
Return Receipt Requested

Airview Utilities LLC
P.O. Box 91588
Louisville, KY 40291

Re: Notice of Violation
AI ID: 1643
AI Name: Airview Utilities LLC
Activity ID: ENV20140001
Permit No. KY0045390
Hardin County, KY

Dear Airview Utilities LLC:

The Kentucky Department for Environmental Protection (DEP) has issued the enclosed Notice of Violation for violations discovered at your facility on 08/12/2014. Please review this Notice of Violation carefully to ensure that all remedial measures are completed by the specified deadlines.

Your cooperation and attention to this matter is appreciated. If you have any questions, please contact me at 502 429-7122.

Sincerely,

Mr. Charlie Roth,
Supervisor
Division of Water

Enclosure

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

NOTICE OF VIOLATION

To: Airview Utilities LLC
P.O. Box 91588
Louisville, KY 40291

AI Name: Airview Utilities LLC AI ID: 1643 Activity ID: ENV20140001
Discovery ID: CIN20140001 County: Hardin
Enforcement Case ID:
Date(s) Violation(s) Observed: 08/12/2014

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

1 Violation Description for Subject Item AIOO0000001643():

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

Description of Non Compliance:

The facility has failed to submit monitoring results at intervals specified in the permit. DMRs have not been submitted for September 2013, and June 2014.

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

The permittee must begin reporting monitoring results at the intervals specified in the permit. Any permit non-compliance shall constitute a violation of KRS 224, among which shall be the following remedies: Enforcement action, permit revocation, revocation and reissuance, or modification; or denial of permit renewal application. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and or your company to an immediate referral to the Division of Enforcement. [401 KAR 5:065 Section 2(1)]

2 Violation Description for Subject Item AIOO0000001643():

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

Description of Non Compliance:

The facility has failed to report spills, bypasses and/or non-compliance as required by 401 KAR 5:065 Section 2(1). At the time of this inspection there was visual evidence of solids in the receiving stream without record of a bypass report submitted.

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

The permittee must report spills, bypasses and non-compliance as required by 401 KAR 5:065 Section 2(1). Within thirty (30) days of the receipt of this notice, the permittee shall submit a written notification to the undersigned that the permittee complies with all requirements of its permit. Any permit non-compliance shall constitute a violation of the Clean Water Act and KRS 224, among which shall be the following remedies: Enforcement action, permit revocation, revocation and reissuance, or modification; or denial of permit renewal application. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and or your company to an immediate referral to the Division of

Enforcement, [401 KAR 5:065 Section 2(1)]

3 Violation Description for Subject Item AIOO000001643():

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

Description of Non Compliance:

The responsible party/permittee has failed to report the spill or discharge to the Division of Water as required. At the time of this inspection there was visual evidence of solids in the receiving stream without record of a report submitted.

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

All future spills/bypasses, which would result in or contribute to the pollution of the waters, must be reported to the Division of Water by the most rapid means available. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and/or your company to an immediate referral to the Division of Enforcement. [401 KAR 5:015 Section 2]

4 Violation Description for Subject Item AIOO000001643():

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

Description of Non Compliance:

The facility is not being properly operated and maintained as required.

The facility has failed to properly maintain and/or operate the disinfection unit. DMR violations for E. coli and Total Residual Chlorine indicate lack of proper operation. There is no dechlorination capability at the facility.

The facility is not properly measuring flow as required. There does not appear to be a functioning flow measuring device located at this facility.

The facility has failed to comply with the effluent limitations contained in the permit. DMR review from August 2013 to August 2014 indicated DMR violations.

At the time of this inspection there was visual evidence of solids in the receiving stream without record of a report submitted.

Visual observation of sludge in the stream below the outfall at the time of this inspection.

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

The permittee must, at all times, properly operate & maintain the facility. With proper approval(s) from the Division of Water, upgrade/update the facility in order to meet the regulatory requirements and facility permit conditions. Within thirty (30) days of the receipt of this notice, the permittee shall submit a written notification to the undersigned that the permittee complies with all requirements of its permit. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and/or your company to an immediate referral to the Division of Enforcement. [401 KAR 5:065 Section 2(1)]

5 Violation Description for Subject Item AIOO000001643():

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

an intermediate or large WWTP. [401 KAR 5:005 Section 11]

Description of Non Compliance:

The facility has failed to properly maintain and / or operate the disinfection unit. DMR violations for E. coli and Total Residual Chlorine indicate lack of proper operation. There is no dechlorination capability at the facility.

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

The permittee must immediately maintain and operate the disinfection unit to allow for compliance with permit conditions. Within thirty (30) days of the receipt of this notice, the permittee shall submit a written notification to the undersigned that the permittee complies with all requirements of its permit. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and/or your company to an immediate referral to the Division of Enforcement. [401 KAR 5:005 Section 11]

6 Violation Description for Subject Item AIOO0000001643():

The flow measuring device shall measure all flow received at the wastewater treatment plant. An indicating, recording, and totalizing flow measuring device shall be installed at each large wastewater treatment plant. [401 KAR 5:005 Section 12]

Description of Non Compliance:

The facility is not properly measuring flow as required. There does not appear to be a functioning flow measuring device located at this facility.

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

The permittee must take all action necessary to ensure proper flow measurement and properly operate & maintain the facility. With proper approval(s) from the Division of Water, upgrade/update the facility in order to meet the regulatory requirements and facility permit conditions. Within thirty (30) days of the receipt of this notice, the permittee shall submit a written notification to the undersigned that the permittee complies with all requirements of its permit. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and/or your company to an immediate referral to the Division of Enforcement. [401 KAR 5:005 Section 12]

7 Violation Description for Subject Item AIOO0000001643():

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

Description of Non Compliance:

The facility has failed to comply with the effluent limitations contained in the permit. DMR review from August 2013 to August 2014 indicated the following DMR violations: Dissolved Oxygen (DO) 8/13, 10/13, 11/13, 12/13, 1/14, 4/14, 5/14. TSS-11/13, 5/14. Total Nitrogen Ammonia-8/13, 10/13, 11/13, 1/14, 2/14, 4/14, 5/14. TRC-8/13, 10/13, 11/13, 12/13, 1/14, 2/14, 3/14, 4/14, 5/14. E. coli-10/13, 11/13, 12/13, 1/14, 4/14, 5/15. BOD5-1/14, 4/14, 5/14.

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

The permittee must comply with effluent limitations and all conditions of the KPDES permit. Within thirty (30) days of the receipt of this notice, the permittee shall submit a written notification to the undersigned that the permittee complies with all requirements of its permit. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and/or your company to an immediate referral to the Division of Enforcement. [401 KAR 5:065 Section 2(1)]

8 Violation Description for Subject Item AIOO0000001643():

No person shall directly, or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the

rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:

Pollutants have entered and contributed to the pollution of the waters of the Commonwealth. Visual observation of sludge in the stream below the outfall at the time of this inspection.

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

Immediately cease all activity, which is contributing or has contributed to the pollution of the waters of the Commonwealth. Within thirty (30) days of the receipt of this notice, the permittee/responsible party shall submit a plan of action and a schedule of implementation to the undersigned describing the necessary measures taken to address the non-compliance. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and or your company to an immediate referral to the Division of Enforcement. [KRS 224.70-110]

9 Violation Description for Subject Item AIOO00000016430:

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

Description of Non Compliance:

The waters of the Commonwealth have been degraded. Visual observation of sludge in the stream below the outfall at the time of this inspection.

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

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

1 Violation Description for Subject Item AIOO00000016430:

0

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

Description of Non Compliance:

The facility has failed to comply with the terms of the permit.

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

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

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)
Mr. Charlie Roth, Supervisor

Issued By: Charles A. Roth
Mr. Charlie Roth, Supervisor
Date: August 20, 2014

How Delivered: Certified Mail Certified/Registered # 7011 1150 0001 2003 4455



STEVEN L. BESHEAR
GOVERNOR

LEONARD K. PETERS
SECRETARY

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

Division of Water
9116 Leesgate Rd
Louisville, KY 40222
www.kentucky.gov

January 27, 2015

Certified No. 7010 1060 0000 9371 7385
Return Receipt Requested.

Airview Utilities LLC
P.O. Box 91588
Louisville, KY 40291

Re: Notice of Violation
AI ID: 1643
AI Name: Airview Utilities LLC
Activity ID: ENV20150001
Permit No. KY0045390
Hardin County, KY

Dear Airview Utilities LLC:

The Kentucky Department for Environmental Protection (DEP) has issued the enclosed Notice of Violation for violations discovered at your facility. Please review this Notice of Violation carefully to ensure that all remedial measures are completed by the specified deadlines.

Your cooperation and attention to this matter is appreciated. If you have any questions, please contact me at 502-429-7122.

Sincerely,

Jordan L. Bailey,
Environmental Inspector
Division of Water

Enclosure

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

NOTICE OF VIOLATION

To: Airview Utilities LLC
P.O. Box 91588
Louisville, KY 40291

AI Name: Airview Utilities LLC AI ID: 1643 Activity ID: ENV20150001
Discovery ID: CIV20150001 County: Hardin
Enforcement Case ID:
Date(s) Violation(s) Observed: 01/15/2015

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

1 Violation Description for Subject Item AIOO0000001643():

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

Description of Non Compliance:

Shawn Ford was contacted and had stated that the bypass/overflow was not reported by Airview, to Louisville Division of Water. The facility has failed to report spills, bypasses and/or non-compliance as required by 401 KAR 5:065 Section 2(1).

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

The permittee must report spills, bypasses and non-compliance as required by 401 KAR 5:065 Section 2(1). Within thirty (30) days of the receipt of this notice, the permittee shall submit a written notification to the undersigned that the permittee complies with all requirements of its permit. Any permit non-compliance shall constitute a violation of the Clean Water Act and KRS 224, among which shall be the following remedies: Enforcement action, permit revocation, revocation and reissuance, or modification; or denial of permit renewal application. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and or your company to an immediate referral to the Division of Enforcement. [401 KAR 5:065 Section 2(1)]

2 Violation Description for Subject Item AIOO0000001643():

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

Description of Non Compliance:

Shawn Ford was contacted and had stated that the bypass/overflow was not reported by Airview, to Louisville Division of Water. The responsible party/permittee has failed to report the spill or discharge to the Division of Water as required.

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

All future spills/bypasses, which would result in or contribute to the pollution of the waters, must be reported to the Division of Water by the most rapid means available. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and/or your company to an immediate

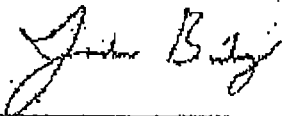
referral to the Division of Enforcement. [401 KAR 5:015 Section 2]

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.

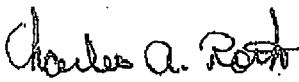
If you have questions or need further information, write or call the undersigned:

Division of Water
Louisville Regional Office
9116 Leesgate Rd
Louisville, KY 40222
502-429-7122 (8:00 AM - 4:30 PM)
Jordan L Bailey, Environmental Inspector

Issued By:


Jordan L. Bailey, Environmental Inspector
Date: January 27, 2015

Issued By:


Charlie Roth, Supervisor
Date: January 27, 2015

How Delivered: Certified

Certified/Registered # 7010 1060 0000 9371 7385



STEVEN L. BESHEAR
GOVERNOR

LEONARD K. PETERS
SECRETARY

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

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

July 16, 2015

Certified No. 7012-3460 0001 0838 6634
Return Receipt Requested

Airview Utilities LLC
Attn: Mr. Larry Smither
P.O. Box 91588
Louisville, KY 40291

Re: Notice of Violation
AI ID: 1643
AI Name: Airview Utilities LLC
Activity ID: ENY20150002
Permit No. KY0045390
Hardin County, KY

Dear Airview Utilities LLC:

The Kentucky Department for Environmental Protection (DEP) has issued the enclosed Notice of Violation for violations discovered at your facility on July 8, 2015. Please review this Notice of Violation carefully to ensure that all remedial measures are completed by the specified deadlines.

Your cooperation and attention to this matter is appreciated. If you have any questions, please contact me at 502 429-7122.

Sincerely,

Mr. Charlie Roth,
Supervisor
Division of Water

Enclosure

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

NOTICE OF VIOLATION

To: Airview Utilities LLC
P.O. Box 91588
Louisville, KY 40291

AI Name: Airview Utilities LLC AI ID: 1643 Activity ID: ENV20150002
Discovery ID: CIN20150002 County: Hardin
Enforcement Case ID:
Date(s) Violation(s) Observed: 07/08/2015

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

1 Violation Description for Subject Item AIO00000016430:

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

Description of Non Compliance:

The facility has failed to report spills, bypasses and/or non-compliance as required by 401 KAR 5:065 Section 2(1). Report for plant bypass starting on 7/2/105 was not submitted until 7/10/2015.

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

The permittee must report spills, bypasses and non-compliance as required by 401 KAR 5:065 Section 2(1). Within thirty (30) days of the receipt of this notice, the permittee shall submit a written notification to the undersigned that the permittee complies with all requirements of its permit. Any permit non-compliance shall constitute a violation of the Clean Water Act and KRS 224, among which shall be the following remedies: Enforcement action, permit revocation, revocation and reissuance, or modification; or denial of permit renewal application. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and or your company to an immediate referral to the Division of Enforcement. [401 KAR 5:065 Section 2(1)]

2 Violation Description for Subject Item AIO00000016430:

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

Description of Non Compliance:

The responsible party/permittee has failed to report the spill or discharge to the Division of Water as required. Report for plant bypass resulting in discharge of black septic water and starting on 7/2/105 was not submitted until 7/10/2015

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

All future spills/bypasses, which would result in or contribute to the pollution of the waters, must be reported to the Division of Water by the most rapid means available. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and/or your company to an immediate referral to the Division of Enforcement. [401 KAR 5:015 Section 2]

3 Violation Description for Subject Item AIOO0000016430:

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

Description of Non Compliance:

The facility is not being properly operated and maintained as required.

The facility does not have a functioning flow meter for the measurement of flow. There is no dechlorination at the plant. The blowers had been shut off for at least 6 days due to excessive I & I as a result of heavy rains in the area. At the time of the inspection the plant was full of solids, the effluent was black and septic and the stream below the discharge was black and septic. A DMR review for 12/2014-5/2015 showed numeric violations for Dissolved Oxygen; TSS; Nitrogen, ammonia total, Total Residual Chlorine; E. coli; and BOD.

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

The permittee must, at all times, properly operate & maintain the facility. With proper approval(s) from the Division of Water, upgrade/update the facility in order to meet the regulatory requirements and facility permit conditions. Within thirty (30) days of the receipt of this notice, the permittee shall submit a written notification to the undersigned that the permittee complies with all requirements of its permit. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and/or your company to an immediate referral to the Division of Enforcement. [401 KAR 5:065 Section 2(1)].

4 Violation Description for Subject Item AIOO0000016430:

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

Description of Non Compliance:

The facility has failed to properly maintain and / or operate the disinfection unit. DMR violations for E. coli and Total Residual Chlorine indicate a lack of proper operation.

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

The permittee must immediately maintain and operate the disinfection unit to allow for compliance with permit conditions. Within thirty (30) days of the receipt of this notice, the permittee shall submit a written notification to the undersigned that the permittee complies with all requirements of its permit. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and/or your company to an immediate referral to the Division of Enforcement. [401 KAR 5:005 Section 11]

5 Violation Description for Subject Item AIOO0000016430:

The flow measuring device shall measure all flow received at the wastewater treatment plant. An indicating, recording, and totalizing flow measuring device shall be installed at each large wastewater treatment plant. [401 KAR 5:005 Section 12]

Description of Non Compliance:

The facility is not properly measuring flow as required. There is no functioning flow measuring device

located at this facility.

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

The permittee must take all action necessary to ensure proper flow measurement and properly operate & maintain the facility. With proper approval(s) from the Division of Water, upgrade/update the facility in order to meet the regulatory requirements and facility permit conditions. **Within thirty (30) days of the receipt of this notice**, the permittee shall submit a written notification to the undersigned that the permittee complies with all requirements of its permit. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and/or your company to an immediate referral to the Division of Enforcement. [401 KAR 5:005 Section 12]

6 Violation Description for Subject Item AIOO00000016430:

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

Description of Non Compliance:

The facility has failed to comply with the effluent limitations contained in the permit. DMR review for 12/2014-5/2015 showed numeric violations for:

Dissolved Oxygen- 12/14, 1/15, 4/15, 5/15.

TSS-12/14, 2/15, 3/15, 5/15;

Total Ammonia Nitrogen-12/14, 1/15, 2/15, 3/15, 4/15, 5/15.

Total Residual Chlorine-12/14, 1/15, 2/15, 3/15, 4/15, 5/15.

E. coli- 12/14, 1/15, 2/15, 3/15, 4/15, 5/15.

BOD-12/14, 1/15, 2/15, 3/15, 4/15, 5/15.

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

The permittee must comply with effluent limitations and all conditions of the KPDES permit. **Within thirty (30) days of the receipt of this notice**, the permittee shall submit a written notification to the undersigned that the permittee complies with all requirements of its permit. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and/or your company to an immediate referral to the Division of Enforcement. [401 KAR 5:065 Section 2(1)]

7 Violation Description for Subject Item AIOO00000016430:

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

Description of Non Compliance:

Pollutants have entered and contributed to the pollution of the waters of the Commonwealth. Visual observation of black, septic discharge to the receiving stream at the time of the inspection.

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

Immediately cease all activity, which is contributing or has contributed to the pollution of the waters of the Commonwealth. **Within thirty (30) days of the receipt of this notice**, the permittee/responsible party shall submit a plan of action and a schedule of implementation to the undersigned describing the necessary measures taken to address the non-compliance. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and or your company to an immediate referral to the Division of Enforcement. [KRS 224.70-110]

8 **Violation Description for Subject Item AIO0000001643Q:**

Surface waters shall not be aesthetically or otherwise degraded. [401 KAR 10:03] Section 2]

Description of Non Compliance:

The waters of the Commonwealth have been degraded. Visual observation of black, septic discharge to the receiving stream at the time of the inspection.

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

Immediately cease all discharges that are aesthetically or otherwise degrading the waters of the Commonwealth. The effluent must be brought into compliance so as to eliminate stream degradation. Within thirty (30) days of the receipt of this notice, the permittee/responsible party shall submit a plan of action and a schedule of implementation to the undersigned describing the necessary measures taken to address the non-compliance. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and/or your company to an immediate referral to the Division of Enforcement. [401 KAR 10:03] Section 2]

9 **Violation Description for Subject Item AIO0000001643Q:**

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

Description of Non Compliance:

The facility has failed to comply with the terms of the permit.

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

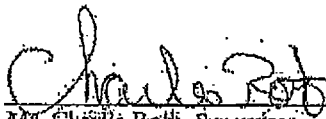
Comply with all conditions of the KPDES permit. Within thirty (30) days of the receipt of this notice, the permittee shall submit a written notification to the undersigned that the permittee complies with all requirements of its permit. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and/or your company to an immediate referral to the Division of Enforcement. [401 KAR 5:065 Section 2]

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 Louisa Rd
Louisville, KY 40222-5084
502 429-7122 (8:00 AM - 4:30 PM)
Mr. Charlie Roth, Supervisor

Issued By:



Mr. Charlie Roth, Supervisor

Date: July 16, 2018.

How Delivered: Certified

Certified/Registered # 7012 3460 0001 0838 6634

ATTACHMENT D

Attachment D

The following is the list of the average of the monthly expenses that have been paid by Airview over the last 7 months. These expenses do not include the outstanding debts of Airview as set forth on Attachment B.

- 13.25 Continuing Education
- 875.58 Lab Testing
- 210.52 Chemicals
- 85.72 Rent expense
- 1,110.77 Utilities
- 1,050.00 Plant operator
- 3,212.96 Treatment system maintenance
- 149.02 Office
- 188.68 Bank & merchant charges
- 400.00 Customer invoicing
- 42.86 Legal & Professional fees
- 36.00 Tier II Emergency Fee
- 82.15 Insurance
- 30.36 Storage
- 190.95 Tax
- 101.88 Loans

The following is Airview's monthly revenue based on receipts over the last 7 months.

8,262.89