

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of

Electronic Proposed Acquisition by Bluegrass)
Water Utility Operating Company, LLC and)
the Transfer of Ownership and Control of)
Assets by: P.R. Wastewater Management, Inc.;)
Marshall County Environmental Services LLC;) No. 2019-00104
LH Treatment Company, LLC; Kingswood)
Development, Inc.; Airview Utilities, LLC;)
Brocklyn Utilities, LLC; Fox Run Utilities,)
LLC; and, Lake Columbia Utilities, Inc.)

**Response to
Commission Staff’s First Request for Information**

Bluegrass Water Utility Operating Company, LLC (“Bluegrass”) on behalf of the Applicants herewith submits responses to the Commission Staff’s First Request for Information, in accordance with the Commission’s scheduling Order issued May 9, 2019 (the “5/9/19 Order”). A signed, notarized verification for this Response appears on the following page. The undersigned counsel is responsible for any objection noted for a particular response.

Respectfully submitted,

/s/ Katherine K. Yunker

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VERIFICATION
on behalf of
Applicant Bluegrass Water Utility Operating Company, LLC

STATE OF MISSOURI)
)
 COUNTY OF ST. LOUIS)

I, Mike Duncan, Director of Business Operations of Central States Water Resources, Inc., the manager of Bluegrass Water Utility Operating Company, LLC being duly sworn, state that I prepared or supervised the preparation of the following responses and that the matters and things set forth in each such response are true and correct to the best of my knowledge, information, and belief formed after reasonable inquiry.


 Mike Duncan

Subscribed and sworn to this 31st day of May, 2019, before me, a Notary Public in and before said County and State.


 Notary Public

(SEAL)

My Commission expires: Dec. 28, 2022

Patricia G. Baucom Notary Public - Notary Seal State of Missouri St. Louis County My Commission Expires: December 28, 2022 Commission # 15430619

Request

1. For each system that is proposed to be acquired, provide the following information:
 - a. The number of employees currently employed by each company.
 - b. The number of employees to be retained by the new owners.
 - c. The number of employees to be employed at each company.
 - d. A copy of the current permits.
 - e. If no current permits exist, a copy of the most recent expired permits and any applications to renew permits.
 - f. Customer deposits held, if any, and identify how those customer deposits will be credited to the customers.
 - g. The number of customers served and the rates charged.
 - h. For each system, provide the location of the nearest sewer regional facility.
 - i. For each system, state whether a study has been considered or completed to determine the cost of connecting to the nearest sewer regional facility versus rebuilding or rehabilitating the current system. If so, provide the study. If not, explain why the study has not been conducted.
-

Response

a-c. *See* the table of information provided at the end of this response.

d, e. KPDES Permits (current or expired) and applications to renewed permits (if applicable) are attached to this response as follows:

P.R. Wastewater: Current permit attached at JA_00001.

MCES (Golden Acres): Current permit attached at JA_00016.

MCES (Great Oaks): No current permit. The most recent permit, issued to Purchase Public Service Corporation, expired April 30, 2017 (attached at JA_00031).

LH Treatment: The most recently effective permit (attached at JA_00042) expired 12/31/18. LH Treatment applied on 10/12/18 to renew the permit (see KPDES

Forms 1 & SC, attached at JA_00073). LH Treatment was issued KPDES Permit # KY0081591 on May 14, 2019, to become effective on July 1, 2019 (attached at JA_00080).

Kingswood: Current permit attached at JA_00095.

Airview: No current permit. No copy of an expired permit or renewal application has been accessible by or otherwise made available to Bluegrass Water; however, in Ky. PSC No. 2016-00207, Airview represented in an 8/22/16 response to PSC Staff Request No. 11 that its KPDES permit had expired January 1, 2014, but “an application for a renewed permit was timely filed.” It provided an unsigned, undated application to renew the permit as Attachment I to its 10/11/16 Supplemental Answers to the Attorney General’s Second Request for Information (KPDES Forms 1 & SC), which renewal application is attached at JA_00110.

Brocklyn: No current permit. The most recent permit expired May 31, 2018 (attached at JA_00119).

Fox Run: No current permit. The most recent permit expired June 30, 2018 (attached at JA_00133).

Lake Columbia: Current permit attached at JA_00148.

- f. No customer deposits are held by any of the transferring utilities.
- g. See the table of information provided at the end of this response.

h. The sewer service providers with the nearest sewer facilities known to Bluegrass

Water are as follows:

P.R. Wastewater: Louisville and Jefferson County Metropolitan Sewer District

LH Treatment: Georgetown Municipal Water

Kingswood: City of Mount Washington

Airview: City of Elizabethtown, Hardin County Water District #1, or Hardin County
Water District #2

The nearest sewer facility to each of the other utility systems is unknown.

i. CSWR is in the process of completing an alternative analysis of the systems which analysis will include consideration of the estimated costs of connecting to a nearby system/facility.

Response to 1 PSC 1 (a), (b), (c), and (g):

Utility	(a) # of employees	(b) # to be retained by BW	(c) # to be empl'd at BW	(g)1: # of customers	(g)2: flat rate/month (per current tariff)
P.R. Wastewater ¹	3 part-time	1 approached about joining 3 rd -party operator	None ²	361: 3 commercial and 358 residential (single-family)	\$35.00 ³
MCES ⁴	1 full-time	None ²	None ²	130: 126 single- and 4 multi-family	\$39.57 - Golden Acres \$28.84 - Great Oaks
LH Treatment ¹	2 part-time	None ²	None ²	277: 261 single-family and 16 in an apt. bldg.	\$30.00 ⁵
Kingswood ¹	0	N/A	None ²	133	\$38.84
Airview ¹	0	N/A	None ²	203	\$41.36
Brocklyn ¹	0	N/A	None ²	168: 70 single- and 98 multi-family	\$40.00/unit single-family \$30.40/unit in a multi-family building
Fox Run ¹	0	N/A	None ²	34	\$55.85
Lake Columbia ⁶	0	N/A	None ²	33	\$50.32

¹ Number of current employees (a) and number of customers (g1) are per CY 2018 Annual Report on file with the Commission.

² A third party will operate the facility; another third party will provide customer service.

³ Rate became effective 4/12/19 per Commission Order in Case No. 2018-00339; commercial customers are assessed the monthly flat rate per the residential equivalent of 12,000 gallons.

⁴ Number of current employees (a) and number of customers (g1) are per CY 2016 Annual Report on file with the Commission.

⁵ The \$30.00/month flat rate is assessed against the apartment building as if it were one customer.

⁶ Number of current employees (a) and number of customers (g1) are per CY 2016 and 2017 Annual Reports, respectively, on file with the Commission.

KPDES



**KENTUCKY POLLUTANT
DISCHARGE ELIMINATION
SYSTEM**

PERMIT

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

PERMIT NO.: KY0090956

AGENCY INTEREST NO.: 3955

Pursuant to Authority in KRS 224,

PR Wastewater Management, Incorporated
72 Persimmon Ridge Drive
Louisville, Kentucky 40245

is authorized to discharge from a facility located at

Persimmon Ridge Subdivision
72 Persimmon Ridge Drive
Louisville, Shelby County, Kentucky

to receiving waters named

Floyds Fork

in accordance with effluent limitations, monitoring requirements and other conditions set forth in this permit.

This permit shall become effective on October 1, 2018.

This permit and the authorization to discharge shall expire at midnight, September 30, 2023.

August 2, 2018

Date Signed

A handwritten signature in black ink, appearing to read "Peter T. Goodmann".

**Peter T. Goodmann, Director
Division of Water**

THIS KPDES PERMIT CONSISTS OF THE FOLLOWING SECTIONS:

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SECTION 1

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1.1. Compliance Monitoring Locations (Outfalls)

The following table lists the outfalls authorized by this permit, the latitude and longitude of each and the DOW assigned KPDES outfall number:

TABLE 1.					
Outfall No.	Outfall Type	Latitude (N)	Longitude (W)	Receiving Water	Description of Outfall
002	External	38.29694°	85.44055°	Floyds Fork	Domestic Wastewater

1.2. Effluent Limitations and Monitoring Requirements

Beginning on the effective date and lasting through the term of this permit, discharges from Outfall 002 shall comply with the following effluent limitations:

TABLE 2.									
EFFLUENT LIMITATIONS								MONITORING REQUIREMENTS	
Effluent Characteristic	Units	Loadings (lbs/day)		Concentrations				Frequency	Sample Type
		Monthly Average	Maximum Weekly Average	Minimum	Monthly Average	Maximum Weekly Average	Maximum		
Flow	MGD	Report	Report	N/A	N/A	N/A	N/A	2/Month	Instantaneous
pH	SU	N/A	N/A	6.0	N/A	N/A	9.0	2/Month	Grab
CBOD ₅ ¹	mg/l	11.8	17.8	N/A	10	15	N/A	2/Month	Composite ²
Total Suspended Solids	mg/l	35.5	53.3	N/A	30	45	N/A	2/Month	Composite ²
Ammonia (as mg/l NH ₃ N)									
May 1 – October 31	mg/l	2.4	3.6	N/A	2.0	3.0 ³	N/A	2/Month	Composite ²
November 1 – April 30	mg/l	5.9	8.9	N/A	5.0	7.5 ³	N/A	2/Month	Composite ²
Dissolved Oxygen	mg/l	N/A	N/A	7.0	N/A	N/A	N/A	2/Month	Grab
E. Coli ⁴	#/100 ml	N/A	N/A	N/A	130 ⁵	240 ⁶	N/A	2/Month	Grab
Total Residual Chlorine	mg/l	N/A	N/A	N/A	0.011	0.019 ³	N/A	2/Month	Grab
Total Phosphorus	mg/l	N/A	N/A	N/A	Report	Report	N/A	2/Month	Composite ²
Total Nitrogen ⁷	mg/l	N/A	N/A	N/A	Report	Report	N/A	2/Month	Composite ²

¹CBOD₅ – Carbonaceous Biochemical Oxygen Demand, 5-day

²A sample composed of four or more equal or flow-proportional aliquots collected over a period of no less than eight and no more than twenty-four hours and aggregated so that the aggregate sample reflects the average water quality of the effluent during the compositing or sample period

TABLE 2.

EFFLUENT LIMITATIONS								MONITORING REQUIREMENTS	
Effluent Characteristic	Units	Loadings (lbs/day)		Concentrations				Frequency	Sample Type
		Monthly Average	Maximum Weekly Average	Minimum	Monthly Average	Maximum Weekly Average	Maximum		
³ Daily Maximum									
⁴ E. Coli – Escherichia Coli Bacteria									
⁵ Thirty (30) day Geometric Mean									
⁶ Seven (7) day Geometric Mean									
⁷ Total Nitrogen is the summation of the analytical results for Total Nitrates, Total Nitrites and Total Kjeldahl Nitrogen									

1.3. Standard Effluent Requirements

The discharges to Waters of the Commonwealth shall not produce floating solids, visible foam or a visible sheen on the surface of the receiving waters.

SECTION 2

STANDARD CONDITIONS

2. STANDARD CONDITIONS

The following conditions apply to all KPDES permits.

2.1. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of KRS Chapter 224 and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. Any person who violates applicable statutes or who fails to perform any duty imposed, or who violates any determination, permit, administrative regulation, or order of the Cabinet promulgated pursuant thereto shall be liable for a civil penalty as provided at KRS 224.99.010.

2.2. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for a new permit.

2.3. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

2.4. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

2.5. 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.

2.6. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

2.7. Property Rights

This permit does not convey any property rights of any sort, or any exclusive privilege.

2.8. Duty to Provide Information

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Director upon request, copies of records required to be kept by this permit.

2.9. Inspection and Entry

The permittee shall allow the Director, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon presentation of credentials and other documents as may be required by law, to:

- (1) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- (2) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (3) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- (4) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

2.10. Monitoring and Records

(1) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

(2) Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five (5) years (or longer as required by 401 KAR 5:065, Section 2(10) [40 CFR 503]), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.

(3) Records of monitoring information shall include:

- a) The date, exact place, and time of sampling or measurements;
- b) The individual(s) who performed the sampling or measurements;
- c) The date(s) analyses were performed;
- d) The individual(s) who performed the analyses;
- e) The analytical techniques or methods used; and
- f) The results of such analyses.

(4) Monitoring must be conducted according to test procedures approved under 401 KAR 5:065, Section 2(8) [40 CFR 136] unless another method is required under 401 KAR 5:065, Section 2(9) or (10) [40 CFR subchapters N or O].

(5) KRS 224.99-010 provides that any person who knowingly violates KRS 224.70-110 or other enumerated statutes, or who knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall be guilty of a Class D felony and, upon conviction, shall be punished by a fine of not more than \$25,000, or by imprisonment for not less than one (1) year and not more than five (5) years, or by both fine and imprisonment for each separate violation. Each day upon which a violation occurs shall constitute a separate violation.

2.11. Signatory Requirement

(1) All applications, reports, or information submitted to the Director shall be signed and certified pursuant to 401 KAR 5:060, Section 4 [40 CFR 122.22].

(2) KRS 224.99-010 provides that any person who knowingly provides false information in any document filed or required to be maintained under KRS Chapter 224 shall be guilty of a Class D felony and upon conviction thereof, shall be punished by a fine not to exceed twenty-five thousand dollars (\$25,000), or by imprisonment, or by fine and imprisonment, for each separate violation. Each day upon which a violation occurs shall constitute a separate violation.

2.12. Reporting Requirements

2.12.1. Planned Changes

The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

(1) The alteration or addition to a permitted facility may meet one (1) of the criteria for determining whether a facility is a new source in KRS 224.16-050 [40 CFR 122.29(b)]; or

(2) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under KRS 224.16-050 [40 CFR 122.42(a)(1)].

(3) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

2.12.2. Anticipated Noncompliance

The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

2.12.3. Transfers

This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under KRS 224 [CWA; see 40 CFR 122.61; in some cases, modification or revocation and reissuance is mandatory].

2.12.4. Monitoring Reports

Monitoring results shall be reported at the intervals specified elsewhere in this permit.

(1) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Director for reporting results of monitoring of sludge use or disposal practices.

(2) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 401 KAR 5:065, Section 2(8) [40 CFR 136], or another method required for an industry-specific waste stream under 401 KAR 5:065, Section 2(9) or (10) [40 CFR subchapters N or O], the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Director.

(3) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.

2.12.5. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date.

2.12.6. Twenty-four-Hour Reporting

(1) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within twenty-four (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.

(2) The following shall be included as information which must be reported within twenty-four (24) hours under this paragraph.

- a) Any unanticipated bypass which exceeds any effluent limitation in the permit. (See §122.41(g))
- b) Any upset which exceeds any effluent limitation in the permit.
- c) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit to be reported within twenty-four (24) hours.

(3) The Director may waive the written report on a case-by-case basis under 40 CFR 122.41 (l), if the oral report has been received within twenty-four (24) hours.

2.12.7. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under Sections 2.12.1, 2.12.4, 2.12.5 and 2.12.6, at the time monitoring reports are submitted. The reports shall contain the information listed in Section 2.12.6.

2.12.8. Other Information

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

2.13. Bypass**2.13.1. Definitions**

(1) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.

(2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

2.13.2. Bypass Not Exceeding Limitations

The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Section 2.13.3 and 2.13.4.

2.13.3. Notice

(1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of the bypass.

(2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Section 2.12.6.

2.13.4. Prohibition of Bypass

(1) Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:

- a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
- c) The permittee submitted notices as required under Section 2.13.3.

(2) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three (3) conditions listed above in Section 2.13.4.

2.14. Upset**2.14.1. Definition**

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

2.14.2. Effect of an Upset

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Section 2.14.3 are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

2.14.3. Conditions Necessary for a Demonstration of Upset

A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
- (2) The permitted facility was at the time being properly operated; and
- (3) The permittee submitted notice of the upset as required in Section 2.12.6; and
- (4) The permittee complied with any remedial measures required under Section 2.4.

2.14.4. Burden of Proof

In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

SECTION 3

OTHER CONDITIONS

3. OTHER CONDITIONS

3.1. Schedule of Compliance

The permittee shall attain compliance with all requirements of this permit on the effective date of this permit unless otherwise stated.

3.2. Other Permits

This permit has been issued under the provisions of KRS Chapter 224 and regulations promulgated pursuant thereto. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits or licenses required by this Cabinet and other state, federal, and local agencies.

3.3. Continuation of Expiring Permit

This permit shall be continued in effect and enforceable after the expiration date of the permit provided the permittee submits a timely and complete application in accordance with 401 KAR 5:060, Section 2(4).

3.4. Antidegradation

For those discharges subject to the provisions of 401 KAR 10:030, Section 1(3)(b)5, the permittee shall install, operate, and maintain wastewater treatment facilities consistent with those identified in the Socioeconomic Demonstration and Alternatives Analysis (SDAA) submitted with the KPDES permit application.

3.5. Reopener Clause

This permit shall be modified, or alternatively revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved in accordance with 401 KAR 5:050 through 5:080, if the effluent standard or limitation so issued or approved:

(1) Contains different conditions or is otherwise more stringent than any effluent limitation in the permit;
or

(2) Controls any pollutant not limited in the permit.

The permit as modified or reissued under this paragraph shall also contain any other requirements of KRS Chapter 224 when applicable.

3.6. Connection to Regional Sewer System

This WWTP is temporary and in no way supersedes the need of a regional sewer system. The permittee shall eliminate the discharge and WWTP plant by connection to a regional sewer system when it becomes available as defined in 401 KAR 5:002.

3.7. Certified Operators

The wastewater treatment plant shall be under the primary responsibility of a Class II Wastewater Treatment Plant Certified Operator or higher.

3.8. Outfall Signage

This KPDES permit establishes monitoring points, effluent limitations, and other conditions to address discharges from the permitted facility. In an effort to better document and clarify these locations, the permittee should place and maintain a permanent marker at each of the monitoring locations.

SECTION 4

MONITORING AND REPORTING REQUIREMENTS

4. MONITORING AND REPORTING REQUIREMENTS

4.1. KPDES Outfalls

Discharge samples and measurements shall be collected at the compliance point for each KPDES Outfall identified in this permit. Each sample shall be representative of the volume and nature of the monitored discharge.

4.2. Sufficiently Sensitive Analytical Methods

Analytical methods utilized to demonstrate compliance with the effluent limitations established in this permit shall be sufficiently sensitive to detect pollutant levels at or below the required effluent limit, i.e. the Method Minimum Level shall be at or below the effluent limit. In the instance where an EPA-approved method does not exist that has a Method Minimum Level at or below the established effluent limitation, the permittee shall:

- (1) Use the method specified in the permit; or
- (2) The EPA-approved method with an ML that is nearest to the established effluent limit.

It is the responsibility of the permittee to demonstrate compliance with permit parameter limitations by utilization of sufficiently sensitive analytical methods.

4.3. Certified Laboratory Requirements

All laboratory analyses and tests required to demonstrate compliance with the conditions of this permit shall be performed by a laboratory holding the appropriate general or field-only certification issued by the Cabinet pursuant to 401 KAR 5:320.

4.4. Submission of DMRs

The completed DMR for each monitoring period must be entered into the DOW approved electronic system no later than midnight on the 28th day of the month following the monitoring period for which monitoring results were obtained.

For more information regarding electronic submittal of DMRs, please visit the Division's website at: <http://water.ky.gov/permitting/Pages/netDMRInformation.aspx> or contact the DMR Coordinator at (502) 564-3410.

KPDES



KENTUCKY POLLUTANT
DISCHARGE ELIMINATION
SYSTEM

PERMIT

PERMIT NO.: KY0044164

AI NO.: 2935

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

Pursuant to Authority in KRS 224,

Marshall County Environmental Services
P.O. Box 431
Benton, Kentucky 42025

is authorized to discharge from a facility located at

Golden Acres Subdivision
US Hwy 68 Golden Acres Loop
Calvert City, Marshall County, Kentucky

to receiving waters named

Unnamed Tributary at Mile Point 1.0 to Unnamed Tributary at Mile Point 0.36 to Clarks River at Mile Point 17.17
and Lat/Long 36°58'25"N/88°28'50"W

in accordance with effluent limitations, monitoring requirements and other conditions set forth in this permit.

This permit shall become effective on February 1, 2015.

This permit and the authorization to discharge shall expire at midnight, January 31, 2020.

December 9, 2014

Date Signed

A handwritten signature in black ink, appearing to read 'Peter T. Goodmann', located above the director's name.

**Peter T. Goodmann, Director
Division of Water**

**DEPARTMENT FOR ENVIRONMENTAL PROTECTION
Division of Water, 200 Fair Oaks Lane, Frankfort, Kentucky 40601**

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JA_00016

THIS KPDES PERMIT CONSISTS OF THE FOLLOWING SECTIONS.

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1. EFFLUENT AND MONITORING REQUIREMENTS

1.1. Monitoring Locations

The following table lists the outfalls authorized by this permit, the latitude and longitude of each and the DOW assigned KPDES outfall number.

MONITORING LOCATIONS					
Number	Type	Latitude (N)	Longitude (W)	Receiving Waters	Description of Outfall
001	Direct	36°58'25"N	88°28'50"W	Unnamed Tributary at Mile Point 1.0 to Unnamed Tributary at Mile Point 0.36 to Clarks River at Mile Point 17.17	Sanitary Wastewater

1.2. Effluent Limitations and Monitoring Requirements

Beginning on the effective date and lasting through the term of this permit discharges from Outfall 001 shall comply with the effluent limitations.

Effluent Characteristic	EFFLUENT LIMITATIONS						MONITORING REQUIREMENTS	
	Loadings (lbs/day)		Concentrations (specify units)				Monitoring Frequency	Sample Type
	Monthly Average	Max Weekly Average	Minimum	Monthly Average	Max Weekly Average	Maximum		
Effluent Flow (Design 0.025 MGD)	Report	Report	N/A	N/A	N/A	N/A	Quarterly	Instantaneous
CBOD ₅	5.22	7.82	N/A	25mg/l	37.5 mg/l	N/A	Quarterly	24-Hr Composite
Total Suspended Solids	6.26	9.39	N/A	30 mg/l	45 mg/l	N/A	Quarterly	24-Hr Composite
Ammonia (as mg/l NH ₃ N)								
May 1 – October 31	0.83	1.25	N/A	4 mg/l	6 mg/l	N/A	Quarterly	24-Hr Composite
November 1 – April 30	2.09	3.13	N/A	10 mg/l	15 mg/l	N/A	Quarterly	24-Hr Composite
E. Coli (colonies/100 ml) ¹	N/A	N/A	N/A	130	240	N/A	Quarterly	Grab
Dissolved Oxygen	N/A	N/A	7 mg/l	N/A	N/A	N/A	Quarterly	Grab
pH (Standard Units)	N/A	N/A	6.0 SU	N/A	N/A	9.0 SU	Quarterly	Grab
Total Residual Chlorine	N/A	N/A	N/A	0.011 mg/l	0.019 mg/l	N/A	Quarterly	Grab

¹ The effluent limitations for *Escherichia Coli* are 30 day and 7 day Geometric Means.

1.3. Standard Effluent Requirements

The discharges to waters of the Commonwealth shall not produce floating solids, visible foam or a visible sheen on the surface of the receiving waters.

Samples and measurements taken in accordance with the requirements of specified Section 1.2 shall be representative of the volume and nature of the monitored discharge and shall be taken at nearest accessible point after final treatment, but prior to actual discharge to or mixing with the receiving waters or wastestreams from other outfalls.

SECTION 2
ADDITIONAL REQUIREMENTS

2. ADDITIONAL REQUIREMENTS

2.1. Schedule of Compliance

The permittee shall attain compliance with all requirements of this permit on the effective date of this permit unless otherwise stated.

2.2. Other Permits

This permit has been issued under the provisions of KRS Chapter 224 and regulations promulgated pursuant thereto. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits or licenses required by this Cabinet and other state, federal, and local agencies.

2.3. Sufficiently Sensitive Analytical Methods

Analytical methods utilized to demonstrate compliance with the effluent limitations established in this permit shall be sufficiently sensitive to detect pollutant levels at or below the required effluent limit, i.e. the Method Detection Limit (MDL) shall be at or below the effluent limit. In that instance where an EPA-approved method does not exist that has an MDL at or below the established effluent limitation, the permit shall: (1) use the method specified in the permit; or (2) the EPA-approved method with an MDL that is nearest to the established effluent limit.

2.4. Reporting of Monitoring Results

Monitoring results obtained during each monitoring period must be reported. The completed Discharge Monitoring Report (DMR) for each monitoring period must be submitted no later than the 28th day of the month following the monitoring period for which monitoring results were obtained.

2.4.1. Electronic Submittal

The completed DMR for each monitoring period must be entered into the Division of Water approved electronic system no later than midnight on the 28th day of the month following the monitoring period for which monitoring results were obtained. The use of mailed (hardcopy) DMRs ceased and electronic DMR submittal shall begin with initial DMR.

For information regarding electronic submittal of DMRs please visit the Division's website at <http://water.ky.gov/permitting/Pages/netDMRInformation.aspx> or contact the DMR Coordinator at (502) 564-3410.

2.5. Reopener Clause

This permit shall be modified, or alternatively revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved in accordance with 401 KAR 5:050 through 5:080, if the effluent standard or limitation so issued or approved:

1. Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
2. Controls any pollutant not limited in the permit.

This permit may be reopened to implement the findings of a reasonable potential analysis performed by the Division of Water.

This permit shall be reopened if Division of Water determines surface waters are aesthetically or otherwise degraded by substances that:

- (a) Settle to form objectionable deposits;
- (b) Float as debris, scum, oil, or other matter to form a nuisance;
- (c) Produce objectionable color, odor, taste, or turbidity;

- (d) Injure, are chronically or acutely toxic to or produce adverse physiological or behavioral responses in humans, animals, fish, and other aquatic life;
- (e) Produce undesirable aquatic life or result in the dominance of nuisance species; or
- (f) Cause fish flesh tainting.

The permit as modified or reissued under this paragraph shall also contain any other requirements of KRS Chapter 224 when applicable.

2.6. Outfall Signage

The KPDES permit establishes monitoring points, effluent limitations, and other conditions to address discharges from the permitted facility. In an effort to better document and clarify these locations the permittee should place and maintain a permanent marker at each of the monitoring locations.

2.7. Discharge and Monitoring Point Accessibility

As previously stated in Section 3.9, the permittee shall allow authorized agency representatives to inspect the facility and collect samples to determine compliance. In order for such monitoring to be conducted either by the permittee or authorized agency personnel all monitoring and discharge points required by this permit shall be readily and safely accessible in all weather conditions.

2.8. Disposal of Non-Domestic Wastes

The pass through or non-treatment by the wastewater treatment plant of chemicals or compounds which may injure, be chronically or acutely toxic to or produce adverse physiological or behavioral responses in humans, animals, fish and other aquatic life is not desirable. Materials such as acids, caustics, herbicides, household chemicals or cleansers, insecticides, lawn chemicals, non-biodegradable products, paints, pesticides, pharmaceuticals, and petroleum based products may not be treatable by the wastewater treatment plant and should not be introduced and other environmentally sound methods for disposal should be utilized. The permittee should educate users of its system that introduction of such chemicals or compounds could result in an adverse environmental impact and provide the users with alternative disposal measures.

2.9. Certified Operators

Pursuant to 401 KAR 5:010, Section 1 a treatment plant with a design capacity of less than or equal to 50,000 gallons per day shall be under the primary responsibility of a certified operator holding an active Class I, II, III, or IV treatment certificate.

2.10. Connection to Regional Sewer System

This treatment unit is temporary and in no way supersedes the need of a regional sewer system. The permittee will eliminate the discharge and treatment unit by connection to a regional sewer system when it becomes available as defined in 401 KAR 5:002.

2.11. Certified Laboratory Requirements

All laboratory analyses and tests required to demonstrate compliance with the conditions of this permit shall be performed by EEC certified general wastewater laboratories and EEC certified field-only laboratories. Compliance with this requirement shall commence on January 1, 2015 for analyses and tests performed by a general wastewater laboratory and January 1, 2016 for field-only wastewater laboratories.

SECTION 3
STANDARD CONDITIONS

3. STANDARD CONDITIONS

The following conditions apply to all KPDES permits.

3.1. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of KRS Chapter 224 and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. Any person who violates applicable statutes or who fails to perform any duty imposed, or who violates any determination, permit, administrative regulation, or order of the cabinet promulgated pursuant thereto shall be liable for a civil penalty as provided at KRS 224.99.010.

3.2. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for a new permit.

3.3. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

3.4. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

3.5. 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.

3.6. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

3.7. Property Rights

This permit does not convey any property rights of any sort, or any exclusive privilege.

3.8. Duty to Provide Information

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Director upon request, copies of records required to be kept by this permit.

3.9. Inspection and Entry

The permittee shall allow the Director, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon presentation of credentials and other documents as may be required by law, to:

- (1) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- (2) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (3) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- (4) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

3.10. Monitoring and Records

- (1) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- (2) Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five (5) years (or longer as required by 401 KAR 5:065 Section 2(10) [40 CFR 503]), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.
- (3) Records of monitoring information shall include:
 - (i) The date, exact place, and time of sampling or measurements;
 - (ii) The individual(s) who performed the sampling or measurements;
 - (iii) The date(s) analyses were performed;
 - (iv) The individual(s) who performed the analyses;
 - (v) The analytical techniques or methods used; and
 - (vi) The results of such analyses.
- (4) Monitoring must be conducted according to test procedures approved under 401 KAR 5:065 Section 2(8) [40 CFR 136] unless another method is required under 401 KAR 5:065 Section 2(9) or (10) [40 CFR subchapters N or O].
- (5) KRS 224.99-010 provides that any person who knowingly violates KRS 224.70-110 or other enumerated statutes, or who knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall be guilty of a Class D felony and, upon conviction, shall be punished by a fine of not more than \$25,000, or by imprisonment for not more than one (1) year, or both. Each day upon which a violation occurs shall constitute a separate violation.

3.11. Signatory Requirement

- (1) All applications, reports, or information submitted to the Director shall be signed and certified pursuant to 401 KAR 5:060, Section 4 [40 CFR 122.22].
- (2) KRS 224.99-010 provides that any person who knowingly provides false information in any document filed or required to be maintained under KRS Chapter 224 shall be guilty of a Class D felony and upon conviction thereof, shall be punished by a fine not to exceed twenty-five thousand dollars (\$25,000), or by imprisonment, or by fine and imprisonment, for each separate violation. Each day upon which a violation occurs shall constitute a separate violation

3.12. Reporting Requirements

3.12.1. Planned Changes

The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

- (i) The alteration or addition to a permitted facility may meet one (1) of the criteria for determining whether a facility is a new source in KRS 224.16-050 [40 CFR 122.29(b)]; or
- (ii) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under KRS 224.16-050 [40 CFR 122.42(a)(1)].
- (iii) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

3.12.2. Anticipated Noncompliance

The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

3.12.3. Transfers

This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under KRS 224 [CWA; see 40 CFR 122.61; in some cases, modification or revocation and reissuance is mandatory].

3.12.4. Monitoring Reports

Monitoring results shall be reported at the intervals specified elsewhere in this permit.

- (i) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Director for reporting results of monitoring of sludge use or disposal practices.
- (ii) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 401 KAR 5:065 Section 2(8) [40 CFR 136], or another method required for an industry-specific waste stream under 401 KAR 5:065 Section 2(9) or (10) [40 CFR subchapters N or O], the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Director.
- (iii) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.

3.12.5. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date.

3.12.6. Twenty-four-Hour Reporting

- (i) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within twenty-four (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.

(ii) The following shall be included as information which must be reported within twenty-four (24) hours under this paragraph.

(A) Any unanticipated bypass which exceeds any effluent limitation in the permit. (See §122.41(g))

(B) Any upset which exceeds any effluent limitation in the permit.

(C) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit to be reported within twenty-four (24) hours.

(iii) The Director may waive the written report on a case-by-case basis for reports under paragraph (1)(6)(ii) of this section if the oral report has been received within twenty-four (24) hours.

3.12.7. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under Sections 3.12.1, 3.12.4, 3.12.5, and 3.12.6, at the time monitoring reports are submitted. The reports shall contain the information listed in Section 3.12.6.

3.12.8. Other Information

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

3.13. Bypass

3.13.1. Definitions

(i) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.

(ii) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

3.13.2. Bypass Not Exceeding Limitations

The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Section 3.13.1.

3.13.3. Notice

(i) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of the bypass.

(ii) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Section 3.12.6.

3.13.4. Prohibition of Bypass

(i) Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:

(A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of

reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(C) The permittee submitted notices as required under Section 3.13.3.

(ii) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three (3) conditions listed above in Section 3.13.3.

3.14. Upset

3.14.1. Definition

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

3.14.2. Effect of an Upset

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Section 3.14.3 are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

3.14.3. Conditions Necessary for a Demonstration of Upset

A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (i) An upset occurred and that the permittee can identify the cause(s) of the upset;
- (ii) The permitted facility was at the time being properly operated; and
- (iii) The permittee submitted notice of the upset as required in Section 3.12.6; and
- (iv) The permittee complied with any remedial measures required under Section 3.4.

3.14.4. Burden of Proof

In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

SECTION 4
ABBREVIATIONS, ACRONYMS AND DEFINITIONS

4. ABBREVIATIONS, ACRONYMS AND DEFINITIONS

Abbreviation or Acronym	Full Phrase	Definition
MGD	Million Gallons Per Day	A measure of flow
cfs	cubic feet per second	A measure of flow
SU	Standard Units	A measure of pH
mg/l	milligrams per liter	A measure of pollutant concentration (1000 milligrams = 1 gram)
μ g/l	micrograms per liter	A measure of pollutant concentration (1000 micrograms = 1 milligram)
°F	Degrees Fahrenheit	A measure of temperature
°C	Degrees Centigrade or Celsius	A measure of temperature
N/A	Not Applicable	
lbs/day	pounds per day	A measure of pollutant loading
Grab	Grab Sample	A sample taken from a wastestream on a one-time basis without consideration of the flow rate of the wastestream and without consideration of time.
24-Hr Composite	24-hour Composite Sample	Sample composed of discrete equal volume aliquots (100 ml minimum) collected every 15 minutes over a 24-hour period and aggregated by an automated sampling device. The aggregate sample will reflect the average water quality of the compositing or sample period.

KPDES



KENTUCKY POLLUTANT
DISCHARGE ELIMINATION
SYSTEM

PERMIT

PERMIT NO.: KY0080845

AI NO.: 3041

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

Pursuant to Authority in KRS 224,

Purchase Public Service Corporation
P.O. Box 588
Mayfield, Kentucky 42066

is authorized to discharge from a facility located at

Great Oaks Subdivision
Creekside Drive
Paducah, McCracken County, Kentucky

to receiving waters named

Blizzard Pond Drainage Canal

in accordance with effluent limitations, monitoring requirements and other conditions set forth in this permit.

This permit shall become effective on May 1, 2012.

This permit and the authorization to discharge shall expire at midnight, April 30, 2017.

March 27, 2012

Date Signed

A handwritten signature in black ink, appearing to read 'Sandra L. Gruzesky', located above the signature line.

**Sandra L. Gruzesky, Director
Division of Water**

**DEPARTMENT FOR ENVIRONMENTAL PROTECTION
Division of Water, 200 Fair Oaks Lane, Frankfort, Kentucky 40601**

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JA_00031

1. EFFLUENT AND MONITORING REQUIREMENTS

1.1. Monitoring Locations

The following table lists the outfalls authorized by this permit, the latitude and longitude of each and the DOW assigned KPDES outfall number.

MONITORING LOCATIONS					
No.	Type	Latitude (N)	Longitude (W)	Receiving Waters	Description of Outfall
001	Discharge	36° 59' 12"	88° 38' 19"	Blizzard Pond Drainage Canal	Domestic

1.2. Effluent Limitations and Monitoring Requirements

Beginning on the effective date and lasting through the term of this permit discharges from Outfall 001 shall comply with the effluent limitations.

Effluent Characteristic	EFFLUENT LIMITATIONS						MONITORING REQUIREMENTS	
	Loadings (lbs/day)		Concentrations (specify units)				Monitoring Frequency	Sample Type
	Monthly Average	Weekly Average	Minimum	Monthly Average	Weekly Average	Maximum		
Effluent Flow (Design 0.070 MGD)	Report	Report	N/A	N/A	N/A	N/A	1Month	Instantaneous
pH	N/A	N/A	6.0 SU	N/A	N/A	9.0 SU	1Month	Grab
CBOD ₅	5.84	8.76	N/A	10 mg/l	15 mg/l	N/A	1Month	24-Hr Composite
TSS	17.5	26.3	N/A	30 mg/l	45 mg/l	N/A	1Month	24-Hr Composite
Ammonia (as NH ₃ N)								
May 1 – October 31	2.34	3.50	N/A	4.0 mg/l	6.0 mg/l	N/A	1Month	24-Hr Composite
November 1 – April 30	5.84	8.76	N/A	10 mg/l	15 mg/l	N/A	1Month	24-Hr Composite
E. Coli (colonies/100 ml)	N/A	N/A	N/A	130	240	N/A	1Month	Grab
Dissolved Oxygen	N/A	N/A	7.0 mg/l	N/A	N/A	N/A	1Month	Grab
Total Residual Chlorine	N/A	N/A	N/A	0.011 mg/l	0.019 mg/l	N/A	1Month	Grab

1.3. Standard Effluent Requirements

The discharges to waters of the Commonwealth shall not produce floating solids, visible foam or a visible sheen on the surface of the receiving waters.

Samples and measurements taken in accordance with the requirements of specified Section 1.2 shall be representative of the volume and nature of the monitored discharge and shall be taken at nearest accessible point after final treatment, but prior to actual discharge to or mixing with the receiving waters or wastestreams from other outfalls.

STANDARD CONDITIONS

1.4. Schedule of Compliance

The permittee shall attain compliance with all requirements of this permit on the effective date of this permit unless otherwise stated.

1.5. Standard Conditions for KPDES Permit

1.5.1. Other Permits

This permit has been issued under the provisions of KRS Chapter 224 and regulations promulgated pursuant thereto. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits or licenses required by this Cabinet and other state, federal, and local agencies.

1.5.2. Sufficiently Sensitive Analytical Methods

Analytical methods utilized to demonstrate compliance with the effluent limitations established in this permit shall be sufficiently sensitive to detect pollutant levels at or below the required effluent limit, i.e. the Method Detection Limit (MDL) shall be at or below the effluent limit. In that instance where an EPA-approved method does not exist that has an MDL at or below the established effluent limitation, the permit shall: (1) use the method specified in the permit; or (2) the EPA-approved method with an MDL that is nearest to the established effluent limit.

1.5.3. Conditions Applicable to All Permits

The following conditions apply to all KPDES permits.

1.5.3.1. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of KRS Chapter 224 and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. Any person who violates applicable statutes or who fails to perform any duty imposed, or who violates any determination, permit, administrative regulation, or order of the cabinet promulgated pursuant thereto shall be liable for a civil penalty as provided at KRS 224.99.010.

1.5.3.2. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for a new permit.

1.5.3.3. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

1.5.3.4. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

1.5.3.5. 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.

1.5.3.6. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

1.5.3.7. Property Rights

This permit does not convey any property rights of any sort, or any exclusive privilege.

1.5.3.8. Duty to Provide Information

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Director upon request, copies of records required to be kept by this permit.

1.5.3.9. Inspection and Entry

The permittee shall allow the Director, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon presentation of credentials and other documents as may be required by law, to:

- (1) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- (2) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (3) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- (4) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

1.5.3.10. Monitoring and Records

- (1) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- (2) Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five (5) years (or longer as required by 401 KAR 5:065 Section 2(10) [40 CFR 503]), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies

of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.

(3) Records of monitoring information shall include:

- (i) The date, exact place, and time of sampling or measurements;
- (ii) The individual(s) who performed the sampling or measurements;
- (iii) The date(s) analyses were performed;
- (iv) The individual(s) who performed the analyses;
- (v) The analytical techniques or methods used; and
- (vi) The results of such analyses.

(4) Monitoring must be conducted according to test procedures approved under 401 KAR 5:065 Section 2(8) [40 CFR 136] unless another method is required under 401 KAR 5:065 Section 2(9) or (10) [40 CFR subchapters N or O].

(5) KRS 224.99-010 provides that any person who knowingly violates KRS 224.70-110 or other enumerated statutes, or who knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall be guilty of a Class D felony and, upon conviction, shall be punished by a fine of not more than \$25,000, or by imprisonment for not more than one (1) year, or both. Each day upon which a violation occurs shall constitute a separate violation.

1.5.3.11. Signatory Requirement

(1) All applications, reports, or information submitted to the Director shall be signed and certified pursuant to 401 KAR 5:060, Section 4 [40 CFR 122.22].

(2) KRS 224.99-010 provides that any person who knowingly provides false information in any document filed or required to be maintained under KRS Chapter 224 shall be guilty of a Class D felony and upon conviction thereof, shall be punished by a fine not to exceed twenty-five thousand dollars (\$25,000), or by imprisonment, or by fine and imprisonment, for each separate violation. Each day upon which a violation occurs shall constitute a separate violation

1.5.3.12. Reporting Requirements

1.5.3.12.1. Planned Changes

The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

- (i) The alteration or addition to a permitted facility may meet one (1) of the criteria for determining whether a facility is a new source in KRS 224.16-050 [40 CFR 122.29(b)]; or
- (ii) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under KRS 224.16-050 [40 CFR 122.42(a)(1)].
- (iii) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

1.5.3.12.2. Anticipated Noncompliance

The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

1.5.3.12.3. Transfers

This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under KRS 224 [CWA; see 40 CFR 122.61; in some cases, modification or revocation and reissuance is mandatory].

1.5.3.12.4. Monitoring Reports

Monitoring results shall be reported at the intervals specified elsewhere in this permit.

- (i) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Director for reporting results of monitoring of sludge use or disposal practices.
- (ii) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 401 KAR 5:065 Section 2(8) [40 CFR 136], or another method required for an industry-specific waste stream under 401 KAR 5:065 Section 2(9) or (10) [40 CFR subchapters N or O], the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Director.
- (iii) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.

1.5.3.12.5. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date.

1.5.3.12.6. Twenty-four-Hour Reporting

- (i) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within twenty-four (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.
- (ii) The following shall be included as information which must be reported within twenty-four (24) hours under this paragraph.
 - (A) Any unanticipated bypass which exceeds any effluent limitation in the permit. (See §122.41(g).
 - (B) Any upset which exceeds any effluent limitation in the permit.
 - (C) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit to be reported within twenty-four (24) hours.

(iii) The Director may waive the written report on a case-by-case basis for reports under paragraph (1)(6)(ii) of this section if the oral report has been received within twenty-four (24) hours.

1.5.3.12.7. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under Sections 1.5.3.12.1, 1.5.3.12.4, 1.5.3.12.5, and 1.5.3.12.6, at the time monitoring reports are submitted. The reports shall contain the information listed in Section 1.5.3.12.6.

1.5.3.12.8. Other Information

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

1.5.3.13. Bypass

1.5.3.13.1. Definitions

- (i) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.
- (ii) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

1.5.3.13.2. Bypass Not Exceeding Limitations

The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Section 1.5.3.13.1.

1.5.3.13.3. Notice

- (i) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of the bypass.
- (ii) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Section 1.5.3.12.6.

1.5.3.13.4. Prohibition of Bypass

(i) Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:

- (A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- (B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
- (C) The permittee submitted notices as required under Section 1.5.3.13.3.

(ii) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three (3) conditions listed above in Section 1.5.3.13.3.

1.5.3.13.5. Upset

1.5.3.13.5.1. Definition

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

1.5.3.13.5.2. Effect of an Upset

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Section 1.5.3.13.5.3 are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

1.5.3.13.5.3. Conditions Necessary for a Demonstration of Upset

A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (i) An upset occurred and that the permittee can identify the cause(s) of the upset;
- (ii) The permitted facility was at the time being properly operated; and
- (iii) The permittee submitted notice of the upset as required in Section 1.5.3.12.6; and
- (iv) The permittee complied with any remedial measures required under Section 1.5.3.4.

1.5.3.13.5.4. Burden of Proof

In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

1.6. Reporting of Monitoring Results

Monitoring results obtained during each monitoring period must be reported on a preprinted Discharge Monitoring Report (DMR) Form that will be mailed to you. The completed DMR for each monitoring period must be sent to the Division of Water at the address listed below (with a copy to the appropriate Regional Office) postmarked no later than the 28th day of the month following the monitoring period for which monitoring results were obtained.

Division of Water
 Surface Water Permits Branch
 Permits Support Section
 200 Fair Oaks Lane
 Frankfort, Kentucky 40601

Attention: DMR Coordinator

1.7. Reopener Clause

This permit shall be modified, or alternatively revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved in accordance with 401 KAR 5:050 through 5:080, if the effluent standard or limitation so issued or approved:

1. Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
2. Controls any pollutant not limited in the permit.

This permit may be reopened to implement the findings of a reasonable potential analysis performed by the Division of Water.

This permit shall be reopened if Division of Water determines surface waters are aesthetically or otherwise degraded by substances that:

- (a) Settle to form objectionable deposits;
- (b) Float as debris, scum, oil, or other matter to form a nuisance;
- (c) Produce objectionable color, odor, taste, or turbidity;
- (d) Injure, are chronically or acutely toxic to or produce adverse physiological or behavioral responses in humans, animals, fish, and other aquatic life;
- (e) Produce undesirable aquatic life or result in the dominance of nuisance species; or
- (f) Cause fish flesh tainting.

The permit as modified or reissued under this paragraph shall also contain any other requirements of KRS Chapter 224 when applicable.

2. STATE CONDITIONS**2.1. Outfall Signage**

The KPDES permit establishes monitoring points, effluent limitations, and other conditions to address discharges from the permitted facility. In an effort to better document and clarify these locations the permittee should place and maintain a permanent marker at each of the monitoring locations.

2.2. Discharge and Monitoring Point Accessibility

As previously stated in Section 1.5.3.9, the permittee shall allow authorized agency representatives to inspect the facility and collect samples to determine compliance. In order for such monitoring to be conducted either by the permittee or authorized agency personnel all monitoring and discharge points required by this permit shall be readily and safely accessible in all weather conditions.

2.3. Disposal of Non-Domestic Wastes

The pass through or non-treatment by the wastewater treatment plant of chemicals or compounds which may injure, be chronically or acutely toxic to or produce adverse physiological or behavioral responses in humans, animals, fish and other aquatic life is not desirable. Materials such as acids, caustics, herbicides, household chemicals or cleansers, insecticides, lawn chemicals, non-biodegradable products, paints, pesticides, pharmaceuticals, and petroleum based products may not be treatable by the wastewater treatment plant and should not be introduced and other environmentally sound methods for disposal should be utilized. The permittee should educate users of its system that introduction of such chemicals or compounds could result in an adverse environmental impact and provide the users with alternative disposal measures.

2.4. Certified Operators

Pursuant to 401 KAR 5:010, Section 1 a treatment plant with a design capacity of more than 50,000 gallons per day, but less than or equal to two (2) million gallons per day shall be under the primary responsibility of a certified operator holding an active Class II, III, or IV treatment certificate.

3. ABBREVIATIONS, ACRONYMS AND DEFINITIONS

Abbreviation or Acronym	Full Phrase	Definition
MGD	Million Gallons Per Day	A measure of flow
cfs	cubic feet per second	A measure of flow
SU	Standard Units	A measure of pH
mg/l	milligrams per liter	A measure of pollutant concentration (1000 milligrams = 1 gram)
µg/l	micrograms per liter	A measure of pollutant concentration (1000 micrograms = 1 milligram)
°F	Degrees Fahrenheit	A measure of temperature
°C	Degrees Centigrade or Celsius	A measure of temperature
N/A	Not Applicable	
lbs/day	pounds per day	A measure of pollutant loading
Grab	Grab Sample	A sample taken from a wastestream on a one-time basis without consideration of the flow rate of the wastestream and without consideration of time.
24-Hr Composite	24-hour Composite Sample	Sample composed of discrete equal volume aliquots (100 ml minimum) collected every 15 minutes over a 24-hour period and aggregated by an automated sampling device. The aggregate sample will reflect the average water quality of the compositing or sample period.

MATTHEW G. BEVIN
GOVERNOR



CHARLES G. SNAVELY
SECRETARY

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

ANTHONY R. HATTON
COMMISSIONER

300 SOWER BOULEVARD
FRANKFORT, KENTUCKY 40601

May 14, 2019

Mr. Kevin Hammond
134 Prater Drive
Georgetown, KY 40324

Re: KPDES Final Permit Issuance
KPDES No.: KY0081591
Longview Country Club
AI ID: 8083
Scott County, Kentucky

Dear Mr. Hammond:

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

This permit will become effective on the date indicated in the attached permit provided that no request for adjudication is granted. All provisions of the permit will be effective and enforceable in accordance with 401 KAR 5:075.

Any demand for a hearing on the permit shall be filed in accordance with the procedures specified in KRS 224.10-420, 224.10-440, 224.10-470 and any regulations promulgated thereto. Any person aggrieved by the issuance of a permit final decision may demand a hearing, pursuant to KRS 224.10-420(2), within thirty (30) days from the date of the issuance of this letter. Two (2) copies of request for hearing should be submitted in writing to the Energy and Environment Cabinet, Office of Administrative Hearings, 211 Sower Boulevard, Frankfort, Kentucky 40601 and the Commonwealth of Kentucky, Energy and Environment Cabinet, Division of Water, 300 Sower Boulevard, Frankfort, Kentucky 40601. For your record keeping purposes, it is recommended that these requests be sent by certified mail. The written request must conform to the appropriate statutes referenced above.

If you have any questions regarding the KPDES decision, please contact the Surface Water Permits Branch by phone at (502) 564-3410 or via email at SWPBSupport@ky.gov. Further information on procedures and legal matters pertaining to the hearing request may be obtained by contacting the Office of Administrative Hearings at (502) 564-7312.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter T. Goodman".

Peter T. Goodman, Director
Division of Water

PTG: JMH: asw
Enclosure



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KPDES



**KENTUCKY POLLUTANT
DISCHARGE ELIMINATION
SYSTEM**

PERMIT

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

PERMIT NO.: KY0081591

AGENCY INTEREST NO.: 8083

Pursuant to Authority in KRS 224,

LH Treatment Company LLC
134 Prater Drive
Georgetown, Kentucky 40324

is authorized to discharge from a facility located at

Longview/Homestead Sewer
3243 Frankfort Road
Georgetown, Scott County, Kentucky

to receiving waters named

UT to North Elkhorn Creek

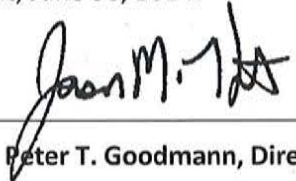
in accordance with effluent limitations, monitoring requirements and other conditions set forth in this permit.

This permit shall become effective on July 1, 2019.

This permit and the authorization to discharge shall expire at midnight, June 30, 2024.

May 14, 2019

Date Signed



**Peter T. Goodmann, Director
Division of Water**

THIS KPDES PERMIT CONSISTS OF THE FOLLOWING SECTIONS:

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SECTION 1

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1.1. Compliance Monitoring Locations (Outfalls)

The following table lists the outfalls authorized by this permit, the latitude and longitude of each and the DOW assigned KPDES outfall number:

TABLE 1.

Outfall No.	Outfall Type	Latitude (N)	Longitude (W)	Receiving Water	Description of Outfall
001	External	38.21333°	84.66333°	UT to North Elkhorn Creek	Domestic Wastewater

1.2. Effluent Limitations and Monitoring Requirements

Beginning on the effective date and lasting through the term of this permit, discharges from Outfall 001 shall comply with the following effluent limitations:

TABLE 2.

Effluent Characteristic	Units	EFFLUENT LIMITATIONS				MONITORING REQUIREMENTS		
		Loadings (lbs/day)		Minimum	Maximum Weekly Average	Frequency	Sample Type	
		Monthly Average	Maximum Weekly Average					
Flow	MGD	Report	Report ¹	N/A	N/A	1/Month	Instantaneous	
pH	SU	N/A	N/A	6.0	N/A	1/Month	Grab	
CBOD ₅ ²	mg/l	N/A	N/A	N/A	30	1/Month	Composite ³	
Total Suspended Solids	mg/l	N/A	N/A	N/A	30	1/Month	Composite ³	
Ammonia (as mg/l NH ₃ N)								
May 1 – October 31	mg/l	N/A	N/A	N/A	4.0	1/Month	Composite ³	
November 1 – April 30	mg/l	N/A	N/A	N/A	10	1/Month	Composite ³	
Dissolved Oxygen	mg/l	N/A	N/A	7.0	N/A	1/Month	Grab	
E. Coli ⁴	#/100 ml	N/A	N/A	N/A	130 ⁵	1/Month	Grab	
Total Residual Chlorine	mg/l	N/A	N/A	N/A	0.011	1/Month	Grab	

¹Daily Maximum
²CBOD₅ – Carbonaceous Biochemical Oxygen Demand, 5-day
³A sample composed of four or more equal or flow-proportional aliquots collected over a period of no less than eight and no more than twenty-four hours and aggregated so that the aggregate sample reflects the average water quality of the effluent during the compositing or sample period
⁴E. Coli – Escherichia Coli Bacteria

TABLE 2.

EFFLUENT LIMITATIONS					MONITORING REQUIREMENTS		
Effluent Characteristic	Units	Loadings (lbs/day)			Concentrations	Frequency	Sample Type
		Monthly Average	Maximum Weekly Average	Minimum			
⁵ Thirty (30) day Geometric Mean ⁶ Seven (7) day Geometric Mean							

1.3. Standard Effluent Requirements

The discharges to Waters of the Commonwealth shall not produce floating solids, visible foam or a visible sheen on the surface of the receiving waters.

SECTION 2

STANDARD CONDITIONS

2. STANDARD CONDITIONS

The following conditions apply to all KPDES permits.

2.1. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of KRS Chapter 224 and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. Any person who violates applicable statutes or who fails to perform any duty imposed, or who violates any determination, permit, administrative regulation, or order of the Cabinet promulgated pursuant thereto shall be liable for a civil penalty as provided at KRS 224.99.010.

2.2. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for a new permit.

2.3. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

2.4. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

2.5. 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.

2.6. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

2.7. Property Rights

This permit does not convey any property rights of any sort, or any exclusive privilege.

2.8. Duty to Provide Information

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Director upon request, copies of records required to be kept by this permit.

2.9. Inspection and Entry

The permittee shall allow the Director, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon presentation of credentials and other documents as may be required by law, to:

- (1) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- (2) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (3) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- (4) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

2.10. Monitoring and Records

- (1) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- (2) Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five (5) years (or longer as required by 401 KAR 5:065, Section 2(10) [40 CFR 503]), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.
- (3) Records of monitoring information shall include:
 - a) The date, exact place, and time of sampling or measurements;
 - b) The individual(s) who performed the sampling or measurements;
 - c) The date(s) analyses were performed;
 - d) The individual(s) who performed the analyses;
 - e) The analytical techniques or methods used; and
 - f) The results of such analyses.
- (4) Monitoring must be conducted according to test procedures approved under 401 KAR 5:065, Section 2(8) [40 CFR 136] unless another method is required under 401 KAR 5:065, Section 2(9) or (10) [40 CFR subchapters N or O].
- (5) KRS 224.99-010 provides that any person who knowingly violates KRS 224.70-110 or other enumerated statutes, or who knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall be guilty of a Class D felony and, upon conviction, shall be punished by a fine of not more than \$25,000, or by imprisonment for not less than one (1) year and not more than five (5) years, or by both fine and imprisonment for each separate violation. Each day upon which a violation occurs shall constitute a separate violation.

2.11. Signatory Requirement

(1) All applications, reports, or information submitted to the Director shall be signed and certified pursuant to 401 KAR 5:060, Section 4 [40 CFR 122.22].

(2) KRS 224.99-010 provides that any person who knowingly provides false information in any document filed or required to be maintained under KRS Chapter 224 shall be guilty of a Class D felony and upon conviction thereof, shall be punished by a fine not to exceed twenty-five thousand dollars (\$25,000), or by imprisonment, or by fine and imprisonment, for each separate violation. Each day upon which a violation occurs shall constitute a separate violation.

2.12. Reporting Requirements**2.12.1. Planned Changes**

The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

(1) The alteration or addition to a permitted facility may meet one (1) of the criteria for determining whether a facility is a new source in KRS 224.16-050 [40 CFR 122.29(b)]; or

(2) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under KRS 224.16-050 [40 CFR 122.42(a)(1)].

(3) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

2.12.2. Anticipated Noncompliance

The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

2.12.3. Transfers

This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under KRS 224 [CWA; see 40 CFR 122.61; in some cases, modification or revocation and reissuance is mandatory].

2.12.4. Monitoring Reports

Monitoring results shall be reported at the intervals specified elsewhere in this permit.

(1) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Director for reporting results of monitoring of sludge use or disposal practices.

(2) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 401 KAR 5:065, Section 2(8) [40 CFR 136], or another method required for an industry-specific waste stream under 401 KAR 5:065, Section 2(9) or (10) [40 CFR subchapters N or O], the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Director.

(3) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.

2.12.5. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date.

2.12.6. Twenty-four-Hour Reporting

(1) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within twenty-four (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.

(2) The following shall be included as information which must be reported within twenty-four (24) hours under this paragraph.

- a) Any unanticipated bypass which exceeds any effluent limitation in the permit. (See §122.41(g))
- b) Any upset which exceeds any effluent limitation in the permit.
- c) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit to be reported within twenty-four (24) hours.

(3) The Director may waive the written report on a case-by-case basis under 40 CFR 122.41 (l), if the oral report has been received within twenty-four (24) hours.

2.12.7. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under Sections 2.12.1, 2.12.4, 2.12.5 and 2.12.6, at the time monitoring reports are submitted. The reports shall contain the information listed in Section 2.12.6.

2.12.8. Other Information

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

2.13. Bypass

2.13.1. Definitions

(1) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.

(2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

2.13.2. Bypass Not Exceeding Limitations

The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Section 2.13.3 and 2.13.4.

2.13.3. Notice

(1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of the bypass.

(2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Section 2.12.6.

2.13.4. Prohibition of Bypass

(1) Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:

- a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
- c) The permittee submitted notices as required under Section 2.13.3.

(2) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three (3) conditions listed above in Section 2.13.4.

2.14. Upset**2.14.1. Definition**

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

2.14.2. Effect of an Upset

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Section 2.14.3 are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

2.14.3. Conditions Necessary for a Demonstration of Upset

A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
- (2) The permitted facility was at the time being properly operated; and
- (3) The permittee submitted notice of the upset as required in Section 2.12.6; and

(4) The permittee complied with any remedial measures required under Section 2.4.

2.14.4. Burden of Proof

In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

SECTION 3

OTHER CONDITIONS

3. OTHER CONDITIONS

3.1. Schedule of Compliance

The permittee shall attain compliance with all requirements of this permit on the effective date of this permit unless otherwise stated.

3.2. Other Permits

This permit has been issued under the provisions of KRS Chapter 224 and regulations promulgated pursuant thereto. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits or licenses required by this Cabinet and other state, federal, and local agencies.

3.3. Continuation of Expiring Permit

This permit shall be continued in effect and enforceable after the expiration date of the permit provided the permittee submits a timely and complete application in accordance with 401 KAR 5:060, Section 2(4).

3.4. Antidegradation

For those discharges subject to the provisions of 401 KAR 10:030, Section 1(3)(b)5, the permittee shall install, operate, and maintain wastewater treatment facilities consistent with those identified in the Socioeconomic Demonstration and Alternatives Analysis (SDAA) submitted with the KPDES permit application.

3.5. Reopener Clause

This permit shall be modified, or alternatively revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved in accordance with 401 KAR 5:050 through 5:080, if the effluent standard or limitation so issued or approved:

- (1) Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
- (2) Controls any pollutant not limited in the permit.

The permit as modified or reissued under this paragraph shall also contain any other requirements of KRS Chapter 224 when applicable.

3.6. Connection to Regional Sewer System

This WWTP is temporary and in no way supersedes the need of a regional sewer system. The permittee shall eliminate the discharge and WWTP plant by connection to a regional sewer system when it becomes available as defined in 401 KAR 5:002.

3.7. Certified Operators

The wastewater treatment plant shall be under the primary responsibility of a Class II Wastewater Treatment Plant Certified Operator or higher.

3.8. Outfall Signage

This KPDES permit establishes monitoring points, effluent limitations, and other conditions to address discharges from the permitted facility. In an effort to better document and clarify these locations, the permittee should place and maintain a permanent marker at each of the monitoring locations.

SECTION 4

MONITORING AND REPORTING REQUIREMENTS

4. MONITORING AND REPORTING REQUIREMENTS

4.1. KPDES Outfalls

Discharge samples and measurements shall be collected at the compliance point for each KPDES Outfall identified in this permit. Each sample shall be representative of the volume and nature of the monitored discharge.

4.2. Sufficiently Sensitive Analytical Methods

Analytical methods utilized to demonstrate compliance with the effluent limitations established in this permit shall be sufficiently sensitive to detect pollutant levels at or below the required effluent limit, i.e. the Method Minimum Level shall be at or below the effluent limit. In the instance where an EPA-approved method does not exist that has a Method Minimum Level at or below the established effluent limitation, the permittee shall:

- (1) Use the method specified in the permit; or
- (2) The EPA-approved method with an ML that is nearest to the established effluent limit.

It is the responsibility of the permittee to demonstrate compliance with permit parameter limitations by utilization of sufficiently sensitive analytical methods.

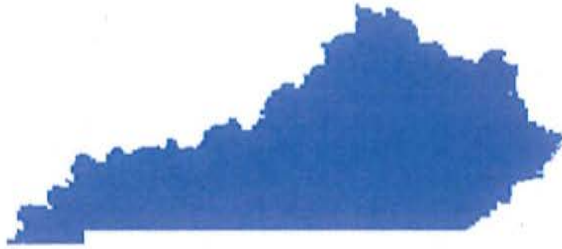
4.3. Certified Laboratory Requirements

All laboratory analyses and tests required to demonstrate compliance with the conditions of this permit shall be performed by a laboratory holding the appropriate general or field-only certification issued by the Cabinet pursuant to 401 KAR 5:320.

4.4. Submission of DMRs

The completed DMR for each monitoring period must be entered into the DOW approved electronic system no later than midnight on the 28th day of the month following the monitoring period for which monitoring results were obtained.

For more information regarding electronic submittal of DMRs, please visit the Division's website at: <https://eec.ky.gov/Environmental-Protection/Water/SubmitReport/Pages/NetDMR.aspx> or contact the DMR Coordinator at (502) 564-3410.

**KENTUCKY POLLUTANT
DISCHARGE ELIMINATION
SYSTEM****FACT SHEET**

KPDES No.: KY0081591
AI No.: 8083
Longview/Homestead Sewer
3243 Frankfort Road
Georgetown, Scott County, Kentucky

Date: May 16, 2019

Public Notice Information

Public Notice Start Date: October 31, 2018

Comment Due Date: November 30, 2018

General information concerning the public notice process may be obtained on the Division of Water's Public Notice Webpage at the following address:

<https://eec.ky.gov/Environmental-Protection/Water/Pages/Water-Public-Notices-and-Hearings.aspx>.

Public Notice Comments

Comments must be received by the Division of Water no later than 4:30 PM on the closing date of the comment period. Comments may be submitted by e-mail at: DOWPublicNotice@ky.gov or written comments may be submitted to the Division of Water at 300 Sower Blvd, Frankfort, Kentucky 40601.

Reference Documents

A copy of this proposed fact sheet, proposed permit, the application, other supporting material and the current status of the application may be obtained from the Department for Environmental Protection's Pending Approvals Search Webpage:

http://dep.gateway.ky.gov/eSearch/Search_Pending_Approvals.aspx?Program=Wastewater&NumDaysDoc=30.

Open Records

Copies of publicly-available documents supporting this fact sheet and proposed permit may also be obtained from the Department for Environmental Protection Central Office. Information regarding these materials may be obtained from the Open Records Coordinator at (502) 782-6849 or by e-mail at EEC.KORA@ky.gov.

THIS KPDES FACT SHEET CONSISTS OF THE FOLLOWING SECTIONS:

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SECTION 1

FACILITY SYNOPSIS

1. FACILITY SYNOPSIS

1.1. Name and Address of Applicant

LH Treatment Company LLC
 134 Prater Drive
 Georgetown, Kentucky 40324

1.2. Facility Location

Longview/Homestead Sewer
 3243 Frankfort Road
 Georgetown, Scott County, Kentucky

1.3. Description of Applicant's Operation

The applicant operates a domestic wastewater treatment plant serving single family home and future development.

1.4. Wastewaters Collected and Treatment

The following table lists the actual average flow reported, the facility's approved long-term average design treatment capacity, the wastewater types collected, and the treatment type for each outfall:

TABLE 1.				
Outfall No.	Avg. Flow (MGD)	Design Capacity (MGD)	Wastewater Types Collected	Treatment Type
001	0.076	0.100	Domestic Sanitary	Screening Oxidation Ditches Sedimentation Aerobic Digesters Chlorine Disinfection Dechlorination Discharge to Surface Water

1.5. Permitting Action

This is a reissuance of a minor KPDES permit for an existing domestic wastewater treatment plant [SIC Code 4952].

SECTION 2

RECEIVING/INTAKE WATERS

2. RECEIVING / INTAKE WATERS

2.1. Receiving Waters

All surface waters of the Commonwealth have been assigned stream use designations consisting of one or more of the following designations: Warmwater Aquatic Habitat (WAH), Primary Contact Recreation (PCR), Secondary Contact Recreation (SCR), Domestic Water Supply (DWS), Coldwater Aquatic Habitat (CAH) or Outstanding State Resource Water (OSRW)[401 KAR 10:026].

All surface waters of the Commonwealth are assigned one of the following antidegradation categories: Outstanding National Resource Water (ONRW), Exceptional Water (EW), Impaired Water (IW) or High Quality Water (HQ)[401 KAR 10:030].

Surface waters categorized as an IW are listed in Kentucky’s most recently approved Integrated Report to Congress on the Condition of Water Resources in Kentucky - Volume II. 303(d) List of Surface Waters.

The following table lists the stream use classifications associated with this permit.

TABLE 2.

Receiving Water Name	Use Designation	Antidegradation Category	7Q10 Low Flow (cfs)	Harmonic Mean Flow (cfs)
UT to North Elkhorn Creek	WAH PCR SCR DWS	HQ	0.0	0.0

2.2. Intake Waters – Nearest Downstream Intake

TABLE 3.

Intake Water Name	Public Water Supply Name	Latitude (N) Decimal Degrees	Longitude (W) Decimal Degrees	Miles Downstream	7Q10 Low Flow (cfs)	Harmonic Mean Flow (cfs)
Kentucky River	Kentucky American Water	38.356122°	84.874986°	42.5	172	1322

SECTION 3

OUTFALL 001

3. OUTFALL 001

3.1. Outfall Description

The following table lists the outfall type, location, and description:

Outfall Type	Latitude (N)	Longitude (W)	Receiving Water	Description of Outfall
External	38.21333°	84.66333°	UT to North Elkhorn Creek	Domestic Wastewater

3.2. Reported Values

The following table summarizes the reported values for Outfall 001:

Reported Parameters	Units	EFFLUENT					
		Loadings (lbs/day)		Concentrations			
		Monthly Average	Maximum Weekly Average	Minimum	Monthly Average	Maximum Weekly Average	Maximum
Flow	MGD	0.076	0.218 ¹	N/A	N/A	N/A	N/A
pH	SU	N/A	N/A	3.55	N/A	N/A	11.2
CBOD ₅ ²	mg/l	11.32	26.38	N/A	14.07	29.19	N/A
Total Suspended Solids	mg/l	17.24	55.04	N/A	23.35	66.91	N/A
Ammonia (as mg/l NH ₃ N)							
May 1 – October 31	mg/l	0.66	1.76	N/A	1.00	2.33 ¹	N/A
November 1 – April 30	mg/l	1.16	3.17	N/A	1.46	3.62 ¹	N/A
E. Coli ³	#/100 ml	N/A	N/A	N/A	43.25 ⁴	2815.61 ⁵	N/A
Dissolved Oxygen	mg/l	N/A	N/A	4.0	N/A	N/A	N/A
Total Residual Chlorine	mg/l	N/A	N/A	N/A	0.087	0.27 ¹	N/A
¹ Daily Maximum							
² CBOD ₅ – Carbonaceous Biochemical Oxygen Demand, 5-day							
³ E. Coli – Escherichia Coli Bacteria							
⁴ Thirty (30) day Geometric Mean							
⁵ Seven (7) day Geometric Mean							

The above values are based off of 5-year DMR averages from 01/31/2014 to 09/30/2018.

3.3. Effluent Limitations and Monitoring Requirements

The following table summarizes the effluent limitations and monitoring requirements for Outfall 001:

TABLE 6.

Effluent Characteristic	Units	EFFLUENT LIMITATIONS						MONITORING REQUIREMENTS		
		Loadings (lbs/day)		Minimum	Concentrations		Maximum	Frequency	Sample Type	
		Monthly Average	Maximum Weekly Average		Monthly Average	Maximum Weekly Average				
Flow	MGD	Report	Report ¹	N/A	N/A	N/A	N/A	1/Month	Instantaneous	
pH	SU	N/A	N/A	6.0	N/A	N/A	9.0	1/Month	Grab	
CBOD ₅ ²	mg/l	N/A	N/A	N/A	30	45	N/A	1/Month	Composite ³	
Total Suspended Solids	mg/l	N/A	N/A	N/A	30	45	N/A	1/Month	Composite ³	
Ammonia (as mg/l NH ₃ N)										
May 1 – October 31	mg/l	N/A	N/A	N/A	4.0	6.0 ¹	N/A	1/Month	Composite ³	
November 1 – April 30	mg/l	N/A	N/A	N/A	10	15 ¹	N/A	1/Month	Composite ³	
Dissolved Oxygen	mg/l	N/A	N/A	7.0	N/A	N/A	N/A	1/Month	Grab	
E. Coli ⁴	#/100 ml	N/A	N/A	N/A	130 ⁵	240 ⁶	N/A	1/Month	Grab	
Total Residual Chlorine	mg/l	N/A	N/A	N/A	0.011	0.019 ¹	N/A	1/Month	Grab	
¹ Daily Maximum										
² CBOD ₅ – Carbonaceous Biochemical Oxygen Demand, 5-day										
³ A sample composed of four or more equal or flow-proportional aliquots collected over a period of no less than eight and no more than twenty-four hours and aggregated so that the aggregate sample reflects the average water quality of the effluent during the compositing or sample period										
⁴ E. Coli – Escherichia Coli Bacteria										
⁵ Thirty (30) day Geometric Mean										
⁶ Seven (7) day Geometric Mean										

3.4. Pertinent Factors

The effluent limitations for this outfall were developed in accordance with DOW’s General Procedures for Limitations Development located on DOW’s webpage at:

<https://eec.ky.gov/Environmental-Protection/Forms%20Library/General%20Procedures%20for%20Limitations%20Development.pdf>

3.4.1. Secondary Treatment Standards

Discharges of biochemically degradable wastes are subject to technology-based effluent limitations (TBELs) known as the Secondary Treatment Standards. Both state and federal regulations establish the requirements for secondary treatment. State regulations for secondary treatment only apply to non-POTWs [401 KAR 5:045].

TABLE 7. State Defined Secondary Treatment Standards		
Pollutant or Pollutant Characteristic	30-day average	7-day average
BOD ₅ (mg/l)	30	45
TSS (mg/l)	30	45

3.5. Justification of Requirements

Chapters 5 and 10 of Title 401 of the Kentucky Administrative Regulations (KARs), cited in the following, have been duly promulgated pursuant to the requirements of Chapter 224 of the Kentucky Revised Statutes.

At a minimum, all permits shall contain technology-based effluent limitations (TBELs) [401 KAR 5:065, Section 2(4) – 40 CFR 122.44(a)]. When necessary to achieve water quality standards, all permits shall contain water quality-based effluent limitations (WQBELs) [401 KAR 5:065, Section 2(4) – 40 CFR 122.44(d)]. Any WQBELs included in this permit are based upon the Kentucky Water Quality Standards (KYWQS) [401 KAR 10:031].

3.5.1. Flow

The monitoring requirements for this parameter are consistent with the KPDES permit program requirements for establishing effluent limitations, standards, and permit conditions [401 KAR 5:065, Section 2(4) – 40 CFR 122.44(i)(1)(ii)] and requirements for recording and reporting of monitoring results [401 KAR 5:070, Section 3 – 40 CFR 122.48].

3.5.2. CBOD₅

The limitations for this parameter are consistent with the secondary treatment standards for biochemically degradable wastes as defined in state regulations [401 KAR 5:045, Section 2]. DOW found that it was necessary to impose WQBELs for this parameter in order to achieve water quality standards. [401 KAR 5:065, Section 2(4) – 40 CFR 122.44(d)]. These effluent limitations are also consistent with Kentucky’s Water Quality Standards [401 KAR 10:031, Section 4(1)(e) & (i) respectively]. The EPA’s River and Stream Water Quality Model (QUAL 2E/K) was used to develop these limitations.

3.5.3. Total Suspended Solids

The limitations for this parameter are consistent with the secondary treatment standards for biochemically degradable wastes as defined in state regulations [401 KAR 5:045, Section 2]. These effluent limitations are also consistent with Kentucky's Water Quality Standards [401 KAR 10:031, Section 4(1)(g)].

3.5.4. Ammonia and Dissolved Oxygen

The limitations for these parameters are WQBELs developed using the EPA's River and Stream Water Quality Model (QUAL 2E/K) [401 KAR 10:031, Section 4(1)(e) & (i)].

3.5.5. E. Coli

The limitations for this parameter are consistent with Kentucky's Water Quality Standards [401 KAR 10:031, Section 7].

3.5.6. pH

The limitations for this parameter are consistent Kentucky's Water Quality Standards [401 KAR 10:031, Section 4(1)(b) and Section 7].

3.5.7. Total Residual Chlorine

The limitations for this parameter are consistent with Kentucky's Water Quality Standards [401 KAR 10:031, Section 4(1)(k)].

SECTION 4

OTHER CONDITIONS

4. OTHER CONDITIONS

4.1. Schedule of Compliance

The permittee is required to comply with all effluent limitations by the effective date of the permit unless a compliance schedule is included with the permit. A schedule of compliance, if included with this permit, is consistent with the regulatory provisions for establishing a schedule of compliance [401 KAR 5:070, Section 2 and 40 CFR 122.47].

4.2. Antidegradation

The conditions of Kentucky's Antidegradation Policy have been satisfied [401 KAR 10:029, Section 1]. This permitting action is a reissuance of a KPDES permit that does not authorize an expanded discharge.

4.3. Standard Conditions

The conditions listed in the Standard Conditions Section of the permit are consistent with the conditions applicable to all permits [401 KAR 5:065, Section 2(1) – 40 CFR 122.41].

4.4. Sufficiently Sensitive Analytical Methods

Analytical methods utilized to demonstrate compliance with the effluent limitations established in this permit shall be sufficiently sensitive to detect pollutant levels at or below the required effluent limit [401 KAR 5:065, Section 2(4) – 40 CFR 122.44(i)].

4.5. Certified Laboratory

All environmental analysis is to be performed by a certified laboratory is consistent with the certified wastewater laboratory requirements [401 KAR 5:320, Section 3].

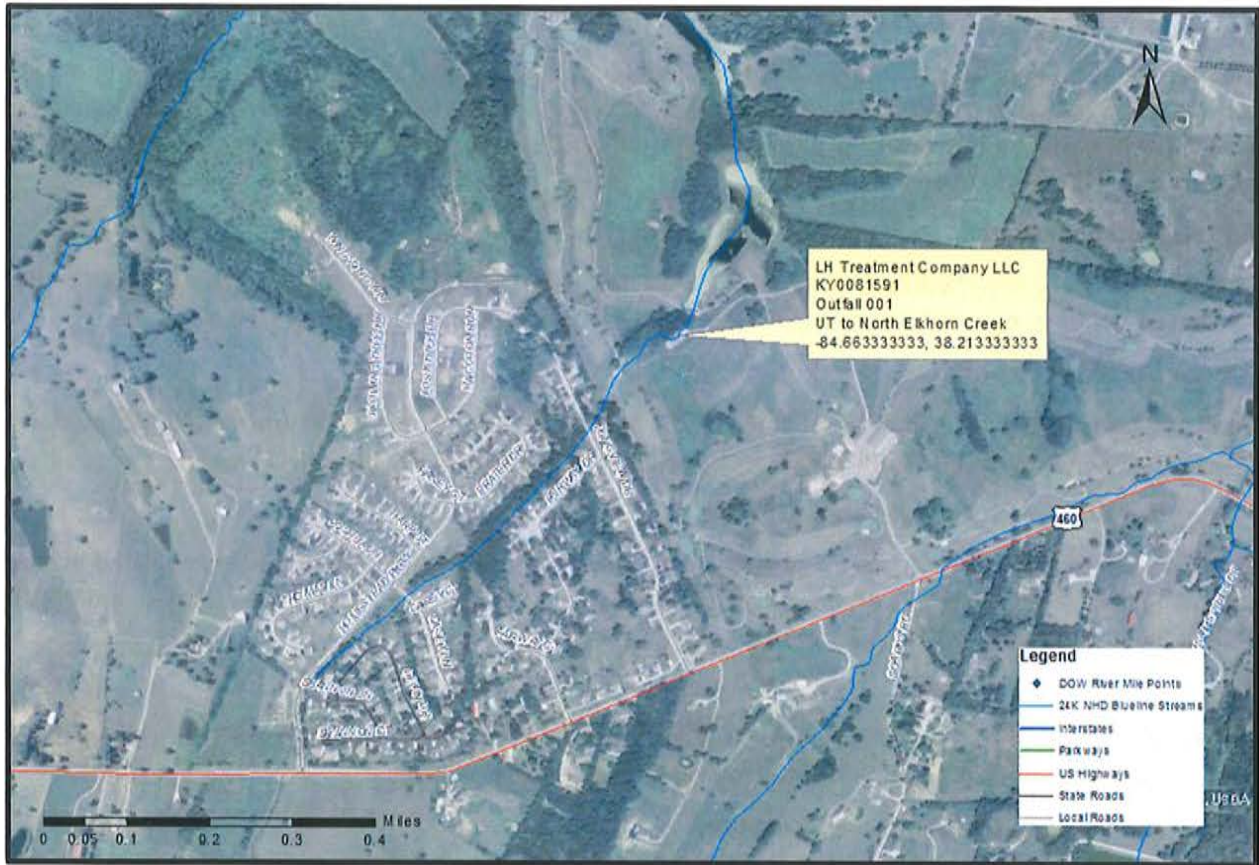
4.6. Connection to Regional Sewer System

In accordance with 401 KAR 5:005, if a sewer system served by a regional facility becomes available, the WWTP shall be abandoned and the influent flow shall be diverted to the regional facility.

4.7. Certified Operators

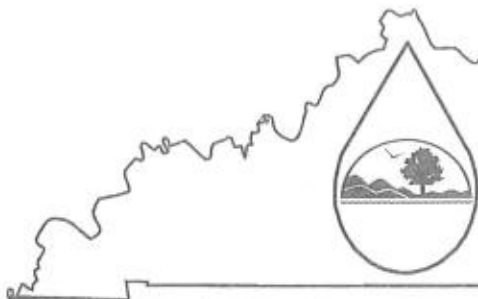
Wastewater treatment plants and wastewater collection systems that accept wastewaters containing domestic sewage are to be operated by a certified operator [401 KAR 5:010].

4.8. Location Map



KENTUCKY POLLUTANT DISCHARGE
ELIMINATION SYSTEM

PERMIT APPLICATION



RECEIVED
OCT 12 2018
SWPB

This is an application to: (check one)

- Apply for a new permit.
- Apply for reissuance of expiring permit.
- Apply for a construction permit.
- Modify an existing permit.

Give reason for modification under Item II.A.

A complete application consists of this form and one of the following:

Form A, Form B, Form C, Form F, or Form SC

For additional information contact:

Surface Water Permits Branch (502) 564-3410

I. FACILITY LOCATION AND CONTACT INFORMATION		AGENCY USE	0	0	8	1	5	9	1
A. Name of Business, Municipality, Company, Etc. Requesting Permit		LH Treatment Company LLC							
B. Facility Name and Location		C. Primary Mailing Address (all facility correspondence will be sent to this address). Include owner's mailing address (if different) in D.							
Facility Location Name: Longview/Homestead Sewer inside Longview Golf Course		Facility Contact Name and Title: Mr. <input checked="" type="checkbox"/> Ms. <input type="checkbox"/> Kevin D. Hammond, Member							
Facility Location Address (i.e. street, road, etc., not P.O. Box): 3243 Frankfort Rd		Mailing Address: 134 Prater Drive							
Facility Location City, State, Zip Code: Georgetown KY 40324		Mailing City, State, Zip Code: Georgetown, KY 40324							
D. Owner's name (if not the same as in part A and C): SAME		Facility Contact Telephone Number: 859-619-5465 (Kevin)							
Owner's Mailing Address: Use Mr. Hammond's address		Owner's Telephone Number (if different): 859-619-7855 (Rick Pulliam - Member)							

Email: wrpulliam@gmail.com

II. FACILITY DESCRIPTION

A. Provide a brief description of activities, products, etc:

Waste water treatment for single family homes + future development

B. Standard Industrial Classification (SIC) Code and Description

Principal SIC Code & Description:	1521
Other SIC Codes:	

III. FACILITY LOCATION

A. Attach a U.S. Geological Survey 7 1/2 minute quadrangle map for the site. (See instructions)

B. County where facility is located: **Scott** City where facility is located (if applicable): **Georgetown**

C. Body of water receiving discharge:
Privately owned lake approximately 1 mile upstream from Elkhorn Creek

D. Facility Site Latitude (degrees, minutes, seconds): **38° 12' 48" N** Facility Site Longitude (degrees, minutes, seconds): **84° 39' 48" W**

E. Method used to obtain latitude & longitude (see instructions):

Google Maps- See Attached Printout

IV. OWNER/OPERATOR INFORMATION	
A. Type of Ownership: <input type="checkbox"/> Publicly Owned <input checked="" type="checkbox"/> Privately Owned <input type="checkbox"/> State Owned <input type="checkbox"/> Both Public and Private Owned <input type="checkbox"/> Federally owned	
B. Operator Contact Information (See instructions)	
Name of Treatment Plant Operator: Joseph O. Arnold	Telephone Number: 502-370-7015
Operator Mailing Address (Street): 4714 Ironworks Rd	
Operator Mailing Address (City, State, Zip Code): Georgetown KY 40324	
Is the operator also the owner? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Is the operator certified? If yes, list certification class and number below. Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Certification Class: WW Treatment II #14466 DW Distribution IV #15409	Certification Number: WW Collection II #19953

V. EXISTING ENVIRONMENTAL PERMITS		
Current NPDES Number: KY 0081591	Issue Date of Current Permit: 11-14-13 / EFF 1-1-14	Expiration Date of Current Permit: 12-31-18
Other DOW Operational Permit #:	Kentucky DMR Permit Number(s):	Sludge Disposal Permit Number:
Other Existing Environmental Permit #:	Other Existing Environmental Permit #:	Other Existing Environmental Permit #:

Which of the following additional environmental permit/registration categories will also apply to this facility?

CATEGORY	EXISTING PERMIT WITH NO.	PERMIT NEEDED WITH PLANNED APPLICATION DATE
Air Emission Source		
Solid or Special Waste		
Hazardous Waste - Registration or Permit		

VI. DISCHARGE MONITORING REPORTS (DMRs)

KPDES permit holders are required to submit DMRs to the Division of Water on a regular schedule (as defined by the KPDES permit). Information in this section serves to specifically identify the name and telephone number of the DMR official and the DMR mailing address (if different from the primary mailing address in Section I.C).

A. DMR Official (i.e., the department, office or individual designated as responsible for submitting DMR forms to the Division of Water):	Joe Arnold
DMR Official Telephone Number:	502-370-7015

B. DMR Mailing Address:	
<ul style="list-style-type: none"> Address the Division of Water will use to mail DMR forms (if different from mailing address in Section I.C), or Contact address if another individual, company, laboratory, etc. completes DMRs for you; e.g., contract laboratory address. 	
DMR Mailing Name:	Joe Arnold
DMR Mailing Address:	4714 Ironworks Rd
DMR Mailing City, State, Zip Code:	Georgetown, KY 40324

VII. APPLICATION FILING FEE

KPDES regulations require that a permit applicant pay an application filing fee equal to twenty percent of the permit base fee. Please examine the base and filing fees listed in "Form 1 Instructions" and enclose a check payable to "Kentucky State Treasurer" for the appropriate amount. For permit renewals, please include the KPDES permit number on the check to ensure proper crediting. Please see the separate document "General Instructions" for an expanded description of the base fee amounts.

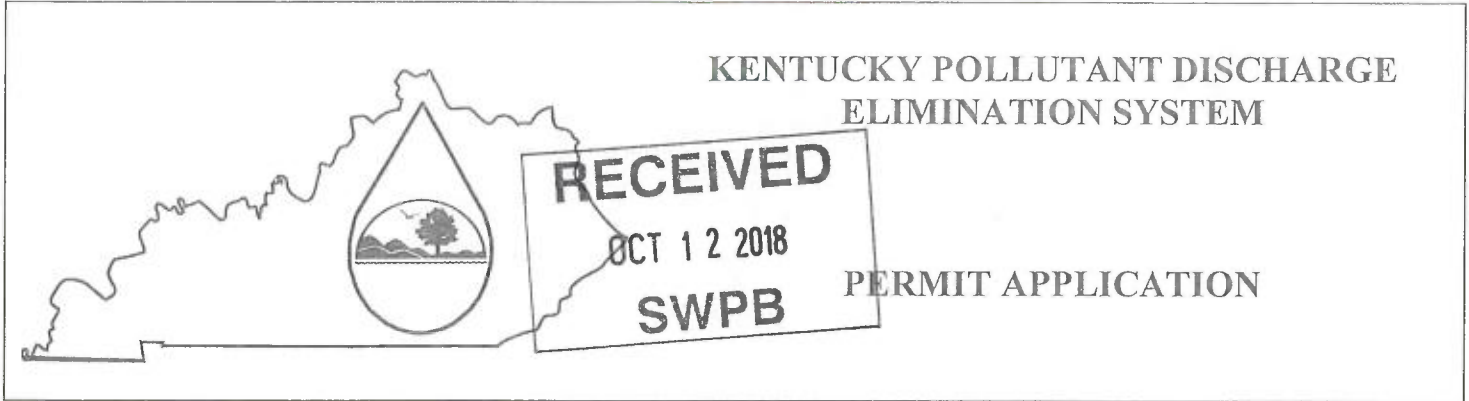
Facility Fee Category: <i>Large Non-Publicly Owned Treatment</i>	Filing Fee Enclosed: <i>\$3700</i>
---	---------------------------------------

VIII. CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

NAME AND OFFICIAL TITLE (type or print): Mr. <input checked="" type="checkbox"/> Ms. <input type="checkbox"/> <i>William Rick Pulliam - Member</i>	PHONE NUMBER: <i>859-619-7855</i>
SIGNATURE <i>Will R. Pull.</i>	EMAIL: <i>wrpulliam@gmail.com</i>
	DATE: <i>09-18-18</i>

Return completed application form and attachments to: **Surface Water Permits Branch, Division of Water, 200 Fair Oaks Lane, Frankfort, KY 40601. Direct questions to: Surface Water Permits Branch at (502) 564-3410.**



A complete application consists of this form and Form 1.
 For additional information, contact: Surface Water Permits Branch, (502) 564-3410.

NAME OF FACILITY: **LH Treatment Company LLC / Location at Longview/Homestead**

I. FACILITY DISCHARGE FREQUENCY AGENCY USE **0081591**

A. Do discharge(s) occur all year? Yes No
 (Complete Item IX for intermittent discharges.)

B. How many days per week? **7**

II. A. Give the basis of design for sizing of the wastewater facility (see instructions):
Serve up to 1000 homes

B. If new discharger, indicate anticipated discharge date:

C. Indicate the design capacity of the treatment system: MGD **700,000 GPD**

III. Outfall Location (see instructions)

Outfall (list)	LATITUDE			LONGITUDE			RECEIVING WATER (name)
	Degrees	Minutes	Seconds	Degrees	Minutes	Seconds	
	38°	12'	48" N	84°	39'	48" W	Private lake

Method used to obtain latitude/longitude (i.e. GPS unit, USGS topographic map coordinates, etc.) **Google Maps - See Attached Printout**

IV. FLOWS, SOURCES OF POLLUTION, AND TREATMENT TECHNOLOGIES (see instructions)
 If wastewater other than domestic or sanitary is listed, complete page 4 in addition to page 1 and 2.

OUTFALL NO. (list)	OPERATION(S) CONTRIBUTING FLOW		TREATMENT	
	Operation (list)	Avg/Design Flow (include units)	List treatment components	List Codes from Table SC-1
	Treatment of Sanitary Waste Water, Bar Screen		Manual Bar Screen	1/T
	Surge Tank	.048		
	2 - Oxidation ditches	.050 each	Equal Flow both ditches Aeration	3-A
	2 - Clarifiers		Return Sludge	
	2 - Aerobic digesters			5-A
	Chlorine and Dechlorine Treatment			

V. Check the type(s) of wastewater discharged.

- Domestic (60% or more sanitary sewage) Oil field waste
 Noncontact cooling water Other (list):

VI. Does all water used at facility (except for human consumption) flow to a treatment plant? Yes No

VII. Discharge to other than surface waters. Check appropriate location:

- Publicly-owned lake or impoundment Name of lake:
 Publicly-owned treatment works (POTW). Name of POTW:
 Land application of Effluent
 Surface injection (Check term and identify on map) lateral field; sinkhole; sinking stream; deep well
 Closed Circuit (Check appropriate term) Holding tank; Mechanical evaporation; Waste impoundment

VIII. Check the metals present in the discharge if applicable and indicate the quantity discharged per year. (Indicate units).

<input type="checkbox"/>	Antimony		<input type="checkbox"/>	Copper		<input type="checkbox"/>	Silver	
<input type="checkbox"/>	Arsenic		<input type="checkbox"/>	Lead		<input type="checkbox"/>	Thallium	
<input type="checkbox"/>	Beryllium		<input type="checkbox"/>	Mercury		<input type="checkbox"/>	Zinc	
<input type="checkbox"/>	Cadmium		<input type="checkbox"/>	Nickel		<input type="checkbox"/>		
<input type="checkbox"/>	Chromium		<input type="checkbox"/>	Selenium		<input type="checkbox"/>		

IX. INTERMITTENT DISCHARGES (Complete this section for intermittent discharges.)

A. Number of bypass points: N/A (If bypass points are indicated, information below must be completed for each bypass.)

Check when bypass occurs:	<input type="checkbox"/> Wet Weather	<input type="checkbox"/> Dry Weather
Give the number of bypass incidents	per year	per year
Give average duration of bypass	hours	hours
Give average volume per incident	1,000 gallons	1,000 gallons
Give reason why bypass occurs:		

B. Number of Overflow Points: (If discharge is from an overflow point, the information below must be completed.)

Check when overflow occurs:	<input type="checkbox"/> Wet Weather	<input type="checkbox"/> Dry Weather
Give the number of overflow incidents:	per year	per year
Give average duration of overflow:	hours	hours
Give average volume per incident:	1,000 gallons	1,000 gallons

C. Number of seasonal discharge points	
Give the number of times discharge occurs per year	
Give the average volume per discharge occurrence	(1,000 gallons)
Give the average duration of each discharge	(days)
List month(s) when the discharge occurs	

X. AREA SERVED (see instructions)

NAME	ACTUAL POPULATION SERVED
<u>Longview Estates</u>	<u>75 single family homes</u>
<u>Homestead</u>	<u>276 total max - 24 vacant lots A/o 9-18-18</u> 252
TOTAL POPULATION SERVED	<u>327 homes</u>

XI. COOLING WATER ADDITIVES AND THEIR COMPOSITIONS		
Additive	Composition	Concentration (mg/l)
	N/A	

XII. EFFLUENT CHARACTERISTICS			
A. Indicate results of analysis for pollutants listed below.			
POLLUTANT/PARAMETER	MAX DAILY VALUE	AVG DAILY VALUE	NUMBER OF SAMPLES
BOD ₅	38	9.8	52
TOTAL SUSPENDED SOLIDS	159	15.8	52
FECAL COLIFORM <input type="checkbox"/> Or E. COLI <input checked="" type="checkbox"/>	186	19.7	52
TOTAL RESIDUAL CHLORINE	.44	.01	52
OIL AND GREASE	Not detected		1 9/21/18
^{DO} CHEMICAL OXYGEN DEMAND	No Max For DO	8.6	52
TOTAL ORGANIC CARBON	Request Waiver		
AMMONIA	9.96	2.34	
DISCHARGE FLOW	.338	.069	365
PH	8.1 8.1	7.29	52
TEMPERATURE (WINTER)	65	50	365
TEMPERATURE (SUMMER)	86	78	365

B. Frequency and duration of flow: Continuous

XIII. CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

NAME AND OFFICIAL TITLE (type or print): Mr. <input checked="" type="checkbox"/> Ms. <input type="checkbox"/> <u>William Rick Pulliam - Member</u>	TELEPHONE NUMBER (area code and number): <u>859-619-7855</u>
SIGNATURE <u>William R. Pulliam</u>	DATE <u>9-18-18</u>

KPDES



KENTUCKY POLLUTANT
DISCHARGE ELIMINATION
SYSTEM

PERMIT

PERMIT NO.: KY0081591

AI NO.: 8083

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

Pursuant to Authority in KRS 224,

Longview Land Co. LLC
James A. Donaldson – Manager
2021 Longview Dr.
Georgetown, KY 40324

is authorized to discharge from a facility located at

Schinola Treatment Plant
Longview Land Co. LLC
3243 Frankfort Rd.
Georgetown, Scott County, Kentucky

to receiving waters named

UT to North Elkhorn Creek at mp 19.4 located at (Latitude/Longitude) (38°12'46"N/84°39'53"W)

in accordance with effluent limitations, monitoring requirements and other conditions set forth in this permit.

This permit shall become effective on January 1, 2014

This permit and the authorization to discharge shall expire at midnight, December 31, 2018

November 14, 2013

Date Signed

A handwritten signature in black ink, appearing to read "Peter T. Goodmann", located above the signature line.

**Peter T. Goodmann, Acting Director
Division of Water**

**DEPARTMENT FOR ENVIRONMENTAL PROTECTION
Division of Water, 200 Fair Oaks Lane, Frankfort, Kentucky 40601**

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1. EFFLUENT AND MONITORING REQUIREMENTS

1.1. Monitoring Locations

The following table lists the outfalls authorized by this permit, the latitude and longitude of each and the DOW assigned KPDES outfall number.

MONITORING LOCATIONS				
Number	Type	Latitude (N)	Longitude (W)	Description of Outfall
001	Direct	38°12'46"	84°39'53"	UT to North Elkhorn Creek at mp 19.4 Sanitary

1.2. Effluent Limitations and Monitoring Requirements

Beginning on the effective date and lasting through the term of this permit discharges from Outfall(s) 001 shall comply with the effluent limitations.

Effluent Characteristic	EFFLUENT LIMITATIONS					MONITORING REQUIREMENTS		
	Loadings (lbs/day)		Concentrations (specify units)			Monitoring Frequency	Sample Type	
	Monthly Average	Weekly Average	Minimum	Monthly Average	Weekly Average			Maximum
Effluent Flow (Design 0.10 MGD)	Report	Report	N/A	N/A	N/A	1/Week	Instantaneous	
pH (Standard Units)	N/A	N/A	6.0	N/A	N/A	1/Week	Grab	
CBOD ₅	25.0	37.53	N/A	30 mg/l	45 mg/l	1/Week	24-Hr Composite	
TSS	25.0	37.53	N/A	30 mg/l	45 mg/l	1/Week	24-Hr Composite	
Ammonia (as NH ₃ N)								
May 1 – October 31	3.34	5.0	N/A	4 mg/l	6 mg/l	1/Week	24-Hr Composite	
November 1 – April 30	8.34	12.5	N/A	10 mg/l	15 mg/l	1/Week	24-Hr Composite	
E. Coli (colonies/100 ml) ¹	N/A	N/A	N/A	130	240	1/Week	Grab	
Dissolved Oxygen	N/A	N/A	7.0 mg/l	N/A	N/A	1/Week	Grab	
Total Residual Chlorine	N/A	N/A	N/A	0.011 mg/l	0.019 mg/l	1/Week	Grab	

¹The effluent limitations for *Escherichia Coli* are 30 day and 7 day Geometric Means.

1.3. Standard Effluent Requirements

The discharges to waters of the Commonwealth shall not produce floating solids, visible foam or a visible sheen on the surface of the receiving waters. Samples and measurements taken in accordance with the requirements of specified Section 1.2 shall be representative of the volume and nature of the monitored discharge and shall be taken at nearest accessible point after final treatment, but prior to actual discharge to or mixing with the receiving waters or wastestreams from other outfalls.

SECTION 2
ADDITIONAL REQUIREMENTS

2. ADDITIONAL REQUIREMENTS

2.1. Schedule of Compliance

The permittee shall attain compliance with all requirements of this permit on the effective date of this permit unless otherwise stated.

2.2. Other Permits

This permit has been issued under the provisions of KRS Chapter 224 and regulations promulgated pursuant thereto. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits or licenses required by this Cabinet and other state, federal, and local agencies.

2.3. Sufficiently Sensitive Analytical Methods

Analytical methods utilized to demonstrate compliance with the effluent limitations established in this permit shall be sufficiently sensitive to detect pollutant levels at or below the required effluent limit, i.e. the Method Detection Limit (MDL) shall be at or below the effluent limit. In that instance where an EPA-approved method does not exist that has an MDL at or below the established effluent limitation, the permit shall: (1) use the method specified in the permit; or (2) the EPA-approved method with an MDL that is nearest to the established effluent limit.

2.4. Antidegradation

For those discharges subject to the provisions of 401 KAR 10:030 Section 1(3)(b)5, the permittee shall install, operate, and maintain wastewater treatment facilities consistent with those identified below.

2.5. Reporting of Monitoring Results

Within 1 year of the effective date of this permit the permittee shall begin reporting monitoring results obtained during each monitoring period using EPA's electronic discharge monitoring report, NetDMR at the following web address

<http://water.ky.gov/permitting/Pages/netDMRInformation.aspx>

During this interim period monitoring results obtained during each monitoring period must be reported on a preprinted Discharge Monitoring Report (DMR) Form that will be mailed to you. The completed DMR for each monitoring period must be sent to the Division of Water at the address listed below postmarked no later than the 28th day of the month following the monitoring period for which monitoring results were obtained.

Division of Water
Surface Water Permits Branch
Permits Support Section
200 Fair Oaks Lane
Frankfort, Kentucky 40601
Attention: DMR Coordinator

2.6. Reopener Clause

This permit shall be modified, or alternatively revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved in accordance with 401 KAR 5:050 through 5:080, if the effluent standard or limitation so issued or approved:

1. Contains different conditions or is otherwise more stringent than any effluent limitation in the permit;
or
2. Controls any pollutant not limited in the permit.

This permit may be reopened to implement the findings of a reasonable potential analysis performed by the Division of Water.

This permit shall be reopened if Division of Water determines surface waters are aesthetically or otherwise degraded by substances that:

- (a) Settle to form objectionable deposits;
- (b) Float as debris, scum, oil, or other matter to form a nuisance;
- (c) Produce objectionable color, odor, taste, or turbidity;
- (d) Injure, are chronically or acutely toxic to or produce adverse physiological or behavioral responses in humans, animals, fish, and other aquatic life;
- (e) Produce undesirable aquatic life or result in the dominance of nuisance species; or
- (f) Cause fish flesh tainting.

The permit as modified or reissued under this paragraph shall also contain any other requirements of KRS Chapter 224 when applicable.

2.7. Outfall Signage

The KPDES permit establishes monitoring points, effluent limitations, and other conditions to address discharges from the permitted facility. In an effort to better document and clarify these locations the permittee should place and maintain a permanent marker at each of the monitoring locations.

2.8. Discharge and Monitoring Point Accessibility

As previously stated in Section 3.9, the permittee shall allow authorized agency representatives to inspect the facility and collect samples to determine compliance. In order for such monitoring to be conducted either by the permittee or authorized agency personnel all monitoring and discharge points required by this permit shall be readily and safely accessible in all weather conditions.

2.9. Disposal of Non-Domestic Wastes

The pass through or non-treatment by the wastewater treatment plant of chemicals or compounds which may injure, be chronically or acutely toxic to or produce adverse physiological or behavioral responses in humans, animals, fish and other aquatic life is not desirable. Materials such as acids, caustics, herbicides, household chemicals or cleansers, insecticides, lawn chemicals, non-biodegradable products, paints, pesticides, pharmaceuticals, and petroleum based products may not be treatable by the wastewater treatment plant and should not be introduced and other environmentally sound methods for disposal should be utilized. The permittee should educate users of its system that introduction of such chemicals or compounds could result in an adverse environmental impact and provide the users with alternative disposal measures.

2.10. Certified Operators

Pursuant to 401 KAR 5:010, Section 1 a treatment plant with a design capacity of more than 50,000 gallons per day, but less than or equal to two (2) million gallons per day shall be under the primary responsibility of a certified operator holding an active Class II, III, or IV treatment certificate.

2.11. Connection to Regional Sewer System

This treatment unit is temporary and in no way supersedes the need of a regional sewer system. The permittee will eliminate the discharge and treatment unit by connection to a regional sewer system when it becomes available as defined in 401 KAR 5:002.

SECTION 3
STANDARD CONDITIONS

3. STANDARD CONDITIONS

The following conditions apply to all KPDES permits.

3.1. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of KRS Chapter 224 and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. Any person who violates applicable statutes or who fails to perform any duty imposed, or who violates any determination, permit, administrative regulation, or order of the cabinet promulgated pursuant thereto shall be liable for a civil penalty as provided at KRS 224.99.010.

3.2. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for a new permit.

3.3. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

3.4. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

3.5. 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.

3.6. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

3.7. Property Rights

This permit does not convey any property rights of any sort, or any exclusive privilege.

3.8. Duty to Provide Information

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Director upon request, copies of records required to be kept by this permit.

3.9. Inspection and Entry

The permittee shall allow the Director, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon presentation of credentials and other documents as may be required by law, to:

- (1) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- (2) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (3) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- (4) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

3.10. Monitoring and Records

- (1) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- (2) Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five (5) years (or longer as required by 401 KAR 5:065 Section 2(10) [40 CFR 503]), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.
- (3) Records of monitoring information shall include:
 - (i) The date, exact place, and time of sampling or measurements;
 - (ii) The individual(s) who performed the sampling or measurements;
 - (iii) The date(s) analyses were performed;
 - (iv) The individual(s) who performed the analyses;
 - (v) The analytical techniques or methods used; and
 - (vi) The results of such analyses.
- (4) Monitoring must be conducted according to test procedures approved under 401 KAR 5:065 Section 2(8) [40 CFR 136] unless another method is required under 401 KAR 5:065 Section 2(9) or (10) [40 CFR subchapters N or O].
- (5) KRS 224.99-010 provides that any person who knowingly violates KRS 224.70-110 or other enumerated statutes, or who knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall be guilty of a Class D felony and, upon conviction, shall be punished by a fine of not more than \$25,000, or by imprisonment for not more than one (1) year, or both. Each day upon which a violation occurs shall constitute a separate violation.

3.11. Signatory Requirement

- (1) All applications, reports, or information submitted to the Director shall be signed and certified pursuant to 401 KAR 5:060, Section 4 [40 CFR 122.22].
- (2) KRS 224.99-010 provides that any person who knowingly provides false information in any document filed or required to be maintained under KRS Chapter 224 shall be guilty of a Class D felony and upon conviction thereof, shall be punished by a fine not to exceed twenty-five thousand dollars (\$25,000), or by imprisonment, or by fine and imprisonment, for each separate violation. Each day upon which a violation occurs shall constitute a separate violation

3.12. Reporting Requirements

3.12.1. Planned Changes

The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

- (i) The alteration or addition to a permitted facility may meet one (1) of the criteria for determining whether a facility is a new source in KRS 224.16-050 [40 CFR 122.29(b)]; or
- (ii) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under KRS 224.16-050 [40 CFR 122.42(a)(1)].
- (iii) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

3.12.2. Anticipated Noncompliance

The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

3.12.3. Transfers

This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under KRS 224 [CWA; see 40 CFR 122.61; in some cases, modification or revocation and reissuance is mandatory].

3.12.4. Monitoring Reports

Monitoring results shall be reported at the intervals specified elsewhere in this permit.

- (i) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Director for reporting results of monitoring of sludge use or disposal practices.
- (ii) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 401 KAR 5:065 Section 2(8) [40 CFR 136], or another method required for an industry-specific waste stream under 401 KAR 5:065 Section 2(9) or (10) [40 CFR subchapters N or O], the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Director.
- (iii) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.

3.12.5. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date.

3.12.6. Twenty-four-Hour Reporting

- (i) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within twenty-four (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.

(ii) The following shall be included as information which must be reported within twenty-four (24) hours under this paragraph.

(A) Any unanticipated bypass which exceeds any effluent limitation in the permit. (See §122.41(g))

(B) Any upset which exceeds any effluent limitation in the permit.

(C) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit to be reported within twenty-four (24) hours.

(iii) The Director may waive the written report on a case-by-case basis for reports under paragraph (1)(6)(ii) of this section if the oral report has been received within twenty-four (24) hours.

3.12.7. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under Sections 3.12.1, 3.12.4, 3.12.5, and 3.12.6, at the time monitoring reports are submitted. The reports shall contain the information listed in Section 3.12.6.

3.12.8. Other Information

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

3.13. Bypass

3.13.1. Definitions

(i) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.

(ii) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

3.13.2. Bypass Not Exceeding Limitations

The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Section 3.13.1.

3.13.3. Notice

(i) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of the bypass.

(ii) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Section 3.12.6.

3.13.4. Prohibition of Bypass

(i) Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:

(A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of

reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(C) The permittee submitted notices as required under Section 3.13.3.

(ii) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three (3) conditions listed above in Section 3.13.3.

3.14. Upset

3.14.1. Definition

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

3.14.2. Effect of an Upset

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Section 3.14.3 are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

3.14.3. Conditions Necessary for a Demonstration of Upset

A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (i) An upset occurred and that the permittee can identify the cause(s) of the upset;
- (ii) The permitted facility was at the time being properly operated; and
- (iii) The permittee submitted notice of the upset as required in Section 3.12.6; and
- (iv) The permittee complied with any remedial measures required under Section 3.4.

3.14.4. Burden of Proof

In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

SECTION 4
ABBREVIATIONS, ACRONYMS AND DEFINITIONS

4. ABBREVIATIONS, ACRONYMS AND DEFINITIONS

Abbreviation or Acronym	Full Phrase	Definition
MGD	Million Gallons Per Day	A measure of flow
cfs	cubic feet per second	A measure of flow
SU	Standard Units	A measure of pH
mg/l	milligrams per liter	A measure of pollutant concentration (1000 milligrams = 1 gram)
$\mu\text{g/l}$	micrograms per liter	A measure of pollutant concentration (1000 micrograms = 1 milligram)
$^{\circ}\text{F}$	Degrees Fahrenheit	A measure of temperature
$^{\circ}\text{C}$	Degrees Centigrade or Celsius	A measure of temperature
N/A	Not Applicable	
lbs/day	pounds per day	A measure of pollutant loading
Grab	Grab Sample	A sample taken from a wastestream on a one-time basis without consideration of the flow rate of the wastestream and without consideration of time.
24-Hr Composite	24-hour Composite Sample	Sample composed of discrete equal volume aliquots (100 ml minimum) collected every 15 minutes over a 24-hour period and aggregated by an automated sampling device. The aggregate sample will reflect the average water quality of the compositing or sample period.

KPDES



KENTUCKY POLLUTANT
DISCHARGE ELIMINATION
SYSTEM

PERMIT

PERMIT NO.: KY0101419

AI NO.: 455

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

Pursuant to Authority in KRS 224,

Kingswood Development, Inc.
Mrs. Gail Williams, Owner
9201 Lena Lane
Louisville, KY 40299

is authorized to discharge from a facility located at

Kingswood Subdivision WWTP
Lot 59 Ace Court
Mt. Washington, Bullitt County, Kentucky

to receiving waters named

Broad Run at mile post 3.6 and located at (Latitude/Longitude) (38°05'34"/ 85°29'20")

in accordance with effluent limitations, monitoring requirements and other conditions set forth in this permit.

This permit shall become effective on August 1, 2014.

This permit and the authorization to discharge shall expire at midnight, July 31, 2019.

June 9, 2014

Date Signed

A handwritten signature in black ink, appearing to read "Peter T. Goodmann".

**Peter T. Goodmann, Director
Division of Water**

**DEPARTMENT FOR ENVIRONMENTAL PROTECTION
Division of Water, 200 Fair Oaks Lane, Frankfort, Kentucky 40601**

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JA_00095

THIS KPDES PERMIT CONSISTS OF THE FOLLOWING SECTIONS.

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1. EFFLUENT AND MONITORING REQUIREMENTS

1.1. Monitoring Locations

The following table lists the outfalls authorized by this permit, the latitude and longitude of each and the DOW assigned KPDES outfall number.

MONITORING LOCATIONS				
Number	Type	Latitude (N)	Longitude (W)	Description of Outfall
001	Direct	38 05 34	85 29 20	Broad Run at mile post 3.6 Sanitary

1.2. Effluent Limitations and Monitoring Requirements

Beginning on the effective date and lasting through the term of this permit discharges from Outfall 001 shall comply with the effluent limitations.

Effluent Characteristic	EFFLUENT LIMITATIONS					MONITORING REQUIREMENTS		
	Loadings (lbs/day)		Concentrations (specify units)			Monitoring Frequency	Sample Type	
	Monthly Average	Weekly Average	Minimum	Monthly Average	Weekly Average			Maximum
Effluent Flow (Design 0.04 MGD)	Report	Report	N/A	N/A	N/A	N/A	1/Month	Instantaneous
pH (Standard Units)	N/A	N/A	6.0	N/A	N/A	9.0	1/Month	Grab
CBOD ₅	2.67	4.0	N/A	20 mg/l	30 mg/l	N/A	1/Month	24-Hr Composite
TSS	10	15	N/A	30 mg/l	45 mg/l	N/A	1/Month	24-Hr Composite
Ammonia (as NH ₃ N)								
May 1 – October 31	0.67	1.0	N/A	4 mg/l	6 mg/l	N/A	1/Month	24-Hr Composite
November 1 – April 30	1.33	2.0	N/A	10 mg/l	15 mg/l	N/A	1/Month	24-Hr Composite
E. Coli (colonies/100 ml) ¹	N/A	N/A	N/A	130	240	N/A	1/Month	Grab
Dissolved Oxygen	N/A	N/A	7.0 mg/l	N/A	N/A	N/A	1/Month	Grab
Total Phosphorus	N/A	N/A	N/A	Report	Report	N/A	1/Month	24-Hr Composite
Total Nitrogen (mg/l) ²	N/A	N/A	N/A	Report	Report	N/A	1/Month	24-Hr Composite

¹The effluent limitations for *Escherichia Coli* are 30 day and 7 day Geometric Means.

²Total Nitrogen is the summation of the analytical results for Total Nitrates, Total Nitrites, and Total Kjeldahl Nitrogen

1.3. Standard Effluent Requirements

The discharges to waters of the Commonwealth shall not produce floating solids, visible foam or a visible sheen on the surface of the receiving waters. Samples and measurements taken in accordance with the requirements of specified Section 1.2 shall be representative of the volume and nature of the monitored discharge and shall be taken at nearest accessible point after final treatment, but prior to actual discharge to or mixing with the receiving waters or wastestreams from other outfalls.

SECTION 2
ADDITIONAL REQUIREMENTS

2. ADDITIONAL REQUIREMENTS

2.1. Schedule of Compliance

The permittee shall attain compliance with all requirements of this permit on the effective date of this permit unless otherwise stated.

2.2. Other Permits

This permit has been issued under the provisions of KRS Chapter 224 and regulations promulgated pursuant thereto. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits or licenses required by this Cabinet and other state, federal, and local agencies.

2.3. Sufficiently Sensitive Analytical Methods

Analytical methods utilized to demonstrate compliance with the effluent limitations established in this permit shall be sufficiently sensitive to detect pollutant levels at or below the required effluent limit, i.e. the Method Detection Limit (MDL) shall be at or below the effluent limit. In that instance where an EPA-approved method does not exist that has an MDL at or below the established effluent limitation, the permit shall: (1) use the method specified in the permit; or (2) the EPA-approved method with an MDL that is nearest to the established effluent limit.

2.4. Antidegradation

For those discharges subject to the provisions of 401 KAR 10:030 Section 1(3)(b)5, the permittee shall install, operate, and maintain wastewater treatment facilities consistent with those identified below.

none

2.5. Reporting of Monitoring Results

Monitoring results obtained during each monitoring period must be reported. The completed Discharge Monitoring Report (DMR) for each monitoring period must be submitted no later than the 28th day of the month following the monitoring period for which monitoring results were obtained.

2.5.1. Electronic Submittal

The completed DMR for each monitoring period must be entered into the Division of Water approved electronic system no later than midnight on the 28th day of the month following the monitoring period for which monitoring results were obtained

For information regarding electronic submittal of DMRs please visit the Division's website at <http://water.ky.gov/permitting/Pages/netDMRInformation.aspx> or contact the DMR Coordinator at (502) 564-3410.

2.6. Reopener Clause

This permit shall be modified, or alternatively revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved in accordance with 401 KAR 5:050 through 5:080, if the effluent standard or limitation so issued or approved:

1. Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
2. Controls any pollutant not limited in the permit.

This permit may be reopened to implement the findings of a reasonable potential analysis performed by the Division of Water.

This permit shall be reopened if Division of Water determines surface waters are aesthetically or otherwise degraded by substances that:

- (a) Settle to form objectionable deposits;
- (b) Float as debris, scum, oil, or other matter to form a nuisance;
- (c) Produce objectionable color, odor, taste, or turbidity;
- (d) Injure, are chronically or acutely toxic to or produce adverse physiological or behavioral responses in humans, animals, fish, and other aquatic life;
- (e) Produce undesirable aquatic life or result in the dominance of nuisance species; or
- (f) Cause fish flesh tainting.

The permit as modified or reissued under this paragraph shall also contain any other requirements of KRS Chapter 224 when applicable.

2.7. Outfall Signage

The KPDES permit establishes monitoring points, effluent limitations, and other conditions to address discharges from the permitted facility. In an effort to better document and clarify these locations the permittee should place and maintain a permanent marker at each of the monitoring locations.

2.8. Discharge and Monitoring Point Accessibility

As previously stated in Section 3.9, the permittee shall allow authorized agency representatives to inspect the facility and collect samples to determine compliance. In order for such monitoring to be conducted either by the permittee or authorized agency personnel all monitoring and discharge points required by this permit shall be readily and safely accessible in all weather conditions.

2.9. Disposal of Non-Domestic Wastes

The pass through or non-treatment by the wastewater treatment plant of chemicals or compounds which may injure, be chronically or acutely toxic to or produce adverse physiological or behavioral responses in humans, animals, fish and other aquatic life is not desirable. Materials such as acids, caustics, herbicides, household chemicals or cleansers, insecticides, lawn chemicals, non-biodegradable products, paints, pesticides, pharmaceuticals, and petroleum based products may not be treatable by the wastewater treatment plant and should not be introduced and other environmentally sound methods for disposal should be utilized. The permittee should educate users of its system that introduction of such chemicals or compounds could result in an adverse environmental impact and provide the users with alternative disposal measures.

2.10. Certified Operators

Pursuant to 401 KAR 5:010, Section 1 a treatment plant with a design capacity of less than or equal to 50,000 gallons per day shall be under the primary responsibility of a certified operator holding an active Class I, II, III, or IV treatment certificate.

2.11. Connection to Regional Sewer System

This treatment unit is temporary and in no way supersedes the need of a regional sewer system. The permittee will eliminate the discharge and treatment unit by connection to a regional sewer system when it becomes available as defined in 401 KAR 5:002.

SECTION 3
STANDARD CONDITIONS

3. STANDARD CONDITIONS

The following conditions apply to all KPDES permits.

3.1. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of KRS Chapter 224 and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. Any person who violates applicable statutes or who fails to perform any duty imposed, or who violates any determination, permit, administrative regulation, or order of the cabinet promulgated pursuant thereto shall be liable for a civil penalty as provided at KRS 224.99.010.

3.2. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for a new permit.

3.3. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

3.4. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

3.5. 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.

3.6. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

3.7. Property Rights

This permit does not convey any property rights of any sort, or any exclusive privilege.

3.8. Duty to Provide Information

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Director upon request, copies of records required to be kept by this permit.

3.9. Inspection and Entry

The permittee shall allow the Director, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon presentation of credentials and other documents as may be required by law, to:

- (1) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- (2) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (3) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- (4) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

3.10. Monitoring and Records

- (1) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- (2) Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five (5) years (or longer as required by 401 KAR 5:065 Section 2(10) [40 CFR 503]), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.
- (3) Records of monitoring information shall include:
 - (i) The date, exact place, and time of sampling or measurements;
 - (ii) The individual(s) who performed the sampling or measurements;
 - (iii) The date(s) analyses were performed;
 - (iv) The individual(s) who performed the analyses;
 - (v) The analytical techniques or methods used; and
 - (vi) The results of such analyses.
- (4) Monitoring must be conducted according to test procedures approved under 401 KAR 5:065 Section 2(8) [40 CFR 136] unless another method is required under 401 KAR 5:065 Section 2(9) or (10) [40 CFR subchapters N or O].
- (5) KRS 224.99-010 provides that any person who knowingly violates KRS 224.70-110 or other enumerated statutes, or who knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall be guilty of a Class D felony and, upon conviction, shall be punished by a fine of not more than \$25,000, or by imprisonment for not more than one (1) year, or both. Each day upon which a violation occurs shall constitute a separate violation.

3.11. Signatory Requirement

- (1) All applications, reports, or information submitted to the Director shall be signed and certified pursuant to 401 KAR 5:060, Section 4 [40 CFR 122.22].
- (2) KRS 224.99-010 provides that any person who knowingly provides false information in any document filed or required to be maintained under KRS Chapter 224 shall be guilty of a Class D felony and upon conviction thereof, shall be punished by a fine not to exceed twenty-five thousand dollars (\$25,000), or by imprisonment, or by fine and imprisonment, for each separate violation. Each day upon which a violation occurs shall constitute a separate violation

3.12. Reporting Requirements

3.12.1. Planned Changes

The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

- (i) The alteration or addition to a permitted facility may meet one (1) of the criteria for determining whether a facility is a new source in KRS 224.16-050 [40 CFR 122.29(b)]; or
- (ii) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under KRS 224.16-050 [40 CFR 122.42(a)(1)].
- (iii) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

3.12.2. Anticipated Noncompliance

The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

3.12.3. Transfers

This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under KRS 224 [CWA; see 40 CFR 122.61; in some cases, modification or revocation and reissuance is mandatory].

3.12.4. Monitoring Reports

Monitoring results shall be reported at the intervals specified elsewhere in this permit.

- (i) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Director for reporting results of monitoring of sludge use or disposal practices.
- (ii) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 401 KAR 5:065 Section 2(8) [40 CFR 136], or another method required for an industry-specific waste stream under 401 KAR 5:065 Section 2(9) or (10) [40 CFR subchapters N or O], the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Director.
- (iii) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.

3.12.5. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date.

3.12.6. Twenty-four-Hour Reporting

- (i) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within twenty-four (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.

(ii) The following shall be included as information which must be reported within twenty-four (24) hours under this paragraph.

(A) Any unanticipated bypass which exceeds any effluent limitation in the permit. (See §122.41(g))

(B) Any upset which exceeds any effluent limitation in the permit.

(C) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit to be reported within twenty-four (24) hours.

(iii) The Director may waive the written report on a case-by-case basis for reports under paragraph (1)(6)(ii) of this section if the oral report has been received within twenty-four (24) hours.

3.12.7. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under Sections 3.12.1, 3.12.4, 3.12.5, and 3.12.6, at the time monitoring reports are submitted. The reports shall contain the information listed in Section 3.12.6.

3.12.8. Other Information

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

3.13. Bypass

3.13.1. Definitions

(i) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.

(ii) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

3.13.2. Bypass Not Exceeding Limitations

The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Section 3.13.1.

3.13.3. Notice

(i) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of the bypass.

(ii) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Section 3.12.6.

3.13.4. Prohibition of Bypass

(i) Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:

(A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of

reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(C) The permittee submitted notices as required under Section 3.13.3.

(ii) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three (3) conditions listed above in Section 3.13.3.

3.14. Upset

3.14.1. Definition

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

3.14.2. Effect of an Upset

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Section 3.14.3 are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

3.14.3. Conditions Necessary for a Demonstration of Upset

A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (i) An upset occurred and that the permittee can identify the cause(s) of the upset;
- (ii) The permitted facility was at the time being properly operated; and
- (iii) The permittee submitted notice of the upset as required in Section 3.12.6; and
- (iv) The permittee complied with any remedial measures required under Section 3.4.

3.14.4. Burden of Proof

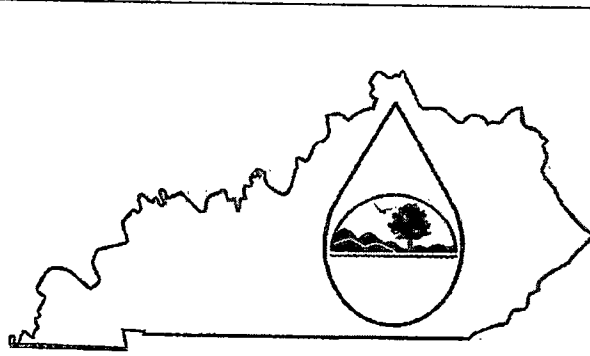
In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

SECTION 4
ABBREVIATIONS, ACRONYMS AND DEFINITIONS

4. ABBREVIATIONS, ACRONYMS AND DEFINITIONS

Abbreviation or Acronym	Full Phrase	Definition
MGD	Million Gallons Per Day	A measure of flow
cfs	cubic feet per second	A measure of flow
SU	Standard Units	A measure of pH
mg/l	milligrams per liter	A measure of pollutant concentration (1000 milligrams = 1 gram)
$\mu\text{g/l}$	micrograms per liter	A measure of pollutant concentration (1000 micrograms = 1 milligram)
$^{\circ}\text{F}$	Degrees Fahrenheit	A measure of temperature
$^{\circ}\text{C}$	Degrees Centigrade or Celsius	A measure of temperature
N/A	Not Applicable	
lbs/day	pounds per day	A measure of pollutant loading
Grab	Grab Sample	A sample taken from a wastestream on a one-time basis without consideration of the flow rate of the wastestream and without consideration of time.
24-Hr Composite	24-hour Composite Sample	Sample composed of discrete equal volume aliquots (100 ml minimum) collected every 15 minutes over a 24-hour period and aggregated by an automated sampling device. The aggregate sample will reflect the average water quality of the compositing or sample period.

KPDES FORM 1



KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM

PERMIT APPLICATION

This is an application to: (check one)

- Apply for a new permit.
- Apply for reissuance of expiring permit.
- Apply for a construction permit.
- Modify an existing permit.

Give reason for modification under Item II.A.

A complete application consists of this form and one of the following:

Form A, Form B, Form C, Form F, or Short Form C

For additional information contact:

KPDES Branch (502) 564-3410

I. FACILITY LOCATION AND CONTACT INFORMATION		AGENCY USE							
A. Name of business, municipality, company, etc. requesting permit Airview Utilities, LLC									
B. Facility Name and Location					C. Facility Owner/Mailing Address				
Facility Location Name:					Owner Name:				
Airview Estates Subdivision WWTP					Airview Utilities LLC				
Facility Location Address (i.e. street, road, etc.):					Mailing Street:				
Highway 31W - North of Elizabethtown					P. O. Box 91588				
Facility Location City, State, Zip Code:					Mailing City, State, Zip Code:				
Elizabethtown, Kentucky 42701					Louisville, KY 40291				
					Telephone Number: 502-241-4809				
II. FACILITY DESCRIPTION									
A. Provide a brief description of activities, products, etc: This is the privately owned Wastewater Treatment Plant for Airview Estates Subdivision in Hardin County, Kentucky.									
B. Standard Industrial Classification (SIC) Code and Description									
Principal SIC Code & Description:		6552							
Other SIC Codes:									
III. FACILITY LOCATION									
A. Attach a U.S. Geological Survey 7 1/2 minute quadrangle map for the site. (See instructions)									
B. County where facility is located: Hardin County					City where facility is located (if applicable):				
C. Body of water receiving discharge: Unnamed Tributary to Mill Creek Branch									
D. Facility Site Latitude (degrees, minutes, seconds): 37 45 34.2					Facility Site Longitude (degrees, minutes, seconds): 85 53 33.5				
E. Method used to obtain latitude & longitude (see instructions):									
F. Facility Dun and Bradstreet Number (DUNS #) (if applicable):									

IV. OWNER/OPERATOR INFORMATION	
A. Type of Ownership: <input type="checkbox"/> Publicly Owned <input checked="" type="checkbox"/> Privately Owned <input type="checkbox"/> State Owned <input type="checkbox"/> Both Public and Private Owned <input type="checkbox"/> Federally owned	
B. Operator Contact Information (See instructions)	
Name of Treatment Plant Operator: LAWRENCE W SMITHER	Telephone Number: 502-241-4809
Operator Mailing Address (Street): P. O. BOX 91588	
Operator Mailing Address (City, State, Zip Code): LOUISVILLE, KY 40291	
Is the operator also the owner? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Is the operator certified? If yes, list certification class and number below. Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Certification Class: II	Certification Number: #13390

V. EXISTING ENVIRONMENTAL PERMITS		
Current NPDES Number: KY0045390	Issue Date of Current Permit: 12/08/2008	Expiration Date of Current Permit: 1/31/2014
Number of Times Permit Reissued:	Date of Original Permit Issuance:	Sludge Disposal Permit Number:
Kentucky DOW Operational Permit #:	Kentucky DSMRE Permit Number(s):	

C. Which of the following additional environmental permit/registration categories will also apply to this facility?

CATEGORY	EXISTING PERMIT WITH NO.	PERMIT NEEDED WITH PLANNED APPLICATION DATE
Air Emission Source	NA	
Solid or Special Waste	NA	
Hazardous Waste - Registration or Permit	NA	

VI. DISCHARGE MONITORING REPORTS (DMRs)
--

KPDES permit holders are required to submit DMRs to the Division of Water on a regular schedule (as defined by the KPDES permit). The information in this section serves to specifically identify the department, office or individual you designate as responsible for submitting DMR forms to the Division of Water.

A. Name of department, office or official submitting DMRs:	Airview Utilities LLC
B. Address where DMR forms are to be sent: (Complete only if address is different from mailing address in Section I.)	
DMR Mailing Name:	Microbac Laboratories, Inc.
DMR Mailing Street:	3323 Gilmore Industrial Blvd.
DMR Mailing City, State, Zip Code:	Louisville, KY 40213
DMR Official Telephone Number:	502-962-6400

VII. APPLICATION FILING FEE

KPDES regulations require that a permit applicant pay an application filing fee equal to twenty percent of the permit base fee. Please examine the base and filing fees listed below and in the Form 1 instructions and enclose a check payable to "Kentucky State Treasurer" for the appropriate amount. Descriptions of the base fee amounts are given in the "General Instructions."

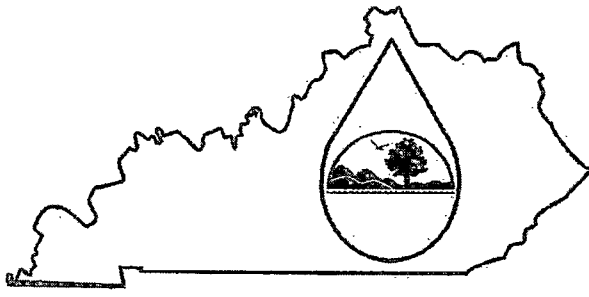
Facility Fee Category:	Filing Fee Enclosed:
Large Non-POTW	\$740.00

VIII. CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

NAME AND OFFICIAL TITLE (type or print):	TELEPHONE NUMBER (area code and number):
LAWRENCE W SMITHER	502-241-4809
SIGNATURE	DATE:

KPDES FORM SC

	<p>KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM</p> <p>PERMIT APPLICATION</p>
---	--

A complete application consists of this form and Form I.
For additional information, contact: KPDES Branch, (502) 564-3410.

NAME OF FACILITY: AIRVIEW UTILITIES LLC	
I. FACILITY DISCHARGE FREQUENCY	AGENCY USE
A. Do discharge(s) occur all year? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> (Complete Item IX for intermittent discharges.)	
B. How many days per week?	7
II. A. Give the basis of design for sizing of the wastewater facility (see instructions): 198 single family residential units	
B. If new discharger, indicate anticipated discharge date:	
C. Indicate the design capacity of the treatment system:	.055 MGD

III. Outfall Location (see instructions)

Outfall (list)	LATITUDE			LONGITUDE			RECEIVING WATER (name)
	Degrees	Minutes	Seconds	Degrees	Minutes	Seconds	
001	37	45	30	85	53	36	Tributary to Mill Creek Branch
Method used to obtain latitude/longitude (i.e. GPS unit, USGS topographic map coordinates, etc.)				GPS			

IV. FLOWS, SOURCES OF POLLUTION, AND TREATMENT TECHNOLOGIES (see instructions)				
If wastewater other than domestic or sanitary is listed, complete page 4 in addition to page 1 and 2.				
OUTFALL NO. (list)	OPERATION(S) CONTRIBUTING FLOW		TREATMENT	
	Operation (list)	Avg/Design Flow (include units)	List treatment components	List Codes from Table SC-1
001	Sanitary Wastewater		Bar Screen	1-T
			Aeration	3-M
			Settling	1-U
			Lagoon	3-P
			Disinfection	2-F

V. Check the type(s) of wastewater discharged.

- Domestic (60% or more sanitary sewage) Oil field waste
 Noncontact cooling water Other (list):

VI. Does all water used at facility (except for human consumption) flow to a treatment plant? Yes No

VII. Discharge to other than surface waters. Check appropriate location:

- Publicly-owned lake or impoundment Name of lake:
 Publicly-owned treatment works (POTW). Name of POTW:
 Land application of Effluent
 Surface injection (Check term and identify on map) lateral field; sinkhole; sinking stream; deep well
 Closed Circuit (Check appropriate term) Holding tank; Mechanical evaporation; Waste impoundment

VIII. Check the metals present in the discharge if applicable and indicate the quantity discharged per year. (Indicate units).

<input type="checkbox"/>	Antimony		<input type="checkbox"/>	Copper		<input type="checkbox"/>	Silver	
<input type="checkbox"/>	Arsenic		<input type="checkbox"/>	Lead		<input type="checkbox"/>	Thallium	
<input type="checkbox"/>	Beryllium		<input type="checkbox"/>	Mercury		<input type="checkbox"/>	Zinc	
<input type="checkbox"/>	Cadmium		<input type="checkbox"/>	Nickel		<input type="checkbox"/>		
<input type="checkbox"/>	Chromium		<input type="checkbox"/>	Selenium		<input type="checkbox"/>		

IX. INTERMITTENT DISCHARGES (Complete this section for intermittent discharges.)		
A. Number of bypass points:	NA	(If bypass points are indicated, information below must be completed for each bypass.)

Check when bypass occurs:	<input type="checkbox"/> Wet Weather	<input type="checkbox"/> Dry Weather
Give the number of bypass incidents	per year	per year
Give average duration of bypass	hours	hours
Give average volume per incident	1,000 gallons	1,000 gallons
Give reason why bypass occurs:		

B. Number of Overflow Points: NA (If discharge is from an overflow point, the information below must be completed.)		
Check when overflow occurs:	<input type="checkbox"/> Wet Weather	<input type="checkbox"/> Dry Weather
Give the number of overflow incidents:	per year	per year
Give average duration of overflow:	hours	hours
Give average volume per incident:	1,000 gallons	1,000 gallons

C. Number of seasonal discharge points	NA
Give the number of times discharge occurs per year	
Give the average volume per discharge occurrence	(1,000 gallons)
Give the average duration of each discharge	(days)
List month(s) when the discharge occurs	

X. AREA SERVED (see instructions)	
NAME	ACTUAL POPULATION SERVED
Airview Estates Subdivision, Hardin County, KY	198 Residential Units
TOTAL POPULATION SERVED	

(PLEASE COMPLETE THIS PAGE IF OTHER THAN DOMESTIC WASTEWATER IS DISCHARGED)

XI. COOLING WATER ADDITIVES AND THEIR COMPOSITIONS		
Additive	Composition	Concentration (mg/l)
NA	NA	NA

XII. EFFLUENT CHARACTERISTICS			
A. Indicate results of analysis for pollutants listed below.			
POLLUTANT/PARAMETER	MAX DAILY VALUE	AVG DAILY VALUE	NUMBER OF SAMPLES
BOD ₅	≤ 5	≤ 5	1
TOTAL SUSPENDED SOLIDS	≤ 5	≤ 5	1
FECAL COLIFORM	1	1	1
TOTAL RESIDUAL CHLORINE	.25	.25	1
OIL AND GREASE	≤ 5	≤ 5	1
CHEMICAL OXYGEN DEMAND	Waiver requested		
TOTAL ORGANIC CARBON	Waiver requested		
AMMONIA	.32	.32	1
DISCHARGE FLOW	.027	.027	1
PH	6.28	6.28	1
TEMPERATURE (WINTER)	Waiver requested		
TEMPERATURE (SUMMER)	Waiver requested		

B. Frequency and duration of flow:	Continuous
------------------------------------	------------

XIII. CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

NAME AND OFFICIAL TITLE (type or print):	TELEPHONE NUMBER (area code and number):
LAWRENCE W SMITHER	502-241-4809
SIGNATURE	DATE

IV. FLOWS, SOURCES OF POLLUTION, AND TREATMENT TECHNOLOGIES (see instructions)				
If wastewater other than domestic or sanitary is listed, complete page 4 in addition to page 1 and 2.				
OUTFALL NO. (list)	OPERATION(S) CONTRIBUTING FLOW		TREATMENT	
	Operation (list)	Avg/Design Flow (include units)	List treatment components	List Codes from Table SC-1
001	Sanitary Wastewater		Bar Screen	1-T
			Aeration	3-M
			Settling	1-U
			Lagoon	3-P
			Disinfection	2-F

V. Check the type(s) of wastewater discharged.

- Domestic (60% or more sanitary sewage) Oil field waste
 Noncontact cooling water Other (list):

VI. Does all water used at facility (except for human consumption) flow to a treatment plant? Yes No *NA*

VII. Discharge to other than surface waters. Check appropriate location: *NA*

- Publicly-owned lake or impoundment Name of lake:
 Publicly-owned treatment works (POTW). Name of POTW:
 Land application of Effluent
 Surface injection (Check term and identify on map) lateral field; sinkhole; sinking stream; deep well
 Closed Circuit (Check appropriate term) Holding tank; Mechanical evaporation; Waste impoundment

VIII. Check the metals present in the discharge if applicable and indicate the quantity discharged per year. (Indicate units).

NA

<input type="checkbox"/>	Antimony		<input type="checkbox"/>	Copper		<input type="checkbox"/>	Silver	
<input type="checkbox"/>	Arsenic		<input type="checkbox"/>	Lead		<input type="checkbox"/>	Thallium	
<input type="checkbox"/>	Beryllium		<input type="checkbox"/>	Mercury		<input type="checkbox"/>	Zinc	
<input type="checkbox"/>	Cadmium		<input type="checkbox"/>	Nickel		<input type="checkbox"/>		
<input type="checkbox"/>	Chromium		<input type="checkbox"/>	Selenium		<input type="checkbox"/>		

(PLEASE COMPLETE THIS PAGE IF OTHER THAN DOMESTIC WASTEWATER IS DISCHARGED)

XI. COOLING WATER ADDITIVES AND THEIR COMPOSITIONS NA		
Additive	Composition	Concentration (mg/l)

XII. EFFLUENT CHARACTERISTICS

A. Indicate results of analysis for pollutants listed below.

POLLUTANT/PARAMETER	MAX DAILY VALUE	AVG DAILY VALUE	NUMBER OF SAMPLES
BOD ₅	25	25	1
TOTAL SUSPENDED SOLIDS	25	25	1
FECAL COLIFORM <i>E-coli</i>	1	1	1
TOTAL RESIDUAL CHLORINE	.25	.25	1
OIL AND GREASE	25	25	1
CHEMICAL OXYGEN DEMAND	WAIVER REQUESTED		
TOTAL ORGANIC CARBON	" "		
AMMONIA	.32	.32	1
DISCHARGE FLOW	.027	.027	1
PH	6.28	6.28	1
TEMPERATURE (WINTER)	WAIVER REQUESTED		
TEMPERATURE (SUMMER)	" "		

B. Frequency and duration of flow: Continuous

XIII. CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

NAME AND OFFICIAL TITLE (type or print): LAWRENCE W SMITHER	TELEPHONE NUMBER (area code and number): 502-241-4809
SIGNATURE	DATE

KPDES



KENTUCKY POLLUTANT
DISCHARGE ELIMINATION
SYSTEM

PERMIT

PERMIT NO.: KY0081299

AI NO.: 2809

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

Pursuant to Authority in KRS 224,

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

is authorized to discharge from a facility located at

Brocklyn Utilities LLC
474 Eastern Bypass
Richmond, Madison County, Kentucky

to receiving waters named

UT to Taylor Fork at milepost 3.0 (latitude 37°43'53", longitude 84°20'33.7")

in accordance with effluent limitations, monitoring requirements and other conditions set forth in this permit.

This permit shall become effective on July 1, 2013.

This permit and the authorization to discharge shall expire at midnight, May 31, 2018.

May 7, 2013

Date Signed

A handwritten signature in black ink, appearing to read 'Sandra L. Gruzesky', located above the signature line.

**Sandra L. Gruzesky, Director
Division of Water**

**DEPARTMENT FOR ENVIRONMENTAL PROTECTION
Division of Water, 200 Fair Oaks Lane, Frankfort, Kentucky 40601**

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JA_00119

THIS KPDES PERMIT CONSISTS OF THE FOLLOWING SECTIONS.

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1. EFFLUENT AND MONITORING REQUIREMENTS

1.1. Monitoring Locations

The following table lists the outfalls authorized by this permit, the latitude and longitude of each and the DOW assigned KPDES outfall number.

MONITORING LOCATIONS				
Number	Type	Latitude (N)	Longitude (W)	Description of Outfall
001	Direct	37°43'53"	84°20'33.7"	Sanitary Wastewater
			UT to Taylor Fork at milepost 3.0	

1.2. Effluent Limitations and Monitoring Requirements

Beginning on the effective date and lasting through the term of this permit discharges from Outfall 001 shall comply with the effluent limitations.

Effluent Characteristic	EFFLUENT LIMITATIONS					MONITORING REQUIREMENTS		
	Loadings (lbs/day)		Concentrations (specify units)			Monitoring Frequency	Sample Type	
	Monthly Average	Weekly Average	Minimum	Monthly Average	Weekly Average			Maximum
Effluent Flow (Design 0.040 MGD)	Report	Report	N/A	N/A	N/A	1/month	Instantaneous	
pH (Standard Units)	N/A	N/A	6.0	N/A	N/A	1/month	Grab	
BOD ₅	3.34	5.0	N/A	10 mg/l	15 mg/l	1/month	24-Hr Composite	
TSS	10	15	N/A	30 mg/l	45 mg/l	1/month	24-Hr Composite	
Ammonia (as NH ₃ N)								
May 1 – October 31	0.67	1.0	N/A	2.0 mg/l	3.0 mg/l	1/month	24-Hr Composite	
November 1 – April 30	1.67	2.50	N/A	5.0 mg/l	7.5 mg/l	1/month	24-Hr Composite	
E. Coli (colonies/100 ml) ¹	N/A	N/A	N/A	130	240	1/month	Grab	
Dissolved Oxygen	N/A	N/A	7.0 mg/l	N/A	N/A	1/month	Grab	
Total Residual Chlorine	N/A	N/A	N/A	0.011 mg/l	0.019 mg/l	1/month	Grab	

¹The effluent limitations for *Escherichia Coli* are 30 day and 7 day Geometric Means.

1.3. Standard Effluent Requirements

The discharges to waters of the Commonwealth shall not produce floating solids, visible foam or a visible sheen on the surface of the receiving waters.

Samples and measurements taken in accordance with the requirements of specified Section 1.2 shall be representative of the volume and nature of the monitored discharge and shall be taken at nearest accessible point after final treatment, but prior to actual discharge to or mixing with the receiving waters or wastestreams from other outfalls.

SECTION 2
ADDITIONAL REQUIREMENTS

2. ADDITIONAL REQUIREMENTS

2.1. Schedule of Compliance

The permittee shall attain compliance with all requirements of this permit on the effective date of this permit unless otherwise stated.

2.2. Other Permits

This permit has been issued under the provisions of KRS Chapter 224 and regulations promulgated pursuant thereto. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits or licenses required by this Cabinet and other state, federal, and local agencies.

2.3. Sufficiently Sensitive Analytical Methods

Analytical methods utilized to demonstrate compliance with the effluent limitations established in this permit shall be sufficiently sensitive to detect pollutant levels at or below the required effluent limit, i.e. the Method Detection Limit (MDL) shall be at or below the effluent limit. In that instance where an EPA-approved method does not exist that has an MDL at or below the established effluent limitation, the permit shall: (1) use the method specified in the permit; or (2) the EPA-approved method with an MDL that is nearest to the established effluent limit.

2.4. Antidegradation

For those discharges subject to the provisions of 401 KAR 10:030 Section 1(3)(b)5, the permittee shall install, operate, and maintain wastewater treatment facilities consistent with those identified below.

2.5. Reporting of Monitoring Results

Monitoring results obtained during each monitoring period must be reported. The completed Discharge Monitoring Report (DMR) for each monitoring period must be submitted no later than the 28th day of the month following the monitoring period for which monitoring results were obtained.

2.5.1. Hardcopy Submittal

A preprinted DMR Form will be mailed to you. The completed DMR for each monitoring period must be sent to the Division of Water at the address listed below postmarked no later than the 28th day of the month following the monitoring period for which monitoring results were obtained. The use of mailed (hardcopy) DMRs shall cease no later than the earliest of the following three dates: 6 months from the effective date of the permit, upon notification of an end date by DOW, or March 1, 2014.

Division of Water
Surface Water Permits Branch
Permits Support Section
200 Fair Oaks Lane
Frankfort, Kentucky 40601
Attention: DMR Coordinator

2.5.2. Electronic Submittal

The completed DMR for each monitoring period must be entered into the Division of Water approved electronic system no later than midnight on the 28th day of the month following the monitoring period for which monitoring results were obtained. The use of mailed (hardcopy) DMRs shall cease no later than the earliest of the following three dates: 6 months from the effective date of the permit, upon notification of an end date by DOW, or March 1, 2014.

For information regarding electronic submittal of DMRs please contact the DMR Coordinator at (502) 564-3410 or visit the Division's website at:

<http://water.ky.gov/permitting/Pages/netDMRInformation.aspx>.

2.6. Reopener Clause

This permit shall be modified, or alternatively revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved in accordance with 401 KAR 5:050 through 5:080, if the effluent standard or limitation so issued or approved:

1. Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
2. Controls any pollutant not limited in the permit.

This permit may be reopened to implement the findings of a reasonable potential analysis performed by the Division of Water.

This permit shall be reopened if Division of Water determines surface waters are aesthetically or otherwise degraded by substances that:

- (a) Settle to form objectionable deposits;
- (b) Float as debris, scum, oil, or other matter to form a nuisance;
- (c) Produce objectionable color, odor, taste, or turbidity;
- (d) Injure, are chronically or acutely toxic to or produce adverse physiological or behavioral responses in humans, animals, fish, and other aquatic life;
- (e) Produce undesirable aquatic life or result in the dominance of nuisance species; or
- (f) Cause fish flesh tainting.

The permit as modified or reissued under this paragraph shall also contain any other requirements of KRS Chapter 224 when applicable.

2.7. Outfall Signage

The KPDES permit establishes monitoring points, effluent limitations, and other conditions to address discharges from the permitted facility. In an effort to better document and clarify these locations the permittee should place and maintain a permanent marker at each of the monitoring locations.

2.8. Discharge and Monitoring Point Accessibility

As previously stated in Section 3.9, the permittee shall allow authorized agency representatives to inspect the facility and collect samples to determine compliance. In order for such monitoring to be conducted either by the permittee or authorized agency personnel all monitoring and discharge points required by this permit shall be readily and safely accessible in all weather conditions.

2.9. Disposal of Non-Domestic Wastes

The pass through or non-treatment by the wastewater treatment plant of chemicals or compounds which may injure, be chronically or acutely toxic to or produce adverse physiological or behavioral responses in humans, animals, fish and other aquatic life is not desirable. Materials such as acids, caustics, herbicides, household chemicals or cleansers, insecticides, lawn chemicals, non-biodegradable products, paints, pesticides, pharmaceuticals, and petroleum based products may not be treatable by the wastewater treatment plant and should not be introduced and other environmentally sound methods for disposal should be utilized. The permittee should educate users of its system that introduction of such chemicals or compounds could result in an adverse environmental impact and provide the users with alternative disposal measures.

2.10. Certified Operators

Pursuant to 401 KAR 5:010 Section 1, a treatment plant with a design capacity of less than or equal to 50,000 gallons per day shall be under the primary responsibility of a certified operator holding an active Class I, II, III, or IV treatment certificate..

SECTION 3
STANDARD CONDITIONS

3. STANDARD CONDITIONS

The following conditions apply to all KPDES permits.

3.1. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of KRS Chapter 224 and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. Any person who violates applicable statutes or who fails to perform any duty imposed, or who violates any determination, permit, administrative regulation, or order of the cabinet promulgated pursuant thereto shall be liable for a civil penalty as provided at KRS 224.99.010.

3.2. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for a new permit.

3.3. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

3.4. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

3.5. 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.

3.6. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

3.7. Property Rights

This permit does not convey any property rights of any sort, or any exclusive privilege.

3.8. Duty to Provide Information

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Director upon request, copies of records required to be kept by this permit.

3.9. Inspection and Entry

The permittee shall allow the Director, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon presentation of credentials and other documents as may be required by law, to:

- (1) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- (2) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (3) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- (4) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

3.10. Monitoring and Records

- (1) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- (2) Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five (5) years (or longer as required by 401 KAR 5:065 Section 2(10) [40 CFR 503]), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.
- (3) Records of monitoring information shall include:
 - (i) The date, exact place, and time of sampling or measurements;
 - (ii) The individual(s) who performed the sampling or measurements;
 - (iii) The date(s) analyses were performed;
 - (iv) The individual(s) who performed the analyses;
 - (v) The analytical techniques or methods used; and
 - (vi) The results of such analyses.
- (4) Monitoring must be conducted according to test procedures approved under 401 KAR 5:065 Section 2(8) [40 CFR 136] unless another method is required under 401 KAR 5:065 Section 2(9) or (10) [40 CFR subchapters N or O].
- (5) KRS 224.99-010 provides that any person who knowingly violates KRS 224.70-110 or other enumerated statutes, or who knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall be guilty of a Class D felony and, upon conviction, shall be punished by a fine of not more than \$25,000, or by imprisonment for not more than one (1) year, or both. Each day upon which a violation occurs shall constitute a separate violation.

3.11. Signatory Requirement

- (1) All applications, reports, or information submitted to the Director shall be signed and certified pursuant to 401 KAR 5:060, Section 4 [40 CFR 122.22].
- (2) KRS 224.99-010 provides that any person who knowingly provides false information in any document filed or required to be maintained under KRS Chapter 224 shall be guilty of a Class D felony and upon conviction thereof, shall be punished by a fine not to exceed twenty-five thousand dollars (\$25,000), or by imprisonment, or by fine and imprisonment, for each separate violation. Each day upon which a violation occurs shall constitute a separate violation

3.12. Reporting Requirements

3.12.1. Planned Changes

The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

- (i) The alteration or addition to a permitted facility may meet one (1) of the criteria for determining whether a facility is a new source in KRS 224.16-050 [40 CFR 122.29(b)]; or
- (ii) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under KRS 224.16-050 [40 CFR 122.42(a)(1)].
- (iii) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

3.12.2. Anticipated Noncompliance

The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

3.12.3. Transfers

This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under KRS 224 [CWA; see 40 CFR 122.61; in some cases, modification or revocation and reissuance is mandatory].

3.12.4. Monitoring Reports

Monitoring results shall be reported at the intervals specified elsewhere in this permit.

- (i) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Director for reporting results of monitoring of sludge use or disposal practices.
- (ii) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 401 KAR 5:065 Section 2(8) [40 CFR 136], or another method required for an industry-specific waste stream under 401 KAR 5:065 Section 2(9) or (10) [40 CFR subchapters N or O], the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Director.
- (iii) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.

3.12.5. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date.

3.12.6. Twenty-four-Hour Reporting

- (i) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within twenty-four (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.

(ii) The following shall be included as information which must be reported within twenty-four (24) hours under this paragraph.

(A) Any unanticipated bypass which exceeds any effluent limitation in the permit. (See §122.41(g))

(B) Any upset which exceeds any effluent limitation in the permit.

(C) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit to be reported within twenty-four (24) hours.

(iii) The Director may waive the written report on a case-by-case basis for reports under paragraph (1)(6)(ii) of this section if the oral report has been received within twenty-four (24) hours.

3.12.7. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under Sections 3.12.1, 3.12.4, 3.12.5, and 3.12.6, at the time monitoring reports are submitted. The reports shall contain the information listed in Section 3.12.6.

3.12.8. Other Information

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

3.13. Bypass

3.13.1. Definitions

(i) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.

(ii) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

3.13.2. Bypass Not Exceeding Limitations

The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Section 3.13.1.

3.13.3. Notice

(i) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of the bypass.

(ii) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Section 3.12.6.

3.13.4. Prohibition of Bypass

(i) Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:

(A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of

reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(C) The permittee submitted notices as required under Section 3.13.3.

(ii) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three (3) conditions listed above in Section 3.13.3.

3.14. Upset

3.14.1. Definition

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

3.14.2. Effect of an Upset

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Section 3.14.3 are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

3.14.3. Conditions Necessary for a Demonstration of Upset

A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (i) An upset occurred and that the permittee can identify the cause(s) of the upset;
- (ii) The permitted facility was at the time being properly operated; and
- (iii) The permittee submitted notice of the upset as required in Section 3.12.6; and
- (iv) The permittee complied with any remedial measures required under Section 3.4.

3.14.4. Burden of Proof

In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

SECTION 4
ABBREVIATIONS, ACRONYMS AND DEFINITIONS

4. ABBREVIATIONS, ACRONYMS AND DEFINITIONS

Abbreviation or Acronym	Full Phrase	Definition
MGD	Million Gallons Per Day	A measure of flow
cfs	cubic feet per second	A measure of flow
SU	Standard Units	A measure of pH
mg/l	milligrams per liter	A measure of pollutant concentration (1000 milligrams = 1 gram)
$\mu\text{g/l}$	micrograms per liter	A measure of pollutant concentration (1000 micrograms = 1 milligram)
$^{\circ}\text{F}$	Degrees Fahrenheit	A measure of temperature
$^{\circ}\text{C}$	Degrees Centigrade or Celsius	A measure of temperature
N/A	Not Applicable	
lbs/day	pounds per day	A measure of pollutant loading
Grab	Grab Sample	A sample taken from a wastestream on a one-time basis without consideration of the flow rate of the wastestream and without consideration of time.
24-Hr Composite	24-hour Composite Sample	Sample composed of discrete equal volume aliquots (100 ml minimum) collected every 15 minutes over a 24-hour period and aggregated by an automated sampling device. The aggregate sample will reflect the average water quality of the compositing or sample period.

KPDES



KENTUCKY POLLUTANT
DISCHARGE ELIMINATION
SYSTEM

PERMIT

PERMIT NO.: KY0086967

AI NO.: 1388

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

Pursuant to Authority in KRS 224,

Fox Run Utilities LLC
P.O. Box 91588
Louisville, KY 40291

is authorized to discharge from a facility located at

Hunters Trace
US Highway 60 West
Frankfort, Franklin County, Kentucky

to receiving waters named

UT to UT to South Benson Creek at milepost 5.5 (38°10'7"N and 84°56'8"W)

in accordance with effluent limitations, monitoring requirements and other conditions set forth in this permit.

This permit shall become effective on July 1, 2013.

This permit and the authorization to discharge shall expire at midnight, June 30, 2018.

May 8, 2013

Date Signed

A handwritten signature in black ink, appearing to read 'Sandra L. Gruzesky', located above the signature line.

**Sandra L. Gruzesky, Director
Division of Water**

**DEPARTMENT FOR ENVIRONMENTAL PROTECTION
Division of Water, 200 Fair Oaks Lane, Frankfort, Kentucky 40601**

Printed on Recycled Paper

JA_00133

THIS KPDES PERMIT CONSISTS OF THE FOLLOWING SECTIONS.

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1. EFFLUENT AND MONITORING REQUIREMENTS

1.1. Monitoring Locations

The following table lists the outfalls authorized by this permit, the latitude and longitude of each and the DOW assigned KPDES outfall number.

MONITORING LOCATIONS				
Number	Type	Latitude (N)	Longitude (W)	Description of Outfall
001	External	38° 10' 7"	84° 56' 8"	Sanitary Wastewater
			UT to UT to South Benson Creek	

1.2. Effluent Limitations and Monitoring Requirements

Beginning on the effective date and lasting through the term of this permit discharges from Outfall 001 shall comply with the effluent limitations.

Effluent Characteristic	EFFLUENT LIMITATIONS					MONITORING REQUIREMENTS		
	Loadings (lbs/day)		Concentrations (specify units)			Monitoring Frequency	Sample Type	
	Monthly Average	Weekly Average	Minimum	Monthly Average	Weekly Average			Maximum
Effluent Flow (Design 0.020 MGD)	Report	Report	N/A	N/A	N/A	N/A	1/Month	Instantaneous
pH (Standard Units)	N/A	N/A	6.0	N/A	N/A	9.0	1/Month	Grab
CBOD ₅	5.0	7.5	N/A	30 mg/l	45 mg/l	N/A	1/Month	24-Hr Composite
TSS	5.0	7.5	N/A	30 mg/l	45 mg/l	N/A	1/Month	24-Hr Composite
Ammonia (as NH ₃ N)								
May 1 – October 31	0.67	1.0	N/A	4 mg/l	6 mg/l	N/A	1/Month	24-Hr Composite
November 1 – April 30	1.67	2.5	N/A	10 mg/l	15 mg/l	N/A	1/Month	24-Hr Composite
E. Coli (colonies/100 ml) ¹	N/A	N/A	N/A	130	240	N/A	1/Month	Grab
Dissolved Oxygen	N/A	N/A	7.0 mg/l	N/A	N/A	N/A	1/Month	Grab
Total Residual Chlorine	N/A	N/A	N/A	0.011 mg/l	0.019 mg/l	N/A	1/Month	Grab

¹The effluent limitations for *Escherichia Coli* are 30 day and 7 day Geometric Means.

1.3. Standard Effluent Requirements

The discharges to waters of the Commonwealth shall not produce floating solids, visible foam or a visible sheen on the surface of the receiving waters.

Samples and measurements taken in accordance with the requirements of specified Section 1.2 shall be representative of the volume and nature of the monitored discharge and shall be taken at nearest accessible point after final treatment, but prior to actual discharge to or mixing with the receiving waters or wastestreams from other outfalls.

SECTION 2
ADDITIONAL REQUIREMENTS

2. ADDITIONAL REQUIREMENTS

2.1. Schedule of Compliance

The permittee shall attain compliance with all requirements of this permit on the effective date of this permit unless otherwise stated.

2.2. Other Permits

This permit has been issued under the provisions of KRS Chapter 224 and regulations promulgated pursuant thereto. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits or licenses required by this Cabinet and other state, federal, and local agencies.

2.3. Sufficiently Sensitive Analytical Methods

Analytical methods utilized to demonstrate compliance with the effluent limitations established in this permit shall be sufficiently sensitive to detect pollutant levels at or below the required effluent limit, i.e. the Method Detection Limit (MDL) shall be at or below the effluent limit. In that instance where an EPA-approved method does not exist that has an MDL at or below the established effluent limitation, the permit shall: (1) use the method specified in the permit; or (2) the EPA-approved method with an MDL that is nearest to the established effluent limit.

2.4. Antidegradation

For those discharges subject to the provisions of 401 KAR 10:030 Section 1(3)(b)5, the permittee shall install, operate, and maintain wastewater treatment facilities consistent with those identified below.

2.5. Reporting of Monitoring Results

Monitoring results obtained during each monitoring period must be reported. The completed Discharge Monitoring Report (DMR) for each monitoring period must be submitted no later than the 28th day of the month following the monitoring period for which monitoring results were obtained.

2.5.1. Hardcopy Submittal

A preprinted DMR Form will be mailed to you. The completed DMR for each monitoring period must be sent to the Division of Water at the address listed below postmarked no later than the 28th day of the month following the monitoring period for which monitoring results were obtained. The use of mailed (hardcopy) DMRs shall cease no later than the earliest of the following three dates: 6 months from the effective date of the permit, upon notification of an end date by DOW, or March 1, 2014.

Division of Water
Surface Water Permits Branch
Permits Support Section
200 Fair Oaks Lane
Frankfort, Kentucky 40601
Attention: DMR Coordinator

2.5.2. Electronic Submittal

The completed DMR for each monitoring period must be entered into the Division of Water approved electronic system no later than midnight on the 28th day of the month following the monitoring period for which monitoring results were obtained. The use of mailed (hardcopy) DMRs shall cease no later than the earliest of the following three dates: 6 months from the effective date of the permit, upon notification of an end date by DOW, or March 1, 2014.

For information regarding electronic submittal of DMRs please contact the DMR Coordinator at (502) 564-3410 or visit the Division's website at:

<http://water.ky.gov/permitting/Pages/netDMRInformation.aspx>.

2.6. Reopener Clause

This permit shall be modified, or alternatively revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved in accordance with 401 KAR 5:050 through 5:080, if the effluent standard or limitation so issued or approved:

1. Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
2. Controls any pollutant not limited in the permit.

This permit may be reopened to implement the findings of a reasonable potential analysis performed by the Division of Water.

This permit shall be reopened if Division of Water determines surface waters are aesthetically or otherwise degraded by substances that:

- (a) Settle to form objectionable deposits;
- (b) Float as debris, scum, oil, or other matter to form a nuisance;
- (c) Produce objectionable color, odor, taste, or turbidity;
- (d) Injure, are chronically or acutely toxic to or produce adverse physiological or behavioral responses in humans, animals, fish, and other aquatic life;
- (e) Produce undesirable aquatic life or result in the dominance of nuisance species; or
- (f) Cause fish flesh tainting.

The permit as modified or reissued under this paragraph shall also contain any other requirements of KRS Chapter 224 when applicable.

2.7. Outfall Signage

The KPDES permit establishes monitoring points, effluent limitations, and other conditions to address discharges from the permitted facility. In an effort to better document and clarify these locations the permittee should place and maintain a permanent marker at each of the monitoring locations.

2.8. Discharge and Monitoring Point Accessibility

As previously stated in Section 3.9, the permittee shall allow authorized agency representatives to inspect the facility and collect samples to determine compliance. In order for such monitoring to be conducted either by the permittee or authorized agency personnel all monitoring and discharge points required by this permit shall be readily and safely accessible in all weather conditions.

2.9. Disposal of Non-Domestic Wastes

The pass through or non-treatment by the wastewater treatment plant of chemicals or compounds which may injure, be chronically or acutely toxic to or produce adverse physiological or behavioral responses in humans, animals, fish and other aquatic life is not desirable. Materials such as acids, caustics, herbicides, household chemicals or cleansers, insecticides, lawn chemicals, non-biodegradable products, paints, pesticides, pharmaceuticals, and petroleum based products may not be treatable by the wastewater treatment plant and should not be introduced and other environmentally sound methods for disposal should be utilized. The permittee should educate users of its system that introduction of such chemicals or compounds could result in an adverse environmental impact and provide the users with alternative disposal measures.

2.10. Certified Operators

Pursuant to 401 KAR 5:010 Section 1, a treatment plant with a design capacity of less than or equal to 50,000 gallons per day shall be under the primary responsibility of a certified operator holding an active Class I, II, III, or IV treatment certificate.

SECTION 3
STANDARD CONDITIONS

3. STANDARD CONDITIONS

The following conditions apply to all KPDES permits.

3.1. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of KRS Chapter 224 and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. Any person who violates applicable statutes or who fails to perform any duty imposed, or who violates any determination, permit, administrative regulation, or order of the cabinet promulgated pursuant thereto shall be liable for a civil penalty as provided at KRS 224.99.010.

3.2. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for a new permit.

3.3. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

3.4. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

3.5. 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.

3.6. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

3.7. Property Rights

This permit does not convey any property rights of any sort, or any exclusive privilege.

3.8. Duty to Provide Information

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Director upon request, copies of records required to be kept by this permit.

3.9. Inspection and Entry

The permittee shall allow the Director, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon presentation of credentials and other documents as may be required by law, to:

- (1) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- (2) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (3) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- (4) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

3.10. Monitoring and Records

- (1) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- (2) Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five (5) years (or longer as required by 401 KAR 5:065 Section 2(10) [40 CFR 503]), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.
- (3) Records of monitoring information shall include:
 - (i) The date, exact place, and time of sampling or measurements;
 - (ii) The individual(s) who performed the sampling or measurements;
 - (iii) The date(s) analyses were performed;
 - (iv) The individual(s) who performed the analyses;
 - (v) The analytical techniques or methods used; and
 - (vi) The results of such analyses.
- (4) Monitoring must be conducted according to test procedures approved under 401 KAR 5:065 Section 2(8) [40 CFR 136] unless another method is required under 401 KAR 5:065 Section 2(9) or (10) [40 CFR subchapters N or O].
- (5) KRS 224.99-010 provides that any person who knowingly violates KRS 224.70-110 or other enumerated statutes, or who knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall be guilty of a Class D felony and, upon conviction, shall be punished by a fine of not more than \$25,000, or by imprisonment for not more than one (1) year, or both. Each day upon which a violation occurs shall constitute a separate violation.

3.11. Signatory Requirement

- (1) All applications, reports, or information submitted to the Director shall be signed and certified pursuant to 401 KAR 5:060, Section 4 [40 CFR 122.22].
- (2) KRS 224.99-010 provides that any person who knowingly provides false information in any document filed or required to be maintained under KRS Chapter 224 shall be guilty of a Class D felony and upon conviction thereof, shall be punished by a fine not to exceed twenty-five thousand dollars (\$25,000), or by imprisonment, or by fine and imprisonment, for each separate violation. Each day upon which a violation occurs shall constitute a separate violation.

3.12. Reporting Requirements

3.12.1. Planned Changes

The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

- (i) The alteration or addition to a permitted facility may meet one (1) of the criteria for determining whether a facility is a new source in KRS 224.16-050 [40 CFR 122.29(b)]; or
- (ii) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under KRS 224.16-050 [40 CFR 122.42(a)(1)].
- (iii) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

3.12.2. Anticipated Noncompliance

The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

3.12.3. Transfers

This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under KRS 224 [CWA; see 40 CFR 122.61; in some cases, modification or revocation and reissuance is mandatory].

3.12.4. Monitoring Reports

Monitoring results shall be reported at the intervals specified elsewhere in this permit.

- (i) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Director for reporting results of monitoring of sludge use or disposal practices.
- (ii) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 401 KAR 5:065 Section 2(8) [40 CFR 136], or another method required for an industry-specific waste stream under 401 KAR 5:065 Section 2(9) or (10) [40 CFR subchapters N or O], the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Director.
- (iii) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.

3.12.5. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date.

3.12.6. Twenty-four-Hour Reporting

- (i) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within twenty-four (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.

(ii) The following shall be included as information which must be reported within twenty-four (24) hours under this paragraph.

(A) Any unanticipated bypass which exceeds any effluent limitation in the permit. (See §122.41(g))

(B) Any upset which exceeds any effluent limitation in the permit.

(C) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit to be reported within twenty-four (24) hours.

(iii) The Director may waive the written report on a case-by-case basis for reports under paragraph (1)(6)(ii) of this section if the oral report has been received within twenty-four (24) hours.

3.12.7. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under Sections 3.12.1, 3.12.4, 3.12.5, and 3.12.6, at the time monitoring reports are submitted. The reports shall contain the information listed in Section 3.12.6.

3.12.8. Other Information

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

3.13. Bypass

3.13.1. Definitions

(i) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.

(ii) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

3.13.2. Bypass Not Exceeding Limitations

The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Section 3.13.1.

3.13.3. Notice

(i) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of the bypass.

(ii) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Section 3.12.6.

3.13.4. Prohibition of Bypass

(i) Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:

(A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of

reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(C) The permittee submitted notices as required under Section 3.13.3.

(ii) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three (3) conditions listed above in Section 3.13.3.

3.14. Upset

3.14.1. Definition

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

3.14.2. Effect of an Upset

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Section 3.14.3 are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

3.14.3. Conditions Necessary for a Demonstration of Upset

A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (i) An upset occurred and that the permittee can identify the cause(s) of the upset;
- (ii) The permitted facility was at the time being properly operated; and
- (iii) The permittee submitted notice of the upset as required in Section 3.12.6; and
- (iv) The permittee complied with any remedial measures required under Section 3.4.

3.14.4. Burden of Proof

In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

SECTION 4
ABBREVIATIONS, ACRONYMS AND DEFINITIONS

4. ABBREVIATIONS, ACRONYMS AND DEFINITIONS

Abbreviation or Acronym	Full Phrase	Definition
MGD	Million Gallons Per Day	A measure of flow
cfs	cubic feet per second	A measure of flow
SU	Standard Units	A measure of pH
mg/l	milligrams per liter	A measure of pollutant concentration (1000 milligrams = 1 gram)
$\mu\text{g/l}$	micrograms per liter	A measure of pollutant concentration (1000 micrograms = 1 milligram)
$^{\circ}\text{F}$	Degrees Fahrenheit	A measure of temperature
$^{\circ}\text{C}$	Degrees Centigrade or Celsius	A measure of temperature
N/A	Not Applicable	
lbs/day	pounds per day	A measure of pollutant loading
Grab	Grab Sample	A sample taken from a wastestream on a one-time basis without consideration of the flow rate of the wastestream and without consideration of time.
24-Hr Composite	24-hour Composite Sample	Sample composed of discrete equal volume aliquots (100 ml minimum) collected every 15 minutes over a 24-hour period and aggregated by an automated sampling device. The aggregate sample will reflect the average water quality of the compositing or sample period.

KPDES



KENTUCKY POLLUTANT
DISCHARGE ELIMINATION
SYSTEM

PERMIT

PERMIT NO.: KY0077674

AI NO.: 458

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

Pursuant to Authority in KRS 224,

Lake Columbia Utilities, Inc.
PO Box 91588
Louisville, KY 40291

is authorized to discharge from a facility located at

Lake Columbia Subdivision
Zoneton Rd & Cedar Creek Rd
Zoneton, Bullitt County, Kentucky

to receiving waters named

Unnamed Tributary at Latitude/Longitude 38°3'30.5"N, 85°37'39.3" to Cedar Creek

in accordance with effluent limitations, monitoring requirements and other conditions set forth in this permit.

This permit shall become effective on December 1, 2014.

This permit and the authorization to discharge shall expire at midnight, November 30, 2019.

October 8, 2014

Date Signed

A handwritten signature in black ink, appearing to read "Peter T. Goodmann", located above the signature line.

**Peter T. Goodmann, Director
Division of Water**

**DEPARTMENT FOR ENVIRONMENTAL PROTECTION
Division of Water, 200 Fair Oaks Lane, Frankfort, Kentucky 40601**

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1. EFFLUENT AND MONITORING REQUIREMENTS

1.1. Monitoring Locations

The following table lists the outfalls authorized by this permit, the latitude and longitude of each and the DOW assigned KPDES outfall number.

MONITORING LOCATIONS				
Number	Type	Latitude (N)	Longitude (W)	Description of Outfall
001	Direct	38°3'30.5"	85°37'39.3"	Unnamed Tributary to Cedar Creek Sanitary Wastewater

1.2. Effluent Limitations and Monitoring Requirements

Beginning on the effective date and lasting through the term of this permit discharges from Outfall 001 shall comply with the effluent limitations.

Effluent Characteristic	EFFLUENT LIMITATIONS				MONITORING REQUIREMENTS		
	Loadings (lbs/day)		Concentrations (specify units)		Monitoring Frequency	Sample Type	
	Monthly Average	Max Weekly Average	Minimum	Monthly Average			Max Weekly Average
Effluent Flow (Design 0.012 MGD)	Report	Report	N/A	N/A	Monthly	Instantaneous	
pH (Standard Units)	N/A	N/A	6.0	N/A	Monthly	Grab	
CBOD ₅	3.00	4.50	N/A	30 mg/l	Monthly	24-Hr Composite	
TSS	3.00	4.50	N/A	30 mg/l	Monthly	24-Hr Composite	
Ammonia (as NH ₃ N)							
May 1 – October 31	0.40	0.60	N/A	4.0 mg/l	Monthly	24-Hr Composite	
November 1 – April 30	1.00	1.50	N/A	10.0 mg/l	Monthly	24-Hr Composite	
E. Coli (colonies/100 ml) ¹	N/A	N/A	N/A	130	Monthly	Grab	
Dissolved Oxygen	N/A	N/A	7.0 mg/l	N/A	Monthly	Grab	
Total Residual Chlorine	N/A	N/A	N/A	0.011 mg/l	Monthly	Grab	
Total Phosphorus (mg/l)	N/A	N/A	N/A	Report	Monthly	24-Hr Composite	
Total Nitrogen (mg/l) ²	N/A	N/A	N/A	Report	Monthly	24-Hr Composite	

¹ The effluent limitations for *Escherichia Coli* are 30 day and 7 day Geometric Means.

²Total Nitrogen is the summation of the analytical results for Total Nitrates, Total Nitrites, and Total Kjeldahl Nitrogen

1.3. Standard Effluent Requirements

The discharges to waters of the Commonwealth shall not produce floating solids, visible foam or a visible sheen on the surface of the receiving waters. Samples and measurements taken in accordance with the requirements of specified Section 1.2 shall be representative of the volume and nature of the monitored discharge and shall be taken at nearest accessible point after final treatment, but prior to actual discharge to or mixing with the receiving waters or wastestreams from other outfalls.

SECTION 2
ADDITIONAL REQUIREMENTS

2. ADDITIONAL REQUIREMENTS

2.1. Schedule of Compliance

The permittee shall attain compliance with all requirements of this permit on the effective date of this permit unless otherwise stated.

2.2. Other Permits

This permit has been issued under the provisions of KRS Chapter 224 and regulations promulgated pursuant thereto. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits or licenses required by this Cabinet and other state, federal, and local agencies.

2.3. Sufficiently Sensitive Analytical Methods

Analytical methods utilized to demonstrate compliance with the effluent limitations established in this permit shall be sufficiently sensitive to detect pollutant levels at or below the required effluent limit, i.e. the Method Detection Limit (MDL) shall be at or below the effluent limit. In that instance where an EPA-approved method does not exist that has an MDL at or below the established effluent limitation, the permit shall: (1) use the method specified in the permit; or (2) the EPA-approved method with an MDL that is nearest to the established effluent limit.

2.4. Reporting of Monitoring Results

Monitoring results obtained during each monitoring period must be reported. The completed Discharge Monitoring Report (DMR) for each monitoring period must be submitted no later than the 28th day of the month following the monitoring period for which monitoring results were obtained.

2.4.1. Electronic Submittal

The completed DMR for each monitoring period must be entered into the Division of Water approved electronic system no later than midnight on the 28th day of the month following the monitoring period for which monitoring results were obtained. The use of mailed (hardcopy) DMRs has ceased and electronic DMR submittal shall begin with the initial reporting period.

For information regarding electronic submittal of DMRs please visit the Division's website at <http://water.ky.gov/permitting/Pages/netDMRInformation.aspx> or contact the DMR Coordinator at (502) 564-3410.

2.5. Reopener Clause

This permit shall be modified, or alternatively revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved in accordance with 401 KAR 5:050 through 5:080, if the effluent standard or limitation so issued or approved:

1. Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
2. Controls any pollutant not limited in the permit.

This permit may be reopened to implement the findings of a reasonable potential analysis performed by the Division of Water.

This permit shall be reopened if Division of Water determines surface waters are aesthetically or otherwise degraded by substances that:

- (a) Settle to form objectionable deposits;
- (b) Float as debris, scum, oil, or other matter to form a nuisance;
- (c) Produce objectionable color, odor, taste, or turbidity;

- (d) Injure, are chronically or acutely toxic to or produce adverse physiological or behavioral responses in humans, animals, fish, and other aquatic life;
- (e) Produce undesirable aquatic life or result in the dominance of nuisance species; or
- (f) Cause fish flesh tainting.

The permit as modified or reissued under this paragraph shall also contain any other requirements of KRS Chapter 224 when applicable.

2.6. Outfall Signage

The KPDES permit establishes monitoring points, effluent limitations, and other conditions to address discharges from the permitted facility. In an effort to better document and clarify these locations the permittee should place and maintain a permanent marker at each of the monitoring locations.

2.7. Discharge and Monitoring Point Accessibility

As previously stated in Section 3.9, the permittee shall allow authorized agency representatives to inspect the facility and collect samples to determine compliance. In order for such monitoring to be conducted either by the permittee or authorized agency personnel all monitoring and discharge points required by this permit shall be readily and safely accessible in all weather conditions.

2.8. Disposal of Non-Domestic Wastes

The pass through or non-treatment by the wastewater treatment plant of chemicals or compounds which may injure, be chronically or acutely toxic to or produce adverse physiological or behavioral responses in humans, animals, fish and other aquatic life is not desirable. Materials such as acids, caustics, herbicides, household chemicals or cleansers, insecticides, lawn chemicals, non-biodegradable products, paints, pesticides, pharmaceuticals, and petroleum based products may not be treatable by the wastewater treatment plant and should not be introduced and other environmentally sound methods for disposal should be utilized. The permittee should educate users of its system that introduction of such chemicals or compounds could result in an adverse environmental impact and provide the users with alternative disposal measures.

2.9. Certified Operators

Pursuant to 401 KAR 5:010, Section 1 a treatment plant with a design capacity of less than or equal to 50,000 gallons per day shall be under the primary responsibility of a certified operator holding an active Class I, II, III, or IV treatment certificate.

2.10. Connection to Regional Sewer System

This treatment unit is temporary and in no way supersedes the need of a regional sewer system. The permittee will eliminate the discharge and treatment unit by connection to a regional sewer system when it becomes available as defined in 401 KAR 5:002.

2.11. Certified Laboratory Requirements

All laboratory analyses and tests required to demonstrate compliance with the conditions of this permit shall be performed by EEC certified general wastewater laboratories and EEC certified field-only laboratories. Compliance with this requirement shall commence on January 1, 2015 for analyses and tests performed by a general wastewater laboratory and January 1, 2016 for field-only wastewater laboratories.

SECTION 3
STANDARD CONDITIONS

3. STANDARD CONDITIONS

The following conditions apply to all KPDES permits.

3.1. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of KRS Chapter 224 and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. Any person who violates applicable statutes or who fails to perform any duty imposed, or who violates any determination, permit, administrative regulation, or order of the cabinet promulgated pursuant thereto shall be liable for a civil penalty as provided at KRS 224.99.010.

3.2. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for a new permit.

3.3. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

3.4. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

3.5. 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.

3.6. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

3.7. Property Rights

This permit does not convey any property rights of any sort, or any exclusive privilege.

3.8. Duty to Provide Information

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Director upon request, copies of records required to be kept by this permit.

3.9. Inspection and Entry

The permittee shall allow the Director, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon presentation of credentials and other documents as may be required by law, to:

- (1) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- (2) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (3) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- (4) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

3.10. Monitoring and Records

- (1) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- (2) Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five (5) years (or longer as required by 401 KAR 5:065 Section 2(10) [40 CFR 503]), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.
- (3) Records of monitoring information shall include:
 - (i) The date, exact place, and time of sampling or measurements;
 - (ii) The individual(s) who performed the sampling or measurements;
 - (iii) The date(s) analyses were performed;
 - (iv) The individual(s) who performed the analyses;
 - (v) The analytical techniques or methods used; and
 - (vi) The results of such analyses.
- (4) Monitoring must be conducted according to test procedures approved under 401 KAR 5:065 Section 2(8) [40 CFR 136] unless another method is required under 401 KAR 5:065 Section 2(9) or (10) [40 CFR subchapters N or O].
- (5) KRS 224.99-010 provides that any person who knowingly violates KRS 224.70-110 or other enumerated statutes, or who knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall be guilty of a Class D felony and, upon conviction, shall be punished by a fine of not more than \$25,000, or by imprisonment for not more than one (1) year, or both. Each day upon which a violation occurs shall constitute a separate violation.

3.11. Signatory Requirement

- (1) All applications, reports, or information submitted to the Director shall be signed and certified pursuant to 401 KAR 5:060, Section 4 [40 CFR 122.22].
- (2) KRS 224.99-010 provides that any person who knowingly provides false information in any document filed or required to be maintained under KRS Chapter 224 shall be guilty of a Class D felony and upon conviction thereof, shall be punished by a fine not to exceed twenty-five thousand dollars (\$25,000), or by imprisonment, or by fine and imprisonment, for each separate violation. Each day upon which a violation occurs shall constitute a separate violation

3.12. Reporting Requirements

3.12.1. Planned Changes

The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

- (i) The alteration or addition to a permitted facility may meet one (1) of the criteria for determining whether a facility is a new source in KRS 224.16-050 [40 CFR 122.29(b)]; or
- (ii) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under KRS 224.16-050 [40 CFR 122.42(a)(1)].
- (iii) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

3.12.2. Anticipated Noncompliance

The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

3.12.3. Transfers

This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under KRS 224 [CWA; see 40 CFR 122.61; in some cases, modification or revocation and reissuance is mandatory].

3.12.4. Monitoring Reports

Monitoring results shall be reported at the intervals specified elsewhere in this permit.

- (i) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Director for reporting results of monitoring of sludge use or disposal practices.
- (ii) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 401 KAR 5:065 Section 2(8) [40 CFR 136], or another method required for an industry-specific waste stream under 401 KAR 5:065 Section 2(9) or (10) [40 CFR subchapters N or O], the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Director.
- (iii) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.

3.12.5. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date.

3.12.6. Twenty-four-Hour Reporting

- (i) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within twenty-four (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.

(ii) The following shall be included as information which must be reported within twenty-four (24) hours under this paragraph.

(A) Any unanticipated bypass which exceeds any effluent limitation in the permit. (See §122.41(g))

(B) Any upset which exceeds any effluent limitation in the permit.

(C) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit to be reported within twenty-four (24) hours.

(iii) The Director may waive the written report on a case-by-case basis for reports under paragraph (1)(6)(ii) of this section if the oral report has been received within twenty-four (24) hours.

3.12.7. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under Sections 3.12.1, 3.12.4, 3.12.5, and 3.12.6, at the time monitoring reports are submitted. The reports shall contain the information listed in Section 3.12.6.

3.12.8. Other Information

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

3.13. Bypass

3.13.1. Definitions

(i) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.

(ii) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

3.13.2. Bypass Not Exceeding Limitations

The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Section 3.13.1.

3.13.3. Notice

(i) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of the bypass.

(ii) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Section 3.12.6.

3.13.4. Prohibition of Bypass

(i) Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:

(A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of

reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(C) The permittee submitted notices as required under Section 3.13.3.

(ii) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three (3) conditions listed above in Section 3.13.3.

3.14. Upset

3.14.1. Definition

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

3.14.2. Effect of an Upset

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Section 3.14.3 are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

3.14.3. Conditions Necessary for a Demonstration of Upset

A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (i) An upset occurred and that the permittee can identify the cause(s) of the upset;
- (ii) The permitted facility was at the time being properly operated; and
- (iii) The permittee submitted notice of the upset as required in Section 3.12.6; and
- (iv) The permittee complied with any remedial measures required under Section 3.4.

3.14.4. Burden of Proof

In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

SECTION 4
ABBREVIATIONS, ACRONYMS AND DEFINITIONS

4. ABBREVIATIONS, ACRONYMS AND DEFINITIONS

Abbreviation or Acronym	Full Phrase	Definition
MGD	Million Gallons Per Day	A measure of flow
cfs	cubic feet per second	A measure of flow
SU	Standard Units	A measure of pH
mg/l	milligrams per liter	A measure of pollutant concentration (1000 milligrams = 1 gram)
μ g/l	micrograms per liter	A measure of pollutant concentration (1000 micrograms = 1 milligram)
°F	Degrees Fahrenheit	A measure of temperature
°C	Degrees Centigrade or Celsius	A measure of temperature
N/A	Not Applicable	
lbs/day	pounds per day	A measure of pollutant loading
Grab	Grab Sample	A sample taken from a wastestream on a one-time basis without consideration of the flow rate of the wastestream and without consideration of time.
24-Hr Composite	24-hour Composite Sample	Sample composed of discrete equal volume aliquots (100 ml minimum) collected every 15 minutes over a 24-hour period and aggregated by an automated sampling device. The aggregate sample will reflect the average water quality of the compositing or sample period.

Request

2. Confirm that the pro forma income statement uses the most recently filed annual report for each utility to estimate operating revenues and expenses with the exception of Kingswood.
-

Response

The revenues and expenses in the pro forma income statement (Joint Application Exh. N p.2) were taken from the most recent annual report publicly available at that time for each utility, with the exception of Marshall County Environmental Services (MCES). MCES's 2016 CY Annual Report revenue data was used, but its expenses were not included in its 2016 Annual Report; thus, MCES expenses were estimated by Bluegrass Water.

Request

3. Provide the source of the Income statement operating revenues and expenses for Kingswood.
-

Response

The source of operating revenues and expenses for Kingswood on the pro forma income statement (Joint Application Exh. N p.2) was as described in response to 1 PSC 02. Data were taken from its 2017 annual report, but there were entry errors for some of the Kingswood data.

Request

4. Regarding the proforma Balance sheet, identify the source of the company Capitalization.
-

Response

For the Company Capitalization shown on the pro forma Balance Sheet (Joint Application Exh. N p.1), the equity capitalization will be funded from First Round CSWR, LLC, and the debt capitalization from US Water Capital, LLC.

Request

5. Provide the anticipated rate of interest for the Long-Term Debt.
-

Response

Bluegrass Water anticipates a rate of interest for the Long-Term Debt that is at the market rate for small, distressed water and wastewater utilities.

Request

6. In addition to the persons identified in JA Exhibit M, provide the number of other employees or staff of First Round CSWR LLC, and state their roles.
-

Response

First Round CSWR has 18 employees, listed below with their respective titles:

1. Josiah Cox, President
2. Mike Duncan, Director of Operations
3. Phil Macias, Chief Financial Officer
4. Forrest Thomas, Sr. Vice President of Operations
5. Stacy Culleton, Project Portfolio Manager
6. Jami Favor, Dir., Environmental Health & Safety
7. Kaleb Stephens, Environmental Health & Safety Auditor
8. Brenda Eaves, Manager, Customer Service
9. Brent Thies, Controller
10. Mike Indelicato, Accounting Manager
11. Bridget Bean, Senior Accountant
12. Rehan Gerges, Senior Accountant
13. Dan Janowiak, Accounts Payable Clerk
14. Shawn Nichols, Dir., Bus. Dev. & Strategic Planning
15. Jake Freeman, Director of Engineering

16. Sandy Neal, Regional Director of Utility Acquisitions

17. Jill Achee, Regional Director of Utility Acquisitions

18. Jon Meany, Utility Engineer

Request

7. Identify any anticipated economies of scale and the magnitude of potential cost savings proposed by the venture.
-

Response

Bluegrass Water anticipates economies of scale achieved due to the shared services provided to each service area for billing, customer service, and operations. Services provided to Bluegrass Water systems will be under a single contract for all nine systems. Included contracts will be for operations and maintenance, customer service, insurance, construction, and procurement. No estimates of the magnitude of the potential cost savings have been made.

Request

8. Provide the anticipated effect on future rates of each entity in the application.
-

Response

Bluegrass Water anticipates that rates on all the systems will increase to cover the cost of providing safe, reliable service and to allow the opportunity for a fair return on the capital invested in the systems.

Request

9. For each wastewater or water system acquired by CSWR Group in the states of Missouri and Arkansas provide the following:
 - a. The name and date acquired.
 - b. Last three years of financial statements or annual reports.
 - c. A narrative of the type of rehabilitation for each system and the amount of capital investment.
-

Response

Bluegrass Water provides the requested information first for Missouri, and then for Arkansas.

In both cases, it responds to subpart (b) on a statewide basis and to subparts (a) and (c) on the basis of the individual operating companies.

MISSOURI:

b. Annual reports for 2016-18 (or the period after CSWR Group acquisition) have been filed with the Missouri PSC and are available for download from its website. Navigate to <https://www.efis.psc.mo.gov/mpsc/> on the Missouri PSC's website. Then choose, in sequence: *Resources*, *Utility Type* (sewer or water, as applicable), and the operating company name. Then select *All*, which will provide links for available reports. Annual report links begin with "BMAR." As examples, the following links are provided:

- Hillcrest Utility Operating Co., Inc., 2016 annual report:
https://www.efis.psc.mo.gov/mpsc/commoncomponents/view_itemno_details.asp?caseno=BMAR-2017-1844&attach_id=2017017639
- Raccoon Creek Utility Operating Co., Inc., 2018 annual report:
<https://www.efis.psc.mo.gov/mpsc/commoncomponents/viewdocument.asp?DocId=936224379>

Hillcrest UOC

- a. Hillcrest UOC (Hillcrest - acquired 03/13/2015)

- c. Hillcrest UOC contains a wastewater and water facility in Missouri serving 487 customers. Improvements for the water system included new storage installation, permanent disinfection installation including a new separated chlorine room, chlorine analyzers, new system water pumps, various yard piping repairs, installation of new shut of valves system isolation, for and new generator installation. Wastewater system updates included replacement of the aeration facility and investment in the collection system. Investment in improvements was \$1,145,709.

Indian Hills UOC

- a. Indian Hills UOC (Indian Hills - acquired 04/30/2016)

- c. Indian Hills contains a water facility in Missouri serving 670 customers. Water system improvements included rebuilding an original well house and building a second well house. The old well house was brought into compliance by addressing serious electrical hazards, leaks, and adding backup storage and an updated monitoring system. Total investment in improvements was \$1,851,461.

Raccoon Creek UOC

- Raccoon Creek UOC is made up of three wastewater locations in Missouri serving 513 customers (Hunter's Ridge (WSS) - acquired 12/01/2017, South Walnut Hills (WPC) - acquired 12/02/2017, Villages at Whiteman - acquired 12/03/2017).

- c. Improvements or rehabilitation of the component systems are as follows:

- Hunter's Ridge (WSS) wastewater system improvements included building a new activated sludge WWTP, converted the old WWTP to I&I storage/treatment, added ultraviolet disinfection, built a pump station to properly process flow between the plants, and performed smoke testing with corresponding fixes to lower I&I.
- South Walnut Hills (WPC) wastewater system improvements included building a new activated sludge WWTP, converted the old WWTP to I&I storage/treatment, closed the recirculating sand filter, built a gravity line extension, built a pump station to properly process flow between the plants, and performed smoke testing with corresponding fixes to lower I&I.
- Villages at Whiteman wastewater system improvements included built a moving bed bioreactor plant (MBBR), removed 35 years of lagoon sludge build up for I&I storage/treatment, covered the disinfection, built a pump station to properly feed the MBBR plant, and performed smoke testing with corresponding fixes to lower I&I.

Total investment in improvements for the three systems was \$1,650,884.

Elm Hills UOC

- a. Elm Hills OC is made up of one water system and four wastewater systems in Missouri and serves a total of 482 customers (MO Utilities - acquired 05/01/2018, State Park Village - acquired 05/01/2018, Rainbow Acres - acquired 12/14/2018, Twin Oaks - acquired 12/12/2018).
- c. Improvements or rehabilitation of the component systems are as follows:
 - MO Utilities water system improvements include repairing system supply systems, updating well house infrastructure, and improving backups to system storage.

- Wastewater improvements included updating the berms on the lagoon, improving flow, adding 2 cell MBBR, adding a UV disinfection system and drum filter, adding further fencing, general facility improvements, and updated monitoring.
- State Park Village wastewater improvements include upgrading it with fixed film media which will function as an integrated fixed film activated sludge (IFAS) treatment system.
 - Rainbow Acres wastewater improvements are in progress and include adding a MBBR system with the existing lagoon, adding chlorine disinfection, and updates to aeration.
 - Twin Oaks wastewater improvements include adding a MBBR system and updating monitoring and chlorine system.

Total investment in the four systems was \$1,240,121.

Confluence Rivers UOC

- a. Confluence Rivers UOC is made up of nine wastewater and eight water systems all located in Missouri and serves 1,089 customers (Auburn Lakes - acquired 05/17/2019, Calvey Brook - acquired 04/12/2019, Eugene - acquired 05/16/2019, Evergreen - 04/23/2019, Glad Lo - acquired 04/10/2019, Majestic Lakes- acquired 05/16/2019, Mill Creek - acquired 04/25/2019, Roy-L - acquired 04/30/2019, Smithview - acquired 05/08/2019, Villa Ridge - acquired 04/19/2019, Willows - acquired 04/17/2019).
- c. Confluence Rivers UOC is beginning construction on the systems acquired in Q3 of 2019. Total investment is estimated to be \$2,400,000.

ARKANSAS:

CSWR Group did not own or operate utility systems in Arkansas before 2017. Redacted copies of

- a 2018 consolidated (Arkansas-CSWR, LLC) balance sheet and income statement
- 2017 Consolidated Financial Statements for Arkansas-CSWR, LLC and subsidiaries

are attached, as JA_00198 and JA_00199-212, respectively. Confidential treatment for the redacted information is being sought in a concurrently filed motion.

Eagle Ridge UOC

- a. Eagle Ridge UOC is made up of three wastewater systems near Conway, Arkansas. These systems serve approximately 360 customers. (Eaglebrook - acquired 09/30/2019, Huntington Ridge - acquired 09/30/2019, Shadow Ridge - acquired 09/30/2019)
- c. CSWR is progress of rehabilitating these systems under a remediation plan developed with the state of Arkansas Department of Environmental Quality. CSWR estimates that total improvements investment in Eagle Ridge will be \$42,606.

Hayden's Place UOC

- a. Hayden's Place UOC is made up of one wastewater system in Arkansas and serves 127 customers (Hayden's Place - acquired 09/30/2017).
- c. Improvements include updates to the plant's generator, new WWTP switch, control and recording updates, pump replacements, and MAG meter with startup services. Investment for improvements was \$58,368.

Oak Hill UOC

- a. Oak Hill UOC is made up of two wastewater systems in Faulkner County, Arkansas and has a total of approximately 197 connections (North Hills - acquired 09/30/2018, Oak Tree - acquired 09/30/2018).
- c. CSWR is in progress of rehabilitating these systems under a remediation plan developed with the state of Arkansas Department of Environmental Quality. Investment for improvements is \$42,606.

Sebastian Lake UOC

- a. Sebastian Lake UOC is made up of one wastewater system in Arkansas that has 201 connections (Sebastian Lake - acquired 06/30/2018).
- c. Sebastian Lake includes wastewater improvements to deferred operation and maintenance repairs. Investment for improvements was \$24,962.

St. Joseph's Glen UOC

- a. St. Joseph's Glen UOC is made up of one wastewater system in Arkansas with 182 connections (St. Joseph's Glen - acquired 11/30/2017).
- c. St. Joseph's Glen includes improvements to operation and maintenance repairs that were completed by CSWR after purchase. Now, there is focus on redesign for the system including plant controls, the influent pump station, and aeration throughout the system. Design completion by engineers is second priority to fixing the aeration system. Investment for improvements was \$33,456.

Arkansas-CSWR, LLC - Utility Systems
 Consolidated Balance Sheet
 December 31, 2018

Consolidated
 Hayden's Place St. Joseph's Glen Sebastian Lake Eagle Ridge Oak Hill

Assets	
Current Assets	
Cash	
Receivables	
Unbilled receivables	
Prepaid expenses and other current assets	
Due FM associated parties	
Deferred Tax Asset	
Total Current Assets	
Plant, Property & Equipment (Net)	
Deferred Financing Cost	
Preliminary Survey and Investigation Charges	
Investment in Subsidiaries	
Total Assets	
Liabilities and Equity	
Current Liabilities	
Accounts Payable	
Due to associated parties	
Notes Payable - ST	
Misc. Accrued Liabilities	
Operating Reserves	
Total Current Liabilities	
Long Term Liabilities	
Notes Payable - LT	
Deferred Tax Liability	
Total Long Term Liabilities	
Total Liabilities	
Contributions in Aid of Construction - (Net)	
Shareholder's Equity	
APIC	
Retained deficit	
Total Equity	
Total Liabilities and Equity	

** Unaudited **

Arkansas-CSWR, LLC - Utility Systems
 Consolidated Statement of Loss and Retained Deficit
 For the Period Ended December 31, 2018

Consolidated
 Hayden's Place St. Joseph's Glen Sebastian Lake Eagle Ridge Oak Hill

Revenues	
Operating Revenues	
Total Revenue	
Operating Income (Expenses)	
Operations and Maintenance	
Depreciation and Amortization	
Total Expenses	
Income from Operations	
Other Income (Expenses)	
Gain (Loss) - Other	
Interest	
Total Other Income (Expenses)	
Net Loss Before Income Tax	
Provision for Income Tax	
Net Loss	
<hr/>	
Retained Earning - Beginning	
Net Loss	
Retained Earning - Ending	

** Unaudited **

**ARKANSAS CENTRAL STATES WATER
RESOURCES, LLC AND SUBSIDIARIES**

CONSOLIDATED FINANCIAL STATEMENTS

DECEMBER 31, 2017



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NOTES TO CONSOLIDATED FINANCIAL STATEMENTS	5-11

To the Shareholders of
Arkansas Central States Water Resources, LLC
St. Louis, Missouri

INDEPENDENT AUDITORS' REPORT

We have audited the accompanying consolidated financial statements of *Arkansas Central States Water Resources, LLC and Subsidiaries (the "Company")*, which comprise the consolidated balance sheet as of December 31, 2017, and the related consolidated statements of loss and retained deficit, and cash flows for the period from inception, July 31, 2017, to December 31, 2017 and the related notes to the consolidated financial statements.

Management's Responsibility for the Consolidated Financial Statements

Management is responsible for the preparation and fair presentation of these consolidated financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of consolidated financial statements that are free from material misstatement, whether due to fraud or error.

Auditors' Responsibility

Our responsibility is to express an opinion on these consolidated financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the consolidated financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosure in the consolidated financial statements. The procedures selected depend on the auditors' judgment, including the assessment of the risks of material misstatements of the consolidated financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the consolidated financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the consolidated financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the consolidated financial statements referred to above present fairly, in all material respects, the consolidated financial position of the Company as of December 31, 2017, and the results of its operations and its cash flows for the initial period then ended in accordance with accounting principles generally accepted in the United States of America.

February 25, 2019
St. Louis, Missouri

Advising with Vision®

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Certified Public Accountants

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ARKANSAS CENTRAL STATES WATER RESOURCES, LLC AND SUBSIDIARIES
CONSOLIDATED BALANCE SHEET
DECEMBER 31, 2017

ASSETS

Current Assets

 Cash

 Accounts receivable, net

 Total Current Assets

Property, Plant and Equipment, Net

Deferred Income Tax Asset

 Total Assets

LIABILITIES AND CAPITALIZATION

Current Liabilities

 Accounts payable

 Due to related party

 Total Current Liabilities

 Total Liabilities

Capitalization

 Additional paid in capital

 Retained deficit

 Total Capitalization

 Total Liabilities and Capitalization



ARKANSAS CENTRAL STATES WATER RESOURCES, LLC AND SUBSIDIARIES
CONSOLIDATED STATEMENT OF LOSS AND RETAINED DEFICIT
FOR THE PERIOD ENDED DECEMBER 31, 2017

Revenue
 Operating revenue
 Total Revenue

Expenses
 Operation and maintenance
 Depreciation and amortization
 Total Expenses

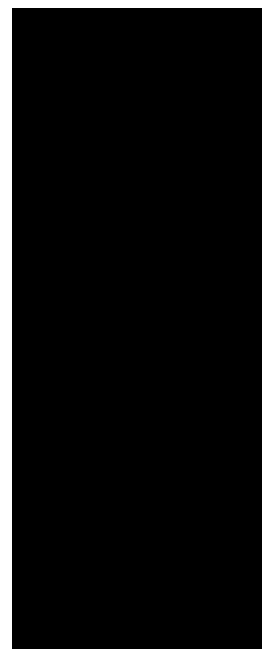
Net Loss Before Income Taxes

Income Tax Benefit

Net Loss

Retained Earnings - Beginning of Period

Retained Deficit - End of Period



ARKANSAS CENTRAL STATES WATER RESOURCES, LLC AND SUBSIDIARIES
CONSOLIDATED STATEMENT OF CASH FLOWS
FOR THE PERIOD ENDED DECEMBER 31, 2017

Cash Flows From Operating Activities
 Net loss
 Adjustments to reconcile net income to:
 Depreciation
 Change in assets - (increase) decrease
 Accounts receivable
 Deferred income tax asset
 Change in liabilities - increase (decrease)
 Accounts payable
 Due to related party
 Net Cash Provided by Operating Activities

Cash Flows From Investing Activities
 Purchase of property and equipment
 Net Cash Used in Investing Activities

Cash Flows From Financing Activities
 Contributed capital
 Net Cash Provided by Financing Activities

Net Increase in Cash and Cash Equivalents

Cash and Cash Equivalents, Beginning of Period

Cash and Cash Equivalents, End of Period



ARKANSAS CENTRAL STATES WATER RESOURCES, LLC AND SUBSIDIARIES
NOTES TO CONSOLIDATED FINANCIAL STATEMENTS

NOTE 1 NATURE OF OPERATIONS AND BASIS OF PRESENTATION

Principles of Consolidation

The accompanying consolidated financial statements include the accounts of Arkansas Central States Water Resources, LLC (“Arkansas Central States”) and its wholly owned subsidiaries, Hayden’s Place Utility Holding Company, Inc. (“Hayden’s Place”) and St. Joseph’s Glen Utility Holding Company, Inc. (“St. Joseph’s Glen”) which in turn own operating subsidiaries that carry out day-to-day operations of the Company (collectively the “Company”). All significant inter-company transactions and account balances have been eliminated in consolidation. The Company is a wholly owned subsidiary of First Round CSWR, LLC.

Nature of Operations

Arkansas Central States is a private water and wastewater utility company. The Company's primary purpose through its subsidiary is to establish compliant water and wastewater treatment facilities for underserved communities and private facility owners by creating economically-viable options compliant with the Clean Water Act and the Safe Drinking Water Act. The Company holds authoritative permits granted by the Arkansas Department of Environmental Quality (the “ADEQ”) under which the Company provides sewer collection and treatment services in Faulkner and Saline counties in Arkansas. The ADEQ first authorized the Company to provide wastewater services in August 2017.

Period End

The Company began operations on July 31, 2017. As such, the consolidated financial statements are for the period beginning July 31, 2017 and ending December 31, 2017.

NOTE 2 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Basis of Accounting

The Company’s policy is to prepare its consolidated financial statements on the accrual basis of accounting in conformity with accounting principles for regulated utilities generally accepted in the United States of America.

Use of Estimates

The preparation of consolidated financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, the actual results could differ from those estimates.

Recognition of Revenues

Revenues are recognized as water and sewer services are provided, and include amounts billed to customers on a cycle basis and unbilled amounts based on one month of service.

ARKANSAS CENTRAL STATES WATER RESOURCES, LLC AND SUBSIDIARIES
NOTES TO CONSOLIDATED FINANCIAL STATEMENTS

NOTE 2 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

Income Taxes

Income taxes are provided for the tax effects of transactions reported in the consolidated financial statements and consist of taxes currently due, plus deferred taxes related primarily to temporary differences including the future tax benefits of operating loss carryforwards recognized for financial reporting purposes. The Company files a consolidated return in accordance with provisions of "C" Corporation status with the Internal Revenue Service.

The Company implemented "Financial Accounting Standards Board ("FASB") Accounting Standards Codification ("ASU") 740-10, Income Taxes – Overall." Included in this is a requirement under Accounting for Uncertainty in Income Taxes that realization of an uncertain income tax position must be "more likely than not" (i.e., greater than 50% likelihood of receiving a benefit or expense) before it should be recognized in the consolidated financial statements. Further, the code section prescribes the benefit or expense to be recorded in the consolidated financial statements as the amount most likely to be realized assuming a review by tax authorities having all relevant information and applying current conventions. The code section also clarifies the consolidated financial statement classification of potential tax-related penalties and interest and sets forth new disclosures regarding unrecognized tax benefits or expense.

The Company has assessed its federal and state tax positions and determined there were no uncertainties or possible related effects that need to be recorded as of or for the period ended December 31, 2017. If applicable, penalties and interest assessed by income taxing authorities are included with the provision for income taxes.

The federal and state income tax returns of the Company for the year ended December 31, 2017 are subject to examination by the respective taxing authorities, generally for three years after they were filed.

Accounts Receivable

Accounts receivable include utility customer accounts receivable, which represent amounts billed to water and wastewater customers on a cycle basis. Accounts receivable also includes unbilled revenue amounts for services provided but not billed to customers.

The Company provides an allowance for doubtful accounts equal to the estimated losses that will be incurred in the collection of accounts receivable. This estimate is based on historical experience coupled with a review of the current status of existing receivables. The allowance and associated accounts receivable are reduced when the receivables are determined to be uncollectible. The Company did not believe an allowance was necessary at December 31, 2017.

Property, Plant and Equipment

Property, plant and equipment is stated at cost. Major additions and improvements are capitalized while maintenance and repairs are expensed as incurred. When assets are sold or otherwise disposed of, the related cost and accumulated depreciation are removed from the accounts. Any gain or loss arising from such disposition is included as income or expense in the year of disposition.

Depreciation is computed using the straight-line method over the estimated useful lives of the assets.

ARKANSAS CENTRAL STATES WATER RESOURCES, LLC AND SUBSIDIARIES
NOTES TO CONSOLIDATED FINANCIAL STATEMENTS

NOTE 2 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

Property, Plant and Equipment (Continued)

The estimated lives for computing depreciation and amortization on property, plant and equipment are:

<u>Classification</u>	<u>Years</u>
Utility Plant in Service - Sewer	10-50
Furniture, Fixtures, and Other	7-20

Regulation

The Company is currently under the revenue threshold requiring rate regulation.

Purchase Accounting

Acquisitions are accounted for as a business purchase combination using the purchase method of accounting under the provisions of “FASB Accounting Standards Codification 805-10, Business Combinations – Overall”. The allocation of consideration for acquisitions requires extensive use of accounting estimates and management judgment to allocate the purchase price of tangible and identifiable intangible assets acquired and liabilities and contributions in aid of construction assumed based on their respective fair values.

Management believes the fair values assigned to the assets and liabilities are based on reasonable estimates and assumptions.

New Accounting Pronouncements

In May 2014, the FASB issued Accounting Standards Update No. 2014-09, Revenue from Contracts with Customers, which is effective for fiscal years beginning after December 15, 2018 for entities other than public business entities and outlines a single comprehensive model for entities to use in accounting for revenue arising from contracts and customers. ASU 2014-09 supersedes most current revenue recognition guidance, including industry-specific guidance, and outlines a five-step process for revenue recognition that focuses on transfer of control, as opposed to transfer of risk and reward. Major provisions include determining which goods and services are distinct and represent separate performance obligations, how variable consideration is recognized, whether revenue should be recognized at a point in time or over time, and ensuring the time value of money is considered in the transaction price. ASU 2014-09 can be applied either retrospectively to each prior period presented or as a cumulative-effect adjustment as of the date of adoption. Management is currently evaluating the impact of adopting ASU 2014-09 on the Company’s consolidated financial statements and related disclosures.

ARKANSAS CENTRAL STATES WATER RESOURCES, LLC AND SUBSIDIARIES
NOTES TO CONSOLIDATED FINANCIAL STATEMENTS

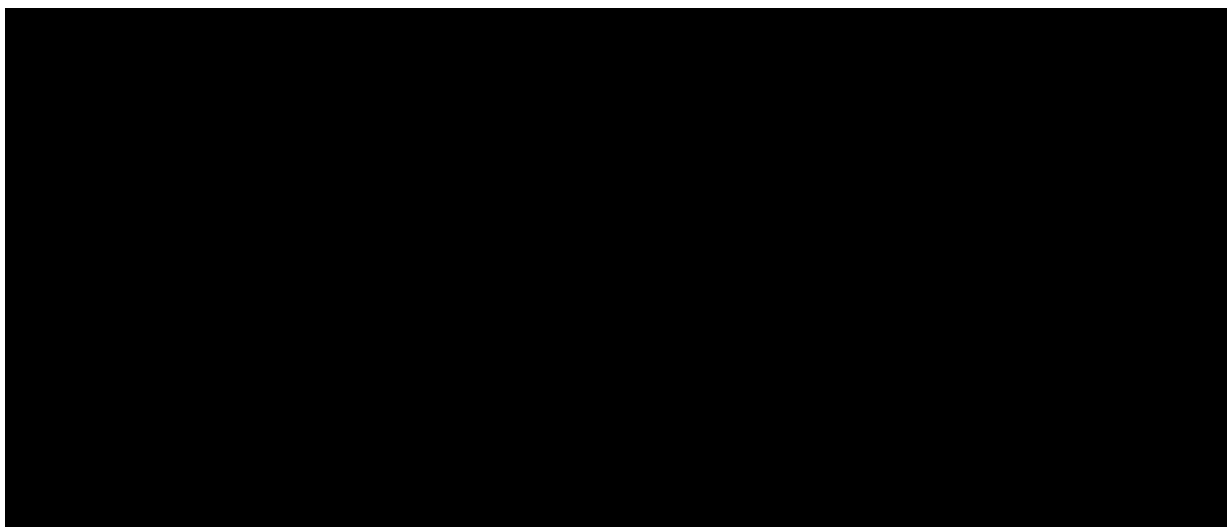
NOTE 2 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

New Accounting Pronouncements (Continued)

In February 2016, the FASB issued ASU 2016-02, Leases: Amendments to the FASB Accounting Standards Codification, which amends the existing guidance on accounting for leases, and is effective for fiscal years beginning after December 15, 2019 for entities other than public business entities. This ASU requires the recognition of lease assets and liabilities on the consolidated balance sheet and the disclosure of key information about leasing arrangements. Early adoption is permitted and modified retrospective application is required for leases that exist or are entered into after the beginning of the earliest comparative period in the consolidated financial statements. Management is currently evaluating the impact of adopting ASU 2016-02 on the Company's consolidated financial statements and related disclosures.

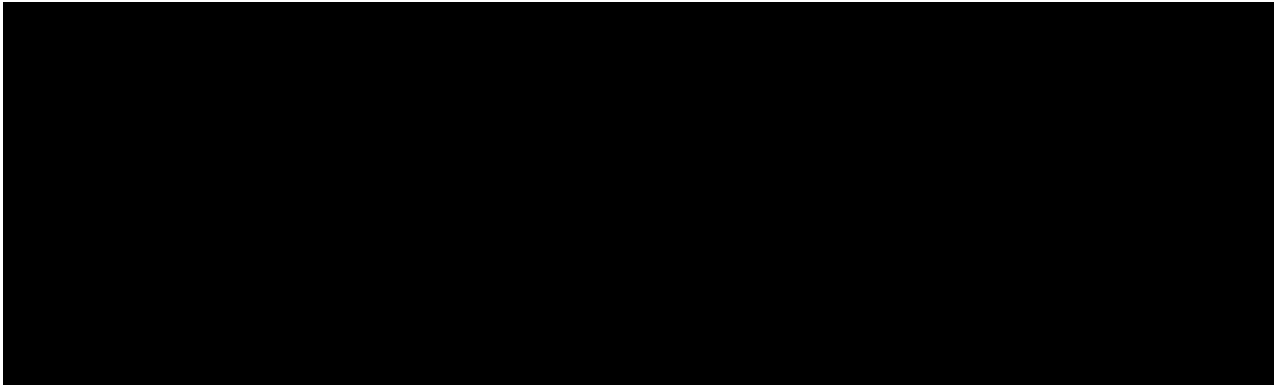
In June 2016, the FASB issued ASU 2016-13, Financial Instruments-Credit Losses. The standard requires a financial asset (including trade receivables) measured at amortized cost basis to be presented at the net amount expected to be collected. Thus, the income statement will reflect the measurement of credit losses for newly-recognized financial assets as well as the expected increases or decreases of expected credit losses that have taken place during the period. This standard will be effective for the calendar year ending December 31, 2021. The Company is currently in the process of evaluating the impact of adoption of this ASU on the financial statements.

NOTE 3 ACQUISITIONS

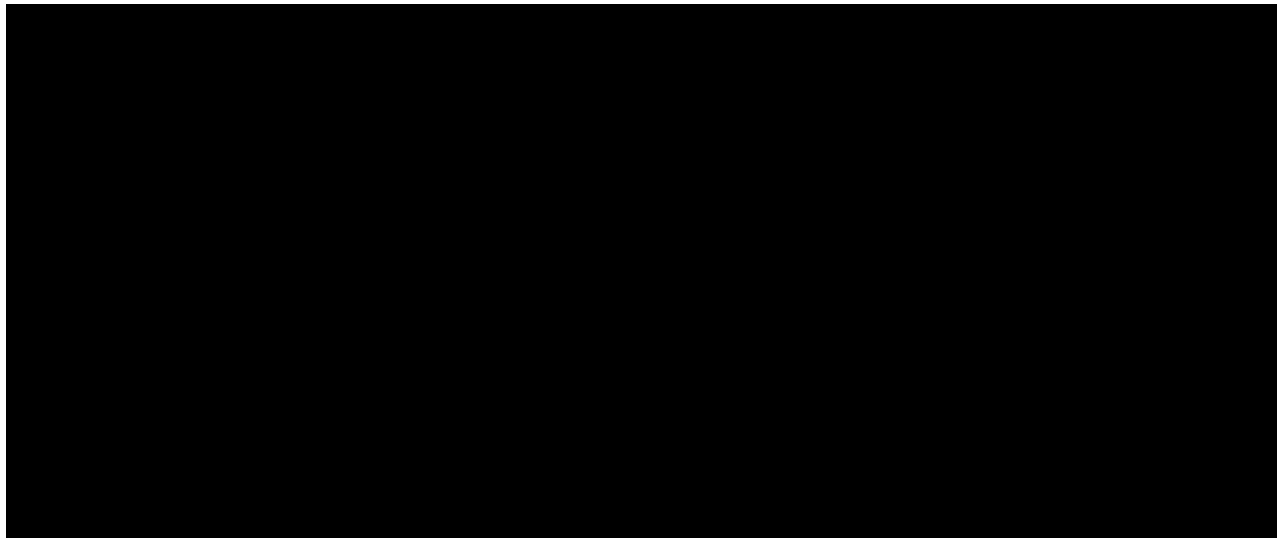


ARKANSAS CENTRAL STATES WATER RESOURCES, LLC AND SUBSIDIARIES
NOTES TO CONSOLIDATED FINANCIAL STATEMENTS

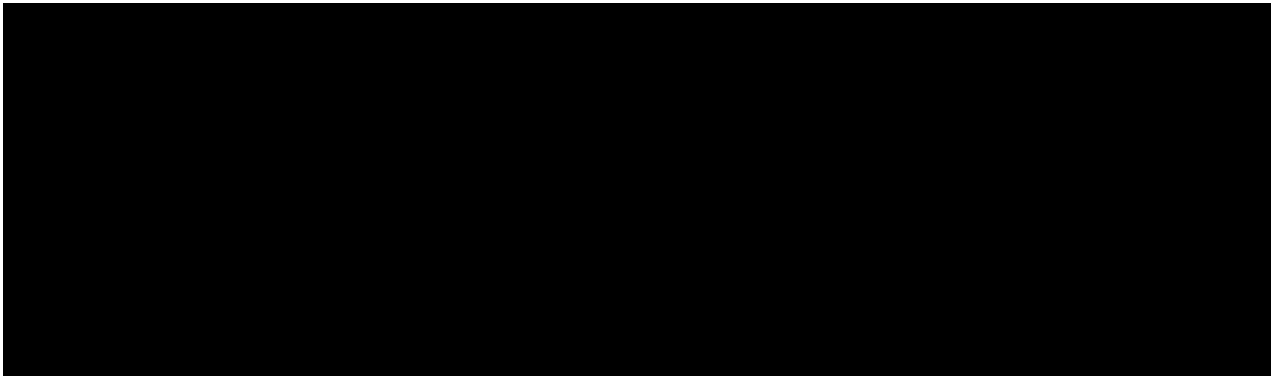
NOTE 4 STATEMENT OF CASH FLOWS



NOTE 5 PROPERTY, PLANT AND EQUIPMENT, NET

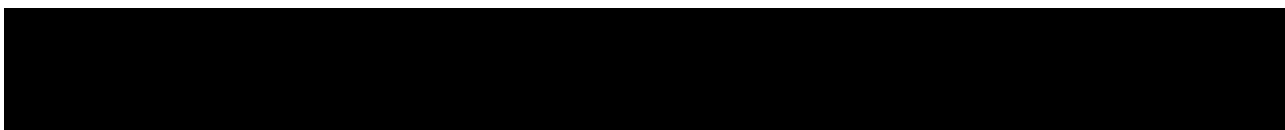


NOTE 6 CONSTRUCTION NOTES PAYABLE

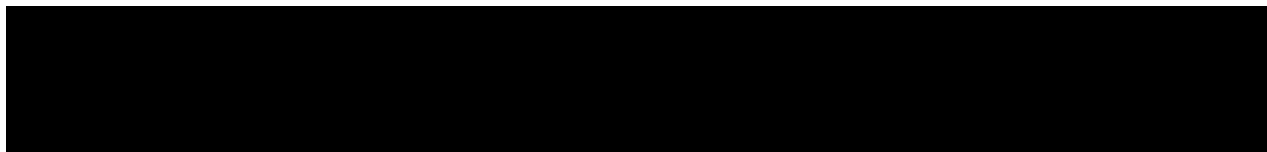


ARKANSAS CENTRAL STATES WATER RESOURCES, LLC AND SUBSIDIARIES
NOTES TO CONSOLIDATED FINANCIAL STATEMENTS

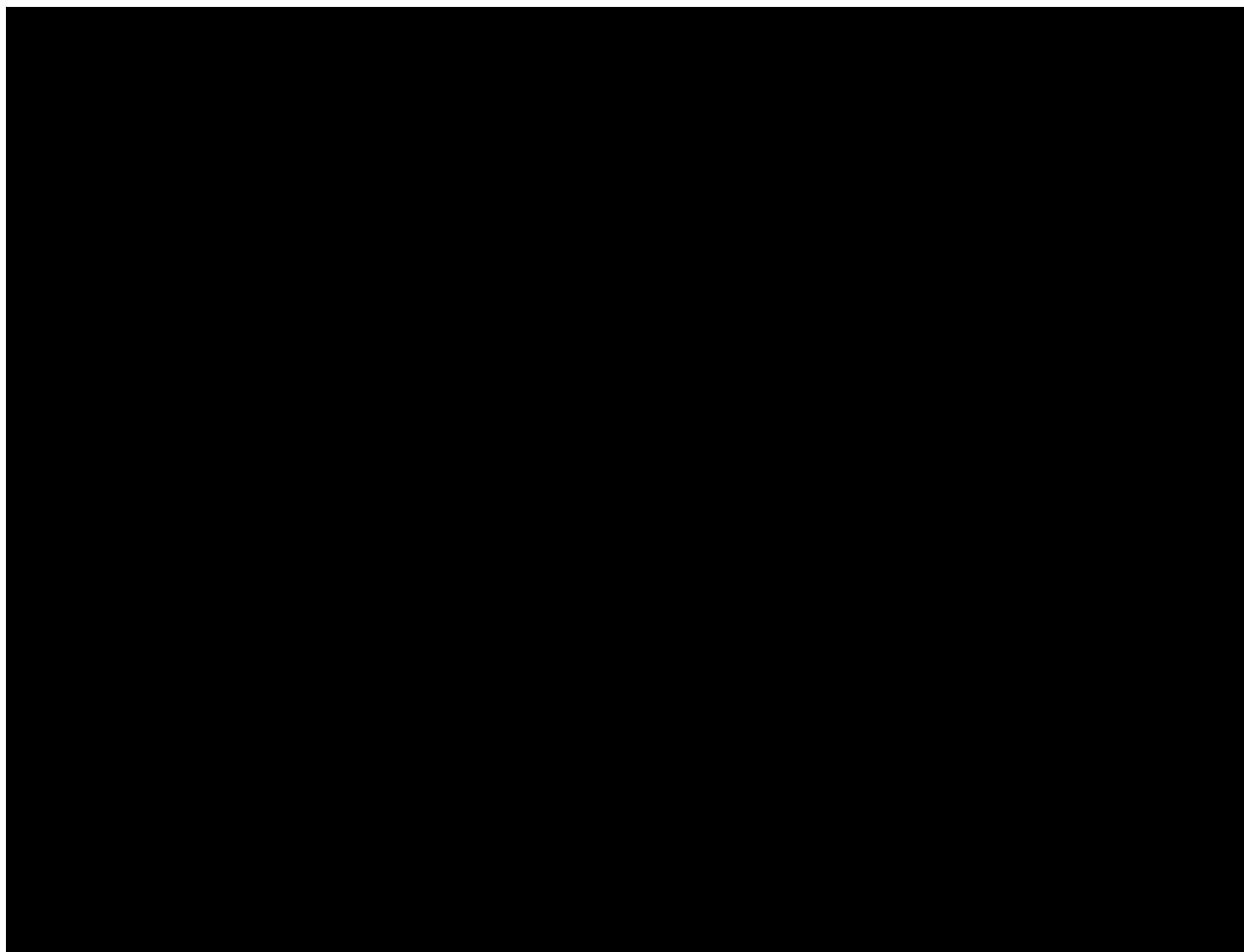
NOTE 7 RELATED PARTY TRANSACTIONS



NOTE 8 COMMITMENTS AND CONTINGENCIES

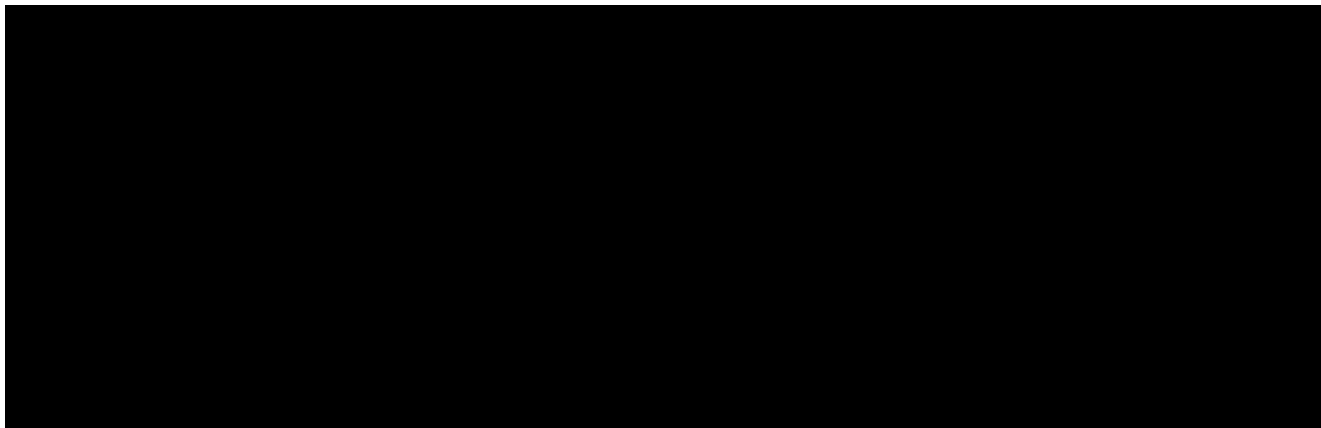


NOTE 9 INCOME TAXES AND DEFERRED TAXES

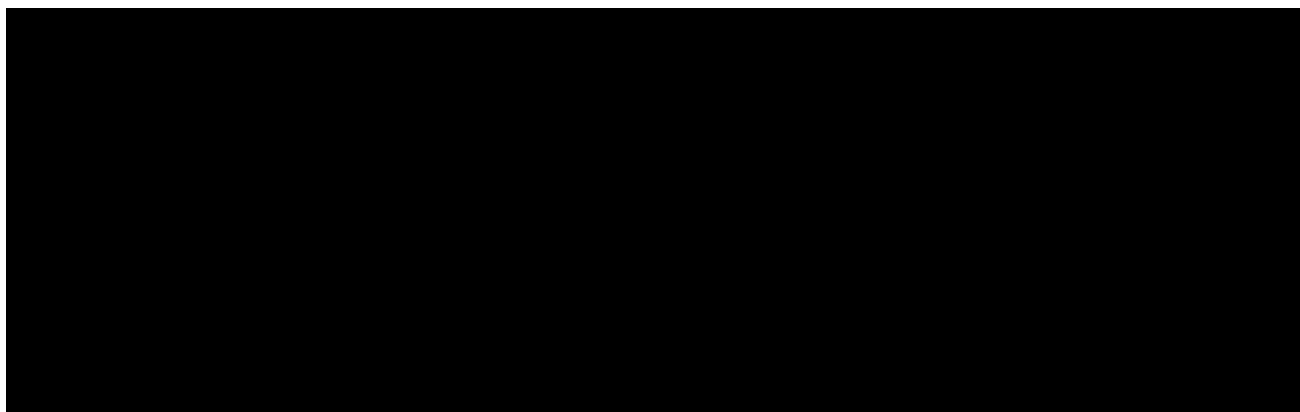


ARKANSAS CENTRAL STATES WATER RESOURCES, LLC AND SUBSIDIARIES
NOTES TO CONSOLIDATED FINANCIAL STATEMENTS

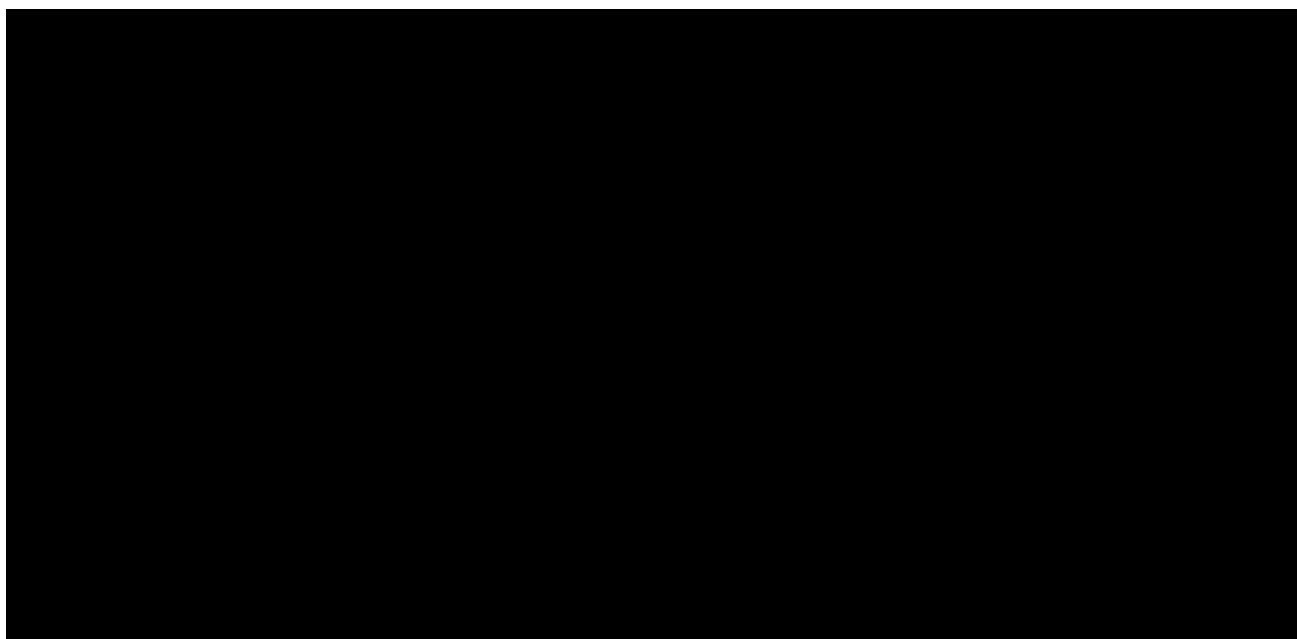
NOTE 9 INCOME TAXES AND DEFERRED TAXES (CONTINUED)



NOTE 10 ON-GOING OPERATIONS



NOTE 11 SUBSEQUENT EVENTS



February 27, 2019

Phil W. Macias
Arkansas Central States Utility Holding Company, Inc.
500 Northwest Plaza Dr. #500
St. Ann, MO 63074

Dear Phil:

Enclosed are 5 bound copies of *Arkansas Central States Utility Holding Company, Inc.'s* consolidated financial statements for the period ended December 31, 2017.

We thank you for the opportunity to provide this service to you. If you have any questions or if we can provide additional services, please do not hesitate to contact us.

Sincerely,

Mueller Prost LC



John E. Oeltjen, CPA, CMP, CGMA

JEO:cta
Enclosures
18736000

Request

10. Provide the following information for Midwest Water Operations, LLC:
- a. Years of experience in wastewater operations.
 - b. Principle owners and key personnel.
 - c. The location of all offices.
 - d. Names of any utilities that it has serviced in Kentucky.
 - e. Licenses and certifications held for the state of Kentucky.
-

Response

- a. Collective professional experience is 30 plus years; Midwest has been operating for four (4) years.
- b. Benjamin Kuenzle, Darryl Waller, Brady Graves
- c. 1351 Jefferson Street, Washington, MO 63090
- d. None currently; Midwest will be initiating operations in Kentucky to serve Bluegrass Water.
- e. Personnel hold Professional Engineering (P.E.) licenses; they are in process of receiving reciprocity from Kentucky for drinking water and wastewater operator's licenses.

Midwest is also looking to hire operators located in Kentucky who have active licenses.

Request

11. Provide the following information for Nitor Billing Services, LLC:
- a. Years of experience in wastewater operations.
 - b. Principle owners and key personnel.
 - c. The location of all offices.
 - d. Names of any utilities that it has serviced in Kentucky.
-

Response

- a. Collective professional experience in customer service and management is 20 plus years;
Nitor has been operating for four years.
- b. Owner & President: Mark Peterman
- c. 120 South Central Ave; Clayton, MO 63105
- d. None currently; Nitor will be initiating operations in Kentucky to serve Bluegrass Water.

Request

12 Describe the methodology that CSWR Group will use to allocate costs to each utility for all management, financial reporting, underground utility safety and locations services, Commission and environmental regulatory reporting and management, record keeping, and other work performed by personnel at CSWR Group's corporate office. Also, state whether Bluegrass Water will be considered one utility or eight utilities for purposes of allocating costs.

Response

CSWR Group uses the Massachusetts Formula to allocate costs to each utility for the functions and work listed in the request. It plans to use the Massachusetts Formula to allocate expenses of First Round CSWR, LLC to Bluegrass Water, which will be considered one utility for purposes of allocating costs.

Request

13 In paragraph 55 of the application, CSWR Group states it has engaged an independent engineer to inspect and evaluate each system. Provide copies of each engineering report and copies of any other due diligence reports performed by CSWR Group or on its behalf or in its possession.

Response

For purposes of due diligence, to determine the status of each system and necessary improvements during the acquisition process, an independent engineer did inspect and evaluate each system and provide a report as to each. The redacted engineering reports are attached as JA_00163-197. Confidential treatment for the redacted information is being sought in a concurrently filed motion.

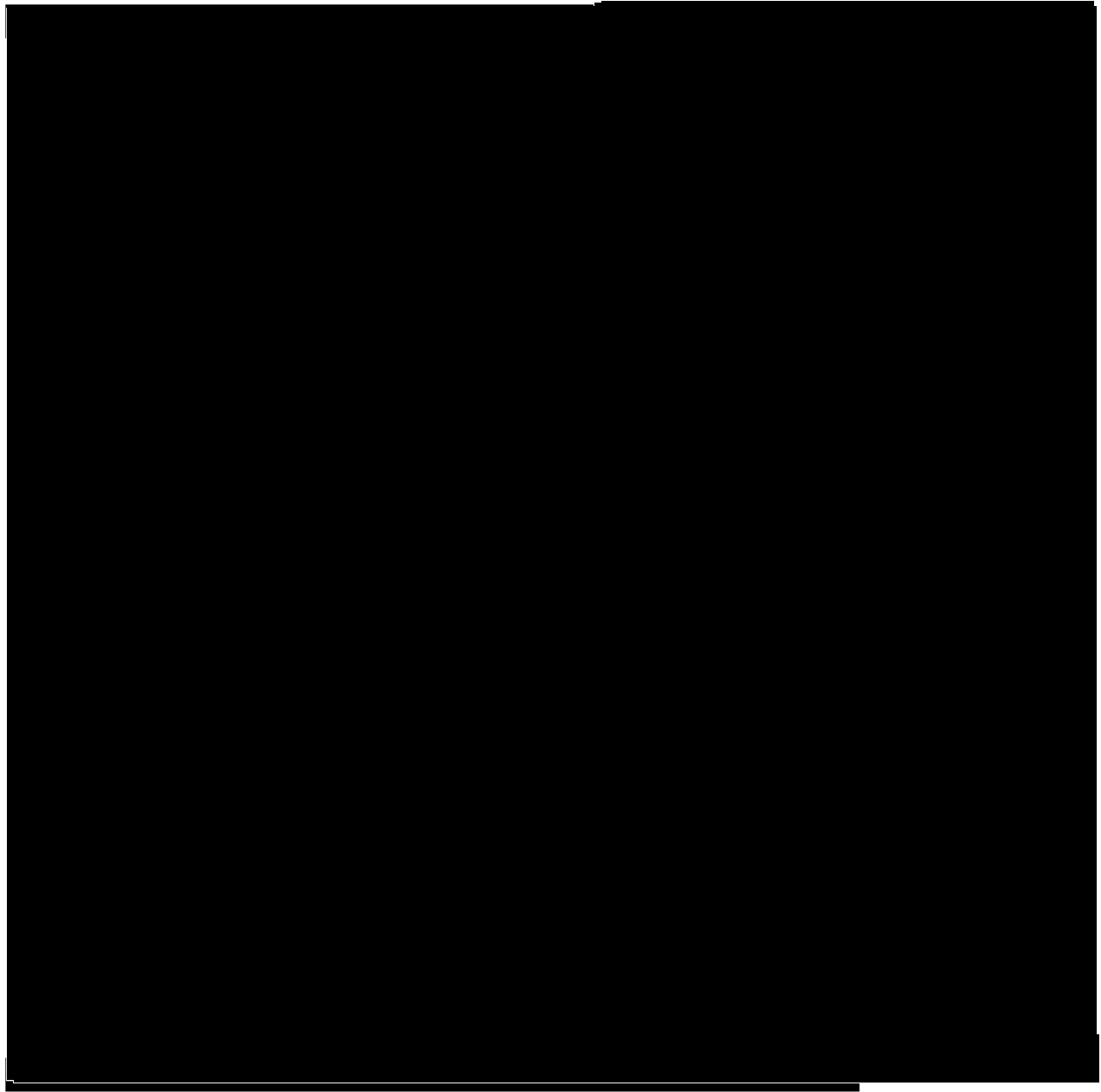
Civil Engineering
Surveying & Mapping
Potable Water
Wastewater Treatment



Civil Site Design
Construction Support
Transportation
Wastewater Collection

Persimmon Ridge (Wastewater)
Engineering Memorandum
Date: December 31, 2018

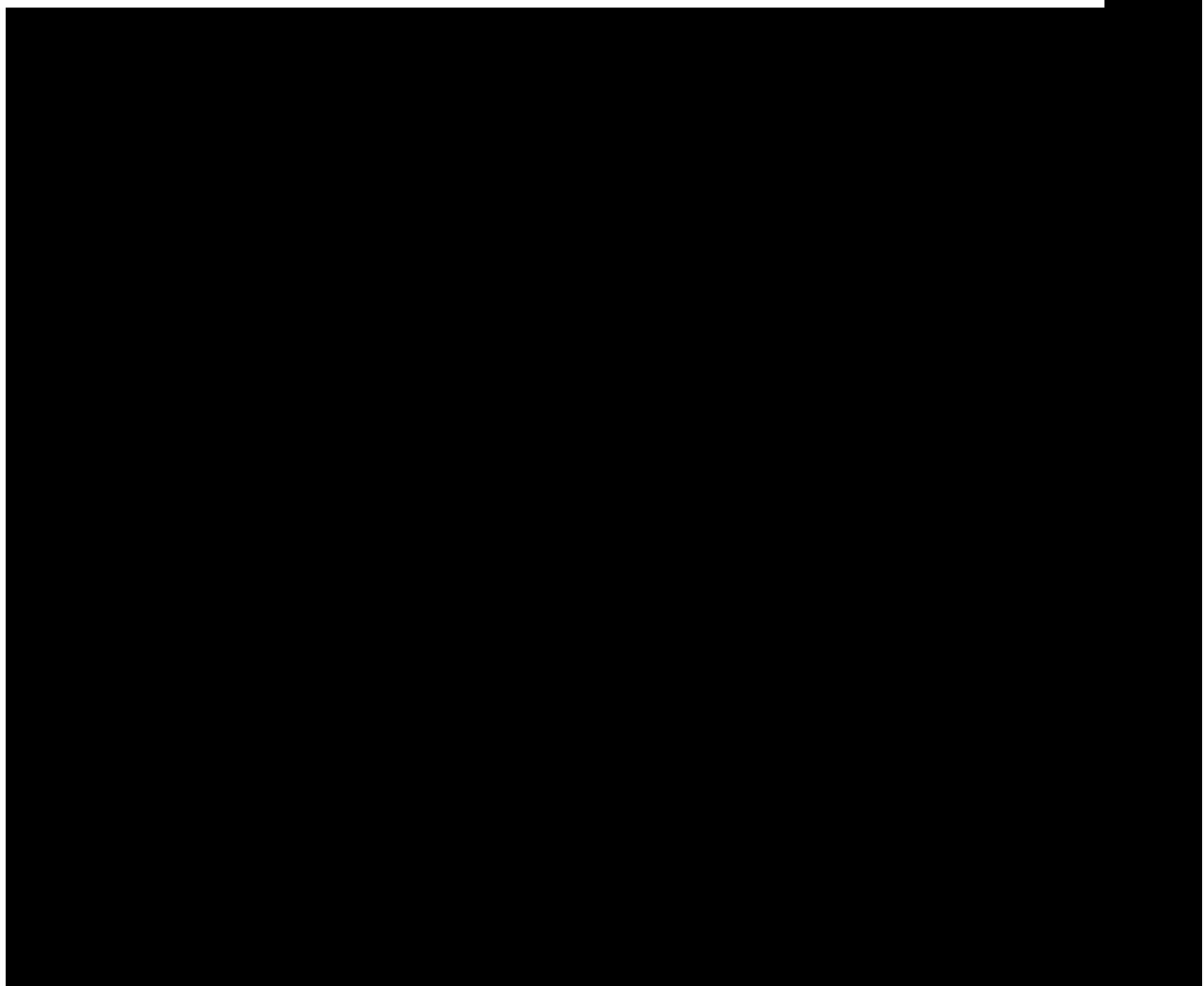
Wastewater Treatment Facility Understanding



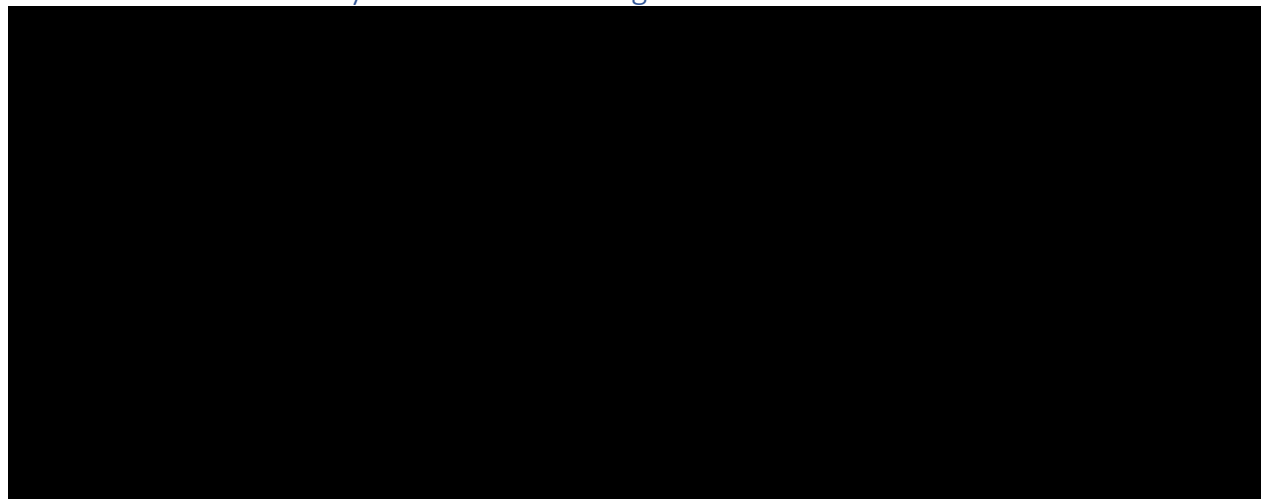
Civil Engineering
Surveying & Mapping
Potable Water
Wastewater Treatment



Civil Site Design
Construction Support
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Wastewater Collection



Wastewater Collection System Understanding

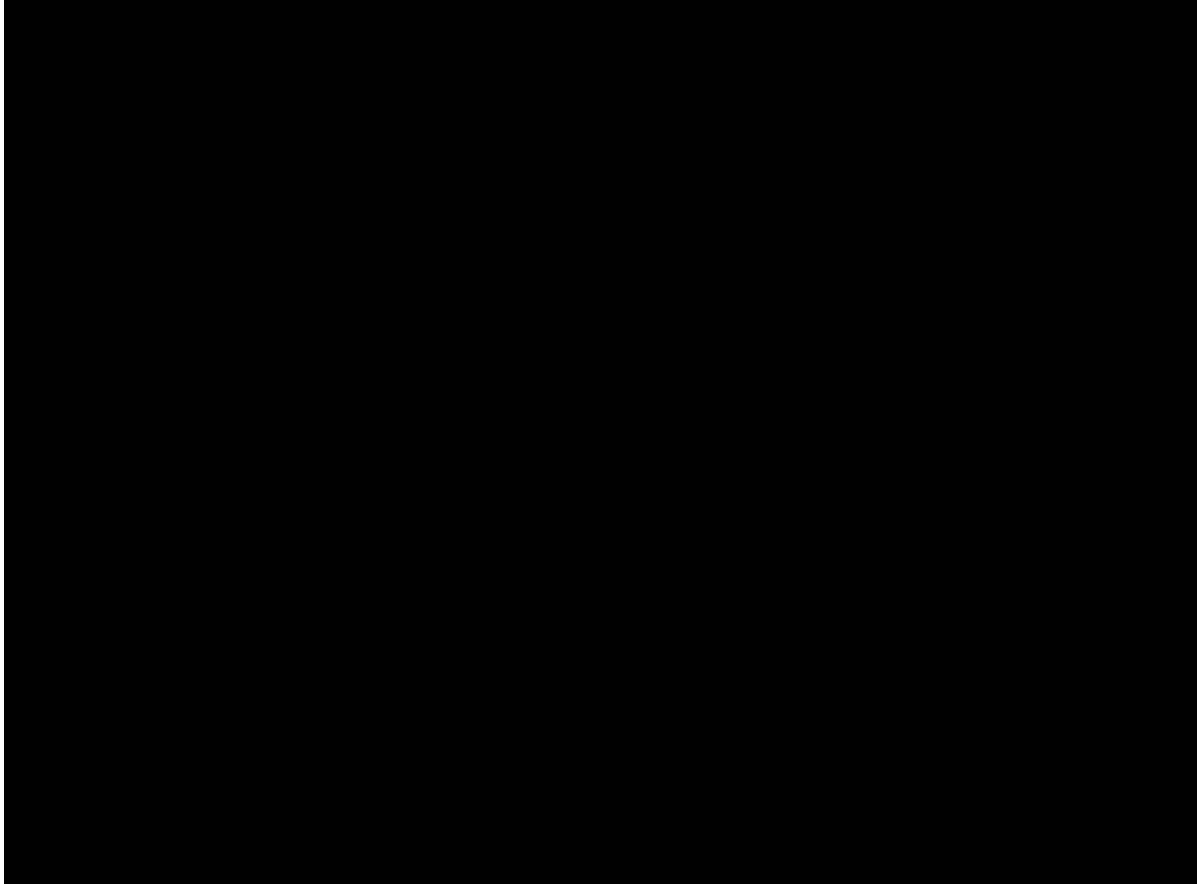


Civil Engineering
Surveying & Mapping
Potable Water
Wastewater Treatment



Civil Site Design
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Wastewater Collection

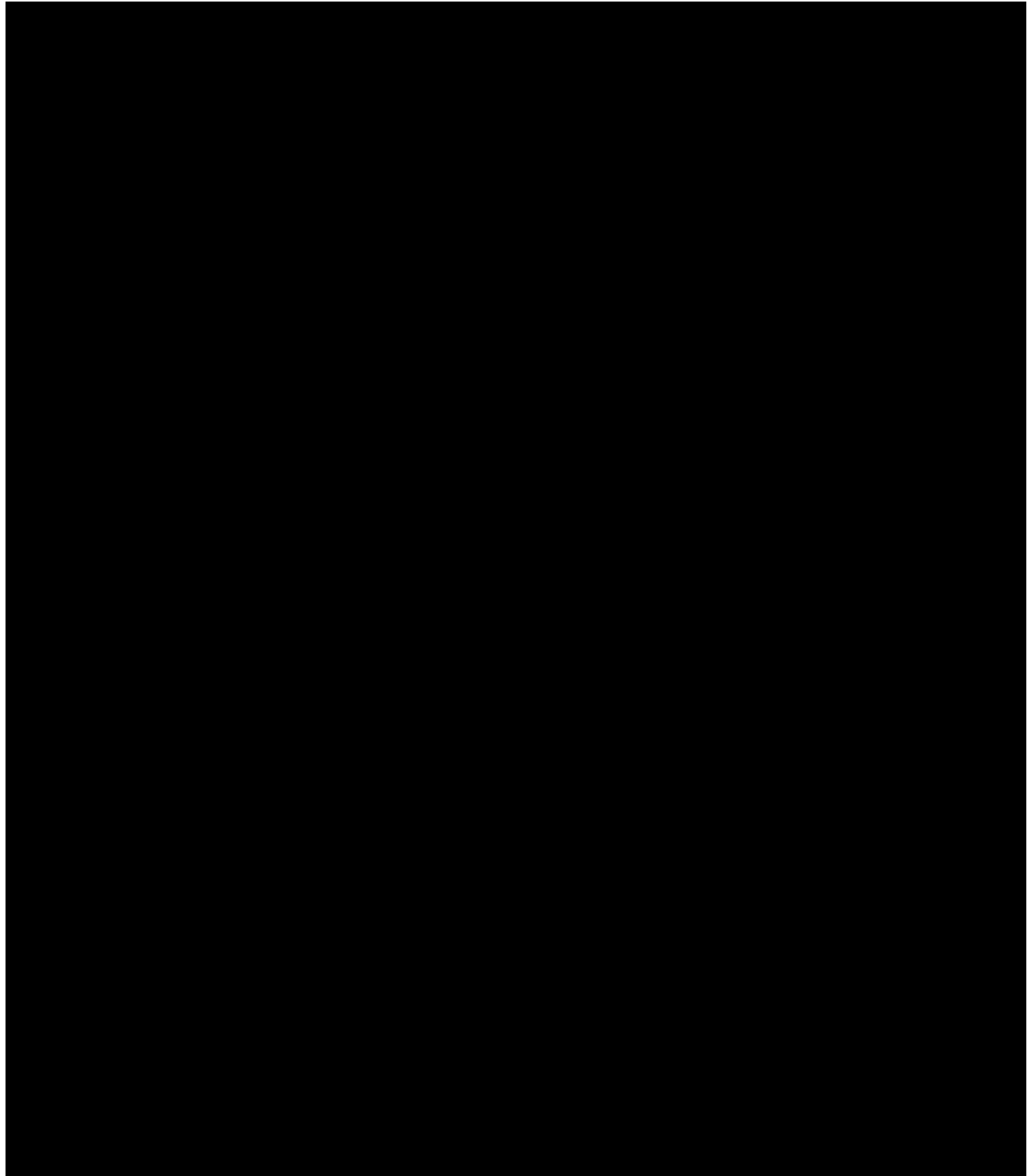
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Civil Engineering
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Wastewater Treatment



Civil Site Design
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Civil Engineering
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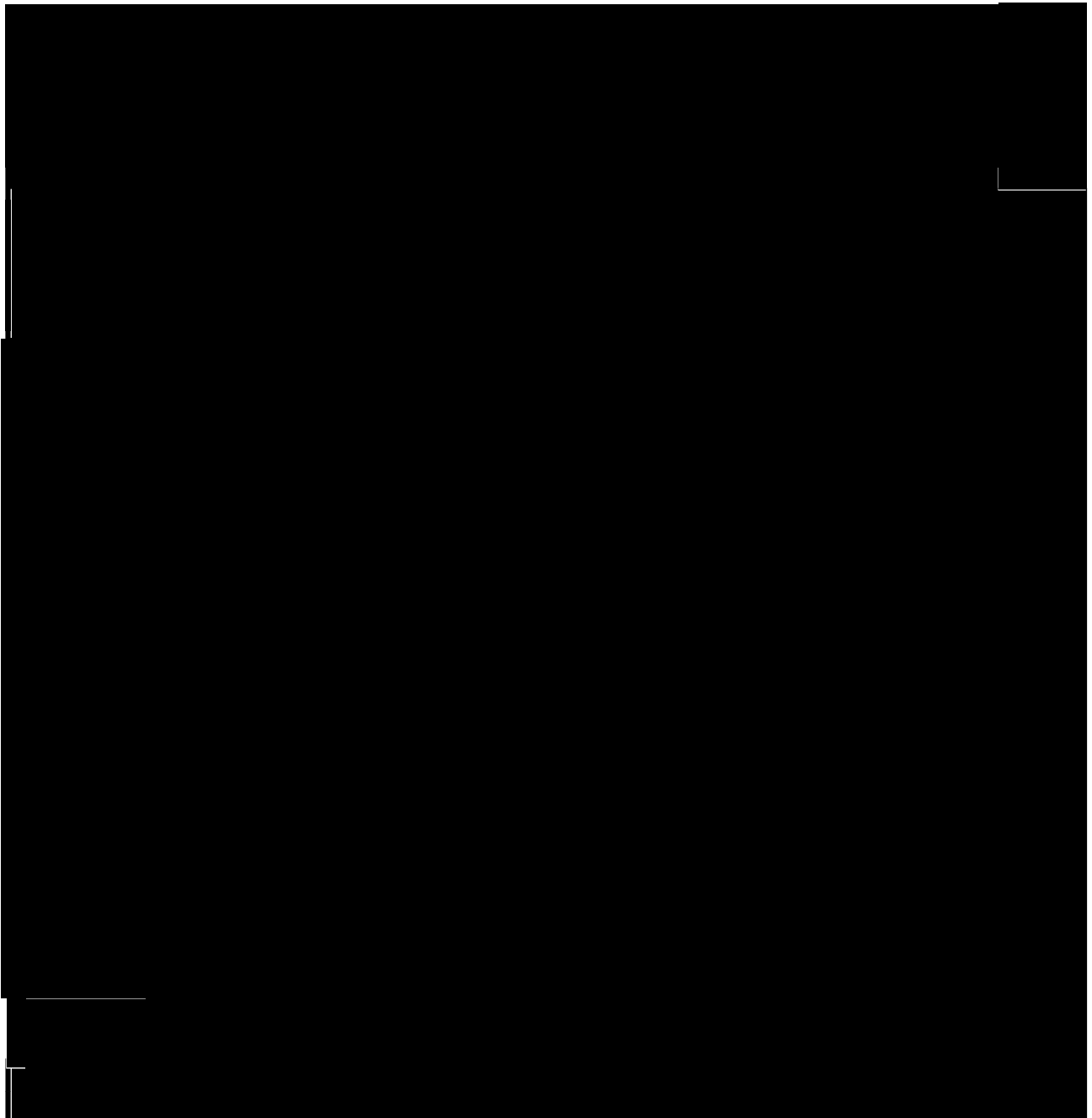
Civil Site Design
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Wastewater Collection

Golden Acres-Kentucky (Wastewater, KY0044164)

Engineering Memorandum

Date: February 17, 2019

Wastewater Treatment Facility Understanding



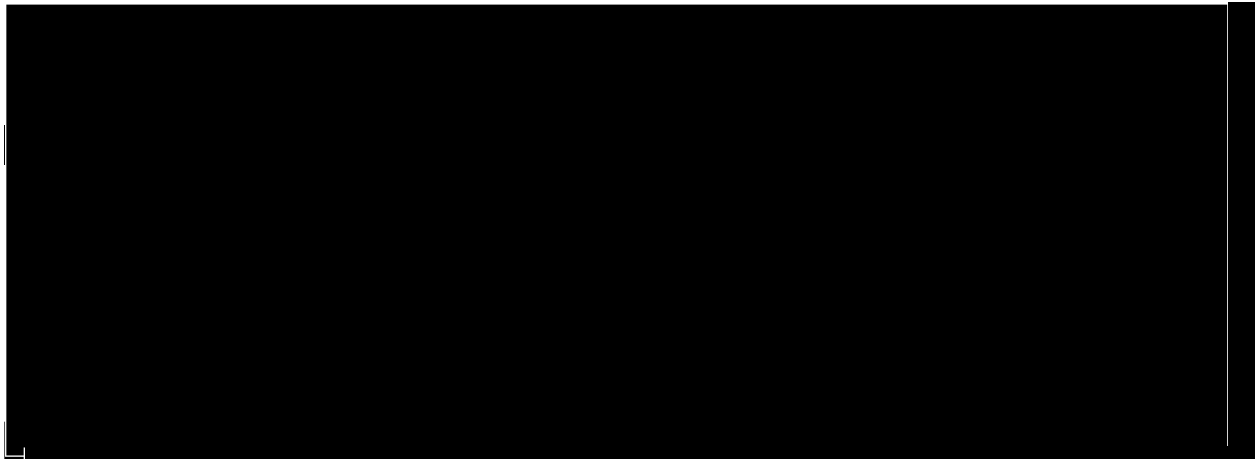
Civil Engineering
Surveying & Mapping
Potable Water
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Civil Site Design
Construction Support
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Wastewater Collection System Understanding

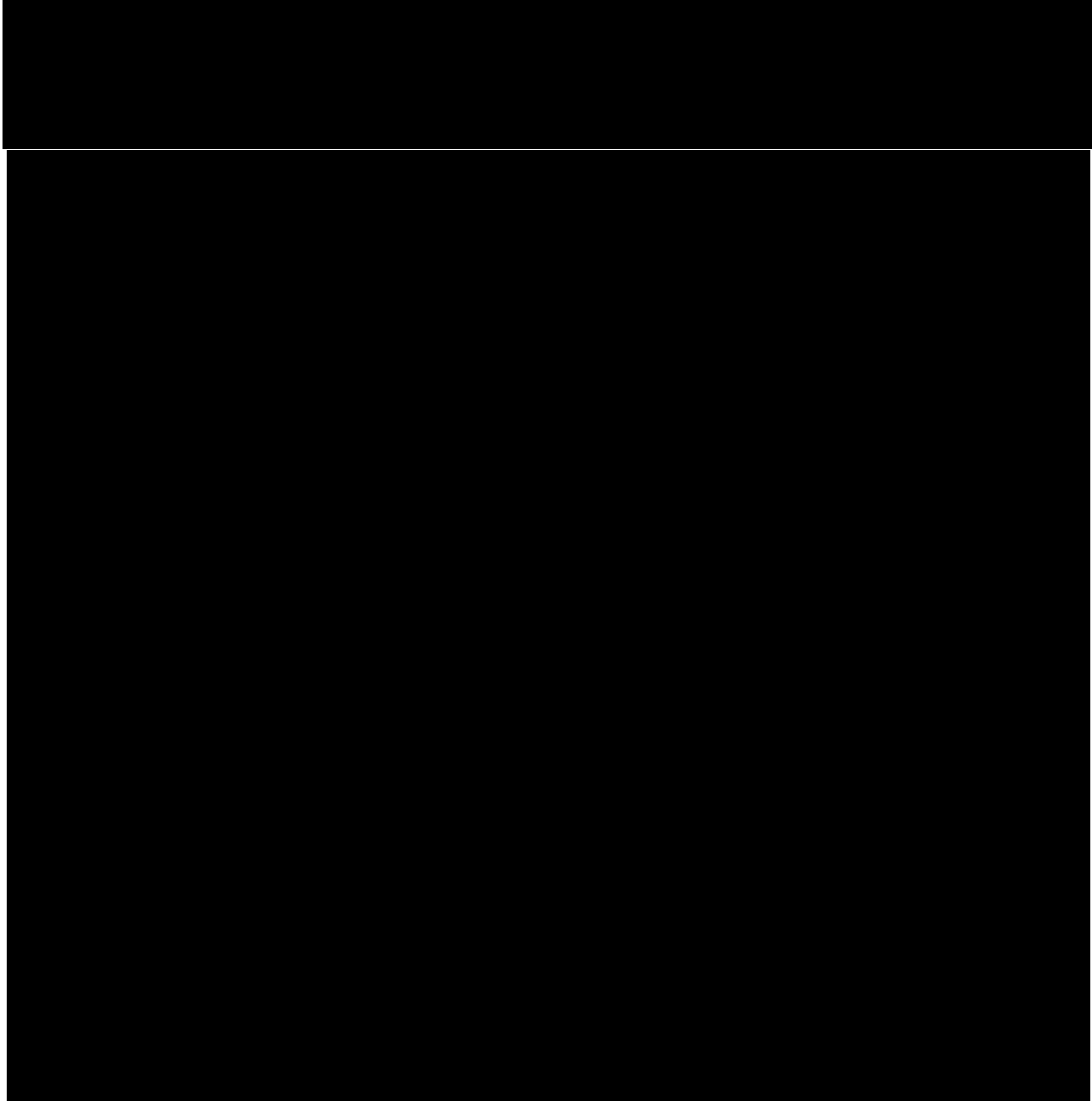


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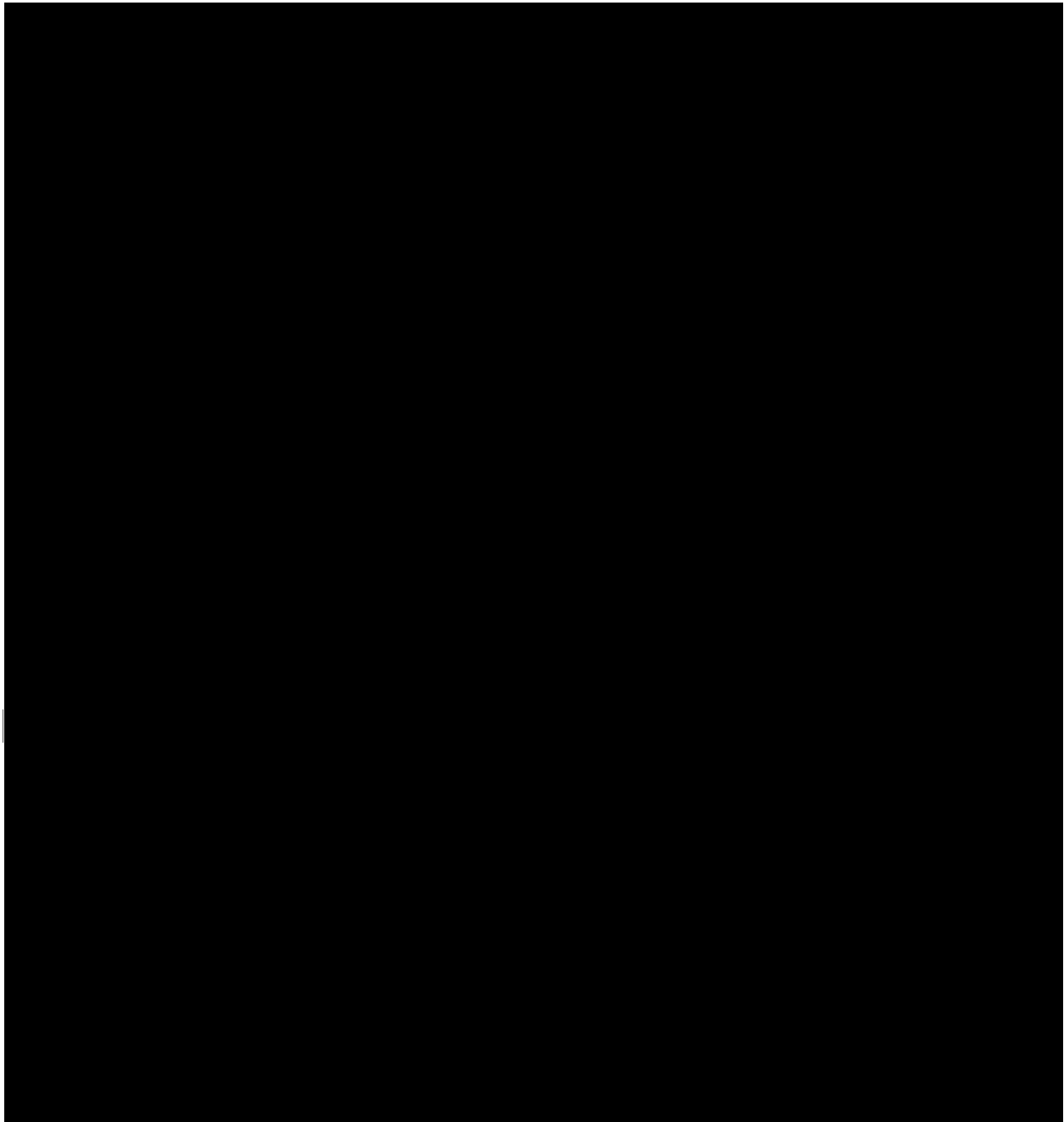
Civil Site Design
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Great Oaks-Kentucky (Wastewater, KY0080845)

Engineering Memorandum

Date: February 19, 2019

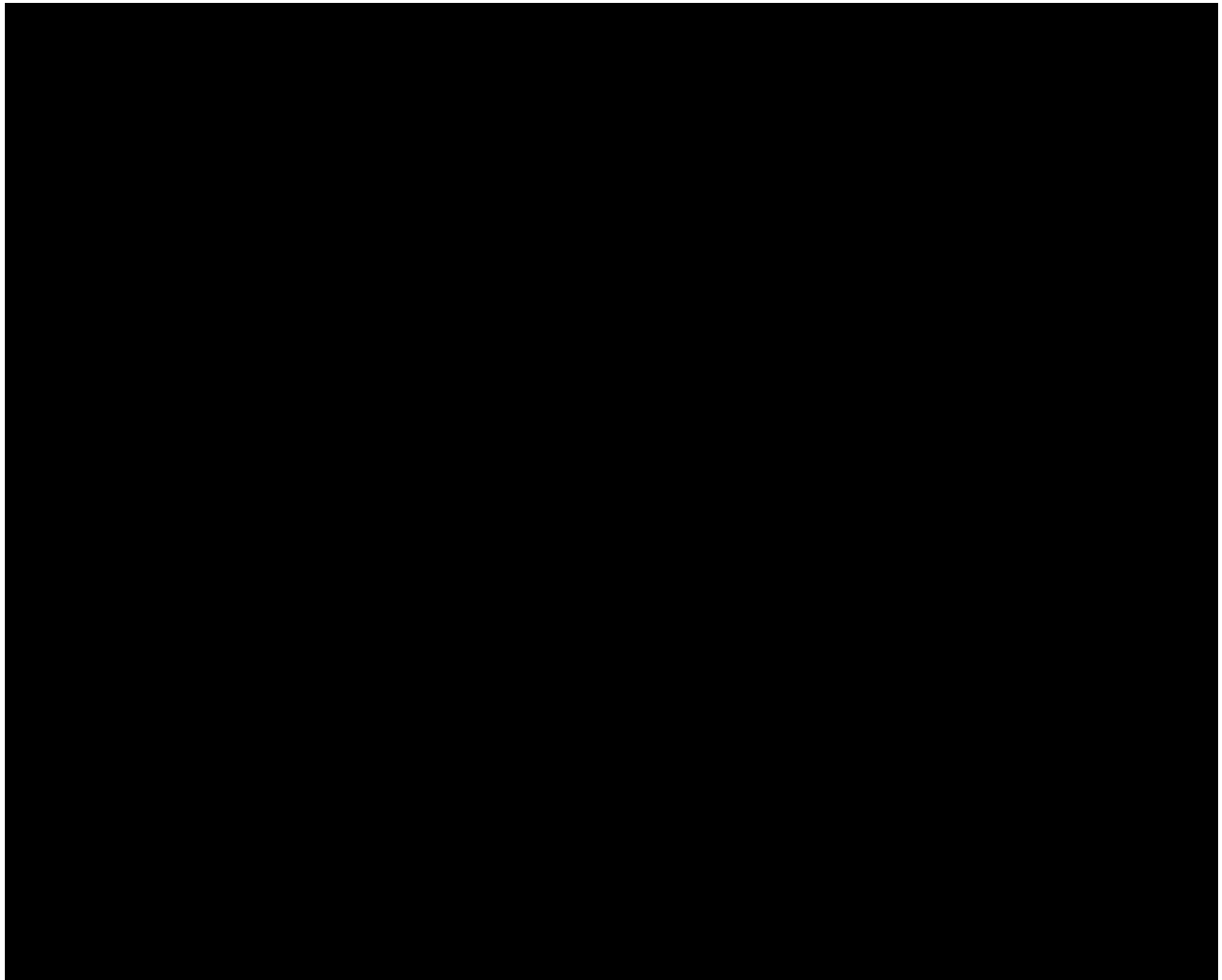
Wastewater Treatment Facility Understanding



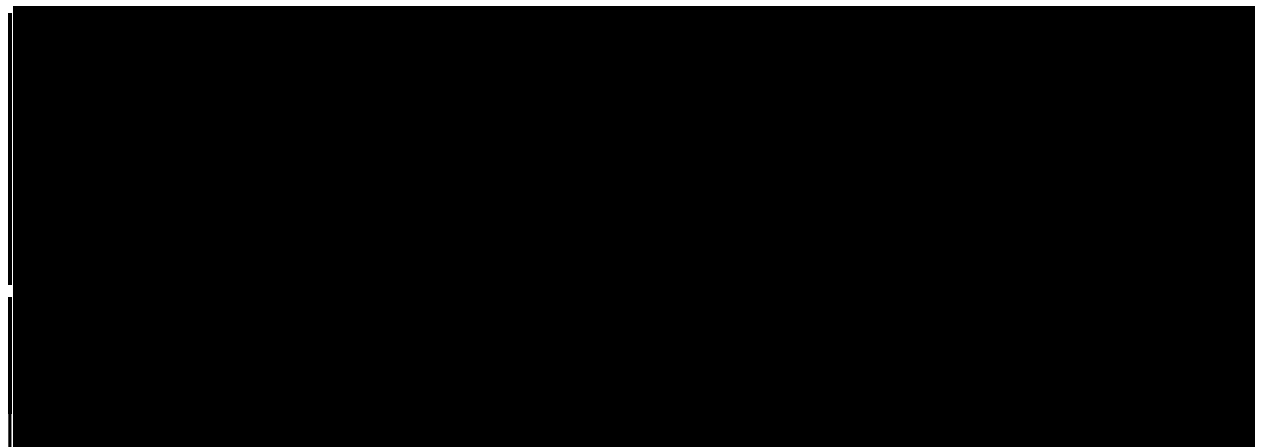
Civil Engineering
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Civil Site Design
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Wastewater Collection System Understanding



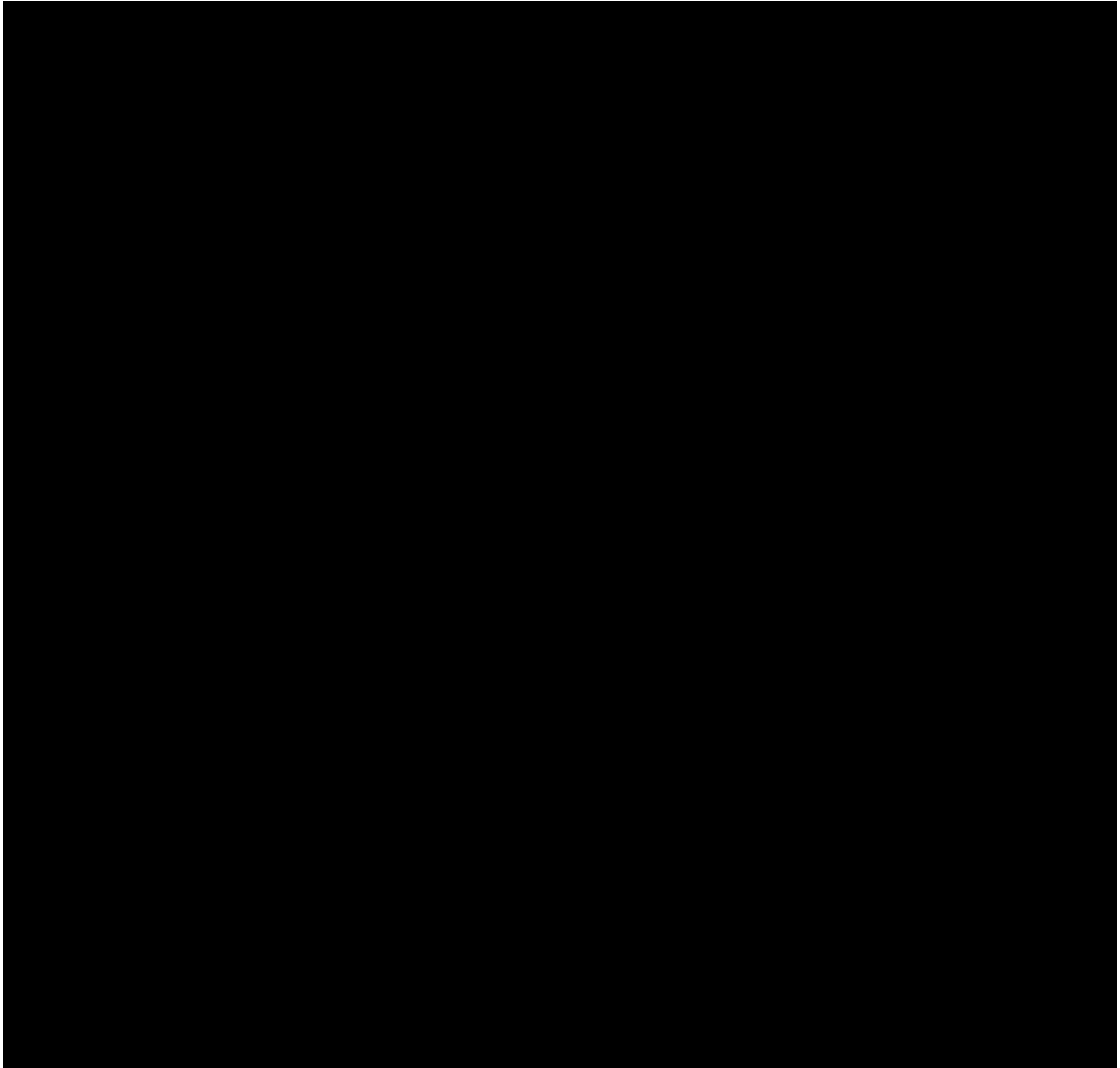
Civil Engineering
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Civil Site Design
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Improvements Required: Map the system. Install a flow meter. Smoke test and video inspect the collection system.

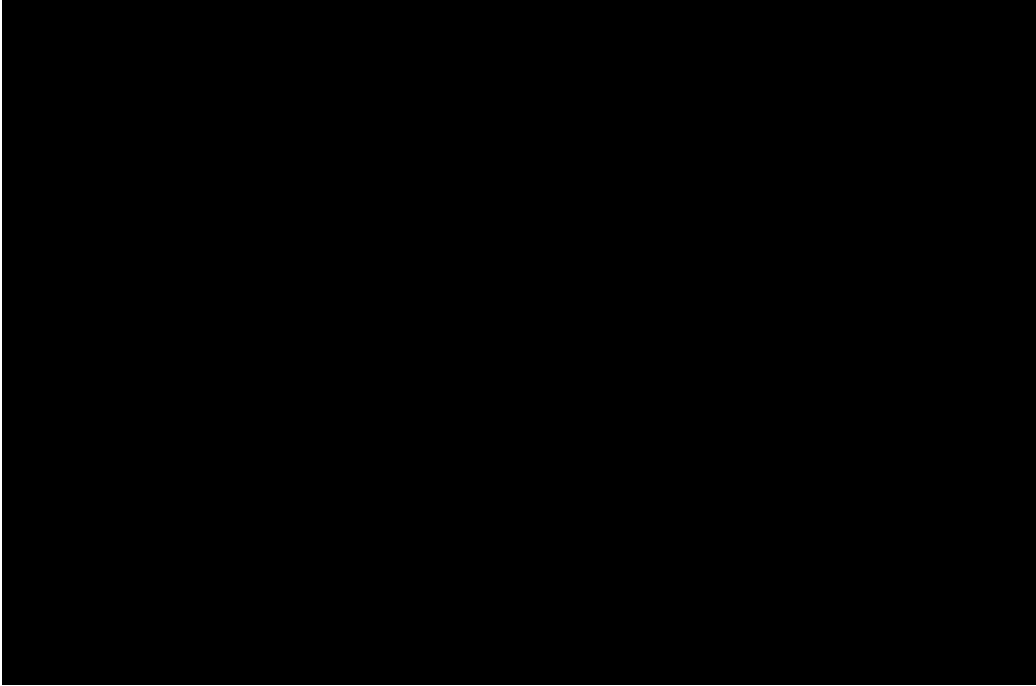
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21 DESIGN

Civil Site Design
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Civil Engineering
Surveying & Mapping
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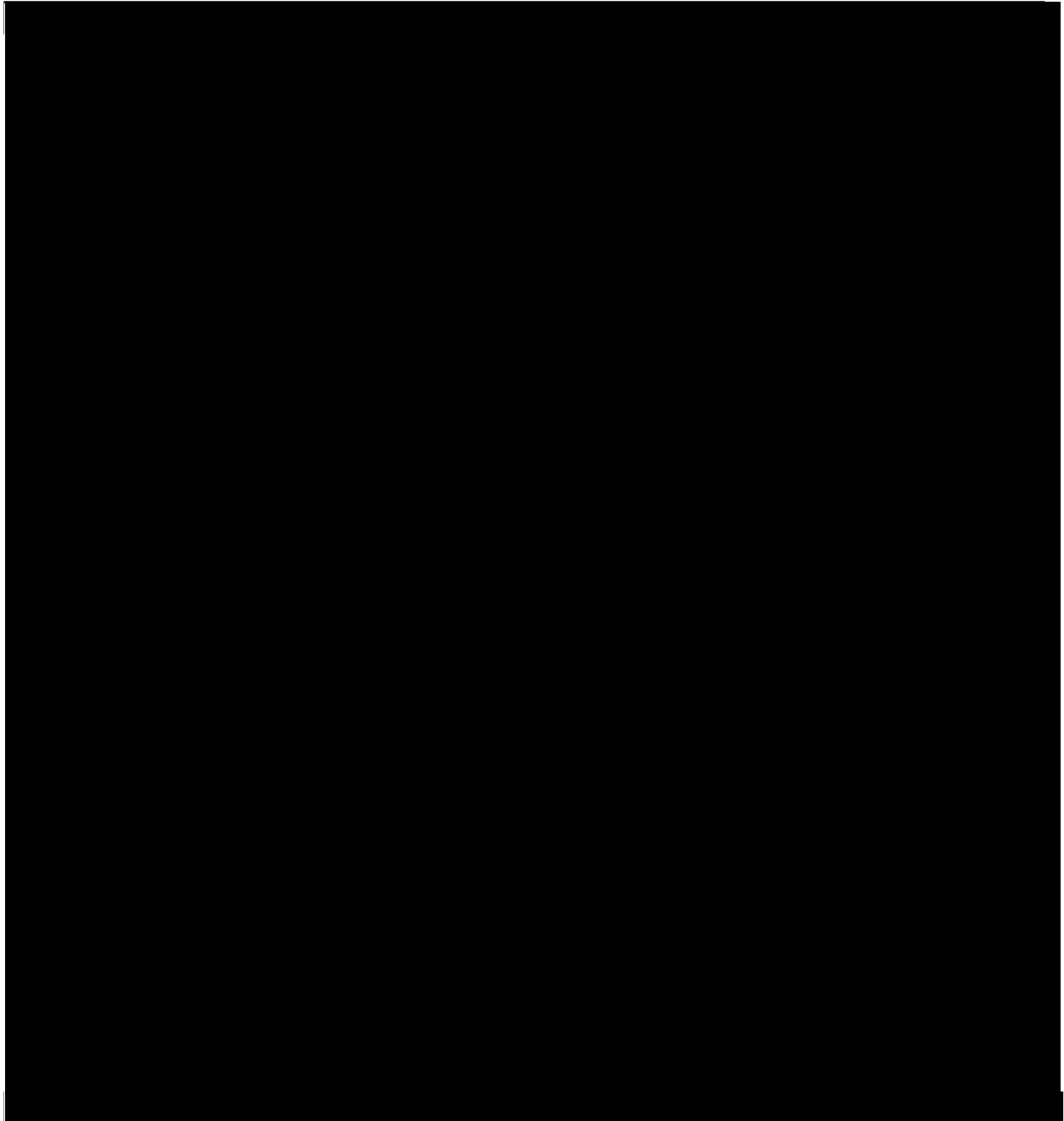
Civil Site Design
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LH Treatment-Kentucky (Wastewater, KY0081591)

Engineering Memorandum

Date: February 17, 2019

Wastewater Treatment Facility Understanding



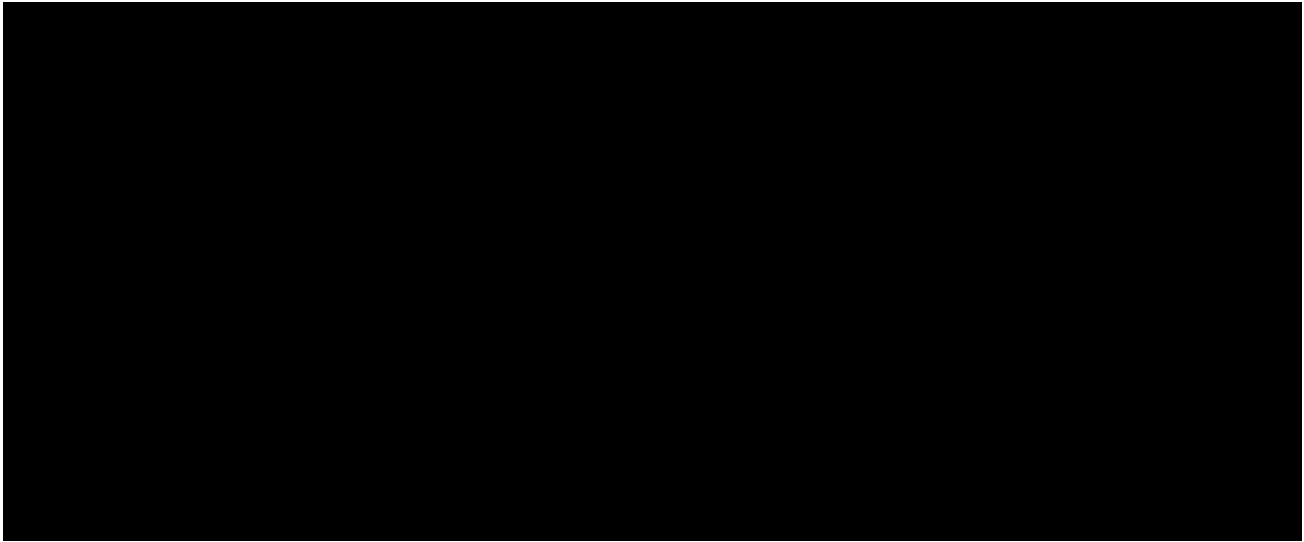
Civil Engineering
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Wastewater Collection System Understanding

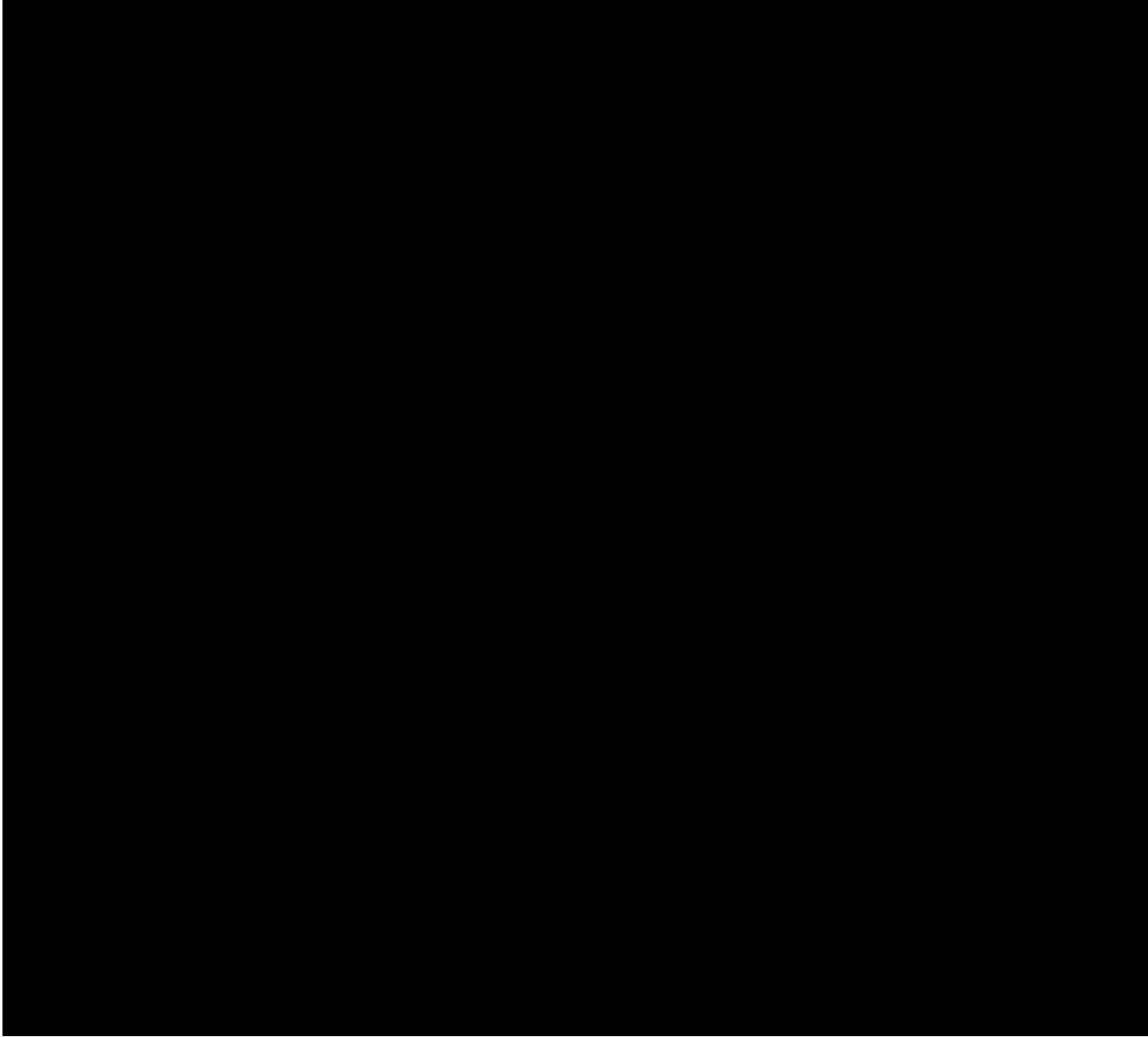


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Civil Site Design
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Civil Engineering
Surveying & Mapping
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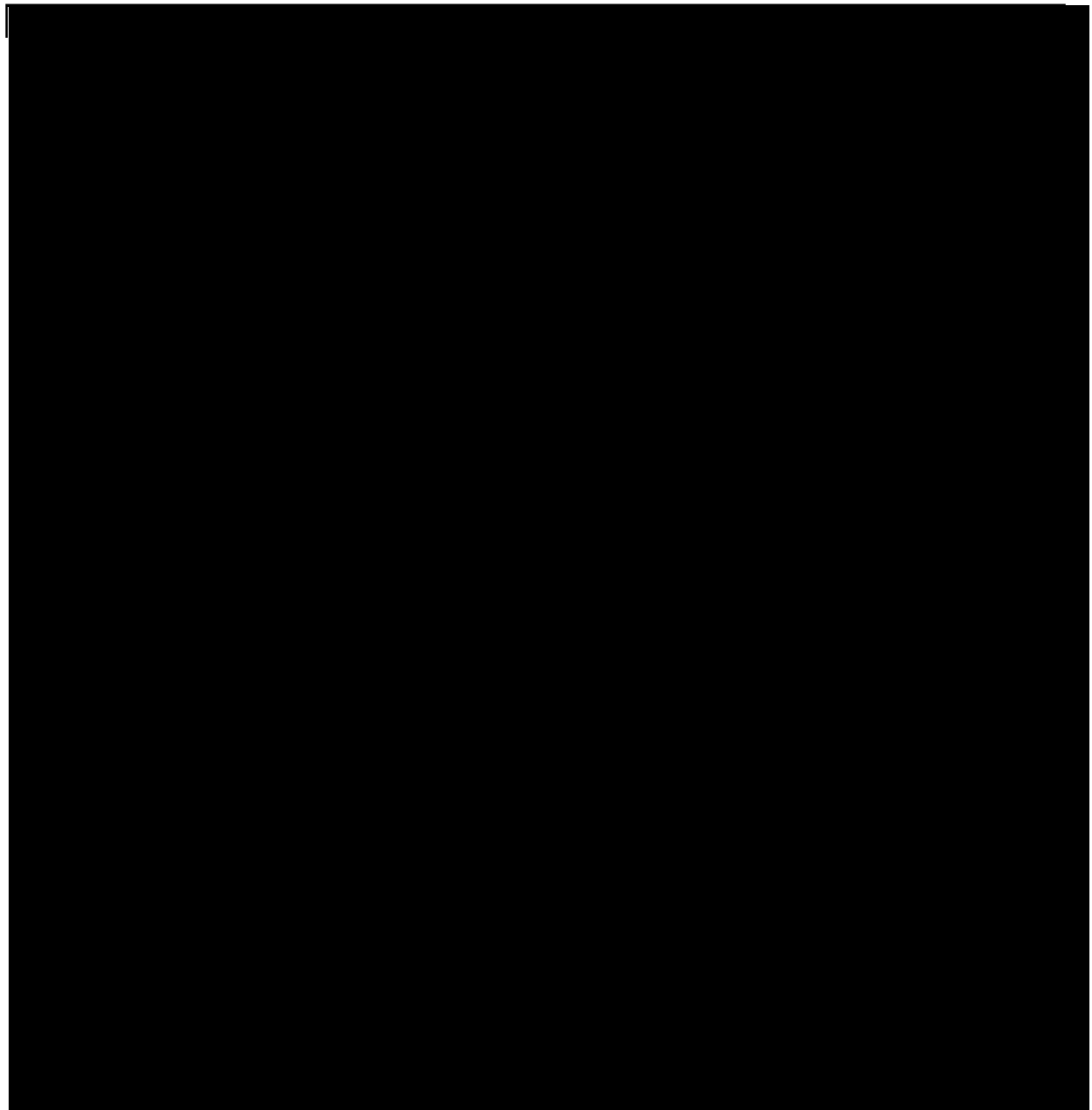
Civil Site Design
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Kingswood Kentucky (Wastewater, KY00101419)

Engineering Memorandum

Date: April 2, 2019

Wastewater Treatment Facility Understanding



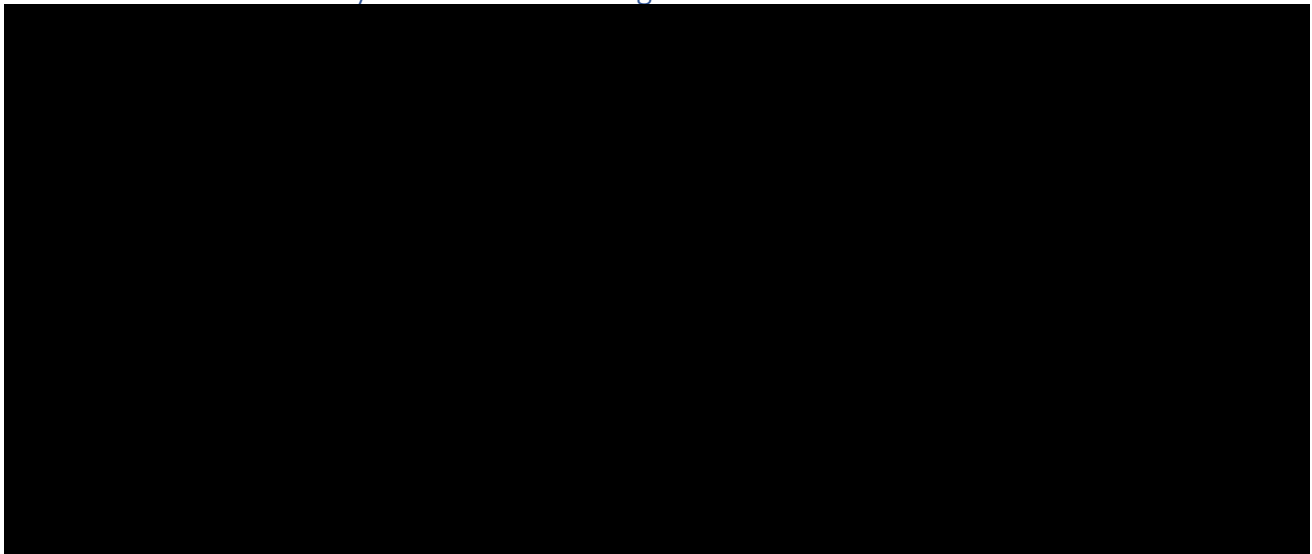
Civil Engineering
Surveying & Mapping
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Civil Site Design
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Wastewater Collection System Understanding

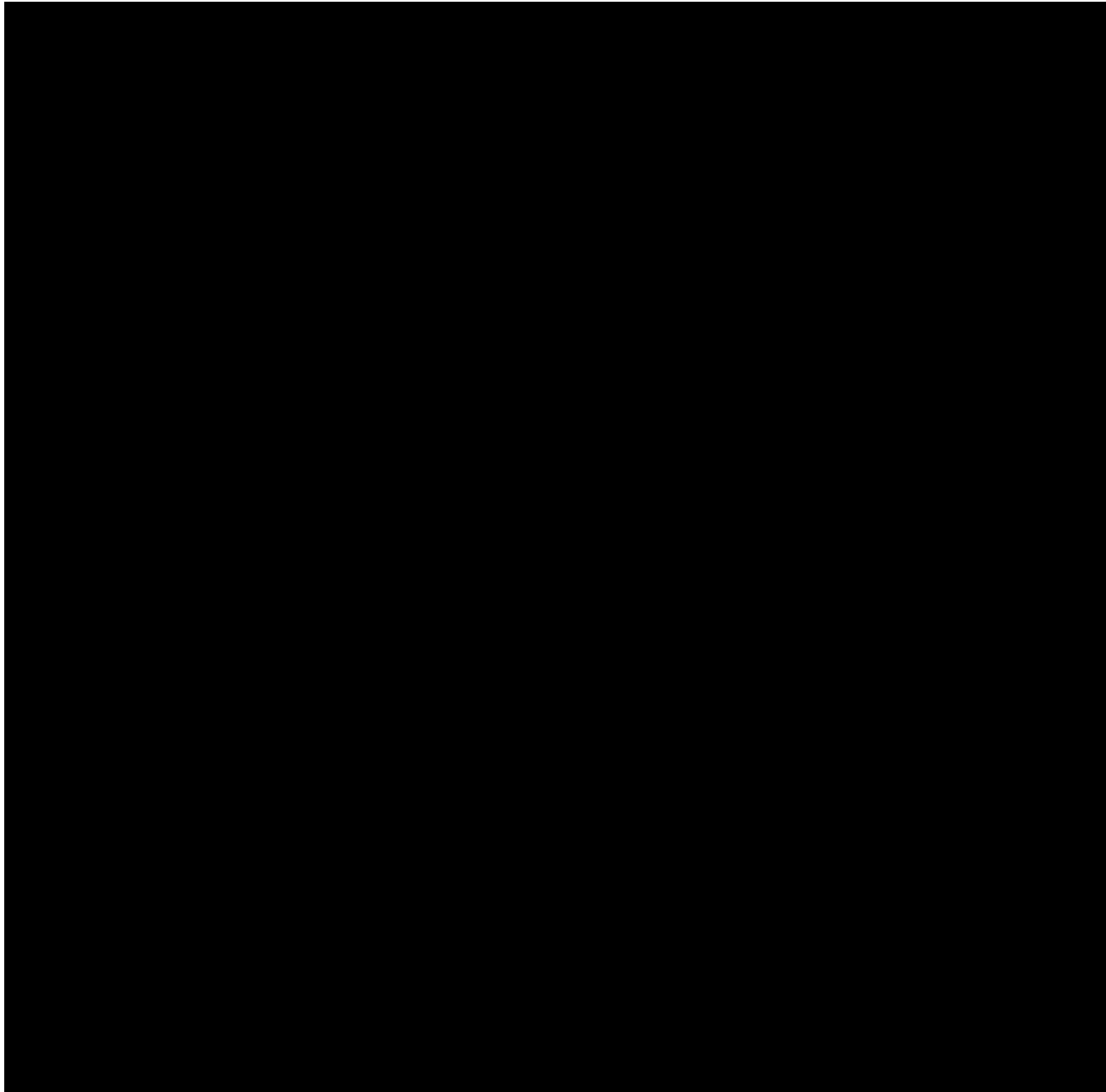


Civil Engineering
Surveying & Mapping
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Wastewater Treatment



Civil Site Design
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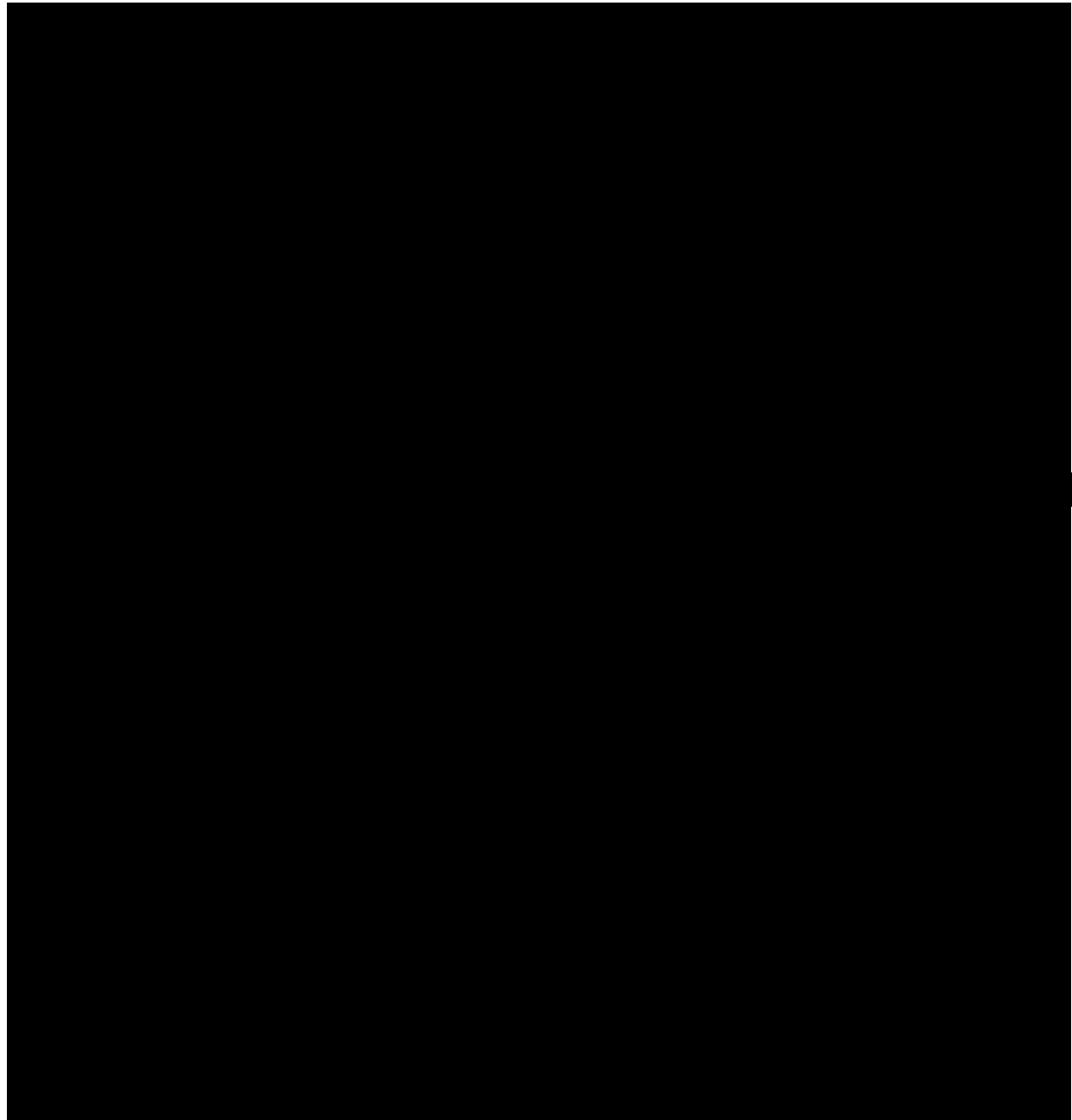
Civil Engineering
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Civil Site Design
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Airview-Kentucky (Wastewater)
Engineering Memorandum
Date: December 22, 2018

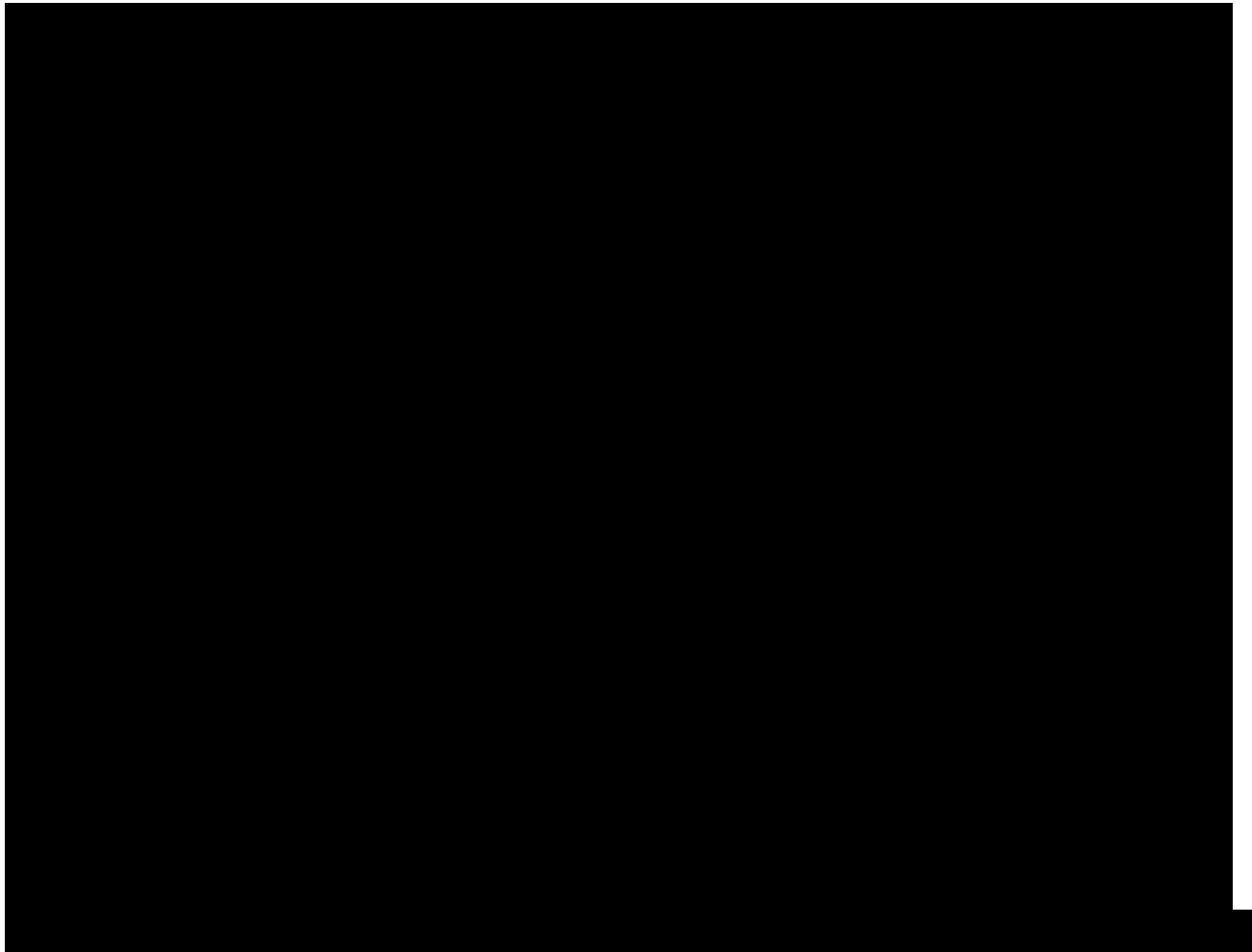
Wastewater Treatment Facility Understanding



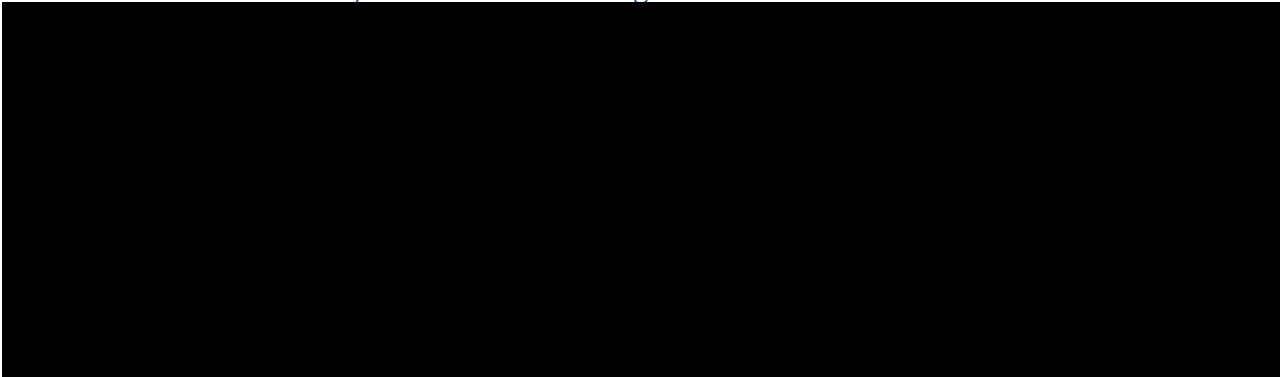
Civil Engineering
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Civil Site Design
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Wastewater Collection System Understanding

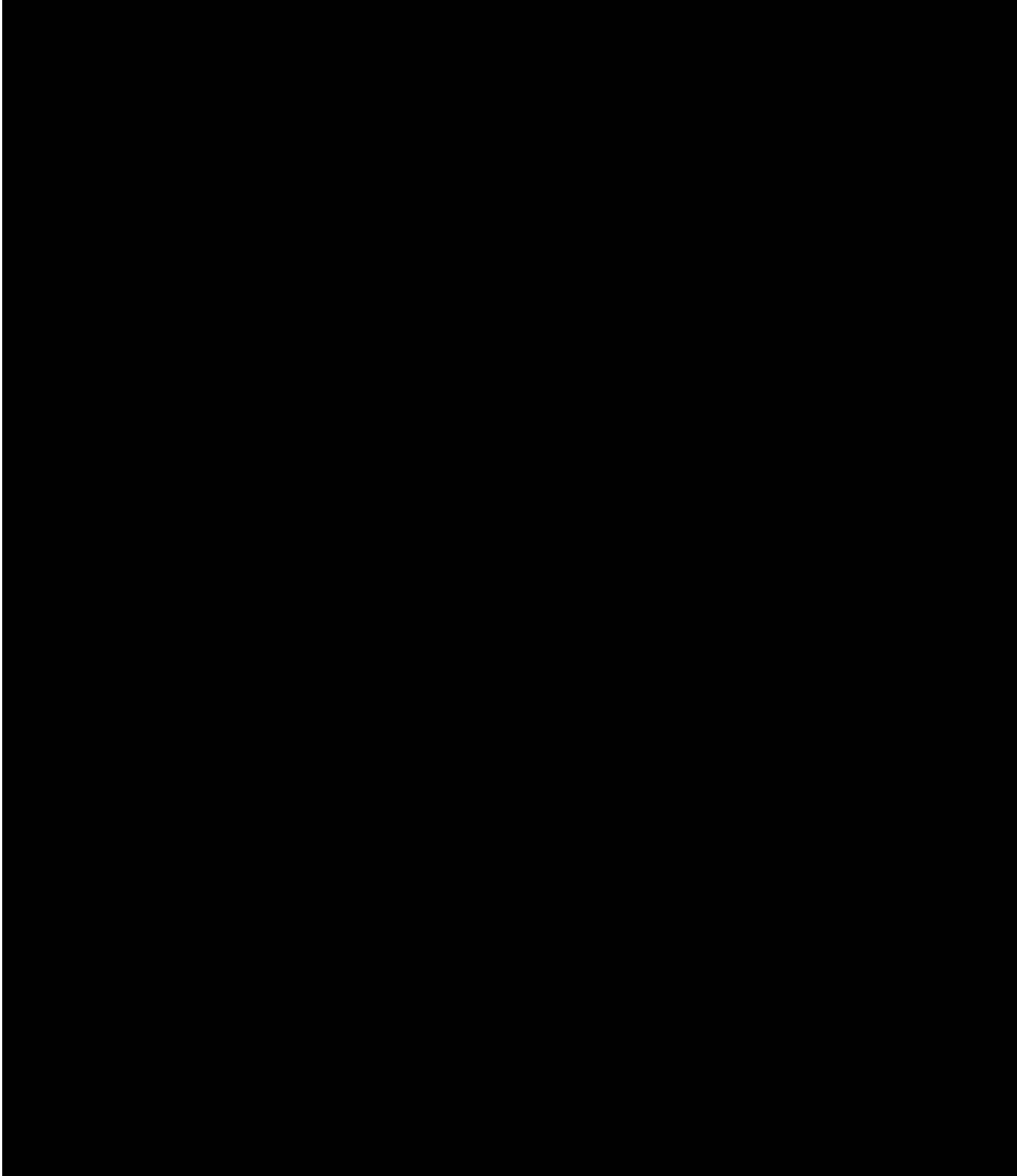


Civil Engineering
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Civil Site Design
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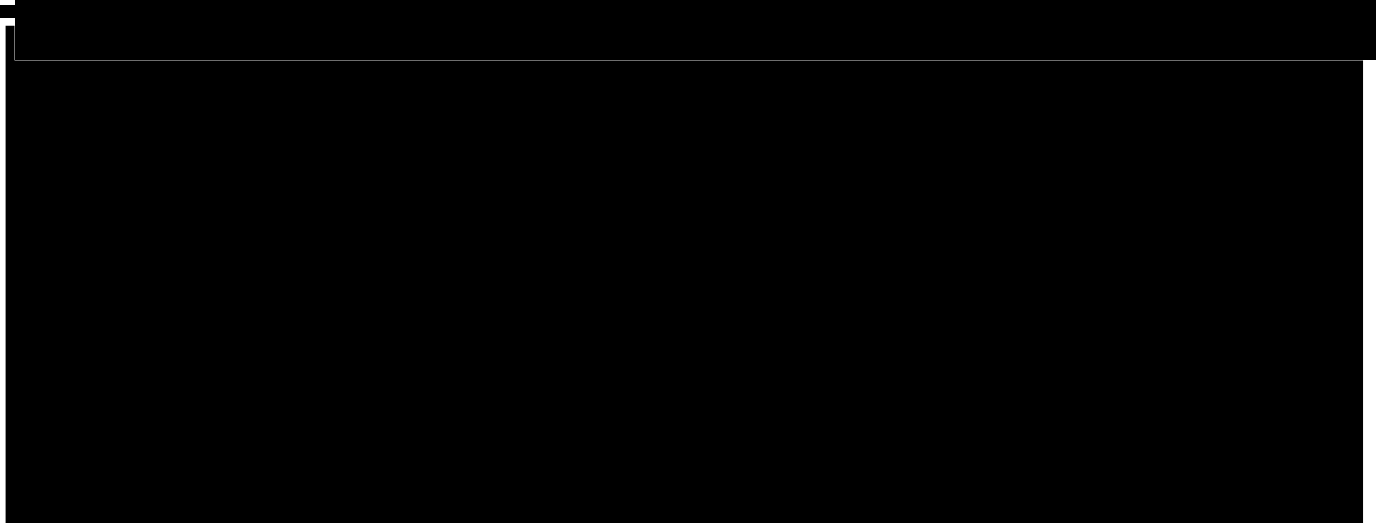
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Civil Site Design
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Civil Engineering
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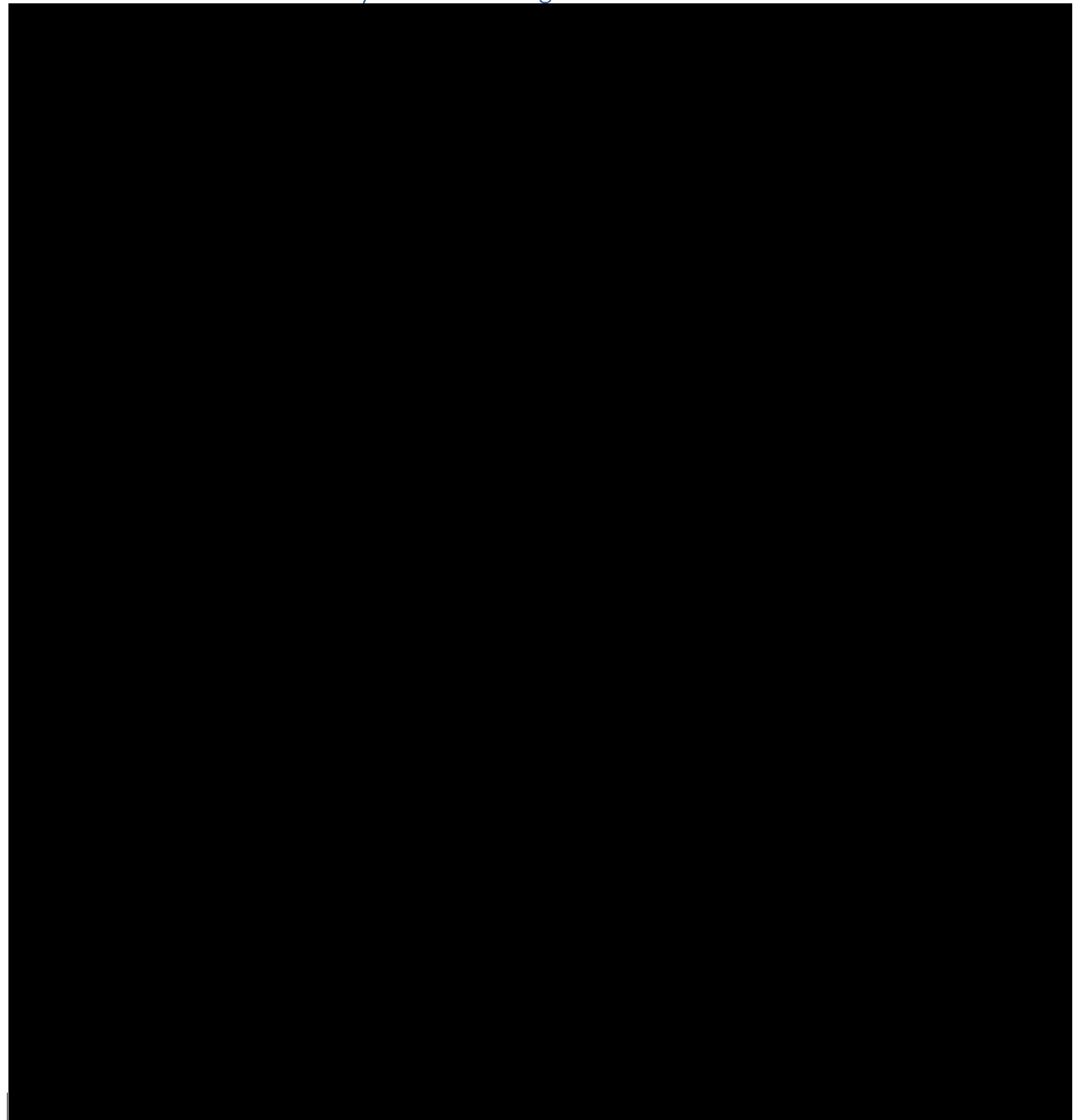
Civil Site Design
Construction Support
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Brocklyn-Kentucky (Wastewater)

Engineering Memorandum

Date: December 26, 2018

Wastewater Treatment Facility Understanding



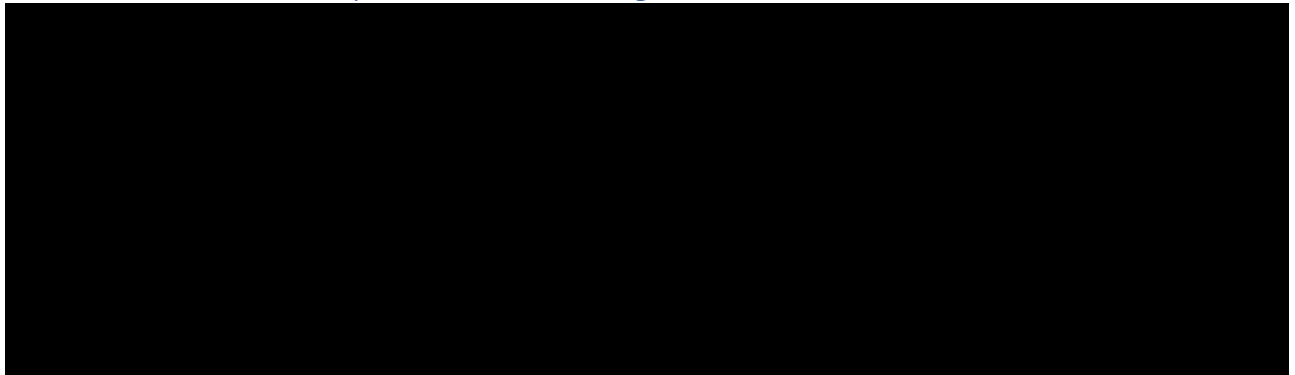
Civil Engineering
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Civil Site Design
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Wastewater Collection System Understanding

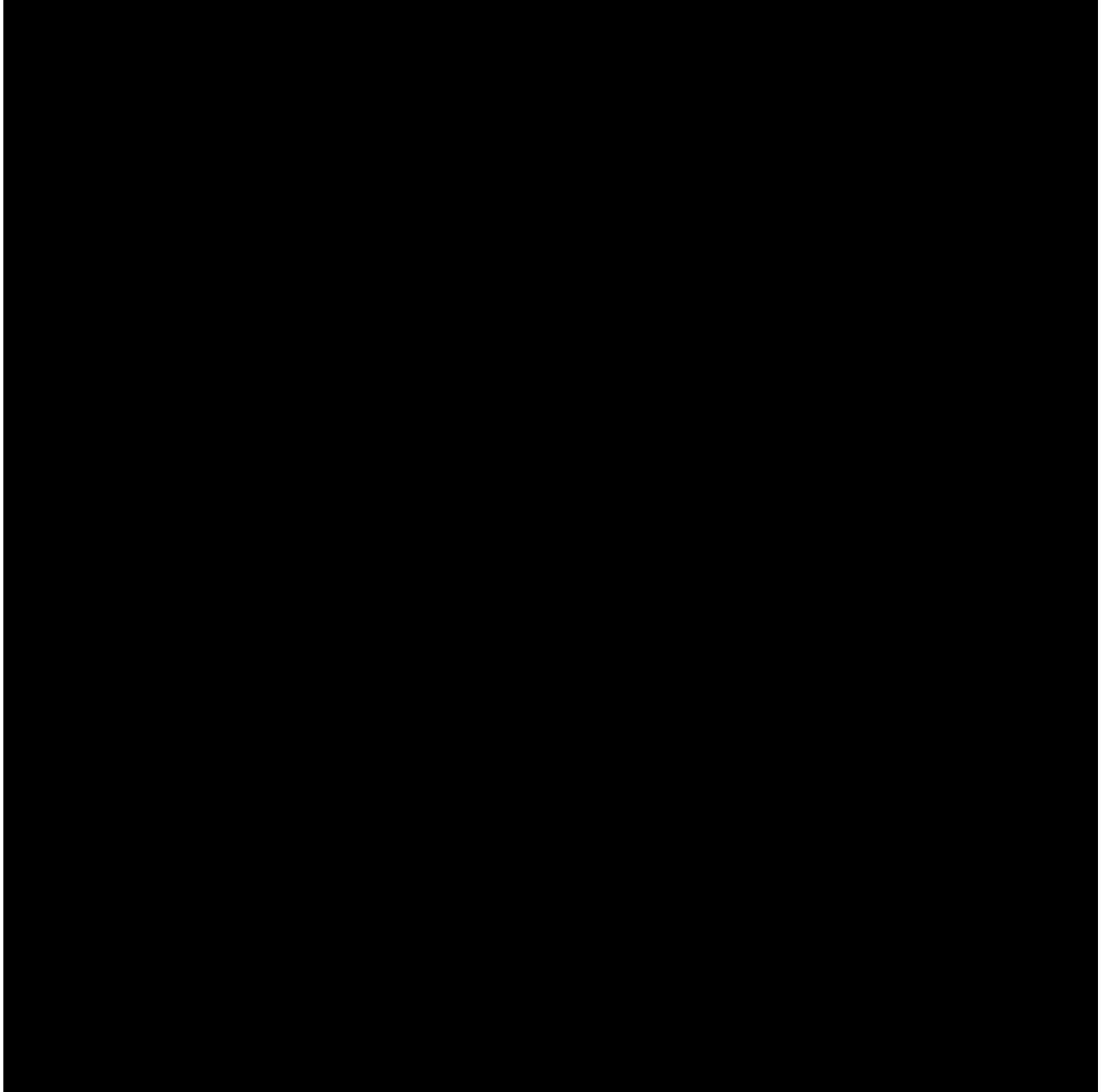


Civil Engineering
Surveying & Mapping
Potable Water
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Civil Site Design
Construction Support
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Wastewater Collection

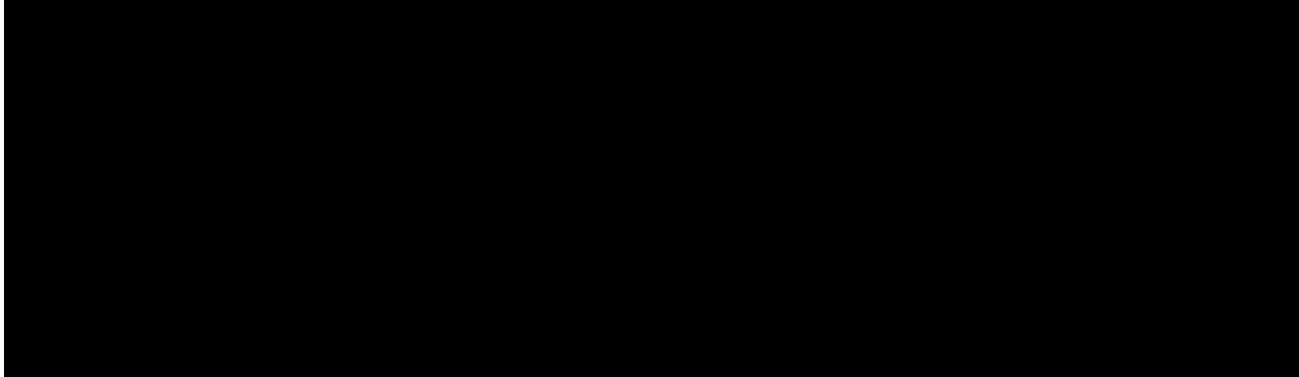
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Civil Engineering
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Civil Site Design
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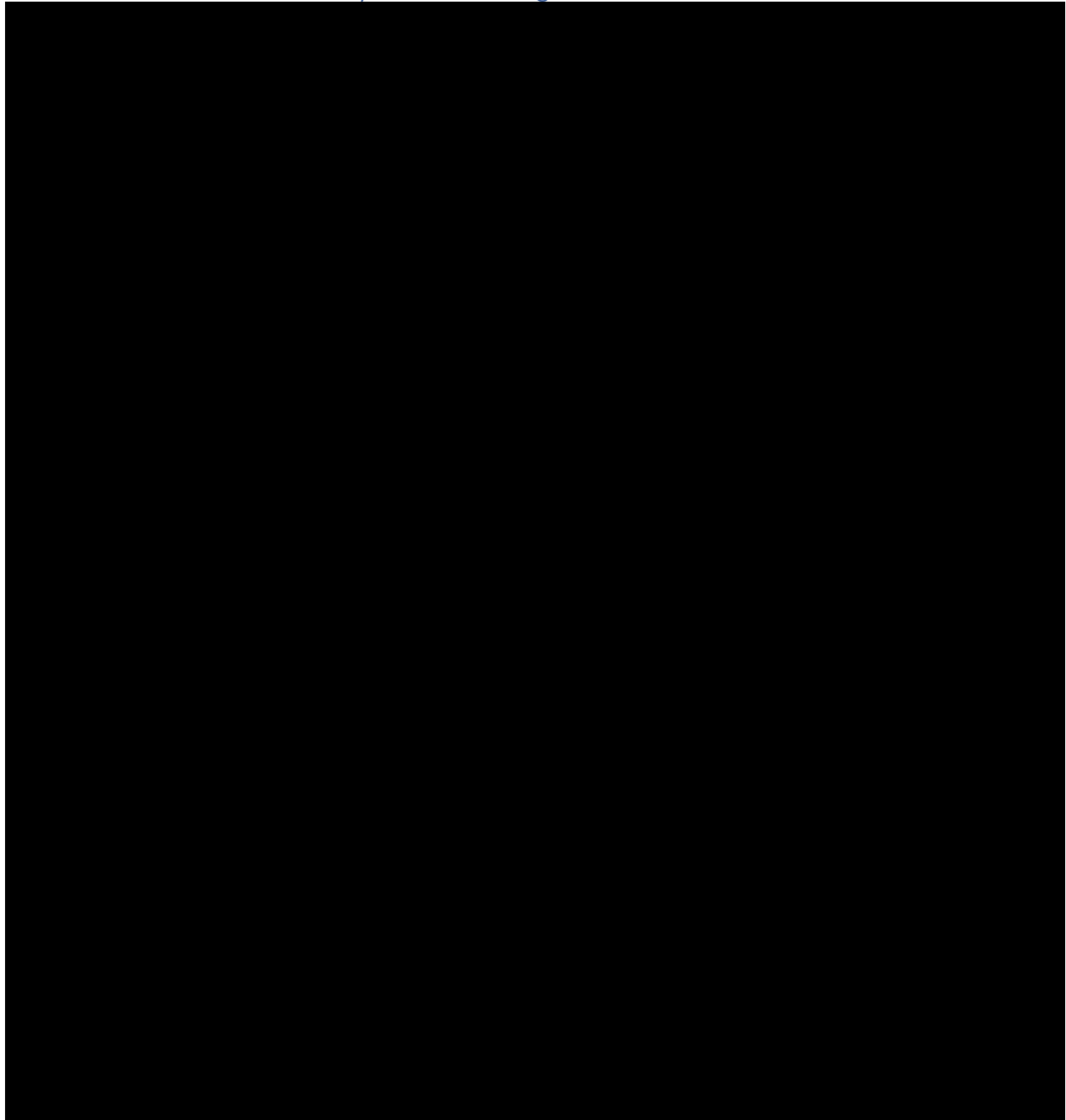
Civil Engineering
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Potable Water
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Civil Site Design
Construction Support
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Fox Run Utilities (Wastewater)
Engineering Memorandum
Date: December 31, 2018

Wastewater Treatment Facility Understanding



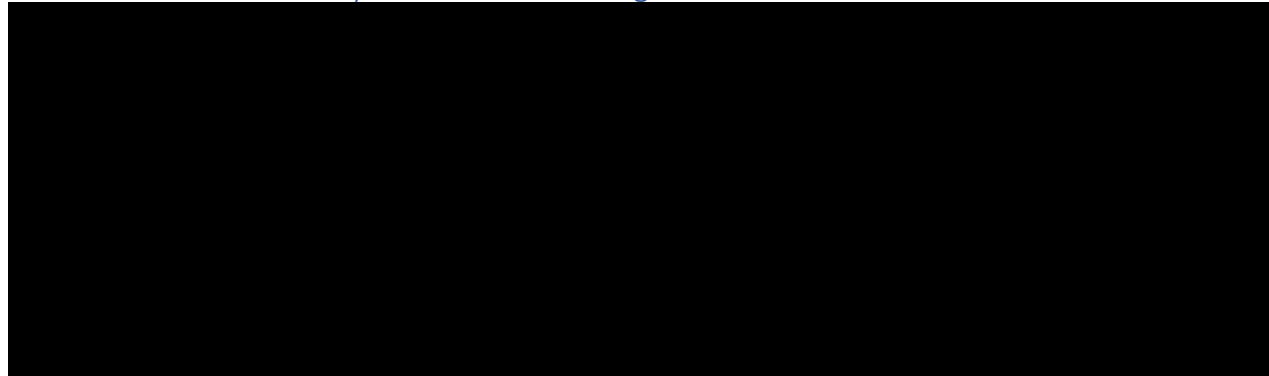
Civil Engineering
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Civil Site Design
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Wastewater Collection System Understanding

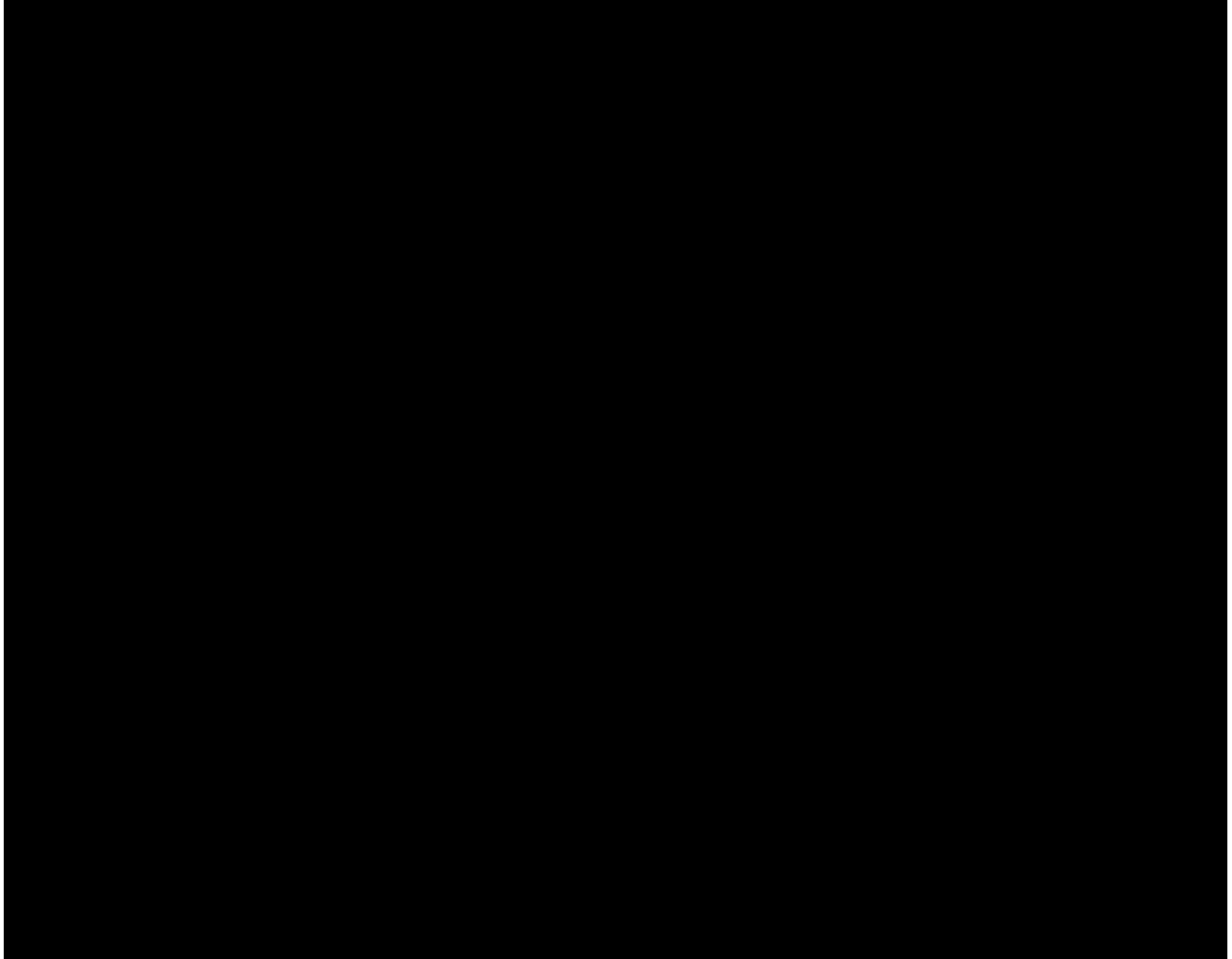


Civil Engineering
Surveying & Mapping
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Civil Site Design
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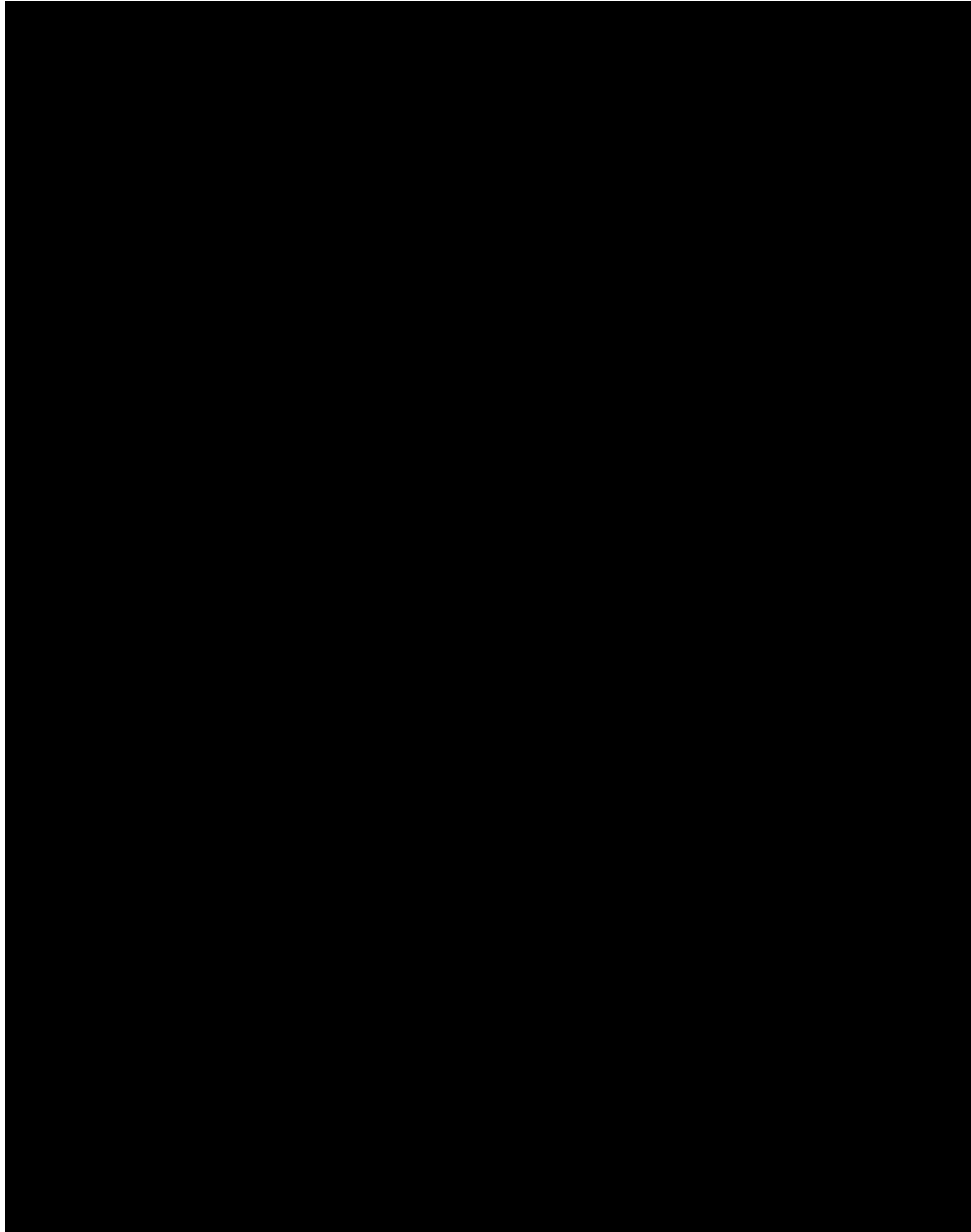
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Civil Engineering
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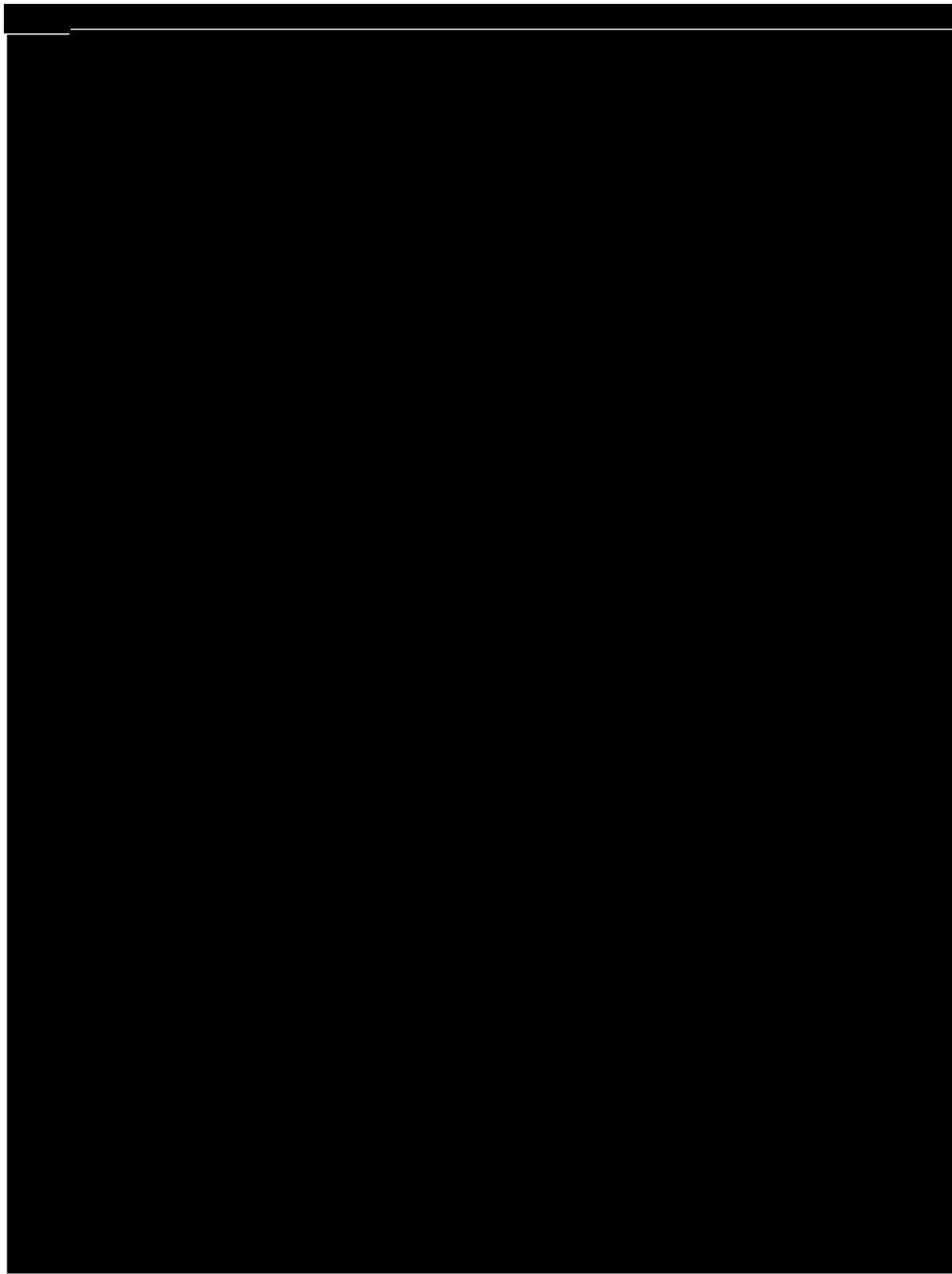
Civil Site Design
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Civil Engineering
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21 DESIGN

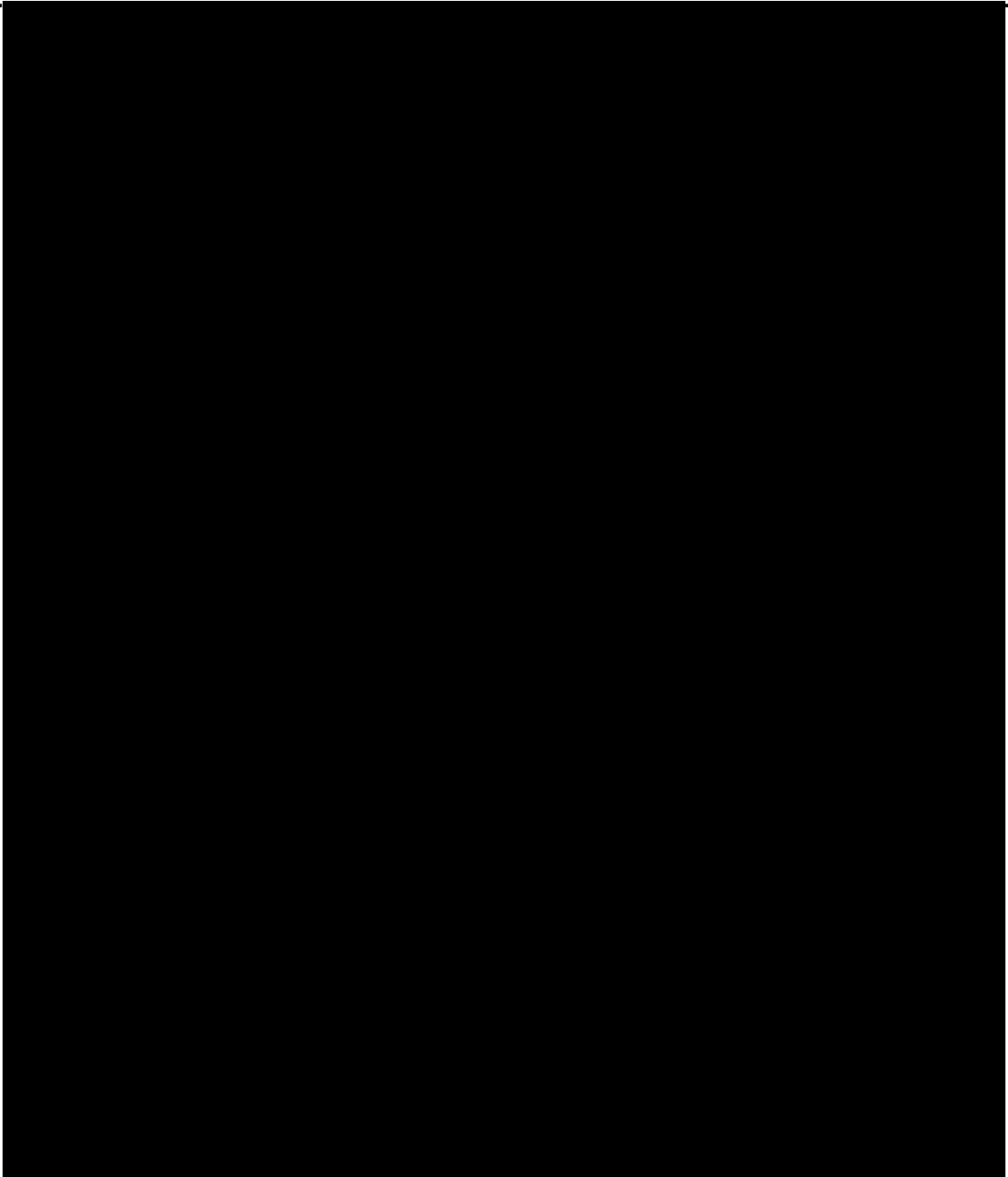
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Civil Engineering
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Civil Site Design
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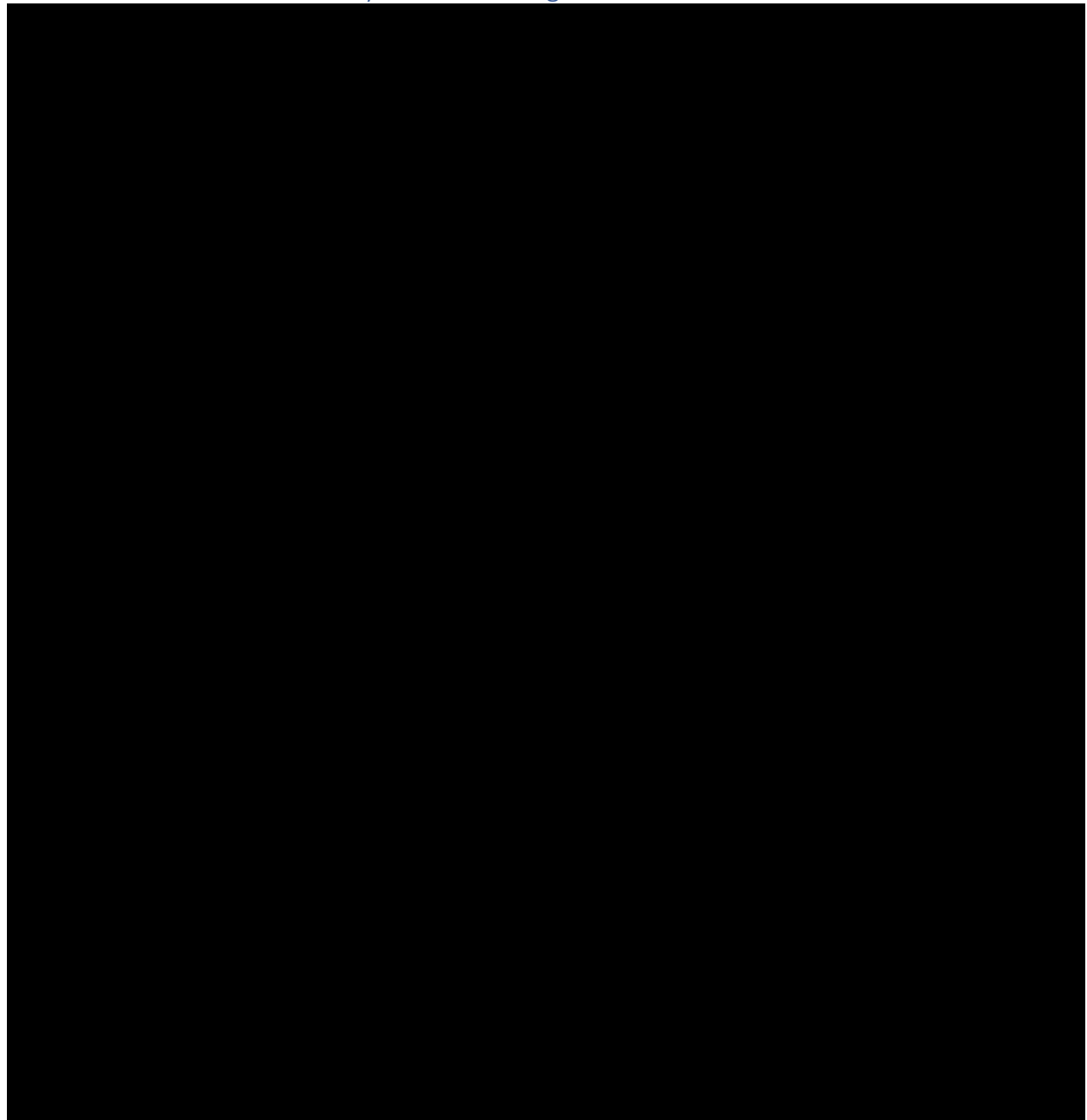
Civil Engineering
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Civil Site Design
Construction Support
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Lake Columbia-Kentucky (Wastewater)
Engineering Memorandum
Date: December 28, 2018

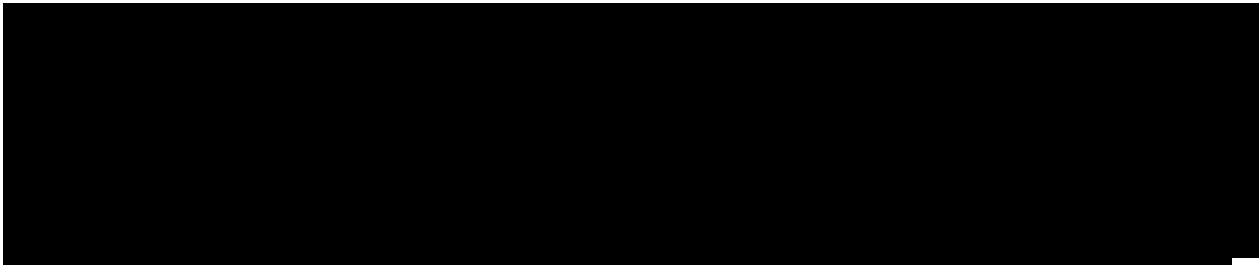
Wastewater Treatment Facility Understanding



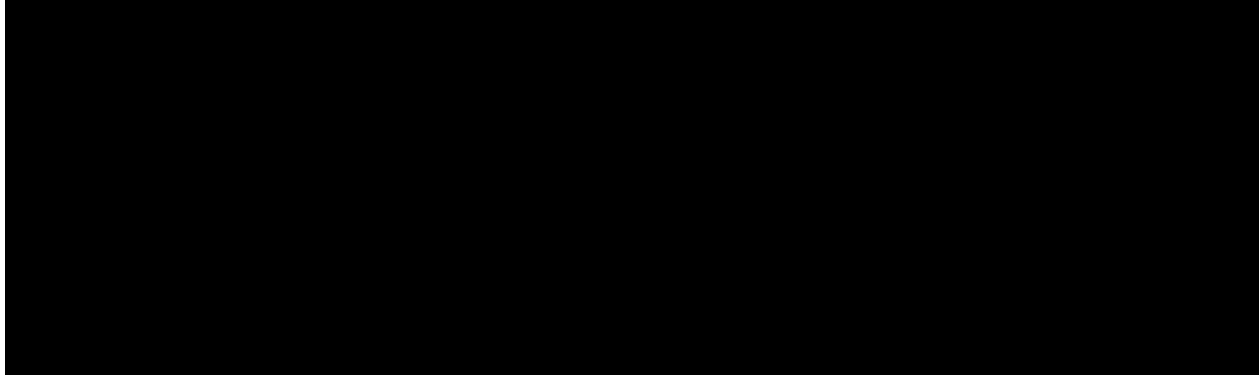
Civil Engineering
Surveying & Mapping
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Civil Site Design
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Wastewater Collection System Understanding

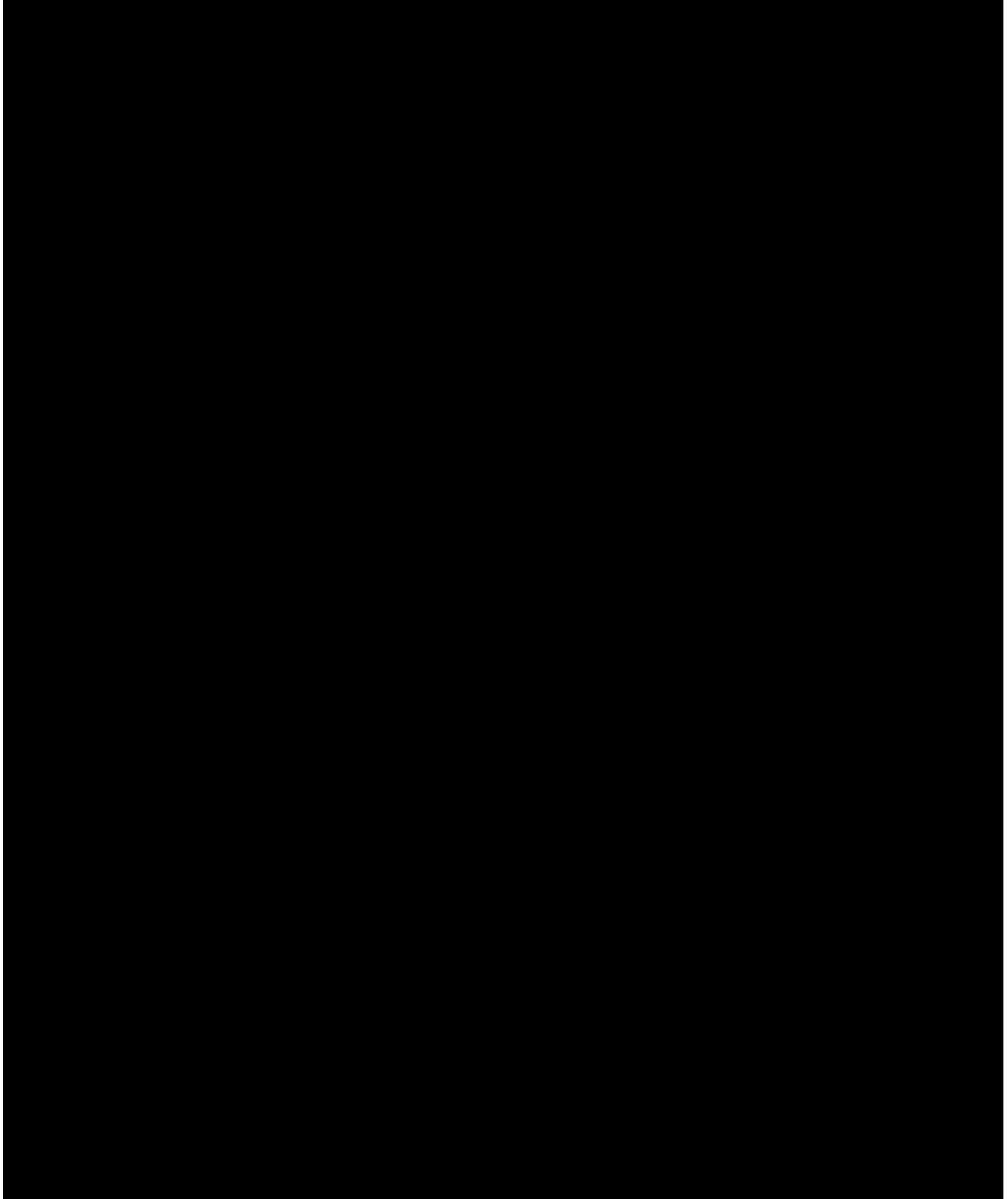


Civil Engineering
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Civil Site Design
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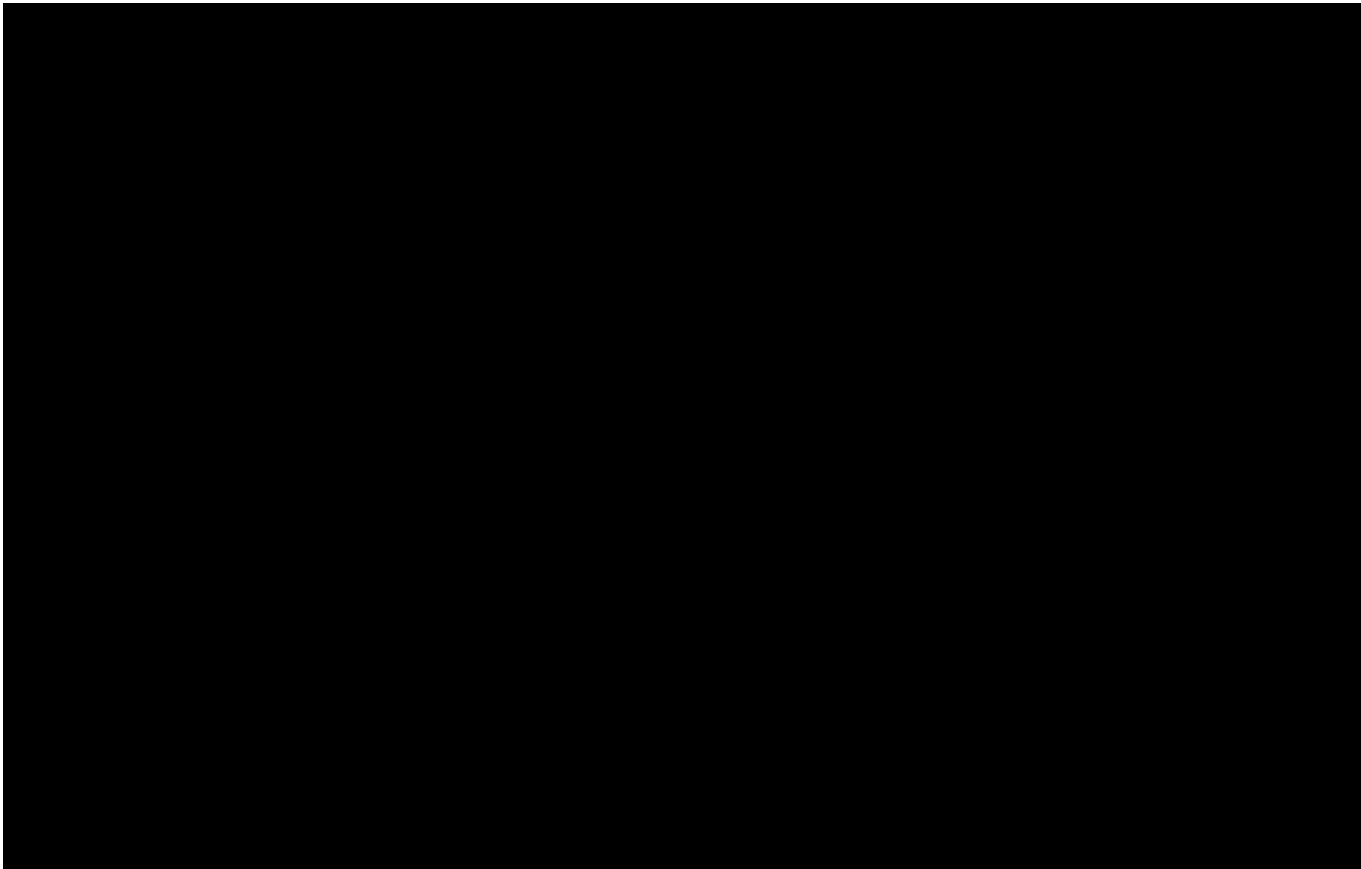
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Civil Engineering
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Civil Site Design
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Request

- 14 Does Bluegrass intend to record on its books or on the books of each utility acquired an acquisition adjustment to reflect the amount by which the purchase price of each utility exceeds the net book value of each utility acquired?
-

Response

Purchase prices are expected to be equivalent to the depreciated net book value of acquired assets. However, Bluegrass Water intends to follow generally accepted accounting principles in recording an adjustment on its books to reflect any amount by which the purchase price exceeds the net book value of utility assets acquired.

Request

- 15 Refer to the application, paragraph 44. Provide background information on the equity investor First Round, including years in business and any publicly available reports or financial statements.
-

Response

First Round CSWR is the ultimate parent member for all utility operating companies managed by CSWR, including Bluegrass Water. First Round CSWR was founded in 2014 by Josiah Cox. There are no publicly available reports or financial statements for First Round CSWR.

Request

16. State whether a written agreement exists obligating the First Round to provide equity capital to or for Bluegrass Water, and if so, state First Round CSWR, LLC's required or anticipated rate of return on equity.
-

Response

No written agreement exists obligating First Round to provide equity to or for Bluegrass Water at this time.

Request

- 17 Refer to the application, paragraph 44. Provide background information on the debt financier U.S. Water Capital, including years in business and any publicly available reports or financial statements.
-

Response

US Water Capital, LLC is a newly formed (2019) debt vehicle created to provide financing to distressed water and wastewater systems. There are no publicly available reports or financial statements for US Water Capital.

Request

18 State whether a written agreement exists obligating U.S. Water Capital to provide debt financing to or for Bluegrass Water, and if so, state U.S. Water Capital's required or anticipated rate of interest on debt capital. Provide a breakdown of the anticipated \$2.9 million expected spending to address problems at each utility.

Response

No written agreement exists at this time obligating US Water Capital to provide debt financing to or for Bluegrass Water. A breakdown by acquired utility of anticipated spending to address problems is provided in the pro forma Balance Sheet (confidential version), in the line item "Construction Work in Progress."

Request

19. State whether CSWR Group or Bluegrass Water has reviewed the Commission's most recent inspection reports for each of the utilities to be acquired.

Response

Bluegrass Water has received and reviewed the inspection reports for LH, Persimmon Ridge and Kingswood. Inspection reports were requested from the owners for MCES, Airview, Brocklyn, Fox Run, and Lake Columbia, but those reports have not been received or reviewed.

Request

20. Explain how Bluegrass Water will resolve each of the outstanding violations cited by the Commission on all plants involved in the proposed transfer.
-

Response

For those systems for which Bluegrass Water has had the opportunity to review the Commission's most recent inspection reports (LH Treatment, P.R. Wastewater, Kingswood), Bluegrass Water plans to address any identified deficiency as follows:

- 1.

— redacted —

2. No deficiencies were identified for the Persimmon Ridge plant or the Kingswood plant.

In general, Bluegrass Water's current plans to address outstanding violations and/or deficiencies and to make operational improvements throughout the plant to ensure that compliance is achieved in the long term are contained in detail in the engineering reports provided in response to 1 PSC 13.

Request

21. State who will operate the facilities on a day-to-day basis. Provide names of certified operators, their classification, contact information, and the plant they will operate.
-

Response

Midwest Water Operations, LLC will be responsible for the operation of the facilities on a day-to-day basis, with oversight by First Round CSWR. The Kentucky-based operator personnel have not yet been identified, but will be in place prior to closing.