

Kentucky Public Service Commission

Periodic Compliance Inspection

Utility: Bluegrass Water Utility Operating Company, LLC – Brocklyn

Utility's Principal office location: 1630 Des Peres Road, Suite 140 St Louis, MO 63131

Utility representative during inspection: Jake Freeman, Arthur Faiello and Aaron Silas

Counties served: Madison

Customers: 170

Investigator: Brian L. Rice

Date(s) of inspection: April 28, 2022

Date(s) of last inspection: August 19, 2021

Deficiencies noted during the last inspection: No deficiencies noted during this inspection

Have deficiencies been corrected since last inspection?

Yes

No

N/A

If no, provide a response as to why these deficiencies have not been addressed.

General Questions

Treatment Facility:

Yes

No

N/A

Collection System:

Yes

No

N/A

Utility Information

Total number of Employees: 0

Number of Office Employees: 0

Note: The Company is comprised of contracted operations, billing, and customer service.

Does the utility have its own maintenance staff?

Yes

No

N/A

If not, give the name the person(s) doing the work:

Operation and Maintenance is contracted out to Midwest Water Operations.

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Mailing it to each customer once each year; or: Yes No N/A

Provide a place on each bill for a customer to indicate the customer's desire for a copy of the applicable rates: Yes No N/A

Yes No N/A

Note: Due to the nature of the bills, the flat rate found on the bill is the rate schedule associated with the service areas. Additionally, the bills have multiple options for contacting the Utility if they have any billing inquiries including questions regarding the rate schedule.

Section 8. Deposits.

Is the utility requiring a minimum cash deposit or other guarantee from customers to secure payment of bills? Yes No N/A

Section 10: Customer Complaints to the Utility

Upon complaint to a utility by a customer at the utility's office, by telephone or in writing, does the utility make a prompt and complete investigation and advise the customer of the utility's findings? Yes No N/A

Does the utility keep a record of all written complaints concerning the utility's service? Yes No N/A

Does the record include the following?

The customer's name and address: Yes No N/A

The date and nature of the complaint: Yes No N/A

The disposition of the complaint: Yes No N/A

Does the utility maintain these records for two (2) years from the date of resolution of the complaint? Yes No N/A

If a written complaint or a complaint made in person at the utility's office is not resolved, does the utility provide written notice to the customer of his or her right to file a complaint with the commission? Yes No N/A

Note: The Company does not maintain a local office, but this information is available via the Company's website. In the Order associated with Docket 2019-00104, the Commission approved Bluegrass' operations without a local office.

Does the utility provide the customer with the mailing address, Web site address, and telephone number of the commission? Yes No N/A

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Periodic Compliance Inspection

Permit all customers to contact the utility's designated representative without charge:

Yes No N/A

Does the utility prominently display in each office open to the public for customer service (and shall post on its Web site, if it maintains a Web site) a summary, prepared and provided by the commission, of the customer's rights pursuant to this section and Section 16 of this administrative regulation?

Yes No N/A

Note: The Company does not maintain a local office, but this information is available via the Company's website. In the Order associated with Docket 2019-00104, the Commission approved Bluegrass' operations without a local office. Records are kept electronically and can be made available upon reasonable notice at reasonable hours.

Section 20: Access to Property

Do employees of the utility (whose duties require him to enter the customer's premises) wear a distinguishing uniform or other insignia, identifying them as an employee of the utility, and show a badge or other identification that shall identify them as an employee of the utility?

Yes No N/A

Section 23: System Maps and Records

Does the utility have on file at its principal office located within the state and shall file upon request with the commission a map or maps of suitable scale of the general territory it serves or holds itself ready to serve?

Yes No N/A

Note: In the Order associated with Docket 2019-00104, the Commission approved Bluegrass' methodology of utilizing the Kentucky Infrastructure Authority to comply with mapping requirements. The Company does maintain maps electronically that can be filed upon request with the Commission. Additionally, the Company utilizes the Kentucky Infrastructure Authority for maps that can show layers including districts.

Is the map or maps available in electronic format as a PDF file or as a digital geographic database?

Yes No N/A

Is the following data available on the map or maps?

Operating districts	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Rate districts:	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Communities served:	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>

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Instruct employees who, in the course of their work, are subject to the hazard of electrical shock, asphyxiation, or drowning, in accepted methods of artificial respiration:

Yes No N/A

Note: Bluegrass Water has no employees.

Section 26: Inspection of Systems:

(1) A utility shall adopt inspection procedures to assure safe and adequate operation of the utility's facilities and compliance with KRS Chapter 278 and 807 KAR Chapter 5 and shall file these procedures with the commission for review.

(2) Upon receipt of a report of a potentially hazardous condition at a utility facility, the utility shall inspect all portions of the system that are the subject of the report.

(3) Appropriate records shall be kept by a utility to identify the inspection made, the date and time of inspection, the person conducting the inspection, deficiencies found, and action taken to correct the deficiencies.

Has the utility adopted inspection procedures to assure safe and adequate operation of the utility's facilities and compliance with KRS Chapter 278 and 807 KAR Chapter 5?

Yes No N/A

Have these inspection procedures been filed with the commission for review?

Yes No N/A

Upon receipt of a report of a potentially hazardous condition at a utility facility, does the utility inspect all portions of the system that are the subject of the report?

Yes No N/A

Are appropriate records kept by a utility to identify the inspection made, the date and time of inspection, the person conducting the inspection, deficiencies found, and action taken to correct the deficiencies?

Yes No N/A

Section 27: Reporting of Accidents, Property Damage, or Loss of Service.

(1) Within two (2) hours following discovery each utility, other than a natural gas utility, shall notify the commission by telephone or electronic mail of a utility related accident that results in:

(a) Death or shock or burn requiring medical treatment at a hospital or similar medical facility, or any accident requiring inpatient overnight hospitalization.

(b) Actual or potential property damage of \$25,000 or more; or

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807 KAR 5:011 (Tariffs)

Section 12: Posting tariffs, Administrative Regulations, and Statutes

Does the utility display a suitable placard, in large type, that states that the utility's tariff and statutes are available for public inspection? Yes No N/A

Note: The Company does not maintain a local office, but this information is available via the Company's website. In the Order associated with Docket 2019-00104, the Commission approved Bluegrass' operations without a local office. Records are kept electronically and can be made available upon reasonable notice at reasonable hours.

Does the utility provide a suitable table or desk in its office or place of business on which the public may view all effective tariffs? Yes No N/A

Note: The Company does not maintain a local office, but this information is available via the Company's website. In the Order associated with Docket 2019-00104, the Commission approved Bluegrass' operations without a local office. Records are kept electronically and can be made available upon reasonable notice at reasonable hours.

Section 13: Special Contracts

Does the utility have any special contracts that establish rates, charges, or conditions of service not contained in its tariff? Yes No N/A

If yes, has the utility filed the special contracts with the PSC? Yes No N/A

807 KAR 5:071 (Sewage):

Section 1: General.

The purpose of this administrative regulation is to provide standard rules administrative regulations governing the service of sewage utilities operating under the Jurisdiction of the Public Service Commission.

Section 4: Information Available to Customers.

(1) System maps or records. Each utility shall maintain up-to-date maps, plans, or records of its entire force main and collection systems, with such other information as may be necessary to

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service with the shortest possible delay consistent with the safety of its customers and the public.

(2) **Scheduled interruptions.** Whenever any utility finds it necessary to schedule an interruption of its service, it shall notify all customers to be affected by the interruption stating the time and anticipated duration of the interruption. Whenever possible, scheduled interruptions shall be made at such hours as will provide least inconvenience to the customers.

(3) **Record of interruptions.** Each utility shall keep a complete record of all interruptions on its system. This record shall show the cause of interruption, date, time, duration, remedy, and steps taken to prevent recurrence.

Is the utility making all reasonable efforts to prevent interruptions of service and when such interruptions occur shall endeavor to reestablish service with the shortest possible delay consistent with the safety of its customers and the public?

Yes No N/A

If the utility schedules an interruption of service are all customers notified that are affected by the interruption?

Yes No N/A

PROVIDE DOCUMENTATION DURING INSPECTION IF ANY.

Does the utility make all reasonable efforts to schedule interruptions at such hours as will provide least inconvenience to the customers? Yes No N/A

Does the utility maintain a record of all interruptions of service regarding the following items?

	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Cause of interruption	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Date	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Time	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Duration	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Remedy	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
# Of customers affected	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
steps taken to prevent recurrence	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>

Section 7. Design, Construction, and Operation.

(1) **General.** The sewage treatment facilities of the sewage utility shall be constructed, installed, maintained, and operated in accordance with accepted good engineering practice to assure, as



Brocklyn WWTP



Kentucky Public Service Commission

Periodic Compliance Inspection

- Attachment:** A – Agreed Order
B – Corrective Action Plan
C – Revised Corrective Action Plan
D – Corrective Action Plant Update

J. Home



COMMONWEALTH OF KENTUCKY
ENERGY AND ENVIRONMENT CABINET
DIVISION OF ENFORCEMENT
CASE NO. DOW 19-3-0150

IN RE Bluegrass Water Utility Operating Company, LLC
Brocklyn Utilities Wastewater Treatment Plant
474 Eastern Bypass
Richmond, KY 40475
AI No. 2809
Activity ID No. ERF20190001

AGREED ORDER

WHEREAS, the parties to this Agreed Order, the Energy and Environment Cabinet (hereinafter "Cabinet") and Bluegrass Water Utility Operating Company, LLC (hereinafter "BWUOC") state:

STATEMENTS OF FACT

1. The Cabinet is charged with the statutory duty of enforcing KRS Chapter 224 and the regulations promulgated pursuant thereto.
2. BWUOC is an active Kentucky Limited Liability Company in good standing that owns and operates utilities and whose principal address, according to the Kentucky Secretary of State is 500 NW Plaza Drive, Suite 500, Saint Ann, Missouri 63074.
3. Brocklyn Utilities Wastewater Treatment Plant (hereinafter "Brocklyn WWTP" or "facility"), is located at 474 Eastern Bypass, Richmond, Kentucky 40475. The facility has a design capacity of 0.040 million gallons per day and discharges to an unnamed tributary to Taylor Fork.
4. Brocklyn WWTP is currently owned and operated by Brocklyn Utilities, LLC. The facility's discharges are permitted under Kentucky Pollutant Discharge Elimination Systems (hereinafter "KPDES") permit number KY0081299, issued by the Cabinet's Division of Water

Section 2(1)

12 Following the initial ninety (90) days of its operation of the facility, BWUOC shall submit to the Cabinet for review and acceptance, a written Corrective Action Plan (hereinafter "CAP") to bring the facility into compliance with its KPDES permit and correct the deficiencies noted in Exhibit A. The CAP shall include, but not be limited to, an identification of actions BWUOC shall implement to ensure compliance that includes; proper operation and maintenance to its sewage treatment system, collection system, and disinfection unit. The CAP shall also include a list of all actions necessary to ensure the completion of upgrades to its facility including a list of completion dates for each action. Include in the CAP a final compliance date for completion of all remedial measures listed,

- A. Upon review of the CAP, the Cabinet may, in whole or in part, (1) accept or (2) decline and provide comments to the BWUOC identifying the deficiencies. Upon receipt of Cabinet comments, the BWUOC shall have ninety (90) days to revise and resubmit the CAP for review and acceptance. Upon resubmittal, the Cabinet may, in whole or in part, (1) accept or (2) disapprove and provide comments to the BWUOC identifying the deficiencies. Upon such resubmittal, if the CAP is disapproved, the Cabinet may deem the BWUOC to be out of compliance with this Agreed Order for failure to timely submit the CAP. The parties to this Agreed Order may also agree in writing to further extend the period in which the BWUOC and the Cabinet accept a revised and resubmitted CAP.
- B. The BWUOC may request an amendment of the accepted CAP by writing the Director of the Division of Enforcement at 300 Sower Blvd., Frankfort,

agreed to by entry of this Agreed Order, nothing contained herein shall be construed to waive or to limit any remedy or cause of action by the Cabinet based on statutes or regulations under its jurisdiction and BWUOC reserves its defenses thereto. The Cabinet expressly reserves its right at any time to issue administrative orders and to take any other action it deems necessary that is not inconsistent with this Agreed Order, including the right to order all necessary remedial measures, assess penalties for violations, or recover all response costs incurred, and BWUOC reserves its defenses thereto.

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

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

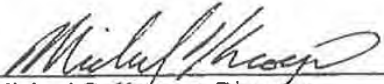
20. The Agreed Order may not be amended except by a written order of the Cabinet's Secretary or his designee. BWUOC may request an amendment by writing the Director of the Division of Enforcement at 300 Sower Blvd., Frankfort, Kentucky 40601, and stating the reasons for the request. If granted, the amended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

21. The Cabinet does not, by its consent to the entry of this Agreed Order, warrant or aver in any manner that BWUOC's complete compliance with this Agreed Order will result in

right to enforce this Agreed Order, and BWUOC reserves its right to file a petition for hearing pursuant to KRS 224.10-420(2) contesting the Cabinet's determination.

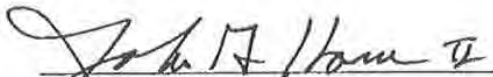
CASE NO. DOW 19-3-0150

APPROVAL RECOMMENDED BY:



Michael B. Kroeger, Director
Division of Enforcement

8/27/19
Date



John G. Home II, Executive Director
Office of General Counsel
Energy and Environment Cabinet

8/27/19
Date



R. Bruce Scott, Deputy Secretary
Energy and Environment Cabinet

8/29/19
Date

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing **AGREED ORDER** was mailed, postage prepaid, to the following this 3rd day of September, 2019

Bluegrass Water Utility Operating Company, LLC
Attn: Jacon Freeman
500 NW Plaza Drive, Suite 500
Saint Ann, MO 63074

And mailed, messenger to

Michael B. Kroeger, Director
Division of Enforcement
300 Sower Blvd.
Frankfort, Kentucky 40601

John G Home II, Executive Director
Office of General Counsel
Energy and Environment Cabinet
300 Sower Blvd.
Frankfort, Kentucky 40601



DOCKET COORDINATOR

Distribution:
Dow
BGD
S:JH
FBT

Civil Engineering
Surveying & Mapping
Potable Water
Wastewater Treatment



Civil Site Design
Construction Support
Transportation
Wastewater Collection

Brocklyn-Kentucky (Wastewater)

Engineering Memorandum

Date: December 26, 2018

Wastewater Treatment Facility Understanding

The wastewater treatment facility is made up of a standard extended aeration activated sludge facility. It doesn't appear this system has an active permit to operate. The permit appears to have expired on May 31, 2018. The plant consists of an aeration tank, clarifier, polishing earthen cell, and chlorine disinfection. The aeration appeared to have a reasonable appearance for a mixed liquor however, the clarifier had a lot of floc and sludge at the surface. It is my understanding they are utilizing chlorine tablets for disinfection. This discharge from the clarifier is pumped to the polishing cell. After a period of storage in the polishing cell, the pond discharge gravity flows into the chlorine tablet feeder and contact chamber. The contact chamber is also acting like a re-aeration tank to meet dissolved oxygen requirements. (See Appendix 1 for overall picture)

Various items of concern exist at this facility. There is no flow equalization at this facility. The incoming gravity flow enters directly into the aeration tank at the influent manual bar screen. (Appendix Picture 2)

While the aeration appeared to be reasonable operating, standard testing parameters were not performed when we were present to determine the quality of the mixed liquor. Due to the upkeep of the remaining portions of the facility, I do not believe the diffusers have been checked and/or cleaned in some time. Additionally, in review of the EPA's Echo violations listed, the facility is starting to violate limits more often and may be due to non-maintenance of the equipment. Additionally, the tank size appears to be borderline on having the aeration tank volume necessary to serve the 168 customers served. Further measurements will be necessary to determine if the current capacity is adequate or an expansion is necessary. (Appendix Picture 3)

The clarifier appears to be working properly. However, the supernatant water of the clarifier had a large amount of floc and/or sludge coming to the surface. While this might be an operational issue in regards to control of the mixed liquor and return sludge flow, the clarifier is not operating at an optimal level. The clarifier discharge is pumped to the polishing cell for final treatment. (Appendix Picture 4)

The polishing cell is a poorly designed treatment structure. A deteriorating concrete block wall (Appendix Picture 5) is partially surrounding the pond while the remaining pond surround is earthen. The earthen portion of the pond is allowing overland flow from yards to drain directly into the pond which will bring additional pollutants into the cell and contaminate the effluent. (Appendix Picture 6) Having overland flow will also increase the effluent flow during rain events and will increase chemical usage in the disinfection process. The pond has various issues of concern. To review the operational affects of this polishing cell, it also requires the review of the clarifier. The clarifier has a lot of sludge and floc in the supernatant water of the clarifier above the sludge blanket. This supernatant is pumped

CONFIDENTIAL TO CSWR

Civil Engineering
Surveying & Mapping
Potable Water
Wastewater Treatment

21 DESIGN

Civil Site Design
Construction Support
Transportation
Wastewater Collection

APPENDIX



CONFIDENTIAL TO CSWR

Kentucky Public Service Commission

Periodic Compliance Inspection

Attachment B

Corrective Action Plan

Civil Engineering
Surveying & Mapping
Potable Water
Wastewater Treatment



Civil Site Design
Construction Support
Transportation
Wastewater Collection

E. Coli and DO exceedances are typically caused by failed components in the system. If the diffuser system that is installed in the contact chamber is designed appropriately, it should be able to meet DO levels of the permit. E. Coli would also be tied to adequate design of the disinfection system and maintenance along with having adequate contact time prior to discharge. The second sample taken under new ownership was slightly over the permit limit, but the third sample was below limit levels. It is assumed that E. Coli and DO exceedances under previous ownership were due to improper operation.

2. System Evaluation and Corrective Actions

The facility should be able to consistently meet permit limits with proper operation, but monitoring will continue through this period of operational improvement to confirm no process changes are required.

While the facility is meeting permit limits, many components are reaching the end of their useful life. The disinfection process and equipment are in poor shape. This site is unique in that the subdivision stormwater drainage is routed through the wastewater facility between the activated sludge plant and polishing cell. Issues related to elevation of the chlorine contact chamber relative to the stormwater drainage culvert cause backup of stormwater into the chlorine contact chamber during large rain events. Gravel has been discovered and cleaned out of the chlorine contact chamber, showing that overflow of stormwater is commonplace. The stormwater routing, creek channel and contact chamber are currently being evaluated to remedy the issue. Considering the poor condition of the chlorine contact chamber, this component should be replaced and the new chlorine contact chamber will have walls that extend above the overflow of the culvert to reduce the chances of being inundated with the subdivision rainwater.

In addition to the chlorine contact chamber, the chlorination and dechlorination tablet feeders need to be replaced. The new tablet feeders will also be installed to avoid issues with stormwater flow.

There are concerns with the integrity of the existing treatment plant steel walls as some portions look to be reaching the end of their useful life. With the plant meeting limits, the option of welding in steel to repair the worn portions is being considered.

The aeration drop pipes are showing notable corrosion and will need to be replaced. During replacement, the condition of the diffusers will be evaluated as well.

A Mission remote monitoring system and magnetic flow meter will be installed to provide real time monitoring of the facility. This will improve capabilities to monitor the effect of inflow and infiltration and status of the facility. The monitoring system will improve operations and maintain reliable service for the customers.

In addition to flow monitoring, a multi-step process is employed on the collection system to determine the extent of inflow and infiltration. The first step involves smoke testing the system, which is already complete. Next, the sanitary sewers will be cleaned and jetted. Analysis of the information obtained from these processes will be used to create a plan to address inflow and infiltration issues. Approximately 25% of Brocklyn's sanitary sewers are in customer's back yards, therefore jetting work will need to be scheduled around the weather to prevent damage to customer's yards. The jetting work is currently planned for summer 2020 unless the ground adequately dries prior to that time in which the jetting will be performed earlier.

21 Design Group, Inc
636-432-5029

CONFIDENTIAL TO CSWR

1351 Jefferson St., Suite 301
Washington, MO 63090

Kentucky Public Service Commission

Periodic Compliance Inspection

Attachment C

Revised Corrective Action Plan

Kentucky Public Service Commission

Periodic Compliance Inspection

Attachment D

Corrective Action Plan Update



Andy Beshear
Governor

Rebecca W. Goodman
Secretary
Energy and Environment Cabinet

Commonwealth of Kentucky
Public Service Commission
211 Sower Blvd.
P.O. Box 615
Frankfort, Kentucky 40602-0615
Telephone: (502) 564-3940
Fax: (502) 564-3460
psc.ky.gov

Kent A. Chandler
Chairman

Mary Pat Regan
Commissioner

August 2, 2022

Josiah Cox
CEO
Central States Water Resources
1630 Des Peres Road, Suite 140
Des Peres, MO 63131

Re: Periodic Wastewater Inspection
Bluegrass Water Utility Operating Company, LLC – Darlington Creek HOA Wastewater
System
Campbell County, KY

Dear Mr. Cox:

Public Service Commission staff performed a periodic inspection of the Bluegrass Water Utility Operating Company, LLC – Darlington Creek HOA wastewater system located in Campbell County, KY on April 28, 2022, reviewing utility operations and management practices pursuant to Commission regulations. The report of this inspection is enclosed with this letter.

Based on the inspector's observations, no deficiencies were identified.

Please review the enclosed inspection report in its entirety as you will find further information noted about the inspection. If you have any questions regarding this inspection, feel free to contact me at 502-330-5986 or via email at Brian.Rice@ky.gov.

Sincerely,

Brian L. Rice
Utility Inspector
Public Service Commission

Enclosure(s)

Copy: Aaron Silas, Regulatory Case Manager, Central States Water Resources
Jake Freeman, Director of Engineering, Central States Water Resources
Terry Merritt, VP of Midwest Water Operations
1351 Jefferson Street, Suite 301
Washington, MO 63090

Kentucky Public Service Commission

Periodic Compliance Inspection

Utility: Bluegrass Water Utility Operating Company, LLC – Darlington Creek HOA

Utility's Principal office location: 1630 Des Peres Road, Suite 140 St Louis, MO 63131

Utility representative during inspection: Jake Freeman, Arthur Faiello and Aaron Silas

Counties served: Campbell

Customers: Approximately 89 customers, 117 total lots

Investigator: Brian L. Rice

Date(s) of inspection: April 28, 2022

Date(s) of last inspection: N/A - Newly acquired utility – Case #2021-00265

Deficiencies noted during the last inspection: No deficiencies noted during this inspection

Have deficiencies been corrected since last inspection?

Yes No N/A

If no, provide a response as to why these deficiencies have not been addressed.

General Questions

Treatment Facility:

Yes No N/A

Collection System:

Yes No N/A

Utility Information

Total number of Employees: 0

Number of Office Employees: 0

Note: The Company is comprised of contracted operations, billing, and customer service.

Does the utility have its own maintenance staff?

Yes No N/A

If not, give the name the person(s) doing the work:

Operation and Maintenance is contracted out to Midwest Water Operations.

Kentucky Public Service Commission

Periodic Compliance Inspection

Mailing it to each customer once each year; or: Yes No N/A

Provide a place on each bill for a customer to indicate the customer's desire for a copy of the applicable rates: Yes No N/A

Yes No N/A

Note: Due to the nature of the bills, the flat rate found on the bill is the rate schedule associated with the service areas. Additionally, the bills have multiple options for contacting the Utility if they have any billing inquiries including questions regarding the rate schedule.

Section 8. Deposits.

Is the utility requiring a minimum cash deposit or other guarantee from customers to secure payment of bills? Yes No N/A

Section 10: Customer Complaints to the Utility

Upon complaint to a utility by a customer at the utility's office, by telephone or in writing, does the utility make a prompt and complete investigation and advise the customer of the utility's findings? Yes No N/A

Does the utility keep a record of all written complaints concerning the utility's service? Yes No N/A

Does the record include the following?

The customer's name and address: Yes No N/A

The date and nature of the complaint: Yes No N/A

The disposition of the complaint: Yes No N/A

Does the utility maintain these records for two (2) years from the date of resolution of the complaint? Yes No N/A

If a written complaint or a complaint made in person at the utility's office is not resolved, does the utility provide written notice to the customer of his or her right to file a complaint with the commission? Yes No N/A

Note: The Company does not maintain a local office, but this information is available via the Company's website. In the Order associated with Docket 2019-00104, the Commission approved Bluegrass' operations without a local office.

Does the utility provide the customer with the mailing address, Web site address, and telephone number of the commission? Yes No N/A

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Permit all customers to contact the utility's designated representative without charge:

Yes No N/A

Does the utility prominently display in each office open to the public for customer service (and shall post on its Web site, if it maintains a Web site) a summary, prepared and provided by the commission, of the customer's rights pursuant to this section and Section 16 of this administrative regulation?

Yes No N/A

Note: The Company does not maintain a local office, but this information is available via the Company's website. In the Order associated with Docket 2019-00104, the Commission approved Bluegrass' operations without a local office. Records are kept electronically and can be made available upon reasonable notice at reasonable hours.

Section 20: Access to Property

Do employees of the utility (whose duties require him to enter the customer's premises) wear a distinguishing uniform or other insignia, identifying them as an employee of the utility, and show a badge or other identification that shall identify them as an employee of the utility?

Yes No N/A

Section 23: System Maps and Records

Does the utility have on file at its principal office located within the state and shall file upon request with the commission a map or maps of suitable scale of the general territory it serves or holds itself ready to serve?

Yes No N/A

Note: In the Order associated with Docket 2019-00104, the Commission approved Bluegrass' methodology of utilizing the Kentucky Infrastructure Authority to comply with mapping requirements. The Company does maintain maps electronically that can be filed upon request with the Commission. Additionally, the Company utilizes the Kentucky Infrastructure Authority for maps that can show layers including districts.

Is the map or maps available in electronic format as a PDF file or as a digital geographic database?

Yes No N/A

Is the following data available on the map or maps?

Operating districts	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Rate districts:	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Communities served:	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>

Kentucky Public Service Commission

Periodic Compliance Inspection

Instruct employees who, in the course of their work, are subject to the hazard of electrical shock, asphyxiation, or drowning, in accepted methods of artificial respiration:

Yes No N/A

Note: Bluegrass Water has no employees.

Section 26: Inspection of Systems:

(1) A utility shall adopt inspection procedures to assure safe and adequate operation of the utility's facilities and compliance with KRS Chapter 278 and 807 KAR Chapter 5 and shall file these procedures with the commission for review.

(2) Upon receipt of a report of a potentially hazardous condition at a utility facility, the utility shall inspect all portions of the system that are the subject of the report.

(3) Appropriate records shall be kept by a utility to identify the inspection made, the date and time of inspection, the person conducting the inspection, deficiencies found, and action taken to correct the deficiencies.

Has the utility adopted inspection procedures to assure safe and adequate operation of the utility's facilities and compliance with KRS Chapter 278 and 807 KAR Chapter 5?

Yes No N/A

Have these inspection procedures been filed with the commission for review?

Yes No N/A

Upon receipt of a report of a potentially hazardous condition at a utility facility, does the utility inspect all portions of the system that are the subject of the report?

Yes No N/A

Are appropriate records kept by a utility to identify the inspection made, the date and time of inspection, the person conducting the inspection, deficiencies found, and action taken to correct the deficiencies?

Yes No N/A

Section 27: Reporting of Accidents, Property Damage, or Loss of Service.

(1) Within two (2) hours following discovery each utility, other than a natural gas utility, shall notify the commission by telephone or electronic mail of a utility related accident that results in:

(a) Death or shock or burn requiring medical treatment at a hospital or similar medical facility, or any accident requiring inpatient overnight hospitalization.

(b) Actual or potential property damage of \$25,000 or more; or

Kentucky Public Service Commission

Periodic Compliance Inspection

807 KAR 5:011 (Tariffs)

Section 12: Posting tariffs, Administrative Regulations, and Statutes

Does the utility display a suitable placard, in large type, that states that the utility's tariff and statutes are available for public inspection? Yes No N/A

Note: The Company does not maintain a local office, but this information is available via the Company's website. In the Order associated with Docket 2019-00104, the Commission approved Bluegrass' operations without a local office. Records are kept electronically and can be made available upon reasonable notice at reasonable hours.

Does the utility provide a suitable table or desk in its office or place of business on which the public may view all effective tariffs? Yes No N/A

Note: The Company does not maintain a local office, but this information is available via the Company's website. In the Order associated with Docket 2019-00104, the Commission approved Bluegrass' operations without a local office. Records are kept electronically and can be made available upon reasonable notice at reasonable hours.

Section 13: Special Contracts

Does the utility have any special contracts that establish rates, charges, or conditions of service not contained in its tariff? Yes No N/A

If yes, has the utility filed the special contracts with the PSC? Yes No N/A

807 KAR 5:071 (Sewage):

Section 1: General.

The purpose of this administrative regulation is to provide standard rules administrative regulations governing the service of sewage utilities operating under the Jurisdiction of the Public Service Commission.

Section 4: Information Available to Customers.

(1) System maps or records. Each utility shall maintain up-to-date maps, plans, or records of its entire force main and collection systems, with such other information as may be necessary to

Kentucky Public Service Commission

Periodic Compliance Inspection

service with the shortest possible delay consistent with the safety of its customers and the public.

(2) Scheduled interruptions. Whenever any utility finds it necessary to schedule an interruption of its service, it shall notify all customers to be affected by the interruption stating the time and anticipated duration of the interruption. Whenever possible, scheduled interruptions shall be made at such hours as will provide least inconvenience to the customers.

(3) Record of interruptions. Each utility shall keep a complete record of all interruptions on its system. This record shall show the cause of interruption, date, time, duration, remedy, and steps taken to prevent recurrence.

Is the utility making all reasonable efforts to prevent interruptions of service and when such interruptions occur shall endeavor to reestablish service with the shortest possible delay consistent with the safety of its customers and the public?

Yes No N/A

If the utility schedules an interruption of service are all customers notified that are affected by the interruption?

Yes No N/A

PROVIDE DOCUMENTATION DURING INSPECTION IF ANY.

Does the utility make all reasonable efforts to schedule interruptions at such hours as will provide least inconvenience to the customers? Yes No N/A

Does the utility maintain a record of all interruptions of service regarding the following items?

	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Cause of interruption	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Date	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Time	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Duration	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Remedy	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
# Of customers affected	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
steps taken to prevent recurrence	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>

Section 7. Design, Construction, and Operation.

(1) General. The sewage treatment facilities of the sewage utility shall be constructed, installed, maintained, and operated in accordance with accepted good engineering practice to assure, as



Darlington Creek HOA WWTP



Kentucky Public Service Commission

Periodic Compliance Inspection

Comment: During this periodic regulatory compliance inspection, it was not possible to review/discuss every record relating to all Commission requirements. Therefore, in some instances the results contained in this report are indicative of those items inspected and reviewed on a sample basis.

Report by:

Date: August 2, 2022



**Brian L. Rice
Utility Inspector
Kentucky Public Service Commission**

Kentucky Public Service Commission

Periodic Compliance Inspection

Attachment A

Agreed Order

Discharge Elimination Systems (hereinafter "KPDES") permit number KY0105325, issued by the Cabinet's Division of Water (hereinafter "DOW"). The facility's KPDES permit expires on June 30, 2024.

5. Darlington Creek Homeowners Association, Inc. is an active non-profit Kentucky corporation in good standing, according to the Kentucky Secretary of State.

6. BWUOC has indicated to the Cabinet that it plans to acquire the facility, provided it receives from the Kentucky Public Service Commission ("Commission") all approvals required to make the acquisition. If the Commission approves the acquisition, BWUOC plans to assume ownership and operation of the facility on or around January 15, 2022.

7. BWUOC has contracted with a third-party firm to produce an engineering memorandum detailing the status of and repairs needed at the facility (Exhibit A).

8. If it receives all required Commission approvals, BWUOC has indicated to the Cabinet that it plans to make substantial repairs and/or upgrades to the facility to address the deficiencies noted in Exhibit A.

NOW THEREFORE, in the interest of providing corrective actions to the facility, the parties hereby consent to the entry of this Agreed Order and agree as follows:

REMEDIAL MEASURES

9. BWUOC shall notify the Cabinet in writing that it has assumed ownership and operation within fifteen (15) days of acquiring the facility.

10. Within fifteen (15) days of assuming ownership and operation of the facility, BWUOC shall submit a "Change in Ownership Certification" to the Cabinet.

11. At all times, commencing with assuming ownership of the facility, BWUOC shall provide for proper operation and maintenance of the facility in accordance with 401 KAR 5:065

Kentucky 40601 and stating the reasons for the request. If granted, the amended CAP shall not affect any provision of this Agreed Order unless expressly provided in the amended CAP. This does not require an amendment request pursuant to paragraph 20 of this Agreed Order.

C. Upon Cabinet acceptance of all or any part of the CAP, the amended CAP or any accepted part thereof (provided that the accepted part is not dependent upon implementation of any part not yet accepted), shall be deemed incorporated into this Agreed Order as an enforceable requirement of this Agreed Order. This does not require an amendment request pursuant to paragraph 20 of this Agreed Order.

13. So long as BWUOC is in compliance with the terms and conditions of this Agreed Order, the Cabinet's Division of Enforcement agrees to hold any formal enforcement action for numeric permit parameter violations for the KPDES permit described in paragraph 4, in abeyance. However, in the event that such numeric permit parameter violation results in immediate and irreparable harm to human health or the environment, the Cabinet may issue an Abate and Alleviate Order or seek a temporary injunction from a court. Should BWUOC fail to comply with the terms and conditions of this Agreed Order or if conditions warrant immediate relief as specified above, the Cabinet may seek formal enforcement action that would have otherwise been held in abeyance.

14. By the final compliance date in the accepted CAP, BWUOC shall be in full compliance with its KPDES permit.

15. All submittals required by the terms of this Agreed Order shall be submitted to: Division of Enforcement, Attention: Director, 300 Sower Blvd., Frankfort, Kentucky, 40601.

MISCELLANEOUS PROVISIONS

Order unless expressly provided in the amended Agreed Order.

21. The Cabinet does not, by its consent to the entry of this Agreed Order, warrant or aver in any manner that BWUOC's complete compliance with this Agreed Order will result in compliance with the provisions of KRS Chapter 224 and the regulations promulgated pursuant thereto. Notwithstanding the Cabinet's review and approval of any plans formulated pursuant to this Agreed Order, BWUOC shall remain solely responsible for compliance with the terms of KRS Chapter 224 and the regulations promulgated thereto, this Agreed Order, and any permit and compliance schedule requirements.

22. BWUOC shall give notice of this Agreed Order to any purchaser, lessee or successor in interest prior to the transfer of ownership and/or operation of any part of the facility occurring prior to termination of this Agreed Order, shall notify the Cabinet that such notice has been given, and shall follow all statutory requirements for a transfer.

23. This Agreed Order applies specifically and exclusively to the unique facilities referenced herein and is inapplicable to any other facility.

24. Compliance with this Agreed Order is not conditional on the receipt of any federal, state, or local funds.

25. This Agreed Order shall be of no force and effect unless and until it is entered by the Secretary or his designee as evidenced by his signature thereon. If this Agreed Order contains any date by which BWUOC is to take any action or cease any activity, and the Secretary enters the Agreed Order after that date, then BWUOC is nonetheless obligated to have taken the action or ceased the activity by the date contained in this Agreed Order.

AGREED TO BY:



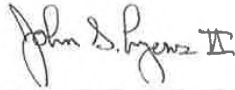
Josiah Cox, President
Bluegrass Water Utility Operating Company, LLC

3/10/2022
Date

ORDER

Wherefore, the foregoing Agreed Order is entered as the final Order of the Energy and Environment Cabinet this 5th day of April, 2022.

ENERGY AND ENVIRONMENT CABINET



John S. Lyons, Deputy Secretary
Authorized Designee, Rebecca W. Goodman, Secretary
Energy & Environment Cabinet

Exhibit A



Wastewater Treatment Facility Existing Conditions

The facility includes the following features:

- The facility is an extended aeration activated sludge plant that utilizes two separate treatment trains, an anaerobic digester, chlorine disinfection, dechlorination, and tertiary filtration.
- 2 x 8,000 Gal. Aeration tanks, 1 x 3,600 Gal. Aeration/Influent Mixing Tank with a bar screen for pre-treatment (RAS & Scum Lines are conveyed from each clarifier into this tank via air-lifts.)
- 2 x 156 S.F. Clarifiers with 1 RAS & 1 Scum return airlift each.
- A PureStream ES Tertiary Filter located in the blower building on the southern edge of the site is used to remove TSS prior to effluent discharge.
- The plant is equipped with 2 x Dual Lobe URAI 33 Positive Displacement Blowers with 5 hp motors. There are 16 diffusers in each aeration tank, and air headers are 2.5".
- The existing facility has 3 phase, 240 x 480 V primary service and a 120/240 V step down transformer.
- There is a manual transfer switch installed on site, as well as a Kohler backup generator.



- The existing extended aeration package plant tank is developing rust and is in need of major repair, sandblasting, and coal tar coating for corrosion protection.
- There is dense forest located at the southern edge of the plant which could cause issues, as leaves or sticks could potentially clog wastewater process piping and back up sewage. We recommend clearing all trees within 20 feet of the fence surrounding the plant and the blower/filter building.
- The gate used to enter the site and the fence are showing signs of aging and are in need of repair.
- There is a hoist installed above the influent mixing tank that is left over from when they previously had a mixing pump installed there. They have since substituted the mixing pump for diffusers, and the hoist no longer serves a purpose and should be removed from the site.

Wastewater Collection System Understanding

The collection system consists entirely of gravity sewer. There were no collection system maps available, according to the operators.

Wastewater Collection System Recommended Improvements

- GIS shapefiles should be developed for future maintenance. System mapping at the fingertips of the operators will enhance the level of service and timing of responses to emergency and customer issues.
- Install flow monitoring, perform smoke testing, perform video inspection at selected locations, evaluate systems and create GIS based maintenance priority list to help understand and reduce the effects of I and I on the system.

Total Project Cost Estimate

DARLINGTON WASTEWATER PLANT - NARUC

Item	NARUC Category	EXPENSES	FIXED ASSETS	TOTAL
Install Mission Monitoring (Plant)	Sewer - General Plant	\$0	\$15,000	\$15,000
Tank Repair (Sandblasting, Welding, Leak Repair, Coal Tar Coating)	Sewer - General Plant	\$0	\$50,000	\$50,000
Tree Removal	Sewer - General Plant	\$0	\$20,000	\$20,000
Gate and Fence Repair	Sewer - General Plant	\$0	\$20,000	\$20,000
Replace Air Headers	Sewer - Treatment and Disposal	\$0	\$30,000	\$30,000
Wastewater Process Piping Maintenance	Sewer - Treatment and Disposal	\$0	\$30,000	\$30,000
Install Effluent Flow Meter	Sewer - Treatment and Disposal	\$0	\$15,000	\$15,000
TOTAL		\$0	\$180,000	\$180,000



June 27, 2022

Nicholas Fields
Kentucky Department of Environmental Protection
Division of Enforcement
300 Sower Blvd., 3rd Floor
Frankfort, KY 40601

RE: Bluegrass Water Utility Operating Company, LLC
Darlington Creek WWTP
KYPDES Permit No. KY0105325
Agency No. 44397

Corrective Action Plan

In light of the Darlington Creek WWTP's current status, Bluegrass Water submits the following corrective action plan.

BWUOC has recently purchased this treatment plant. With the change of ownership, operational modifications have been implemented and are ongoing. Due to the poor maintenance of the facility by the previous ownership, the current plant has some areas of concern, which could potential prevent it from meeting limits.

1. Causes of Effluent Violations

- Nitrogen, Ammonia (NH₃-N)
- Total Residual Chlorine
- Total Suspended Solids (TSS)
- Carbonaceous Biological Oxygen Demand (CBOD)
- E. Coli

A review was performed of EPA's Echo compliance website which lists violations. The Darlington Creek WWTF has been in "Significant noncompliance" between October 1, 2019, thru September 30, 2021, with numerous failures to report DMR. The package plant portion of the facility has not been maintained by the previous ownership and shows signs of rust and structural concerns. Areas with dense vegetation along the southwest of the facility causing debris to fall into wastewater process lines, which could cause clogging and backup along the system. Duckweed present on one of the clarifiers and it can potentially cause issues with meeting TSS limits.

The existing system does not have a function flow meter and there are concerns with accuracy of flow data. Additionally, there is no remote monitoring available at this system. The fence shows signs of deterioration, and it will require rehabilitation and/or repairs along several sections. Air headers showing signs of age and it will need to be addressed to reevaluate the effectiveness of aeration piping and any associated components along the facility.

2. System Evaluation and Corrective Actions

The improvements will include rehabilitation to the aeration system to include increase the air piping size and the number of diffusers to improve treatment process. Vegetation control throughout the plant, in order to remove any trees can branches around the plant. In addition, the installation of remote monitoring system and properly installed flow meter will allow operations to continuously monitor flows and alarm conditions.



Andy Beshear
Governor

Rebecca W. Goodman
Secretary
Energy and Environment Cabinet

Commonwealth of Kentucky
Public Service Commission
211 Sower Blvd.
P.O. Box 615
Frankfort, Kentucky 40602-0615
Telephone: (502) 564-3940
Fax: (502) 564-3460
psc.ky.gov

Kent A. Chandler
Chairman

Mary Pat Regan
Commissioner

August 2, 2022

Josiah Cox
CEO
Central States Water Resources
1630 Des Peres Road, Suite 140
Des Peres, MO 63131

Re: Periodic Wastewater Inspection
Bluegrass Water Utility Operating Company, LLC – Delaplain Wastewater System
Scott County, KY

Dear Mr. Cox:

Public Service Commission staff performed a periodic inspection of the Bluegrass Water Utility Operating Company, LLC – Delaplain wastewater system located in Scott County, KY on April 28, 2022, reviewing utility operations and management practices pursuant to Commission regulations. The report of this inspection is enclosed with this letter.

Based on the inspector's observations, no deficiencies were identified.

Please review the enclosed inspection report in its entirety as you will find further information noted about the inspection. If you have any questions regarding this inspection, feel free to contact me at 502-330-5986 or via email at Brian.Rice@ky.gov.

Sincerely,

Brian L. Rice
Utility Inspector
Public Service Commission

Enclosure(s)

Copy: Aaron Silas, Regulatory Case Manager, Central States Water Resources
Jake Freeman, Director of Engineering, Central States Water Resources
Terry Merritt, VP of Midwest Water Operations
1351 Jefferson Street, Suite 301
Washington, MO 63090

Kentucky Public Service Commission

Periodic Compliance Inspection

Utility: Bluegrass Water Utility Operating Company, LLC – Delaplain

Utility's Principal office location: 1630 Des Peres Road, Suite 140 St Louis, MO 63131

Utility representative during inspection: Jake Freeman, Arthur Faiello and Aaron Silas

Counties served: Scott

Customers: 1074

Investigator: Brian L. Rice

Date(s) of inspection: April 28, 2022

Date(s) of last inspection: August 11, 2021

Deficiencies noted during the last inspection: No deficiencies noted during this inspection

Have deficiencies been corrected since last inspection?

Yes

No

N/A

If no, provide a response as to why these deficiencies have not been addressed.

General Questions

Treatment Facility:

Yes

No

N/A

Collection System:

Yes

No

N/A

Utility Information

Total number of Employees: 0

Number of Office Employees: 0

Note: The Company is comprised of contracted operations, billing, and customer service.

Does the utility have its own maintenance staff?

Yes

No

N/A

If not, give the name the person(s) doing the work:

Operation and Maintenance is contracted out to Midwest Water Operations.

Kentucky Public Service Commission

Periodic Compliance Inspection

Mailing it to each customer once each year; or: Yes No N/A

Provide a place on each bill for a customer to indicate the customer's desire for a copy of the applicable rates: Yes No N/A

Yes No N/A

Note: Due to the nature of the bills, the flat rate found on the bill is the rate schedule associated with the service areas. Additionally, the bills have multiple options for contacting the Utility if they have any billing inquiries including questions regarding the rate schedule.

Section 8. Deposits.

Is the utility requiring a minimum cash deposit or other guarantee from customers to secure payment of bills? Yes No N/A

Section 10: Customer Complaints to the Utility

Upon complaint to a utility by a customer at the utility's office, by telephone or in writing, does the utility make a prompt and complete investigation and advise the customer of the utility's findings? Yes No N/A

Does the utility keep a record of all written complaints concerning the utility's service? Yes No N/A

Does the record include the following?

The customer's name and address: Yes No N/A

The date and nature of the complaint: Yes No N/A

The disposition of the complaint: Yes No N/A

Does the utility maintain these records for two (2) years from the date of resolution of the complaint? Yes No N/A

If a written complaint or a complaint made in person at the utility's office is not resolved, does the utility provide written notice to the customer of his or her right to file a complaint with the commission? Yes No N/A

Note: The Company does not maintain a local office, but this information is available via the Company's website. In the Order associated with Docket 2019-00104, the Commission approved Bluegrass' operations without a local office.

Does the utility provide the customer with the mailing address, Web site address, and telephone number of the commission? Yes No N/A

Kentucky Public Service Commission

Periodic Compliance Inspection

Permit all customers to contact the utility's designated representative without charge:

Yes No N/A

Does the utility prominently display in each office open to the public for customer service (and shall post on its Web site, if it maintains a Web site) a summary, prepared and provided by the commission, of the customer's rights pursuant to this section and Section 16 of this administrative regulation?

Yes No N/A

Note: The Company does not maintain a local office, but this information is available via the Company's website. In the Order associated with Docket 2019-00104, the Commission approved Bluegrass' operations without a local office. Records are kept electronically and can be made available upon reasonable notice at reasonable hours.

Section 20: Access to Property

Do employees of the utility (whose duties require him to enter the customer's premises) wear a distinguishing uniform or other insignia, identifying them as an employee of the utility, and show a badge or other identification that shall identify them as an employee of the utility?

Yes No N/A

Section 23: System Maps and Records

Does the utility have on file at its principal office located within the state and shall file upon request with the commission a map or maps of suitable scale of the general territory it serves or holds itself ready to serve?

Yes No N/A

Note: In the Order associated with Docket 2019-00104, the Commission approved Bluegrass' methodology of utilizing the Kentucky Infrastructure Authority to comply with mapping requirements. The Company does maintain maps electronically that can be filed upon request with the Commission. Additionally, the Company utilizes the Kentucky Infrastructure Authority for maps that can show layers including districts.

Is the map or maps available in electronic format as a PDF file or as a digital geographic database?

Yes No N/A

Is the following data available on the map or maps?

Operating districts	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Rate districts:	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Communities served:	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>

Kentucky Public Service Commission

Periodic Compliance Inspection

Instruct employees who, in the course of their work, are subject to the hazard of electrical shock, asphyxiation, or drowning, in accepted methods of artificial respiration:

Yes No N/A

Note: Bluegrass Water has no employees.

Section 26: Inspection of Systems:

(1) A utility shall adopt inspection procedures to assure safe and adequate operation of the utility's facilities and compliance with KRS Chapter 278 and 807 KAR Chapter 5 and shall file these procedures with the commission for review.

(2) Upon receipt of a report of a potentially hazardous condition at a utility facility, the utility shall inspect all portions of the system that are the subject of the report.

(3) Appropriate records shall be kept by a utility to identify the inspection made, the date and time of inspection, the person conducting the inspection, deficiencies found, and action taken to correct the deficiencies.

Has the utility adopted inspection procedures to assure safe and adequate operation of the utility's facilities and compliance with KRS Chapter 278 and 807 KAR Chapter 5?

Yes No N/A

Have these inspection procedures been filed with the commission for review?

Yes No N/A

Upon receipt of a report of a potentially hazardous condition at a utility facility, does the utility inspect all portions of the system that are the subject of the report?

Yes No N/A

Are appropriate records kept by a utility to identify the inspection made, the date and time of inspection, the person conducting the inspection, deficiencies found, and action taken to correct the deficiencies?

Yes No N/A

Section 27: Reporting of Accidents, Property Damage, or Loss of Service.

(1) Within two (2) hours following discovery each utility, other than a natural gas utility, shall notify the commission by telephone or electronic mail of a utility related accident that results in:

(a) Death or shock or burn requiring medical treatment at a hospital or similar medical facility, or any accident requiring inpatient overnight hospitalization.

(b) Actual or potential property damage of \$25,000 or more; or

Kentucky Public Service Commission

Periodic Compliance Inspection

807 KAR 5:011 (Tariffs)

Section 12: Posting tariffs, Administrative Regulations, and Statutes

Does the utility display a suitable placard, in large type, that states that the utility's tariff and statutes are available for public inspection? Yes No N/A

Note: The Company does not maintain a local office, but this information is available via the Company's website. In the Order associated with Docket 2019-00104, the Commission approved Bluegrass' operations without a local office. Records are kept electronically and can be made available upon reasonable notice at reasonable hours.

Does the utility provide a suitable table or desk in its office or place of business on which the public may view all effective tariffs? Yes No N/A

Note: The Company does not maintain a local office, but this information is available via the Company's website. In the Order associated with Docket 2019-00104, the Commission approved Bluegrass' operations without a local office. Records are kept electronically and can be made available upon reasonable notice at reasonable hours.

Section 13: Special Contracts

Does the utility have any special contracts that establish rates, charges, or conditions of service not contained in its tariff? Yes No N/A

If yes, has the utility filed the special contracts with the PSC? Yes No N/A

807 KAR 5:071 (Sewage):

Section 1: General.

The purpose of this administrative regulation is to provide standard rules administrative regulations governing the service of sewage utilities operating under the Jurisdiction of the Public Service Commission.

Section 4: Information Available to Customers.

(1) System maps or records. Each utility shall maintain up-to-date maps, plans, or records of its entire force main and collection systems, with such other information as may be necessary to

Kentucky Public Service Commission

Periodic Compliance Inspection

service with the shortest possible delay consistent with the safety of its customers and the public.

(2) **Scheduled interruptions.** Whenever any utility finds it necessary to schedule an interruption of its service, it shall notify all customers to be affected by the interruption stating the time and anticipated duration of the interruption. Whenever possible, scheduled interruptions shall be made at such hours as will provide least inconvenience to the customers.

(3) **Record of interruptions.** Each utility shall keep a complete record of all interruptions on its system. This record shall show the cause of interruption, date, time, duration, remedy, and steps taken to prevent recurrence.

Is the utility making all reasonable efforts to prevent interruptions of service and when such interruptions occur shall endeavor to reestablish service with the shortest possible delay consistent with the safety of its customers and the public?

Yes No N/A

If the utility schedules an interruption of service are all customers notified that are affected by the interruption?

Yes No N/A

PROVIDE DOCUMENTATION DURING INSPECTION IF ANY.

Does the utility make all reasonable efforts to schedule interruptions at such hours as will provide least inconvenience to the customers? Yes No N/A

Does the utility maintain a record of all interruptions of service regarding the following items?

	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Cause of interruption	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Date	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Time	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Duration	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Remedy	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
# Of customers affected	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
steps taken to prevent recurrence	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>

Section 7. Design, Construction, and Operation.

(1) **General.** The sewage treatment facilities of the sewage utility shall be constructed, installed, maintained, and operated in accordance with accepted good engineering practice to assure, as



Delaplain WWTP



Aeration Basin

Kentucky Public Service Commission

Periodic Compliance Inspection

Attachment: A – Agreed Order
B – Corrective Action Plan
C – Corrective Action Plant Update

Filed 9/27/2021 OAH

COMMONWEALTH OF KENTUCKY
ENERGY AND ENVIRONMENT CABINET
DIVISION OF ENFORCEMENT
CASE NO. DOW 21-3-0028

IN RE: Delaplain Disposal Company
Delaplain Disposal WWTP
249 West Yusen Drive.
Georgetown, KY 40324
AI No. 3901
Activity ID No. ERF20210001

AGREED ORDER

WHEREAS, the parties to this Agreed Order, the Energy and Environment Cabinet (hereinafter "Cabinet") and Bluegrass Water Utility Operating Company, LLC (hereinafter "BWUOC") state:

STATEMENTS OF FACT

1. The Cabinet is charged with the statutory duty of enforcing KRS Chapter 224 and the regulations promulgated pursuant thereto.
2. BWUOC is an active Kentucky Limited Liability Company in good standing that owns and operates utilities and whose principal address according to the Kentucky Secretary of State, is 1650 Des Peres Road, Suite 303, St. Louis, Missouri 63131.
3. Delaplain Disposal Wastewater Treatment Plant (hereinafter "Delaplain," "Delaplain WWTP" or "facility"), is located at 249 West Yusen Drive, Georgetown, Kentucky 40324. The facility has a design capacity of 0.24 million gallons per day and discharges to an unnamed tributary of Dry Run.
4. Delaplain WWTP is currently owned and operated by Delaplain Disposal Company. The facility's discharges are permitted under Kentucky Pollutant Discharge Elimination

Section 2(1).

12. Within thirty (30) days of execution of this Agreed Order, BWUOC shall submit to the Cabinet for review and acceptance, a written Corrective Action Plan (hereinafter "CAP") to bring the facility into compliance with its KPDES permit and correct the deficiencies noted in Exhibit A. The CAP shall include, but not be limited to, an identification of actions BWUOC shall implement to ensure compliance that includes; proper operation and maintenance to its sewage treatment system, collection system, and disinfection unit. The CAP shall also include a list of all actions necessary to ensure the completion of upgrades to its facility including a list of completion dates for each action. Include in the CAP a final compliance date for completion of all remedial measures listed;

- A. Upon review of the CAP, the Cabinet may, in whole or in part, (1) accept or (2) decline and provide comments to BWUOC identifying the deficiencies. Upon receipt of Cabinet comments, BWUOC shall have ninety (90) days to revise and resubmit the CAP for review and acceptance. Upon resubmittal, the Cabinet may, in whole or in part, (1) accept or (2) disapprove and provide comments to BWUOC identifying the deficiencies. Upon such resubmittal, if the CAP is disapproved, the Cabinet may deem BWUOC to be out of compliance with this Agreed Order for failure to timely submit the CAP. The parties to this Agreed Order may also agree in writing to further extend the period in which BWUOC and the Cabinet accept a revised and resubmitted CAP.
- B. BWUOC may request an amendment of the accepted CAP by writing the Director of the Division of Enforcement at 300 Sower Blvd., Frankfort,

17. This Agreed Order addresses only the items described above. Other than the matters agreed to by entry of this Agreed Order, nothing contained herein shall be construed to waive or to limit any remedy or cause of action by the Cabinet based on statutes or regulations under its jurisdiction and BWUOC reserves its defenses thereto. The Cabinet expressly reserves its right at any time to issue administrative orders and to take any other action it deems necessary that is not inconsistent with this Agreed Order, including the right to order all necessary remedial measures, assess penalties for violations, or recover all response costs incurred, and BWUOC reserves its defenses thereto.

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

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

20. The Agreed Order may not be amended except by a written order of the Cabinet's Secretary or a designee thereof. BWUOC may request an amendment by writing the Director of the Division of Enforcement at 300 Sower Blvd., Frankfort, Kentucky 40601, and stating the reasons for the request. If granted, the amended Agreed Order shall not affect any provision of this Agreed Order unless expressly provided in the amended Agreed Order.

all requirements have been performed. The Cabinet shall notify BWUOC in writing whether it concurs that all requirements of this Agreed Order have been completed. The Cabinet reserves its right to enforce this Agreed Order, and BWUOC reserves its right to file a petition for hearing pursuant to KRS 224.10-420(2) contesting the Cabinet's determination.

CASE NO. DOW 21-3-0028

APPROVAL RECOMMENDED BY:



Michael B. Kroeger, Director (Assistant)
Division of Enforcement

9/9/2021

Date



Elizabeth U. Natter, Executive Director
Office of General Counsel

9/24/2021

Date

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing **AGREED ORDER** was mailed, postage prepaid, to the following this 27th day of September, 2021.

Bluegrass Water Utility Operating Company, LLC
Attn: Jacob Freeman
1650 Des Peres Road, Suite 303
St. Louis, MO 63131

And ~~mailed, messenger to:~~ Electronically mailed to:

Michael B. Kroeger, Director
Division of Enforcement
300 Sower Blvd.
Frankfort, Kentucky 40601

Elizabeth U. Natter, Executive Director
Office of General Counsel
Energy and Environment Cabinet
300 Sower Blvd.
Frankfort, Kentucky 40601



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Civil Engineering
Surveying & Mapping
Potable Water
Wastewater Treatment



Civil Site Design
Construction Support
Transportation
Wastewater Collection

The Delaplain Disposal – Delaplain WWTP KY0079049
Kentucky
Engineering Memorandum
Date: September 11, 2020

Introduction

The Delaplain wastewater treatment facility is located north of Georgetown, Kentucky approximately 19 miles north of Lexington, Kentucky. This facility services 290 residences and 33 commercial or industrial contributors. The system operates under Kentucky DEP Permit number KY0079049 and Agency ID number 3901.

Existing Flows and Loadings and Projections

The existing facility is authorized to treat up to 240,000 gpd.

According to the permit application submitted by Delaplain Disposal Co., the flow contribution is 55% commercial and 45% industrial. According to data available on EPA's Echo site and data submitted to 21 Design Group, Inc. by current ownership, the flows to the facility for 2020 are very roughly approximated below:

- Annual Average Daily Flow – 240,000 – 260,000 gpd
- Maximum Monthly Average Daily Flow – 360,000 gpd
- Maximum Weekly Average Daily Flow – 475,000 gpd
- Maximum Daily Average Daily Flow – 910,000 gpd
- Peak Hourly Flow – 1,200,000 gpd

The maximum monthly average daily flow and peak flows are concerning relative to the existing rated capacity and plant size. The plant has a clarifier that is $\frac{1}{3}$ of the required size at this time. This is consistent with the current ownership's believe that I&I is a problem and flow equalization would be helpful, and it also makes some sense of the excursions in TSS (during wet weather).

The flow peaking factor for the facility is clearly significant, and because of the significant commercial contribution, it's very likely that there's significant variability and spikes in BOD, TSS and ammonia loadings. During excursions in the past, BOD levels were significantly higher than TSS levels, indicating incomplete treatment. We know that one of the original 50-hp centrifugal blowers was replaced recently (to maintain current capacity rating, not to increase aeration capacity), and it's likely that this improvement was made to address the high BOD events observed. It is unclear at this time if the improvement to blower capacity will meet demands from the flow and loading spikes, but it would seem likely that the blower capacity is inadequate based on current vs design flows.

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Washington, MO 63090

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Wastewater Treatment



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- ▶ Circular clarifier with scum collection and air lift of scum to digester
- ▶ RAS/WAS box
- ▶ Surge Chamber and transfer pump to convey stored wastewater into the aeration tank
- ▶ Aerobic Digester
- ▶ Chlorine feed point and chlorine contact tanks
- ▶ Dechlorination feed point and dechlorination contact tanks
- ▶ Control panels for various subcomponents in the system including the controls for the clarifier, blowers, and surge tank transfer pumps.
- ▶ PD blower that appears to serve the aerobic

The existing facility has aged, showing the need for fresh coatings, protection from exposed wires, and spot welding repairs, but it is in relatively good working order.

The comminutor is no longer utilized, and the manual bar screen appears to result in overflows periodically from the uncleaned bar screen rack. The air pattern in the aeration tank indicates relatively turbulent mixing conditions using coarse bubble diffuser design that would likely not be improved significantly with diffuser replacement. It was unclear whether the surge tank is utilized or if the surge tank transfer pumps are in working condition. The existing gaseous chlorine and gaseous sulfur dioxide systems were in working condition according to the operators (however the chemical solution feed lines were not evident).

Functionality of the Existing System

The functionality of the existing plant is similar to other activated sludge systems. However, this system is challenged by:

- ▶ The system is seeing flows (and most likely loadings) significantly in excess of original capacity. This results in the need to carry very high mixed liquor concentrations and to maintain a very healthy sludge age in a limited range or face challenges during wet weather to retain biomass. (Based on effluent results, it appears this is a real problem here).
- ▶ The existing clarifier has a 10' depth and a 25' diameter. Because the 10-State Standards require 12' deep clarifiers, this tank is not acceptable as a secondary clarifier for activated sludge systems. At the maximum 10-State Standards surface overflow rate of 1,000 gpd/sf, the 25' diameter clarifier can only handle peak flows up to about 490,000 gpd. The peak daily flow and peak hourly flows to the plant significantly exceed this flow rate at this time, so the clarifier is very undersized for use in an activated sludge application.
- ▶ There is only 1-large zone of treatment, and it's difficult to make system repairs without multiple tanks to allow the system to be taken off line.
- ▶ There are no provisions evident for using the surge tank beyond overflowing the bar screen. It is currently not convenient to use the surge tank.
- ▶ There is only 1-operating blower for the aeration tank, and because it's centrifugal and there's no modulating inlet suction valve or VFD, it's either on or off.

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Wastewater Treatment



Civil Site Design
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Transportation
Wastewater Collection

- The addition of a tertiary automatic straining system will add protection for the system from BOD and TSS excursions during wet weather events.
- The use of an in-line UV disinfection system will be used to achieve compliance with the disinfection requirements. (Note that the industrial contribution could impact UVT transmittance and this should be checked over a period of several samples prior to ordering equipment).
- While the above improvements should allow a good operator to significantly improve performance, the addition of an alum feed system to promote improved solids capture during wet weather events (in both the equalization tank and in the clarifier) will provide a margin of error to allow the system to achieve considerably improved permit compliance.
- There is a potential that a second clarifier will be required at some point in the future if I/I issues increase.

Wastewater Collection System Understanding

The collection system consists of gravity sewer as well as five separate lift stations. The plant has an hourly peak flow factor of almost 6:1, so I and I is considered a large issue for the collection system and should be dealt with sooner rather than later as it is negatively affecting the plants ability to meet the effluent discharge limits enforced by Kentucky. (Note however that while the 4:1 peak day: average day flow peaking factor and the 6:1 peak hour: average day ratios cause problems within this plant, they aren't large peaking factors relative to many plants. Some degree of I/I reduction can be expected, but we are not likely to achieve 2:1 or even 3:1 peaking factors with I/I reductions).

Industrial Pump Station 1 is located directly south of the wastewater facility along Interstate 75 and conveys all of the systems wastewater to the treatment plant. The wet well is outfitted with dual 20 hp non-clog pumps from Myers and has a discharge force main diameter of 6". Moonlake Pump Station 1 conveys wastewater through 4" force main across Interstate 75 directly to Industrial Park Pump Station 1 and is outfitted with dual 25 hp pumps from Myers. The station is poorly located in terms of ease of access, which will make maintenance and upgrades difficult to perform. A list of Pump Stations with specifications for each pump is located in the Appendix.

Wastewater Collection System Recommended Improvements

- GIS shapefiles should be developed for future maintenance. System mapping at the fingertips of the operators will enhance the level of service and timing of responses to emergency and customer issues.
- Install flow monitoring, perform smoke testing, perform video inspection at selected locations, evaluate systems and create GIS based maintenance priority list to help understand and reduce the effect of I and I on the system.
- A manual transfer switch should be installed at each lift station to allow for the use of a portable generator during emergencies.

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Washington, MO 63090

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Wastewater Collection



Bar Screen



Gaseous Chlorine Storage

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Washington, MO 63090

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636-432-5029






DOW 21-3-0028 - Delaplain Disposal Company AO

Final Audit Report

2021-08-10

Created:	2021-08-09
By:	Mandy Keubler (mkeubler@cswrgroup.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAGjmcUz75rg0q87iMyBXrQysNU0ZpewV3

"DOW 21-3-0028 - Delaplain Disposal Company AO" History

-  Document created by Mandy Keubler (mkeubler@cswrgroup.com)
2021-08-09 - 9:20:50 PM GMT - IP address: 71.10.211.134
-  Document emailed to Josiah Cox (jcox@cswrgroup.com) for signature
2021-08-09 - 9:21:27 PM GMT
-  Email viewed by Josiah Cox (jcox@cswrgroup.com)
2021-08-10 - 4:18:35 PM GMT - IP address: 12.127.143.250
-  Document e-signed by Josiah Cox (jcox@cswrgroup.com)
Signature Date: 2021-08-10 - 4:18:47 PM GMT - Time Source: server- IP address: 12.127.143.250
-  Agreement completed.
2021-08-10 - 4:18:47 PM GMT





March 17, 2022

Nicholas Fields
Kentucky Department of Environmental Protection
Division of Enforcement
300 Sower Blvd., 3rd Floor
Frankfort, KY 40601

Bluegrass Water Utility Operating Company, LLC
Delaplain Disposal WWTP
KYPDES Permit No. KY0079049
Agency No. 3901

Corrective Action Plan

In light of the Delaplain Disposal WWTP's failure to meet permitted limits, Bluegrass Water submits the following corrective action plan.

BWUOC has recently purchased this treatment plant. With the change of ownership, operational modifications have been implemented and are ongoing. Due to the poor maintenance of the facility by the previous ownership, the current plant is not capable of consistently meeting limits.

1. Causes of Effluent Violations

- Ammonia
- Total Suspended Solids (TSS)
- Carbonaceous Biological Oxygen Demand (CBOD)
- E. Coli

A review was performed of EPA's Echo compliance website which lists violations. At the time of Bluegrass Water's acquisition of the Delaplain WWTF, it had been in a state of "Significant noncompliance" for the previous 12 quarters with numerous effluent exceedances as well as notices for improper maintenance and operations of the facility. Following acquisition by Bluegrass water, operational improvements, facility cleanup, and basic repairs have begun and while facility performance has improved the facility continues to exceed permitted limits for Ammonia, total residual chlorine, E.coli, Ammonia, Total suspended solids, and CBOD. The facility is reaching capacity limitations, as the average daily flow and peak flows periodically exceed the rated capacity of the plant. The new operators have significantly improved the average performance of the facility, but the organic and hydraulic overloading conditions remain and during wet weather events, the facility is at risk of continued violations. The heavy organic loading also results in having minimal sludge storage capacity.

2. System Evaluation and Corrective Actions

Improvements must be made to the facility, including process modifications in order for the plant to reliably meet permitted limits. Mission Monitoring system has already been installed and is being utilized to remotely monitor the facility. The existing flow meter has been calibrated, and the system flows, and loadings are being monitored. Ultimately, we believe that the system will require an increase in capacity from a rated average daily flow of 240,000 gpd to at least 300,000 gpd, and the peak flows received at the plant will need to be equalized to reduce peak flows sent



3. Project Milestones

- a. Continue monitoring performance of facility (June 30, 2023)
- b. Submit construction permit application for major modifications (application submitted on February 28, 2022)
- c. Procure equipment (May 15, 2022)
- d. Receive Construction Permit (August 30, 2022)
- e. Complete construction (June 30, 2023)

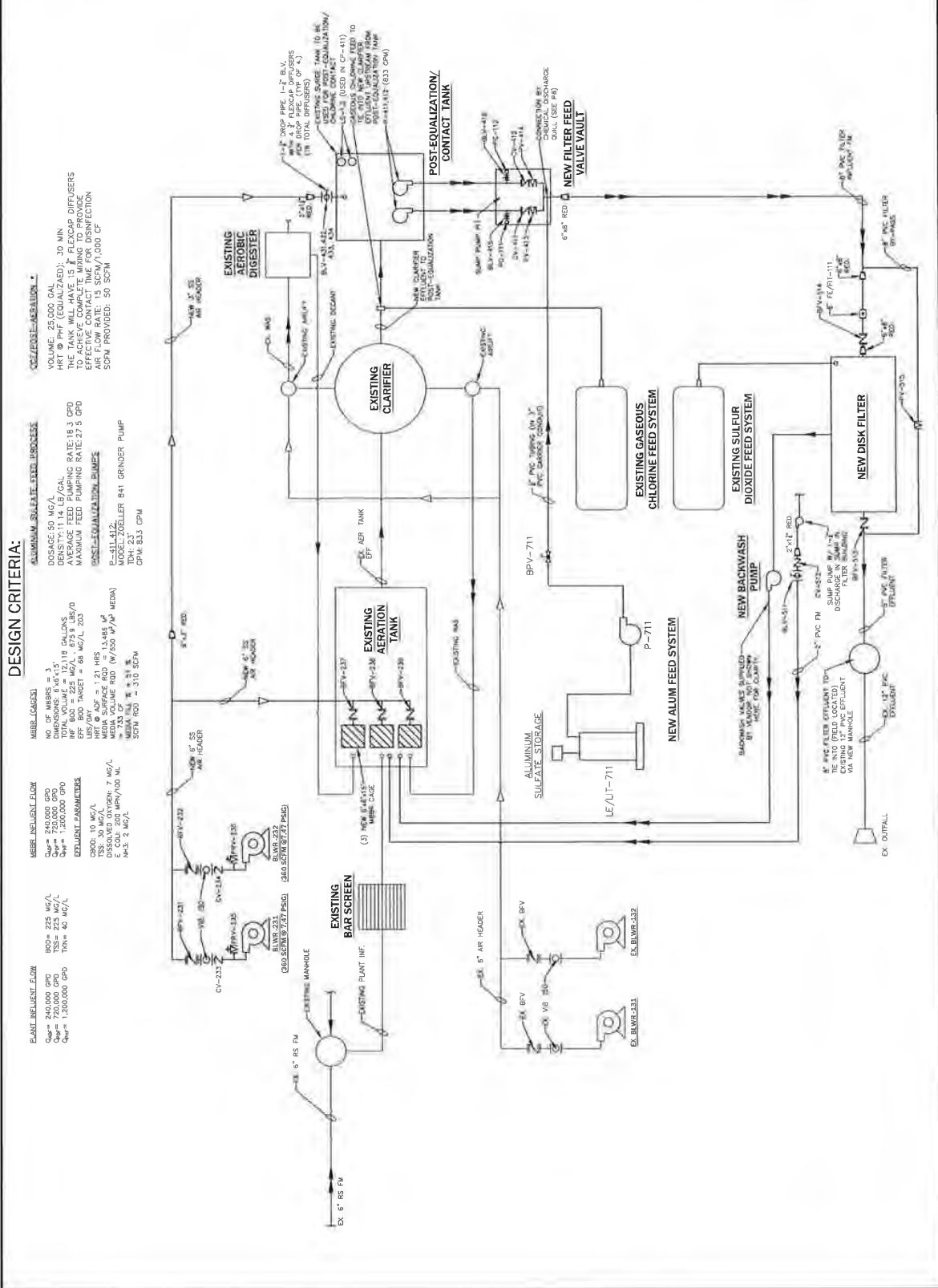
Sincerely,

A handwritten signature in blue ink, appearing to read "L. Chavez", is written over the typed name.

ENRIQUE CHAVEZ JR.
Utility Project Manager

(314) 380-8043
(314) 437-5714
(314) 736-4743
echavez@cswrgroup.com
1650 Des Peres Rd., Suite 303
Des Peres, MO 63131
centralstateswaterresources.com

BAR IS ONE INCH ON OFFICAL DRAWINGS. IF NOT ONE INCH, ADJUST SCALE ACCORDINGLY.



DESIGN CRITERIA:

ALUMINATE FEED PROCESS

RAW WATER

NO. OF BARBERS = 3
 DIMENSIONS: 6' x 5' x 15'
 INP. BOD = 228 MG/L ; 57.9 LB/D
 EF BOD TANKSET = 68 MG/L ; 203
 HRT @ 40°F = 1.21 HRS
 HRT @ 50°F = 1.08 HRS
 MEDIA VOLUME = 600 (6' x 50' x 10' MEDIA)
 = 733 CF = 181 M³
 SPM RQD = 310 SCFM
 GPM: 533 GPM

ALUMINATE FEED PROCESS

DOSEAGE: 50 MG/L
 DENSITY: 11.14 LB/GAL
 AVERAGE FEED PUMPING RATE: 18.3 GPD
 MAXIMUM FEED PUMPING RATE: 27.5 GPD

POST-EQUALIZATION TANK

P-411-412
 MODEL: ZWELLER 841 GRINDER PUMP
 TDH: 23'
 GPM: 533 GPM

PLANT INFLUENT FLOW

Q_{RAW} = 240,000 GPD
 Q_{ALUM} = 225 MG/L
 Q_{CL₂} = 20,000 GPD
 Q_{SO₂} = 1,200,000 GPD
 TSS = 25 MG/L
 TSS = 40 MG/L

EFFLUENT PARAMETERS

Q_{EFF} = 10 MG/L
 Q_{DISINFECTED OXYGEN} = 7 MG/L
 Q_{CO₂} = 250 M³/100 M³
 Q_{CH₄} = 4 M³

COAGULANT AERATION

VOLUME: 25,000 GAL
 HRT @ 10°F (EQUALIZED): 30 MIN
 THE TANK WILL HAVE 15' FLEXICAP DIFFUSERS
 TO ACHIEVE COMPLETE MIXING TO PROVIDE
 UNIFORM COAGULANT FEED TO THE AERATION
 SECTION
 AIR FLOW RATE: 15 SCFM/1,000 CF
 SPM PROVIDED: 50 SCFM



PROCESS FLOW DIAGRAM
 DELAYED DEPOSIT, WHITE
 SCOTT, KENTUCKY

Kentucky Public Service Commission

Periodic Compliance Inspection

Attachment C

Corrective Action Plan Update



Andy Beshear
Governor

Rebecca W. Goodman
Secretary
Energy and Environment Cabinet

Commonwealth of Kentucky
Public Service Commission
211 Sower Blvd.
P.O. Box 615
Frankfort, Kentucky 40602-0615
Telephone: (502) 564-3940
Fax: (502) 564-3460
psc.ky.gov

Kent A. Chandler
Chairman

Mary Pat Regan
Commissioner

July 29, 2022

Josiah Cox
CEO
Central States Water Resources
1630 Des Peres Rd., Suite 140
Des Peres, MO 63131

Re: Periodic Wastewater Inspection
Bluegrass Water Utility Operating Company, LLC – Fox Run Wastewater System
Bullitt County, KY

Dear Mr. Cox:

Public Service Commission staff performed a periodic inspection of the Bluegrass Water Utility Operating Company, LLC – Fox Run wastewater system located in Franklin County, KY on April 27, 2022, reviewing utility operations and management practices pursuant to Commission regulations. The report of this inspection is enclosed with this letter.

Based on the inspector's observations, no deficiencies were noted during this inspection.

Please review the enclosed inspection report in its entirety as you will find further information noted regarding the inspection. If you have any questions regarding this inspection, feel free to contact me at 502-330-5986 or via email at Brian.Rice@ky.gov.

Sincerely,

Brian L. Rice
Utility Inspector
Public Service Commission

Enclosure(s)

Copy: Aaron Silas, Regulatory Case Manager
Jake Freeman, Director of Engineering, Central States Water Resources
Terry Merritt, VP of Midwest Water Operations
1351 Jefferson Street, Suite 301
Washington, MO 63090

Kentucky Public Service Commission

Periodic Compliance Inspection

Utility: Bluegrass Water Utility Operating Company, LLC – Fox Run

Utility's Principal office location: 1630 Des Peres Road, Suite 140 St Louis, MO 63131

Utility representative during inspection: Jake Freeman, Arthur Faiello and Aaron Silas

Counties served: Bullitt

Customers: 39

Investigator: Brian L. Rice

Date(s) of inspection: April 27, 2022

Date(s) of last inspection: April 20, 2021

Deficiencies noted during the last inspection: No deficiencies noted during this inspection

Have deficiencies been corrected since last inspection?

Yes

No

N/A

If no, provide a response as to why these deficiencies have not been addressed.

General Questions

Treatment Facility:

Yes

No

N/A

Collection System:

Yes

No

N/A

Utility Information

Total number of Employees: 0

Number of Office Employees: 0

Note: The Company is comprised of contracted operations, billing, and customer service.

Does the utility have its own maintenance staff?

Yes

No

N/A

If not, give the name the person(s) doing the work:

Operation and Maintenance is contracted out to Midwest Water Operations.

Kentucky Public Service Commission

Periodic Compliance Inspection

Mailing it to each customer once each year; or: Yes No N/A

Provide a place on each bill for a customer to indicate the customer's desire for a copy of the applicable rates: Yes No N/A

Yes No N/A

Note: Due to the nature of the bills, the flat rate found on the bill is the rate schedule associated with the service areas. Additionally, the bills have multiple options for contacting the Utility if they have any billing inquiries including questions regarding the rate schedule.

Section 8. Deposits.

Is the utility requiring a minimum cash deposit or other guarantee from customers to secure payment of bills? Yes No N/A

Section 10: Customer Complaints to the Utility

Upon complaint to a utility by a customer at the utility's office, by telephone or in writing, does the utility make a prompt and complete investigation and advise the customer of the utility's findings? Yes No N/A

Does the utility keep a record of all written complaints concerning the utility's service? Yes No N/A

Does the record include the following?

The customer's name and address: Yes No N/A

The date and nature of the complaint: Yes No N/A

The disposition of the complaint: Yes No N/A

Does the utility maintain these records for two (2) years from the date of resolution of the complaint? Yes No N/A

If a written complaint or a complaint made in person at the utility's office is not resolved, does the utility provide written notice to the customer of his or her right to file a complaint with the commission? Yes No N/A

Note: The Company does not maintain a local office, but this information is available via the Company's website. In the Order associated with Docket 2019-00104, the Commission approved Bluegrass' operations without a local office.

Does the utility provide the customer with the mailing address, Web site address, and telephone number of the commission? Yes No N/A

Kentucky Public Service Commission

Periodic Compliance Inspection

Permit all customers to contact the utility's designated representative without charge:

Yes No N/A

Does the utility prominently display in each office open to the public for customer service (and shall post on its Web site, if it maintains a Web site) a summary, prepared and provided by the commission, of the customer's rights pursuant to this section and Section 16 of this administrative regulation?

Yes No N/A

Note: The Company does not maintain a local office, but this information is available via the Company's website. In the Order associated with Docket 2019-00104, the Commission approved Bluegrass' operations without a local office. Records are kept electronically and can be made available upon reasonable notice at reasonable hours.

Section 20: Access to Property

Do employees of the utility (whose duties require him to enter the customer's premises) wear a distinguishing uniform or other insignia, identifying them as an employee of the utility, and show a badge or other identification that shall identify them as an employee of the utility?

Yes No N/A

Section 23: System Maps and Records

Does the utility have on file at its principal office located within the state and shall file upon request with the commission a map or maps of suitable scale of the general territory it serves or holds itself ready to serve?

Yes No N/A

Note: In the Order associated with Docket 2019-00104, the Commission approved Bluegrass' methodology of utilizing the Kentucky Infrastructure Authority to comply with mapping requirements. The Company does maintain maps electronically that can be filed upon request with the Commission. Additionally, the Company utilizes the Kentucky Infrastructure Authority for maps that can show layers including districts.

Is the map or maps available in electronic format as a PDF file or as a digital geographic database?

Yes No N/A

Is the following data available on the map or maps?

Operating districts	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Rate districts:	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Communities served:	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>

Kentucky Public Service Commission

Periodic Compliance Inspection

Instruct employees who, in the course of their work, are subject to the hazard of electrical shock, asphyxiation, or drowning, in accepted methods of artificial respiration:

Yes No N/A

Note: Bluegrass Water has no employees.

Section 26: Inspection of Systems:

(1) A utility shall adopt inspection procedures to assure safe and adequate operation of the utility's facilities and compliance with KRS Chapter 278 and 807 KAR Chapter 5 and shall file these procedures with the commission for review.

(2) Upon receipt of a report of a potentially hazardous condition at a utility facility, the utility shall inspect all portions of the system that are the subject of the report.

(3) Appropriate records shall be kept by a utility to identify the inspection made, the date and time of inspection, the person conducting the inspection, deficiencies found, and action taken to correct the deficiencies.

Has the utility adopted inspection procedures to assure safe and adequate operation of the utility's facilities and compliance with KRS Chapter 278 and 807 KAR Chapter 5?

Yes No N/A

Have these inspection procedures been filed with the commission for review?

Yes No N/A

Upon receipt of a report of a potentially hazardous condition at a utility facility, does the utility inspect all portions of the system that are the subject of the report?

Yes No N/A

Are appropriate records kept by a utility to identify the inspection made, the date and time of inspection, the person conducting the inspection, deficiencies found, and action taken to correct the deficiencies?

Yes No N/A

Section 27: Reporting of Accidents, Property Damage, or Loss of Service.

(1) Within two (2) hours following discovery each utility, other than a natural gas utility, shall notify the commission by telephone or electronic mail of a utility related accident that results in:

(a) Death or shock or burn requiring medical treatment at a hospital or similar medical facility, or any accident requiring inpatient overnight hospitalization.

(b) Actual or potential property damage of \$25,000 or more; or

Kentucky Public Service Commission

Periodic Compliance Inspection

807 KAR 5:011 (Tariffs)

Section 12: Posting tariffs, Administrative Regulations, and Statutes

Does the utility display a suitable placard, in large type, that states that the utility's tariff and statutes are available for public inspection? Yes No N/A

Note: The Company does not maintain a local office, but this information is available via the Company's website. In the Order associated with Docket 2019-00104, the Commission approved Bluegrass' operations without a local office. Records are kept electronically and can be made available upon reasonable notice at reasonable hours.

Does the utility provide a suitable table or desk in its office or place of business on which the public may view all effective tariffs? Yes No N/A

Note: The Company does not maintain a local office, but this information is available via the Company's website. In the Order associated with Docket 2019-00104, the Commission approved Bluegrass' operations without a local office. Records are kept electronically and can be made available upon reasonable notice at reasonable hours.

Section 13: Special Contracts

Does the utility have any special contracts that establish rates, charges, or conditions of service not contained in its tariff? Yes No N/A

If yes, has the utility filed the special contracts with the PSC? Yes No N/A

807 KAR 5:071 (Sewage):

Section 1: General.

The purpose of this administrative regulation is to provide standard rules administrative regulations governing the service of sewage utilities operating under the Jurisdiction of the Public Service Commission.

Section 4: Information Available to Customers.

(1) System maps or records. Each utility shall maintain up-to-date maps, plans, or records of its entire force main and collection systems, with such other information as may be necessary to

Kentucky Public Service Commission

Periodic Compliance Inspection

(2) Scheduled interruptions. Whenever any utility finds it necessary to schedule an interruption of its service, it shall notify all customers to be affected by the interruption stating the time and anticipated duration of the interruption. Whenever possible, scheduled interruptions shall be made at such hours as will provide least inconvenience to the customers.

(3) Record of interruptions. Each utility shall keep a complete record of all interruptions on its system. This record shall show the cause of interruption, date, time, duration, remedy, and steps taken to prevent recurrence.

Is the utility making all reasonable efforts to prevent interruptions of service and when such interruptions occur shall endeavor to reestablish service with the shortest possible delay consistent with the safety of its customers and the public?

Yes No N/A

If the utility schedules an interruption of service are all customers notified that are affected by the interruption?

Yes No N/A

PROVIDE DOCUMENTATION DURING INSPECTION IF ANY.

Does the utility make all reasonable efforts to schedule interruptions at such hours as will provide least inconvenience to the customers? Yes No N/A

Does the utility maintain a record of all interruptions of service regarding the following items?

	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Cause of interruption	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Date	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Time	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Duration	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Remedy	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
# Of customers affected	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
steps taken to prevent recurrence	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>

Section 7. Design, Construction, and Operation.

(1) General. The sewage treatment facilities of the sewage utility shall be constructed, installed, maintained and operated in accordance with accepted good engineering practice to assure, as far as reasonably possible, continuity of service, uniformity in the quality of service furnished, and the safety of persons and property.



Fox Run WWTF





Andy Beshear
Governor

Rebecca W. Goodman
Secretary
Energy and Environment Cabinet

Commonwealth of Kentucky
Public Service Commission
211 Sower Blvd.
P.O. Box 615
Frankfort, Kentucky 40602-0615
Telephone: (502) 564-3940
Fax: (502) 564-3460
psc.ky.gov

Kent A. Chandler
Chairman

Mary Pat Regan
Commissioner

August 1, 2022

Josiah Cox
CEO
Central States Water Resources
1630 Des Peres Road, Suite 140
Des Peres, MO 63131

Re: Periodic Wastewater Inspection
Bluegrass Water Utility Operating Company, LLC – Herrington Haven Wastewater
System
Garrard County, KY

Dear Mr. Cox:

Public Service Commission staff performed a periodic inspection of the Bluegrass Water Utility Operating Company, LLC – Herrington Haven wastewater system located in Garrard County, KY on April 28, 2022, reviewing utility operations and management practices pursuant to Commission regulations. The report of this inspection is enclosed with this letter.

Based on the inspector's observations, no deficiencies were identified.

Please review the enclosed inspection report in its entirety as you will find further information noted about the inspection. If you have any questions regarding this inspection, feel free to contact me at 502-330-5986 or via email at Brian.Rice@ky.gov.

Sincerely,

Brian L. Rice
Utility Inspector
Public Service Commission

Enclosure(s)

Copy: Aaron Silas, Regulatory Case Manager, Central States Water Resources
Jake Freeman, Director of Engineering, Central States Water Resources
Terry Merritt, VP of Midwest Water Operations
1351 Jefferson Street, Suite 301
Washington, MO 63090

Kentucky Public Service Commission

Periodic Compliance Inspection

Utility: Bluegrass Water Utility Operating Company, LLC – Herrington Haven

Utility's Principal office location: 1630 Des Peres Road, Suite 140 St Louis, MO 63131

Utility representative during inspection: Jake Freeman, Arthur Faiello and Aaron Silas

Counties served: Garrard

Customers: 24

Investigator: Brian L. Rice

Date(s) of inspection: April 28, 2022

Date(s) of last inspection: August 11, 2021

Deficiencies noted during the last inspection: No deficiencies noted during this inspection

Have deficiencies been corrected since last inspection?

Yes

No

N/A

If no, provide a response as to why these deficiencies have not been addressed.

General Questions

Treatment Facility:

Yes

No

N/A

Collection System:

Yes

No

N/A

Utility Information

Total number of Employees: 0

Number of Office Employees: 0

Note: The Company is comprised of contracted operations, billing, and customer service.

Does the utility have its own maintenance staff?

Yes

No

N/A

If not, give the name the person(s) doing the work:

Operation and Maintenance is contracted out to Midwest Water Operations.

Kentucky Public Service Commission

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Mailing it to each customer once each year; or: Yes No N/A

Provide a place on each bill for a customer to indicate the customer's desire for a copy of the applicable rates: Yes No N/A

Yes No N/A

Note: Due to the nature of the bills, the flat rate found on the bill is the rate schedule associated with the service areas. Additionally, the bills have multiple options for contacting the Utility if they have any billing inquiries including questions regarding the rate schedule.

Section 8. Deposits.

Is the utility requiring a minimum cash deposit or other guarantee from customers to secure payment of bills? Yes No N/A

Section 10: Customer Complaints to the Utility

Upon complaint to a utility by a customer at the utility's office, by telephone or in writing, does the utility make a prompt and complete investigation and advise the customer of the utility's findings? Yes No N/A

Does the utility keep a record of all written complaints concerning the utility's service? Yes No N/A

Does the record include the following?

The customer's name and address: Yes No N/A

The date and nature of the complaint: Yes No N/A

The disposition of the complaint: Yes No N/A

Does the utility maintain these records for two (2) years from the date of resolution of the complaint? Yes No N/A

If a written complaint or a complaint made in person at the utility's office is not resolved, does the utility provide written notice to the customer of his or her right to file a complaint with the commission? Yes No N/A

Note: The Company does not maintain a local office, but this information is available via the Company's website. In the Order associated with Docket 2019-00104, the Commission approved Bluegrass' operations without a local office.

Does the utility provide the customer with the mailing address, Web site address, and telephone number of the commission? Yes No N/A

Kentucky Public Service Commission

Periodic Compliance Inspection

Permit all customers to contact the utility's designated representative without charge:

Yes No N/A

Does the utility prominently display in each office open to the public for customer service (and shall post on its Web site, if it maintains a Web site) a summary, prepared and provided by the commission, of the customer's rights pursuant to this section and Section 16 of this administrative regulation?

Yes No N/A

Note: The Company does not maintain a local office, but this information is available via the Company's website. In the Order associated with Docket 2019-00104, the Commission approved Bluegrass' operations without a local office. Records are kept electronically and can be made available upon reasonable notice at reasonable hours.

Section 20: Access to Property

Do employees of the utility (whose duties require him to enter the customer's premises) wear a distinguishing uniform or other insignia, identifying them as an employee of the utility, and show a badge or other identification that shall identify them as an employee of the utility?

Yes No N/A

Section 23: System Maps and Records

Does the utility have on file at its principal office located within the state and shall file upon request with the commission a map or maps of suitable scale of the general territory it serves or holds itself ready to serve?

Yes No N/A

Note: In the Order associated with Docket 2019-00104, the Commission approved Bluegrass' methodology of utilizing the Kentucky Infrastructure Authority to comply with mapping requirements. The Company does maintain maps electronically that can be filed upon request with the Commission. Additionally, the Company utilizes the Kentucky Infrastructure Authority for maps that can show layers including districts.

Is the map or maps available in electronic format as a PDF file or as a digital geographic database?

Yes No N/A

Is the following data available on the map or maps?

Operating districts	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Rate districts:	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Communities served:	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>

Kentucky Public Service Commission

Periodic Compliance Inspection

Instruct employees who, in the course of their work, are subject to the hazard of electrical shock, asphyxiation, or drowning, in accepted methods of artificial respiration:

Yes No N/A

Note: Bluegrass Water has no employees.

Section 26: Inspection of Systems:

(1) A utility shall adopt inspection procedures to assure safe and adequate operation of the utility's facilities and compliance with KRS Chapter 278 and 807 KAR Chapter 5 and shall file these procedures with the commission for review.

(2) Upon receipt of a report of a potentially hazardous condition at a utility facility, the utility shall inspect all portions of the system that are the subject of the report.

(3) Appropriate records shall be kept by a utility to identify the inspection made, the date and time of inspection, the person conducting the inspection, deficiencies found, and action taken to correct the deficiencies.

Has the utility adopted inspection procedures to assure safe and adequate operation of the utility's facilities and compliance with KRS Chapter 278 and 807 KAR Chapter 5?

Yes No N/A

Have these inspection procedures been filed with the commission for review?

Yes No N/A

Upon receipt of a report of a potentially hazardous condition at a utility facility, does the utility inspect all portions of the system that are the subject of the report?

Yes No N/A

Are appropriate records kept by a utility to identify the inspection made, the date and time of inspection, the person conducting the inspection, deficiencies found, and action taken to correct the deficiencies?

Yes No N/A

Section 27: Reporting of Accidents, Property Damage, or Loss of Service.

(1) Within two (2) hours following discovery each utility, other than a natural gas utility, shall notify the commission by telephone or electronic mail of a utility related accident that results in:

(a) Death or shock or burn requiring medical treatment at a hospital or similar medical facility, or any accident requiring inpatient overnight hospitalization.

(b) Actual or potential property damage of \$25,000 or more; or

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807 KAR 5:011 (Tariffs)

Section 12: Posting tariffs, Administrative Regulations, and Statutes

Does the utility display a suitable placard, in large type, that states that the utility's tariff and statutes are available for public inspection? Yes No N/A

Note: The Company does not maintain a local office, but this information is available via the Company's website. In the Order associated with Docket 2019-00104, the Commission approved Bluegrass' operations without a local office. Records are kept electronically and can be made available upon reasonable notice at reasonable hours.

Does the utility provide a suitable table or desk in its office or place of business on which the public may view all effective tariffs? Yes No N/A

Note: The Company does not maintain a local office, but this information is available via the Company's website. In the Order associated with Docket 2019-00104, the Commission approved Bluegrass' operations without a local office. Records are kept electronically and can be made available upon reasonable notice at reasonable hours.

Section 13: Special Contracts

Does the utility have any special contracts that establish rates, charges, or conditions of service not contained in its tariff? Yes No N/A

If yes, has the utility filed the special contracts with the PSC? Yes No N/A

807 KAR 5:071 (Sewage):

Section 1: General.

The purpose of this administrative regulation is to provide standard rules administrative regulations governing the service of sewage utilities operating under the Jurisdiction of the Public Service Commission.

Section 4: Information Available to Customers.

(1) System maps or records. Each utility shall maintain up-to-date maps, plans, or records of its entire force main and collection systems, with such other information as may be necessary to

Kentucky Public Service Commission

Periodic Compliance Inspection

service with the shortest possible delay consistent with the safety of its customers and the public.

(2) Scheduled interruptions. Whenever any utility finds it necessary to schedule an interruption of its service, it shall notify all customers to be affected by the interruption stating the time and anticipated duration of the interruption. Whenever possible, scheduled interruptions shall be made at such hours as will provide least inconvenience to the customers.

(3) Record of interruptions. Each utility shall keep a complete record of all interruptions on its system. This record shall show the cause of interruption, date, time, duration, remedy, and steps taken to prevent recurrence.

Is the utility making all reasonable efforts to prevent interruptions of service and when such interruptions occur shall endeavor to reestablish service with the shortest possible delay consistent with the safety of its customers and the public?

Yes No N/A

If the utility schedules an interruption of service are all customers notified that are affected by the interruption?

Yes No N/A

PROVIDE DOCUMENTATION DURING INSPECTION IF ANY.

Does the utility make all reasonable efforts to schedule interruptions at such hours as will provide least inconvenience to the customers? Yes No N/A

Does the utility maintain a record of all interruptions of service regarding the following items?

	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Cause of interruption	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Date	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Time	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Duration	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Remedy	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
# Of customers affected	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
steps taken to prevent recurrence	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>

Section 7. Design, Construction, and Operation.

(1) General. The sewage treatment facilities of the sewage utility shall be constructed, installed, maintained and operated in accordance with accepted good engineering practice to assure, as



Herrington Haven WWTP



Kentucky Public Service Commission

Periodic Compliance Inspection

Comment: During this periodic regulatory compliance inspection, it was not possible to review/discuss every record relating to all Commission requirements. Therefore, in some instances the results contained in this report are indicative of those items inspected and reviewed on a sample basis.

Report by:

Date: July 29, 2022



**Brian L. Rice
Utility Inspector
Kentucky Public Service Commission**

Kentucky Public Service Commission

Periodic Compliance Inspection

Attachment A

Update to Corrective Action Plan

M. Kraeger

SCANNED
OCT 25 2019
QUALITY CHECK

FILED
OCT 02 2019
Office of Administrative Hearings

COMMONWEALTH OF KENTUCKY
ENERGY AND ENVIRONMENT CABINET
DIVISION OF ENFORCEMENT
CASE NO. DOW 34434-01

IN RE: Paducah McCracken County Joint Sewer Agency, as receiver for
Marshall County Environmental Services LLC and/or Allen Artis and the Great
Oaks Waste Water Treatment Plant
Creek Side Drive
Paducah, Kentucky 42001
Master AI No. 3041
Activity ID No. ERF20170001

OCT - 9 2019

AGREED ORDER

WHEREAS, this Agreed Order shall become effective only upon the entry of an order by the Franklin Circuit Court (hereinafter "FCC") appointing Paducah McCracken County Joint Sewer Agency (hereinafter "PMJSA") as a temporary receiver for Marshal County Environmental Services, LLC., and/or Allen Artis (hereinafter "MCES") and the Great Oaks Waste Water Treatment Plant (hereinafter "Great Oaks WWTP" or "facility").

WHEREAS, the parties to this Agreed Order, the Energy and Environment Cabinet (hereinafter "Cabinet") and PMJSA state:

STATEMENTS OF FACT

1. The Cabinet is charged with the statutory duty of enforcing KRS Chapter 224 and the regulations promulgated pursuant thereto.
2. PMJSA is the local regional provider of comprehensive wastewater services for Paducah and McCracken County, Kentucky.
3. MCES is an inactive for-profit Kentucky corporation in "bad" standing, according to the Kentucky Secretary of State.
4. MCES and/or Allen Artis is the current owner and operator of Great Oaks

AH

WWTP, located at Creekside Drive, Paducah, Kentucky. The facility has a design capacity of .070 million gallons per day and discharges to Blizzard Pond Drainage Canal.

5. Great Oaks WWTP discharges under Kentucky Pollutant Discharge Elimination Systems (hereinafter "KPDES") permit number KY0080845, issued on May 01, 2012, by the Cabinet's Division of Water (hereinafter "DOW"). Its KPDES permit expired on April 30, 2017; however, the DOW has administratively continued to allow Great Oaks to operate under its expired permit.

6. On May 24, 2018, the Cabinet, MCES, and/or Allen Artis entered into an Agreed Order to resolve the Abate and Alleviate Order No. 34434-049, which the Cabinet issued after DOW representatives observed wastewater discharges flowing from manhole(s), lift station(s) and the WWTP, directly into the Blizzard Pond Drainage Canal.

7. Pursuant to Kentucky Revised Statute (hereinafter "KRS") 224.73-150(6), the Cabinet notified the Public Service Commission (hereinafter "PSC") on June 13, 2019, that it intended to petition the FCC to appoint PMJSA as a temporary receiver to operate and manage the assets of the Great Oaks WWTP.

8. MCES and Bluegrass Water Utility Operating Company, LLC., (hereinafter "BWUOC") have filed a Certified Joint Application for Approval of Acquisition and Transfer of Ownership and Control of Utility Assets with the PSC (Case No. 2019-00104). BWUOC seeks to acquire control of MCES' assets, including the Great Oaks WWTP.

9. On August 9, 2019, the Franklin Circuit Court granted the Cabinet's Motion to Appoint Receiver and appointed the PMJSA as the temporary receiver of the Great Oaks WWTP.

NOW THEREFORE, in the interest of providing corrective actions to the Great Oaks WWTP

and its collection system, the parties hereby consent to the entry of this Agreed Order and agree as follows:

REMEDIAL MEASURES

10. This Agreed Order shall have no force or effect until such date as is specified in an order of the FCC for PMJSA to commence temporary receivership duties for MCES and/or Allen Artis provided that this Agreed Order shall also not become effective if PMJSA seeks appellate review of such an order.

11. To arrive at the terms of this Agreed Order, PMJSA submitted for Cabinet review and acceptance an Operation and Maintenance (hereinafter "O&M") Plan for the Great Oaks WWTP, generally as described below:

- i. The O&M Plan describes the actions that PMJSA will take to best operate and maintain the Great Oaks WWTP, given the current condition of the plant and resources available to PMJSA as a temporary receiver for the facility.
- ii. On July 11, 2019, PMJSA submitted the O&M Plan to Division of Enforcement (hereinafter "DENF") for review and acceptance, which was accepted on July 16, 2019. PMJSA shall complete the tasks identified in the O&M Plan in accordance with the O&M Plan. A copy of the O&M Plan is attached as Exhibit A for reference to this Agreed Order.
- iii. The accepted O&M Plan defines the scope of the operational duties expected to be performed by certified operators on behalf of PMJSA at the Great Oaks WWTP for purposes of 401 KAR 11:020.
- iv. PMJSA may request an amendment of the accepted O&M Plan by writing the Director of the Division of Enforcement at 300 Sower Boulevard,

Frankfort, Kentucky 40601 and stating the reason for the request. If granted, the amended O&M Plan shall not affect any provision of this Agreed Order unless expressly provided in the amended O&M Plan.

- v. Approval of any request for an amendment of an O&M Plan shall be at the sole discretion of the Director of the Division of Enforcement.
- vi. If the Cabinet denies the request for an amendment to the O&M Plan, the accepted O&M Plan shall remain in full effect.
- vii. If the Cabinet approves the request for an amendment to the O&M Plan, PMJSA shall then submit a draft Amended O&M Plan to the Cabinet for review and acceptance, within thirty (30) days of receipt of the Cabinet's approval. Upon review, the Cabinet may, in whole or in part, (1) accept or (2) disapprove, or (3) provide comments to PMJSA identifying the deficiencies. Within thirty (30) days of receipt of Cabinet's comments, PMJSA shall revise and resubmit the Amended O&M Plan to the Cabinet for review and acceptance. Upon receipt of the resubmitted Amended O&M Plan, the Cabinet may, in whole or in part, (1) accept, (2) disapprove or (3) provide comments to PMJSA identifying any deficiencies. If any part of the resubmitted Amended O&M Plan is disapproved, the Cabinet may reject PMJSA's request to amend and the accepted O&M Plan shall remain in full effect.

12. For the duration of this Agreed Order, PMJSA shall submit monthly reports to the Cabinet by the 15th day of the month. The monthly reports shall summarize the actions that PMJSA has completed to comply with the O&M Plan.

13. So long as PMJSA complies with the terms and conditions of this Agreed Order and the O&M Plan accepted by the Cabinet, the Cabinet's DENF agrees to hold any formal enforcement action for numeric permit parameter violations, for the KPDES permit described in paragraph 5, in abeyance. Should PMJSA fail to comply with the terms and conditions of this Agreed Order and the O&M Plan accepted by the Cabinet, the Cabinet may seek a formal enforcement action that would have otherwise been held in abeyance.

14. So long as PMJSA is in compliance with the terms and conditions of this Agreed Order and the O&M Plan accepted by the Cabinet, the Cabinet's DENF agrees to hold any formal enforcement action for violations of 401 KAR 5:065 Section 2(1) [as in 40 CFR 122.41(e)], for improper operation and maintenance, for the KPDES permit described in paragraph 5, in abeyance. Should PMJSA fail to comply with the terms and conditions of this Agreed Order and the O&M Plan accepted by the Cabinet, the Cabinet may seek a formal enforcement action that would have otherwise been held in abeyance.

15. All submittals required by the terms of this Agreed Order shall either be submitted by electronic mail or first class mail to: Division of Enforcement, Attention: Director, 300 Sower Boulevard, Frankfort, Kentucky, 40601.

16. It is agreed that PMJSA shall be permitted to petition the FCC for an order assigning PMJSA the exclusive right to all user fees and/or revenues generated by the system during the period of the temporary receivership. The Cabinet will not oppose any motion or petition filed by PMJSA seeking an assignment of the user fees during the period of the temporary receivership.

17. The parties agree that PMJSA shall have the option to hire or contract with an operator certified pursuant to 401 KAR Chapter 11 to operate the system during the period of

the temporary receivership.

MISCELLANEOUS PROVISIONS

18. This Agreed Order addresses only the items described above. Other than the matters agreed to by entry of this Agreed Order, nothing contained herein shall be construed to waive or to limit any remedy or cause of action by the Cabinet based on statutes or regulations under its jurisdiction and PMJSA reserves its defenses thereto. The Cabinet expressly reserves its right at any time to issue administrative orders and to take any other action it deems necessary that is not inconsistent with this Agreed Order, including the right to order all necessary remedial measures, assess penalties for violations, or recover all response costs incurred, and PMJSA reserves its defenses thereto.

19. No aspect of PMJSA's conduct as temporary receiver will have any impact on any KPDES permit held by PMJSA or any consent decree or other regulatory action between the Cabinet and PMJSA.

20. This Agreed Order shall not prevent the Cabinet from issuing, reissuing, renewing, modifying, revoking, suspending, denying, terminating, or reopening any permit to PMJSA. PMJSA reserves its defenses thereto.

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

22. Nothing in this Agreed Order shall be construed as requiring PMJSA to seek or obtain any permit in connection with the Great Oaks WWTP.

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

24. The Cabinet does not, by its consent to the entry of this Agreed Order, warrant or aver in any manner that PMJSA's complete compliance with this Agreed Order will result in compliance with the provisions of KRS Chapter 224 and the regulations promulgated pursuant thereto. Notwithstanding the Cabinet's review and approval of any plans formulated pursuant to this Agreed Order, PMJSA shall remain solely responsible for compliance with the terms of KRS Chapter 224 and the regulations promulgated thereto, this Agreed Order, and any permit and compliance schedule requirements.

25. PMJSA shall notify the Cabinet if it is relieved of its duty as temporary receiver by order of the FCC.

26. This Agreed Order applies specifically and exclusively to the unique facility referenced herein and is inapplicable to any other facility.

27. Compliance with this Agreed Order is not conditional on the receipt of any federal, state, or local funds.

28. This Agreed Order shall be of no force and effect unless and until it is entered by the Secretary or his designee as evidenced by his signature thereon. If this Agreed Order contains any date by which PMJSA is to take any action or cease any activity, and the Secretary enters the Agreed Order after that date, then PMJSA is nonetheless obligated to have taken the action or ceased the activity by the date contained in this Agreed Order.

FORCE MAJEURE

29. PMJSA shall perform the requirements of this Agreed Order within the time limits set forth or approved herein, unless the performance is prevented or delayed solely by events, which constitute a force majeure, in which event the delay in performance shall be excused, and no performance or stipulated penalty shall be assessed. A force majeure is defined as any event arising from causes not reasonably foreseeable and beyond the control of PMJSA, or PMJSA's consultants and contractors, which could not be overcome by due diligence and which delays or prevents performance by a date required by this Agreed Order. Force majeure events do not include unanticipated or increased costs of performance, changed economic or financial conditions, normal precipitation events, the failure by a contractor to perform, or the failure by a supplier to deliver unless such failure is itself caused by a force majeure event.

30. PMJSA shall notify the Director of the Division of Enforcement by telephone by the end of the next business day and in writing within fifteen (15) business days after it becomes aware of events which it knows or should know constitute a force majeure. The notice shall estimate the anticipated length of delay, including necessary demobilization and remobilization, its cause, measures taken or to be taken to minimize the delay and an estimated timetable for implementation of these measures. The Cabinet will respond in writing to any written notice received. Failure to comply with the notice provision of this section shall be grounds for the Cabinet to deny an extension of time for performance.

31. PMJSA demonstrates to the Cabinet that the delay has been or will be caused by a force majeure event, the Cabinet will extend the time for performance for that element of the Agreed Order for a period at least equal to the delay resulting from such circumstances. This shall be accomplished through an Agreed Order amending this Agreed Order. The amended

Agreed Order may alter the schedule for performance or completion of other tasks required by this Agreed Order.

32. If a dispute over the occurrence or impact of a force majeure event cannot be resolved, the Cabinet reserves its right to bring an action before the FCC to enforce this Agreed Order and PMJSA reserves its defenses thereto.

TERMINATION

33. If acquisition of the Great Oaks WWTP occurs, by BWUOC or any other entity, then the Cabinet and PMJSA shall tender an agreed notice to the FCC informing it of that fact and requesting that the FCC relieve PMJSA as a temporary receiver.

34. If a valid KPDES permit is issued by the DOW for the Great Oaks WWTP, then the Cabinet and PMJSA shall tender an agreed notice to the FCC informing it of that fact and requesting that the FCC relieve PMJSA as a temporary receiver.

35. This Agreed Order shall terminate and be of no further force or effect when PMJSA is relieved as temporary receiver by order of the FCC.

36. The Cabinet reserves its right to enforce this Agreed Order, and PMJSA reserves its right to file a petition for hearing pursuant to KRS 224.10-420(2) contesting the Cabinet's determination.

37. Notwithstanding anything herein to the contrary, in the event the Certified Joint Application for Approval of Acquisition and Transfer of Ownership and Control of Utility Assets submitted to the PSC by MCES and BWUOC is denied, PMJSA shall have the option to terminate this Agreed Order upon ninety (90) days written notice to the Director of the Division of Enforcement at 300 Sower Boulevard, Frankfort, Kentucky 40601. Upon receipt of such notice, the parties shall tender an Agreed Order to the FCC terminating and relieving PMJSA as

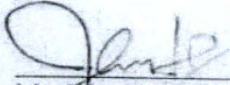
the temporary receiver effective at the expiration of the ninety (90) day notice period.

38. In the event the proposed acquisition and transfer of ownership and control of the utility assets of MCES by BWUOC fails to consummate for any reason and/or fails to consummate within 180 days from the effective date of this Agreed Order, PMJSA shall have the option to notify the Cabinet that it intends to terminate this Agreed Order upon ninety (90) days written notice to the Director of the Division of Enforcement at 300 Sower Boulevard, Frankfort, Kentucky 40601. Upon receipt of such notice, the parties shall tender an Agreed Order to the FCC terminating and relieving PMJSA as the temporary receiver effective at the expiration of the ninety (90) day notice period.

39. In the event the FCC denies PMJSA's petition or motion for an order assigning PMJSA the exclusive right to all user fees and/or revenues generated by the system during the period of the temporary receivership, PMJSA shall have the right upon ninety (90) days written notice to terminate this Agreed Order.

CASE NO. DOW 34434-01

AGREED TO BY:



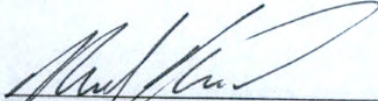
Mr. John C. Hodges, Executive Director
Paducah McCracken Joint Sewer Agency,
as Temporary Receiver for Marshall County Environmental
Services and/or Allen Artis and the Great Oaks WWTP.

8/16/19

Date

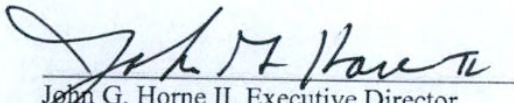
APPROVAL RECOMMENDED BY:

CASE NO. DOW 34434-01



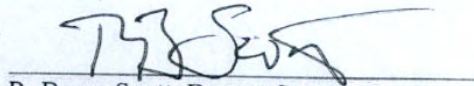
Michael B. Kroeger, Director
Division of Enforcement

8/28/19
Date



John G. Horne II, Executive Director
Office of Legal Services
Energy and Environment Cabinet

9/3/19
Date



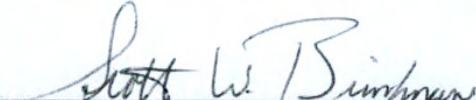
R. Bruce Scott, Deputy Secretary
Energy and Environment Cabinet

9/3/19
Date

ORDER

Wherefore, the foregoing Agreed Order is entered as the final Order of the Energy and Environment Cabinet this 2nd day of October, 2019.

ENERGY AND ENVIRONMENT CABINET


SCOTT W. BRINKMAN, SECRETARY of the
GOVERNOR'S EXECUTIVE CABINET

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing **AGREED ORDER** was mailed, postage prepaid, to the following this 2nd day of October, 2019.

Paducah McCracken Joint Sewer Agency
Attn: Mr. John C. Hodges
621 Northview Street
Paducah, KY 42001

And mailed, messenger to:

Michael B. Kroeger, Director
Division of Enforcement
300 Sower Boulevard
Frankfort, Kentucky 40601

John G. Horne II, Executive Director
Office of Legal Services
Energy and Environment Cabinet
300 Sower Boulevard
Frankfort, Kentucky 40601



DOCKET COORDINATOR

Distribution:

Dow
BGD
S&H
FBT

EXHIBIT A

Paducah-McCracken Joint Sewer
Agency, as receiver for the Great Oaks
Treatment Plant



OPERATION AND MAINTENANCE PLAN
For the
WASTEWATER COLLECTION SYSTEM AND FACILITIES

August, 2019

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OPERATION AND MAINTENANCE PLAN for the WASTEWATER COLLECTION SYSTEM AND FACILITIES

INTRODUCTION

The Paducah McCracken County Joint Sewer Agency (JSA) is the regional provider of comprehensive wastewater services for the City of Paducah and McCracken County Kentucky community. Contingent upon an Agreed Order to be issued to JSA by the Division of Enforcement of the Kentucky Energy and Environmental Cabinet (DENF) that acknowledges and accepts the procedures as outlined in this Operation and Maintenance (O&M) Plan in its entirety, JSA has developed this O&M plan as guidance for the term of the temporary receivership with the intent to make good faith efforts to effectively operate the existing system, equipment and facilities; and to the extent feasible by limitations of the current status of equipment and funding, address temporary, short-term remedial measures for failures or deficiencies the Great Oaks Treatment Plant (GOTP) wastewater treatment and collection system may experience during the receivership period.

The O&M of these systems and facilities are explicitly subject to and limited by the existing condition of the assets owned by the GOTP. This plan addresses O&M associated with operation of existing facilities to reduce the potential for sanitary system overflows (SSO's) and Kentucky Pollution Discharge Elimination System (KPDES) permit exceedances at the wastewater treatment facilities.

JSA will:

- Implement an Operation and Maintenance Plan for the GOTP sanitation system during the receivership period
- Update the plan to incorporate any substantial changes to the system
- Maintain the system according to the plan
- Keep records to document the implementation of the plan
- Properly train personnel to implement the plan

This document outlines JSA's operations and maintenance program and shall serve as the O&M plan for the sanitary sewer system, along with the wastewater treatment facilities.

OBJECTIVE

The objective of this document is to establish the operation and maintenance procedures for facilities and equipment owned by GOTP. This document will:

- Enumerate the facilities that are maintained as part of the system
- Outline technology utilized by JSA in its O&M program
- Specify personnel responsible for implementation of the O&M program
- Document JSA's O&M procedures
- Outline procedures for emergency situations
- Discuss JSA's O&M training procedures

GOTP BACKGROUND INFORMATION

The GOTP is a private treatment and collection system owned and operated by Marshall County Environmental Services (MCES), who is responsible for the proper operation and maintenance of the assets, equipment and facilities collecting and treating wastewater within the Great Oaks subdivision. Customers within this system have been paying rates established by GOTP for proper collection and treatment under the jurisdiction of the Public Service Commission (PSC). Bluegrass Water Utility Company, LLC (BWUC), has filed an application with PSC to acquire the assets owned by MCES, including the GOTP. DENF has determined that the GOTP requires a temporary receiver under Kentucky Revised Statutes (KRS) 224.73-150, until such acquisition is completed. JSA has been asked to assume the role of Receiver of the GOTP and its assets and revenues. JSA as receiver will, to the extent feasible by limitations of the current status of equipment and funding, perform the necessary O&M procedures to minimize the potential for SSO's associated with the sewer collection system, and operate the existing WWTP in a manner conducive to meeting KPDES permit number KY0080845 effluent standards.

In the interim period, it is the responsibility of JSA personnel while acting as temporary receiver of this system, to the extent feasible by limitations of the current status of equipment and funding, properly implement the O&M Plan to mitigate existing substandard conditions and environmental impact that have been previously cited by DENF for improper or inappropriate operation and maintenance of the facilities.

GOTP FACILITIES

Treatment Facilities

The GOTP serves approximately 157 customers in southwest McCracken County and operates one wastewater treatment facility. This facility operates under KPDES Permit No: KY0080845 and is a conventional aeration packaged treatment plant with a permitted capacity of 70,000 gallons per day (gpd) which discharges into the Blizzard Pond Drainage Canal. The wastewater sludge generated by this facility may be dewatered and disposed of at a local landfill, although previous frequency and method of sludge disposal is unknown. The current method of disinfection involves chlorination by means of chlorine tablets and de-chlorination methods are unknown, if any.

Collection Systems

The collection system serves approximately 157 customers in the Great Oaks Subdivision. This manual will address the O&M of the facilities associated with the described collection systems. JSA as temporary receiver, to the extent feasible by limitations of the current status of equipment and funding, will identify and remedy known collection system failures within the system that result or may potentially result in SSO's.

Pump Stations

GOTP operates and maintains one pump station within the collection system and one pump station at the head of the WWTP. JSA as receiver, to the extent feasible by limitations of the current status of equipment and funding, will maintain and operate this pump station and existing equipment.

TECHNOLOGY

JSA as receiver plans to utilize remote alarming/telemetry to identify and respond to failures associated with existing equipment as expeditiously as possible. Utilizing these technologies creates efficiencies in system operation and maintenance. The following technologies are planned to be incorporated into various aspects of O&M.

Flow Metering

JSA as receiver will rely on existing flow metering devices to record treated flows as accurately as possible. JSA believes that no flow metering devices currently exist at the treatment plant. As such, JSA will attempt to utilize flow measuring devices in conjunction with an Omni-Site telemetry unit to monitor the elevation of the water level within the pump station and to calculate flow to the treatment plant as accurately as possible with the unit. This Omni-Site unit will be installed on the pump station upon initiation of JSA as temporary receiver. This unit is currently owned by JSA and will be removed upon termination of JSA as temporary receiver, and remain JSA property.

Remote Monitoring and Advanced Telemetry

As stated above, JSA will attempt to utilize devices to monitor well levels and other pump station equipment parameters in conjunction with existing equipment diagnostic means to provide alarm notifications to operators and maintenance staff in response to equipment failures or trouble conditions. Devices such as Omni-Site units are proposed for this task.

PLANNING AND BUDGETING PROCEDURES FOR RECEIVERSHIP PERIOD

Planning efforts associated with the O&M of the GOTP sanitary system is the responsibility of JSA's Engineering and Operations Director in coordination with the Executive Director and Finance Director. It is intended that input from the Directors will coordinate the activities associated with the collection system and treatment plant to the extent feasible by limitations of the current status of equipment and funding.

RESPONSIBILITY OF O&M PROGRAM ADMINISTRATION

The administration of the program, policies and procedures associated with the O&M lies with the JSA's Engineering and Operations Director, in coordination with the Executive Director. JSA will utilize existing staff, which includes two Class IV wastewater treatment plant (WWTP) Operators to operate the WWTP and perform requisite process adjustments and record keeping duties. The O&M responsibilities associated with the maintenance of the equipment, collection system and facilities will be performed on an as-needed basis and be completed by JSA or a contractor during the receivership period, to the extent feasible by limitations of the current status of equipment and funding. JSA will respond to remote alarms and public requests on a 24/7 schedule. Further, the Engineering and Operations Director is responsible for notification to the appropriate regulatory agencies should an overflow event occur.

PROPER O&M OF FACILITIES AND EQUIPMENT

JSA has performed a very limited partial inspection of the facilities related to GOTP. It is anticipated, based on limited inspection, that significant dewatering and cleaning of the treatment plant and influent pump station may be required prior to eliminating the SSO and achieving even partial compliance with the KPDES effluent standards associated with the treatment plant.

Treatment Plant

The designated Operator shall manage and maintain proper operation of the plant site, equipment, infrastructure and chemical dosing in accordance with permit requirements and in accordance with 401 KAR 11:020. The designated operator shall be responsible to record all requisite data in compliance with KY Division of Water reporting standards and shall be responsible to transmit records/data to JSA acting as temporary receiver of GOTP. Operational duties shall include a weekly site visit to accomplish the following:

- a) Plant operation and general maintenance
- b) Process sampling as required
- c) Equipment adjustment, monitoring and management
- d) Data collection, records transmittal and paper/electronic reporting
- e) Permit/DMR sampling and coordination with designated certified laboratory (including JSA's certified laboratory). JSA will submit DMR reports for the months they operate the plant, not for former months.

- f) Chemical handling/dosing and management for chlorination. Dechlorination is currently not feasible with the existing equipment at the GOTP and will not be performed, with the exception of any natural dechlorination occurring during the discharge process.
- g) Sludge pumping coordination

Currently, there is no equipment available at the site to properly adjust pH concentrations, effluent dissolved oxygen concentrations (minus a rudimentary air bubble system) or to provide for dechlorination, if required. During the temporary receivership period, JSA does not propose to add this equipment.

Pump Stations and Equipment

Pump station maintenance and repairs shall be performed on an as-needed basis. General maintenance of all equipment, facilities, structures, pipes and appurtenances shall be completed as required to ensure continual operation of the collection and treatment systems, to the extent feasible by limitations of the current status of equipment and funding. Preventative maintenance shall be carried out on a regularly scheduled basis to maximize existing equipment and facility operability. Collection system, pump station and treatment plant maintenance duties shall include the following:

- a) Regularly scheduled equipment diagnostic checks, preventative maintenance and repairs as required
- b) Facilities general repairs as required
- c) Pipes, valves, misc. appurtenances preventative maintenance and repairs as required
- d) Work Order record keeping, tracking, reporting and transmittal
- e) After hours or on-call [24/7] equipment repairs as required/notified via remote station monitoring devices or public work request
- f) Sludge pumping supervision

Maintenance of Pipe Network

JSA will respond to reported failures or backups within the collection system on a 24/7 on-call basis. JSA will make necessary repairs to remedy existing and mitigate potential future SSO's due to pipe collapse or blockages.

O&M TRAINING

Assigned personnel will be trained on the specific aspects of O&M associated with the GOTP sanitation system. The Executive Director and Engineering and Operations Director, in coordination with JSA supervisors will develop the nature and scope of training necessary for respective staff and contractors. Once trained, it is intended that all staff and contractors will communicate in a manner to ensure that O&M activities are efficiently coordinated and documented.

SEWER OVERFLOW RESPONSE PLAN (SORP) TRAINING

JSA's O&M personnel affected by requirements in JSA's adopted Sewer Overflow Response Plan (SORP) are trained in the proper reporting and response procedures associated with JSA's system in accordance with Cabinet and statutory requirements. Staff and contractors associated with the O&M of the GOTP sanitary system will be trained annually and documentation of training will be recorded. SORP is reviewed annually by JSA Directors and modified as needed.

SAFETY TRAINING

JSA employs subcontract safety professionals to implement a safety program which includes the inspection of facilities regarding safety hazards, understanding the potential for unsafe conditions, understanding field and plant operations and the proper training of personnel associated with each of these aspects of safety. Safety training is conducted throughout the year, with mandatory annual training including confined space, trenching and shoring, lockout/tagout, hazardous material, First-Aid and CPR, etc. JSA, acting as temporary receiver shall adhere to all existing JSA safety standards and procedures in the O&M of GOTP sanitary system.

EMERGENCY PROCUREMENT

In emergency situations, JSA will procure the necessary items to provide protection to the public and the environment. JSA is required to follow the Kentucky Model Procurement Code; however, the Code has provisions that allow agencies to procure necessary items during times of emergency. In such cases, JSA completes a written determination that outlines the emergency situation, the item(s) to be procured, the method to select the vendor, the reason competition is not feasible, etc. JSA acting as temporary receiver of GOTP shall utilize this same protocol.

Scanning Batch Sheet

Prepped by: Amber Hawkins **Return to:** Amber Hawkins

Color	11 x 17	Maps	
Duplex	CD	Recycle	
8.5 x 11	Other		

Agency Interest (AI) Number:	3041
Program Code:	11
Document Type Code:	eoard
Function Area Code:	004
View Attribute:	2
Activity ID (Grey Bar):	ERF20170001
Assign To (Tempo Login):	HawkinsAM
Document Title:	Executed Receiver Agreed Order

Batch Name: 13 ← (Scan staff will complete)

Air Quality		Comp. & Tech Asst.	Permit Support – Surface Water
Enforcement	X	Compliance Lab Cert.	SRF & SPSP
Hazardous Waste		Construction & Compliance	Surface Water
Recycling & Local Asst.		Dam Safety & Floodplain	Waste Water Mun. Planning
Solid Waste		Engineering –Surface Water	Water Infrastructure
Superfund		Floodplain Mgmt.	Water Quality
Underground Storage Tank		Groundwater	Watershed Mgmt.
Capacity Development		Operational Permits	Wet Weather

Program Misc. Information:

Great Oaks

REE
 JUN 25 2019 10:07 AM
 SCANNED
 JUN 25 2019
 QUALITY CHECK

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

AI ID: 458 **AI Type:** ENERGY-Elec Power Trans, Control, & Distr (22112)
AI Name: Lake Columbia Utilities Inc
AI Address: Zoneton Rd & Cedar Creek Rd
City: Zoneton, **State:** Kentucky **Zip:** 40165
County: Bullitt **Regional Office:** Louisville Regional Office
Latitude: 38.05847 **Longitude:** -85.62758

Site Contact: Larry Smither
Title: President **Phone #:** 502-693-8634

Inspection Type: WW Routine-Min Nmun **Activity #:** CIN20190001
Incident IDs:
Inspection Start Date: June 27, 2019 **Time:** 10:05 AM
End Date: June 27, 2019 **Time:** 11:05 AM
Site/Permit ID: KY0077674

Lead DEP Investigator: Joseph (Jody) Eilers
Other DEP Investigators: Brady Wooten

General Comments: A routine inspection was conducted on June 27, 2019 at the Lake Columbia WWTP (KY0077674) by Division of Water (DOW) inspectors Jody Eilers and Brady Wooten. DOW was not accompanied at the time of the inspection. The inspection was initiated due to a complaint of the plant not running at the time and was in need of repair.

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

The facility was in disrepair. There were multiple pinholes to fist sized holes throughout the system. During heavy flow events the waters flow through the holes as evident by debris on the ground and hanging out of the holes. Solids have also entered the receiving stream. Solids and debris were noted throughout the entire system.

The bar screen was missing and the aeration basin had an island of solids and debris floating on the surface. The waters were grey and septic. The aeration blowers were not working at the time of the inspection. A new blower motor was in the process of being installed. The clarifier effluent channel was held together with wood and clamps. There were solids in the clarifier. There were solids in the chlorine contact basin.

Poor housekeeping was noted at the time of the inspection. There were empty containers strewn throughout the site and a garbage can was overflowing with debris.

The permittee has failed to report spills, bypasses, and non-compliance as required by 401 KAR 5:065 Section 2(1). Visual observations at the time of the inspection noted that solids have entered the receiving stream without a corresponding notification to the Division of Water. The facility inspection log noted that the blowers were not operational on June 17, 2019 due to a broken belt. The Division of Water was not notified of the situation until June 27, 2019.

Pollutants have entered and contributed to the pollution of the waters of the Commonwealth. The waters of the Commonwealth have been degraded. Even though the final effluent was fairly clear there were solids on the ground around the discharge pipe and pools of grey water were noted in the stream near the discharge pipe.

Overall Compliance Status: Out of Compliance- NOV

Investigation Results

SI: AIOO458

SI Description:

Inspector Comment:

Requirement: Does the facility hold the proper KPDES permit?. [401 KAR 5:055 Section 2]

Compliance Status: C-No Violations observed

Comment: The facility holds the proper KPDES permit (KY0077674) and expires November 30, 2019.

Requirement: Is the facility being operated under the supervision of a properly certified operator? [401 KAR 5:010 Section 1]. [401 KAR 5:010 Section 1]

Compliance Status: C-No Violations observed

Comment: The facility is under the supervision of Shawn Ford who holds a Wastewater Treatment Certification Class II #28257 and expires on June 30, 2021.

Requirement: Is the collection system under the primary responsibility of an individual who holds an active collection system certification at the level appropriate for the size of the treatment facility receiving the waste? [401 KAR 5:010 Section 2]. [401 KAR 5:010 Section 2]

Compliance Status: C-No Violations observed

Comment: The facility is under the supervision of Shawn Ford who holds a Wastewater Collection Certification Class II #21343 and expires on June 30, 2021.

Requirement: Is the facility being properly operated and maintained as specified in regulation 5:065? This includes:
(a) proper operation and maintenance of all facilities, systems of treatment and control, and related appurtenances which are installed or used by the permittee to achieve compliance with permit conditions;
(b) proper operation and maintenance also includes adequate laboratory controls, and appropriate quality assurance procedures;
(c) this provision also requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit. [401 KAR 5:065 Section 2(1)]. [401 KAR 5:065 Section 2(1)]

Compliance Status: V-Out of Compliance-NOV

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

The facility was in disrepair. There were multiple pinholes to fist sized holes throughout the system. During heavy flow events the waters flow through the holes as evident by debris on the ground and hanging out of the holes. Solids have also entered the receiving stream. Solids and debris were noted throughout the entire system.

The bar screen was missing and the aeration basin had an island of solids and debris floating on the surface. The waters were grey and septic. The aeration blowers were not working at the time of the inspection. A new blower motor was in the process of being installed. The clarifier effluent channel was held together with wood and clamps. There were solids in the clarifier. There were solids in the chlorine contact basin.

Poor housekeeping was noted at the time of the inspection. There were empty containers strewn throughout the site and a garbage can was overflowing with debris.

The permittee has failed to report spills, bypasses, and non-compliance as required by 401 KAR 5:065 Section 2(1). Visual observations at the time of the inspection noted that solids have entered the receiving stream without a corresponding notification to the Division of Water. The facility inspection log noted that the blowers were not operational on June 17, 2019 due to a broken belt. The Division of Water was not notified of the situation until June 27, 2019.

Requirement: Are the disinfection unit(s) maintained and operated properly to allow for compliance with permit conditions? [401 KAR 5:005 Section 11]. [401 KAR 5:005 Section 11]

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

Comment: Chlorine tablets were noted in the clarifier weir and sodium sulfite tablets, used for dechlorination, were noted in the weir in the chlorine contact tank. The chlorine contact tank was in disrepair. The discharge pipe was leaking where it exited the chlorine contact tank. Solids were noted in the chlorine contact tank.

Requirement: Have pollutants entered the waters of the Commonwealth? [KRS 224.70-110]

Compliance Status: V-Out of Compliance-NOV

Comment: Pollutants have entered and contributed to the pollution of the waters of the Commonwealth. Even though the final effluent was fairly clear there were solids on the ground around the discharge pipe and pools of grey water were noted in the stream near the discharge pipe.

Requirement: Have surface waters been aesthetically or otherwise degraded? [401 KAR 10:031 Section 2]. [401 KAR 10:031 Section 2]

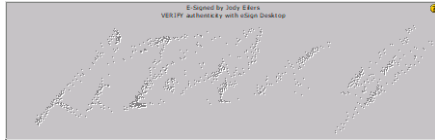
Compliance Status: V-Out of Compliance-NOV

Comment: The waters of the Commonwealth have been degraded. Even though the final effluent was fairly clear there were solids on the ground around the discharge pipe and pools of grey water were noted in the stream near the discharge pipe.

Documentation

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

Inspector:



Date:

07/17/2019

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

Delivery Method: Certified Mail

Certified Mail Number: 7018 1130 0002 2666 5651

Lake Columbia WWTP Routine Inspection

AI: 458

June 27, 2019

By: Jody Eilers













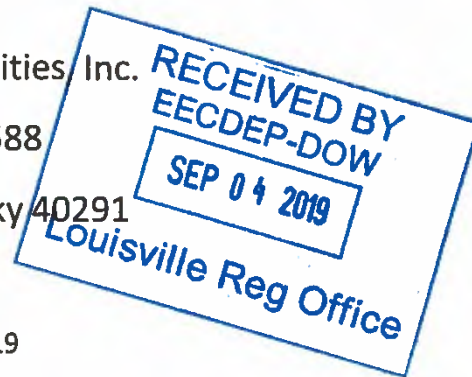








Lake Columbia Utilities Inc.
P.O. Box 91588
Louisville, Kentucky 40291



August 28, 2019

Mr. Jody Eilers
Division of Water
9116 Leesgate Road
Louisville, KY 40222

Re: NOV
AI ID: 458
Lake Columbia Utilities, Inc.
Activity ID: ENV20190001
Permit No. KY0077674
Bullitt County

Dear Mr. Eilers:

The following is the required response to the reference NOV sent with cover letter dated July 17, 2019.

1. The island of solids and debris floating in the aeration tank will be removed within the next 7 days or by the end of the day on September 4th, 2019.
2. A new blower was installed in the treatment plant on the 25th of June and placed in service on the 27th.
3. The solids in the clarifier and chlorine contact tank were removed.
4. The empty containers that were mentioned in the report have been removed from the site and properly disposed of. Also, the garbage can has been emptied.
5. Lake Columbia Utilities (LCU) is aware that there are structural issues with the plant and some have been addressed, such as sealing some of the holes in the aeration tank. The LCU plant is very old and should have been taken off line years ago. The members of LCU did approach Bullitt County Sanitation District about assuming ownership of this facility with hopes they would be able to connect Lake Columbia

Subdivision to the county sewer system soon there after. But that was not to be. They were not interested.

Recently LCU entered in an agreement with Central States Water Resources (CSWR) to transfer title from LCU to CSWR. Application was made to the Kentucky Public Service Commission for approval to transfer and that has been approved with conditions. A date for closing has been set for late September. There of course, are still issues that have to be dealt with but we are working through them.

There is no doubt that Central States Water Resources has the necessary financial, technical and managerial ability to upgrade and properly operate and manage this LCU sewer system. It is their intention to spend the necessary money to upgrade this plant as well as the other utilities they are acquiring.

In the interim. LCU and its operator intend to do what is necessary to keep the system in service, to properly operate and maintain the plant, to submit bypass/overflow reports in a timely manner when they are necessary and to be in compliance with the permit.

I hope that this response will meet with your approval.

Also, I beg your understanding for the lateness of this response but it was not clear as to who was going to prepare the response.

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

Sincerely,

A handwritten signature in black ink, appearing to read "L. W. Smither", written over a horizontal line.

Lawrence W. Smither, member
Lake Columbia Utilities, Inc.

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

AI ID: 458 **AI Type:** ENERGY-Elec Power Trans, Control, & Distr (22112)
AI Name: Lake Columbia Utilities Inc
AI Address: Zoneton Rd & Cedar Creek Rd

City: Zoneton, **State:** Kentucky **Zip:** 40165
County: Bullitt **Regional Office:** Louisville Regional Office
Latitude: 38.05847 **Longitude:** -85.62758
Site Contact: Mr. Lawrence Smithers
Inspection Type: WW CEI-Minor Non-Mun **Activity #:** CIN20180001
Incident IDs:
Inspection Start Date: May 10, 2018 **Time:** 08:00 AM **End Date:** May 10, 2018 **Time:** 09:00 AM
Site/Permit ID: KY0077674

Lead DEP Investigator: Todd Giles
Persons Interviewed: Shawn Ford

General Comments: On 05/10/2018 the inspector met Mr. Shawn Ford at the Lake Columbia WWTP to conduct the inspection.
Overall Compliance Status: Out of Compliance- NOV

Investigation Results

SI: AIOO458

SI Description:

Inspector Comment:

SI: TRMT1 KY0077674

SI Description: Lake Columbia Utilities

Inspector Comment:

Requirement: Does the facility hold the proper KPDES permit?. [401 KAR 5:055 Section 2]

Compliance Status: C-No Violations observed

Comment: The facility is currently operating under KPDES permit KY0077674 and is set to expire 11/30/2019.

Requirement: Have all required permits been obtained from the Division of Water prior to the construction or modification of the facility? [401 KAR 5:005 Section 1]

Compliance Status: C-No Violations observed

Comment: The facility is currently operating under KPDES permit KY0077674 and is set to expire 11/30/2019.

Requirement: Is the facility being operated under the supervision of a properly certified operator? [401 KAR 5:010 Section 1]

Compliance Status: C-No Violations observed

Comment: The facility is currently operating under Shawn Ford: ID - 107575
Cert - 28257

Requirement: Is the permittee reporting monitoring results to the cabinet at the intervals specified in the permit? [401 KAR 5:065 Section 2(1)]

Compliance Status: V-Out of Compliance-NOV

Comment: The facility has failed to submit monitoring results at intervals specified in the permit. The facility has failed to submit the April 2018 DMR and the DMR for July 2017 was submitted late.

Requirement: Are the monitoring results reported to the cabinet on a Discharge Monitoring Report (DMR)? [401 KAR 5:065 Section 2(1)]

Compliance Status: V-Out of Compliance-NOV

Comment: The facility has failed to report monitoring results on a DMR. The facility has failed to submit the April 2018 DMR.

Requirement: Is the permittee in compliance for the reporting of spills, bypasses, and non-compliance according 401 KAR 5:065 Section 2(1)

Compliance Status: V-Out of Compliance-NOV

Comment: The facility has failed to report spills, bypasses and/or non-compliance as required by 401 KAR 5:065 Section 2(1). Visual observations at the time of the inspection reflected that solids have entered the stream without a corresponding report.

Requirement: Did the facility notify the Division of Water by the most rapid means available whenever, by reason of emergency or accident, a spill or discharge occurs which results in pollution of the waters of the Commonwealth? [401 KAR 5:015 Section 2]

Compliance Status: V-Out of Compliance-NOV

Comment: The responsible party/permittee has failed to report the spill or discharge to the Division of Water as required. Visual observations at the time of the inspection reflected that solids have entered the stream without a corresponding report.

Requirement: Is the facility being properly operated and maintained as specified in regulation 5:065? This includes: (a) proper operation and maintenance of all facilities, systems of treatment and control, and related appurtenances which are installed or used by the permittee to achieve compliance with permit conditions; (b) proper operation and maintenance also includes adequate laboratory controls, and appropriate quality assurance procedures; (c) this provision also requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit. [401 KAR 5:065 Section 2(1)]

Compliance Status: V-Out of Compliance-NOV

Comment: The facility is not being properly operated and maintained as required. The treatment plant is an older plant that can not handle wet weather events, which results in solids being discharged when such events occur. Solids were noted within the stream as a result of such wet weather events.

Requirement: Are the disinfection unit(s) maintained and operated properly to allow for compliance with permit conditions? [401 KAR 5:005 Section 11]

Compliance Status: C-No Violations observed

Comment: Chlorine tablets were noted in both the clarifier effluent weir, and in chlorine contact tank just prior to post aeration.

Requirement: Is a source of water provided for cleanup? If potable water is used, is a backflow preventor installed to protect the water supply? [401 KAR 5:005 Section 10(6)]

Compliance Status: C-No Violations observed

Comment:

Requirement: Has fencing with a lockable gate been installed around the wastewater treatment plant? [401 KAR 5:005 Section 10(7)]

Compliance Status: C-No Violations observed

Comment: Fencing and a lockable gate was observed to secure the WWTP.

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

Compliance Status: C-No Violations observed

Comment: A gravel road was in place to the entrance of the WWTP.

Requirement: Is the effluent in compliance with KPDES permit limitations? Do the Discharge Monitoring Reports indicate KPDES permit violations? [401 KAR 5:065 Section 2(1)]. [401 KAR 5:065 Section 2(1)]

Compliance Status: V-Out of Compliance-NOV

Comment: The facility has failed to comply with the effluent limitations contained in the permit. A review of DMR data from May 2017-May 2018 reflected permit violations: TSS- May, June, Nov, Dec 2017, Feb, May 2018. Ammonia- June, July, Aug, Sept, Nov 2017, Feb, March, May 2018. E. coli- June 2017, Jan, Feb March 2018. BOD- June 2017.

Requirement: Are samples taken in compliance with the monitoring requirements and taken at the following location(s): nearest accessible point after final treatment, but prior to actual discharge or mixing with receiving waters? Are the samples representative of plant flow? Are flow proportioned samples obtained when required by the KPDES permit? Are grab samples collected according to the KPDES permit requirements? Are composite samples collected

and analyzed according to the KPDES permit conditions? Are samples collected according to KPDES permit requirements? [401 KAR 5:065 Section 2(1)]

Compliance Status: C-No Violations observed

Comment: No violations were noted in the manner as to how the samples were/are being collected.

Requirement: Are the facility sample collection procedures adequate? Are the samples collected in proper containers, preserved, and refrigerated properly? Are all samples analyzed within the allowed holding times? [401 KAR 5:065 Section 2(1)]

Compliance Status: C-No Violations observed

Comment: No violations were noted in the manner as to how the samples were/are being collected.

Requirement: Have pollutants entered the waters of the Commonwealth? [KRS 224.70-110]

Compliance Status: V-Out of Compliance-NOV

Comment: Pollutants have entered and contributed to the pollution of the waters of the Commonwealth. Visual observations at the time of this inspection reflected that solids have entered the waters of the Commonwealth.

Requirement: Have surface waters been aesthetically or otherwise degraded? [401 KAR 10:031 Section 2]

Compliance Status: V-Out of Compliance-NOV

Comment: The waters of the Commonwealth have been degraded. Visual observations at the time of this inspection reflected that solids have entered the waters of the Commonwealth.

Requirement: Is the permittee in compliance with all permit conditions? [401 KAR 5:065 Section 2]

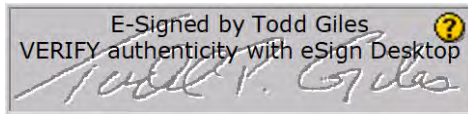
Compliance Status: V-Out of Compliance-NOV

Comment: The facility has failed to comply with the terms of the permit. Solids were noted to have entered the receiving stream. Permit violations were noted through a completion of a review of DMR data for May 2017-May 2018.

Documentation

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

Inspector:



Date: 08/1/2018

Delivery Method: **Certified Mail**

Certified Mail Number:

9590 9401 0029 5168 8533 49



MATTHEW G. BEVIN
GOVERNOR

CHARLES G. SNAVELY
SECRETARY

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

ANTHONY R. HATTON
COMMISSIONER

DIVISION OF WATER
9116 LEESGATE RD
LOUISVILLE, KY, 40222

August 27, 2018

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

RE: Lake Columbia Utilities Inc -- 458
Permit No.: KY0077674
Bullitt County, Kentucky
Activity ID: CIN20180002

Dear Mr. Smithers:

Attached for your information and records is a copy of the inspection report performed at Lake Columbia Utilities Inc on August 21, 2018.

If you have any questions or comments concerning this inspection, please contact the Louisville Regional Office at: (502) 429-7122.

Sincerely,

E-Signed by Todd Giles
VERIFY authenticity with eSign Desktop

Todd Giles
Environmental Inspector
Louisville Regional Office
Division of Water

TG
Enclosure:



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

AI ID: 458 **AI Type:** ENERGY-Elec Power Trans, Control, & Distr (22112)
AI Name: Lake Columbia Utilities Inc
AI Address: Zoneton Rd & Cedar Creek Rd

City: Zoneton, **State:** Kentucky **Zip:** 40165
County: Bullitt **Regional Office:** Louisville Regional Office
Latitude: 38.05847 **Longitude:** -85.62758
Site Contact: Mr. Lawrence Smithers **Phone #:** 502-693-8634
Inspection Type: WW CEI-Minor Non-Mun **Activity #:** CIN20180002
Incident IDs:
Inspection Start Date: August 21, 2018 **Time:** 10:00 AM **End Date:** August 21, 2018 **Time:** 02:00 PM
Site/Permit ID: KY0077674

Lead DEP Investigator: Todd Giles
Persons Interviewed: Shawn Ford

General Comments: At the time of this inspection, various items were observed out of compliance that had recently been documented in a previous inspection. These items will be noted as "D - Violations Documented" and should be addressed as in the previous issued Notice of Violation.
Overall Compliance Status: Out of Comp- Viol documented

Investigation Results

SI: AIOO458

SI Description:

Inspector Comment:

SI: TRMT1 KY0077674

SI Description: Lake Columbia Utilities

Inspector Comment:

Requirement: Does the facility hold the proper KPDES permit?. [401 KAR 5:055 Section 2]

Compliance Status: C-No Violations observed

Comment: The facility is currently operating under KPDES permit KY0077674 and is set to expire 11/30/2019.

Requirement: Have all required permits been obtained from the Division of Water prior to the construction or modification of the facility? [401 KAR 5:005 Section 1]

Compliance Status: C-No Violations observed

Comment: The facility is currently operating under KPDES permit KY0077674 and is set to expire 11/30/2019.

Requirement: Is the facility being operated under the supervision of a properly certified operator? [401 KAR 5:010 Section 1]

Compliance Status: C-No Violations observed

Comment: The facility is currently operating under Shawn Ford: ID - 107575, Certification - 28257

Requirement: Is the permittee reporting monitoring results to the cabinet at the intervals specified in the permit? [401 KAR 5:065 Section 2(1)]

Compliance Status: D-Out of Compliance-Violations Documented

Comment: The facility has failed to submit monitoring results at intervals specified in the permit. The facility has failed to submit the April 2018 DMR, and the July 2017 DMR was submitted late.

Requirement: Are the monitoring results reported to the cabinet on a Discharge Monitoring Report (DMR)? [401 KAR 5:065 Section 2(1)]

Compliance Status: D-Out of Compliance-Violations Documented

Comment: The facility has failed to report monitoring results on a DMR. The facility has failed to submit the April 2018 DMR, and the July 2017 DMR was submitted late.

Requirement: Is the permittee in compliance for the reporting of spills, bypasses, and non-compliance according 401 KAR 5:065 Section 2(1)

Compliance Status: D-Out of Compliance-Violations Documented

Comment: The facility has failed to report spills, bypasses and/or non-compliance as required by 401 KAR 5:065 Section 2(1). Visual observations at the time of the inspection reflected that solids have entered the stream without a corresponding report.

Requirement: Did the facility notify the Division of Water by the most rapid means available whenever, by reason of emergency or accident, a spill or discharge occurs which results in pollution of the waters of the Commonwealth? [401 KAR 5:015 Section 2]

Compliance Status: D-Out of Compliance-Violations Documented

Comment: The responsible party/permittee has failed to report the spill or discharge to the Division of Water as required. Visual observations at the time of the inspection reflected that solids have entered the stream without a corresponding report.

Requirement: Is the facility being properly operated and maintained as specified in regulation 5:065? This includes: (a) proper operation and maintenance of all facilities, systems of treatment and control, and related appurtenances which are installed or used by the permittee to achieve compliance with permit conditions; (b) proper operation and maintenance also includes adequate laboratory controls, and appropriate quality assurance procedures; (c) this provision also requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit. [401 KAR 5:065 Section 2(1)]

Compliance Status: D-Out of Compliance-Violations Documented

Comment: The facility is not being properly operated and maintained as required. The treatment plant is an older plant that can not handle wet weather events, which results in solids being discharged when such events occur. Solids were noted within the stream as a result of such wet weather events.

Requirement: Are the disinfection unit(s) maintained and operated properly to allow for compliance with permit conditions? [401 KAR 5:005 Section 11]

Compliance Status: C-No Violations observed

Comment: Chlorine tablets were noted in both the clarifier effluent weir, and in chlorine contact tank just prior to post aeration.

Requirement: Is a source of water provided for cleanup? If potable water is used, is a backflow preventor installed to protect the water supply? [401 KAR 5:005 Section 10(6)]

Compliance Status: C-No Violations observed

Comment:

Requirement: Has fencing with a lockable gate been installed around the wastewater treatment plant? [401 KAR 5:005 Section 10(7)]

Compliance Status: C-No Violations observed

Comment: Fencing and a lockable gate was observed to secure the WWTP.

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

Compliance Status: C-No Violations observed

Comment: A gravel road was in place to the entrance of the WWTP.

Requirement: Is the effluent in compliance with KPDES permit limitations? Do the Discharge Monitoring Reports indicate KPDES permit violations? [401 KAR 5:065 Section 2(1)]. [401 KAR 5:065 Section 2(1)]

Compliance Status: D-Out of Compliance-Violations Documented

Comment: The facility has failed to comply with the effluent limitations contained in the permit. A review of DMR data from May 2017-May 2018 reflected permit violations: TSS- May, June, Nov, Dec 2017, Feb, May 2018. Ammonia- June, July, Aug, Sept, Nov 2017, Feb, March, May 2018. E. coli- June 2017, Jan, Feb March 2018. BOD- June 2017.

Requirement: Have pollutants entered the waters of the Commonwealth? [KRS 224.70-110]

Compliance Status: D-Out of Compliance-Violations Documented

Comment: Pollutants have entered and contributed to the pollution of the waters of the Commonwealth. Visual observations at the time of this inspection reflected that solids have entered the waters of the Commonwealth.

Requirement: Have surface waters been aesthetically or otherwise degraded? [401 KAR 10:031 Section 2]

Compliance Status: D-Out of Compliance-Violations Documented

Comment: The waters of the Commonwealth have been degraded. Permit violations were noted through a completion of a review of DMR data for May 2017-May 2018.

Requirement: Is the permittee in compliance with all permit conditions? [401 KAR 5:065 Section 2]

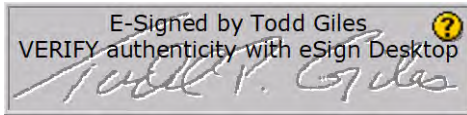
Compliance Status: D-Out of Compliance-Violations Documented

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

Documentation

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

Inspector:



Date: 08/22/2018



MATTHEW G. BEVIN
GOVERNOR

CHARLES G. SNAVELY
SECRETARY

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

AARON B. KEATLEY
COMMISSIONER

DIVISION OF WATER
300 SOWER BLVD
FRANKFORT, KY, 40601

March 30, 2017

Longview Land Co. LLC
Attn: Mr. James A. McDonald
2021 Longview Drive
Georgetown, Kentucky 40324

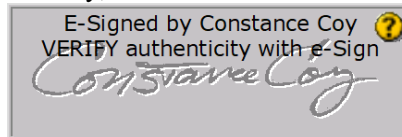
RE: Inspection Report
Longview Country Club
AI# 8083
Permit No.: KY0081591
Scott County, Kentucky
Activity ID: CIN20170001

Dear Mr. McDonald:

Attached for your information and records is a copy of the WW Routine-Min Non-municipal inspection performed by the Division of Water at Longview Country Club on March 9, 2017.

The overall routine inspection was satisfactory. If you have any questions or comments concerning this inspection, please contact the Frankfort Regional Office at: (502) 564-3358.

Sincerely,



Connie Coy
Environmental Inspector
Frankfort Regional Office
Division of Water

[CJC]
Enclosure: Inspection Report



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

AI ID: 8083 **AI Type:** REC-Arts, Entertainment, & Recreation (71)
AI Name: Longview Country Club
AI Address: 3243 Frankfort Pike
City: Georgetown (Scott), **State:** Kentucky **Zip:** 40324
County: Scott **Regional Office:** Frankfort Regional Office
Latitude: 38.211301 **Longitude:** -84.659024

Site Contact: Joe Arnold **Title:** Operator **Phone #:** 502-370-7015

Inspection Type: WW Routine-Minor Non-municipal
Activity #: CIN20170001
Inspection Start Date: March 9, 2017 **Time:** 09:15 AM
End Date: March 9, 2017 **Time:** 10:05 AM
Site/Permit ID: KY0081591

Lead DEP Investigator: Connie Coy
Persons Interviewed: Joe Arnold

General Comments: KPDES Permit #KY0081591 - LONGVIEW LAND CO LLC
GPS coordinates Outfall 3001" N38.21351, W-84.66317

On March 9, 2017 the Division of Water (DOW) conducted a routine inspection at the Longview wastewater treatment facility. DOW Inspector Connie Coy met with and was assisted by the operator, Mr. Joe Arnold. As discussed the facility has been working with the PSC on issues of new ownership, and the permittee will need to submit a Change of Ownership form/letter to DOW to ensure a proper transfer of the KPDES permit. The facility is currently contracting with McCoy and McCoy for all compliance sample collection and laboratory analysis. The operator maintains process checks & maintenance with documentation in the daily logbook. The plant was observed with bar screen clean, surge tank and oxidation basins with good aeration, no issues at digester, clarifiers with skimmer return and RAS operating property. The disinfection system with chlorine and SO₂ chemical feed system observed with chlorine at 10 lbs/day and SO₂ at 13 lbs/day. Contact basins were observed with no floating solids and water over the V-notch weir appeared clear with no odors. The receiving stream appeared clear with no odors or debris.

Overall Compliance Status: No Violations Observed

Investigation Results

SI: AIO08083

SI Description:

Inspector Comment: Routine compliance inspection.

Requirement: Does the facility hold the proper KPDES permit?. [401 KAR 5:055 Section 2]

Compliance Status: C-No Violations observed

Comment: The facility holds a KPDES Permit # KY0081591 for authorized discharges from a wastewater treatment plant.

Requirement: Is the facility being operated under the supervision of a properly certified operator? [401 KAR 5:010 Section 1]. [401 KAR 5:010 Section 1]

Compliance Status: C-No Violations observed

Comment: The facility is under the supervision of Mr. Joe Arnold who holds an active Wastewater Treatment Class II license # 14466.

Requirement: Is the collection system under the primary responsibility of an individual who holds an active collection system certification at the level appropriate for the size of the treatment facility receiving the waste? [401 KAR 5:010 Section 2]. [401 KAR 5:010 Section 2]

Compliance Status: C-No Violations observed

Comment: The collections system is under the supervision of Mr. Joe Arnold who holds an active Wastewater Collections System Class II license # 19953.

Requirement: Is the facility being properly operated and maintained as specified in regulation 5:065? This includes: (a) proper operation and maintenance of all facilities, systems of treatment and control, and related appurtenances which are installed or used by the permittee to achieve compliance with permit conditions;

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

(c) this provision also requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit. [401 KAR 5:065 Section 2(1)]. [401 KAR 5:065 Section 2(1)]

Compliance Status: C-No Violations observed

Comment: The plant was observed with bar screen clean, surge tank and oxidation basins with good aeration, no issues at digester, clarifiers with skimmer return and RAS operating property. The disinfection system with chlorine and SO2 chemical feed system observed with chlorine at 10 lbs/day and SO2 at 13 lbs/day. Contact basins were observed with no floating solids and water over the V-notch weir appeared clear with no odors. The facility is currently contracting with McCoy and McCoy for sample collections and laboratory analysis.

Requirement: Are the disinfection unit(s) maintained and operated properly to allow for compliance with permit conditions? [401 KAR 5:005 Section 11]. [401 KAR 5:005 Section 11]

Compliance Status: C-No Violations observed

Comment: The facility utilizes chlorine gas and SO2 in the disinfection system. Chemical feed system observed with chlorine at 10 lbs/day and SO2 at 13 lbs/day. Contact basins were observed with no floating solids and water over the V-notch weir appeared clear with no odors.

Requirement: Have pollutants entered the waters of the Commonwealth? [KRS 224.70-110]. [KRS 224.70-110]

Compliance Status: C-No Violations observed

Comment: At the time of the inspection there was no visible evidence of pollutants entering the waters of the Commonwealth.

Requirement: Have surface waters been aesthetically or otherwise degraded? [401 KAR 10:031 Section 2]. [401 KAR 10:031 Section 2]


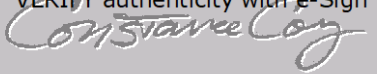
Compliance Status: C-No Violations observed

Comment: At the time of the inspection there was no visible evidence of surface water degradation. Receiving waters appeared clear with no odors and no debris

Documentation

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

Inspector:

E-Signed by Constance Coy 
VERIFY authenticity with e-Sign


Date: March 30, 2017

Delivery Method: USPS & email



ANDY BESHEAR
GOVERNOR

REBECCA W. GOODMAN
SECRETARY

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

ANTHONY R. HATTON
COMMISSIONER

DIVISION OF WATER
300 SOWER BLVD
FRANKFORT, KY, 40601

February 26, 2020

Bluegrass Water Utility Operating Company LLC
Longview Country Club
3243 Frankfort Pike
Georgetown, Kentucky 40324

RE: Longview Country Club -- 8083
Permit No.: KY0081591
Scott County, Kentucky
Activity ID: CIN20190001

Dear Bluegrass Water Utility Operating Company LLC:

Attached for your information and records is a copy of the Division of Water inspection performed at Longview Country Club on June 27, 2019. Note that the Division of Enforcement is following up on DMR violations.

If you have any questions or comments concerning this inspection, please me at (502) 782-6348.

Sincerely,

 Recoverable Signature



**Energy and Environment Cabinet
Kentucky Department for Environmental Protection
Division of Water**

Activity: CIN20190001 Inspection

Lead Investigator: Byrd, Wesley

Agency Interest/Permit ID: 8083

Agency Interest Name: Longview Country Club

Agency Interest Address: 3243 Frankfort Pike
Georgetown (Scott), KY, 40324 **Program:** Wastewater
County: Scott

Type of Agency Interest: REC-Arts, Entertainment, & Recreation (71)

Agency Interest Contact: **Title:** **Phone:**

Purpose: Inspection

Inspection Type: WW CEI-Minor Non-Mun

Inspection Date: 6/27/2019 **Start Time:** 10:00 AM **End Time:** 11:30 AM

Latitude: 38.21130100 **Longitude:** -84.65902400

Coordinate Collection Method: Decimal Degrees

Incident ID(s):

General Comments:

KPDES Permit No. KY0081591

On June 27th, 2019, Kentucky Division of Water Environmental Inspector Wesley Byrd conducted a KPDES comprehensive evaluation inspection at Longview Country Club, Scott County. Visual observation of the facility operation and maintenance was satisfactory. Aeration basin had an even roll, healthy color, and no odor. Clarifier was clear and skimmer appeared to be working correctly. Effluent was clear and non-odorous. Downstream observation below the outfall did not show any signs of the plant effluent affecting water quality. A review of the facility's DMRs from June 2018 to June 2019 showed excursions of the following parameters: Dissolved oxygen in May 2019, Total Suspended Solids in February 2019, E.coli in September 2018, January 2019, and March 2019, and BOD in July 2018 and February 2019. A Notice of Violation will be issued at this time for permit limit exceedences.

Person(s) Interviewed:

Name	Organization
Joe Arnold	Longview Country Club

Status/Comments:

Requirement	Status	Results or Comments
Does the facility hold the proper KPDES permit?. [401 KAR 5:055 Section 2]	C	Facility holds KPDES Permit No. KY0081591.

AI Name: Longview Country Club

Activity: CIN20190001

Page 1 of 5

Requirement	Status	Results or Comments
Have all required permits been obtained from the Division of Water prior to the construction or modification of the facility? [401 KAR 5:005 Section 1]	C	Facility holds KPDES Permit No. KY0081591.
Is the facility being operated under the supervision of a properly certified operator? [401 KAR 5:010 Section 1]	C	Facility is operated by Mr. Joe Arnold WWII certification number 14466
Is the collection system under the primary responsibility of an individual who holds an active collection system certification at the level appropriate for the size of the treatment facility receiving the waste? [401 KAR 5:010 Section 2]	C	Mr. Arnold is also the certified for a WWII collection system.
Does the permittee retain records of all monitoring information including: the date, exact place, and time of sampling or measurements; the name of the individual who performed the sampling or measurements; the dates and times analyses were performed; the name of the individual who performed the analyses; the analytical techniques or methods used; the results of the analyses; all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation; copies of all reports required by this permit; and records of all data used to complete the application for this permit, for the period required by the cabinet and at a minimum of at least three (3) years from the date of the sample, measurement, report, or application? [401 KAR 5:065 Section 2(1)]	C	Joe Arnold maintains records as required and were available for review during the inspection. All records that were reviewed were deemed as complete with no deficiencies noted.
Is the facility required to prepare and implement a groundwater protection plan (GPP) as specified in regulation 401 KAR 5:037? If yes, does the facility have a GPP? [401 KAR 5:037 Section 3]	C	
Is the permittee reporting monitoring results to the cabinet at the intervals specified in the permit? [401 KAR 5:065 Section 2(1)]	C	Facility performs monthly sampling and submits the results through NetDMR..
Are the monitoring results reported to the cabinet on a Discharge Monitoring Report (DMR)? [401 KAR 5:065 Section 2(1)]	C	Facility performs monthly sampling and submits the results through NetDMR.
If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR Part 136 or as specified in the permit, are the results of this monitoring included in the calculation and reporting of the data submitted in the DMR? [401 KAR 5:065 Section 2(1)]	C	
Are the calculations for all limitations which require averaging of measurements utilizing an arithmetic mean unless otherwise specified by the Cabinet in the permit? [401 KAR 5:065 Section 2(1)]	C	

Requirement	Status	Results or Comments
Is the permittee in compliance for the reporting of spills, bypasses, and non-compliance according 401 KAR 5:065 Section 2(1)	C	No reported instances on record at the time of the inspection for permit non-compliance, which may endanger health or the environment. Permittee is aware of the requirement to report all permit non-compliance, which may endanger health or the environment to the Cabinet immediately by the most rapid means available. The 24-hour emergency reporting number is (800) 928-2380.
Did the facility notify the Division of Water by the most rapid means available whenever, by reason of emergency or accident, a spill or discharge occurs which results in pollution of the waters of the Commonwealth? [401 KAR 5:015 Section 2]	C	No reported spill, accidents, releases, etc. on record at the time of the inspection. Permittee is aware of the requirement to report all spills, bypasses, releases, accidents, etc. to the Cabinet immediately by the most rapid means available. The 24-hour emergency reporting number is (800) 928-2380.
Is the facility being properly operated and maintained as specified in regulation 5:065? This includes: (a) proper operation and maintenance of all facilities, systems of treatment and control, and related appurtenances which are installed or used by the permittee to achieve compliance with permit conditions; (b) proper operation and maintenance also includes adequate laboratory controls, and appropriate quality assurance procedures; (c) this provision also requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit. [401 KAR 5:065 Section 2(1)]	C	Longview Conuntry Club was visually observed in satisfactory manner. Aeration basin had an even roll, healthy color, and no odor. Clarifier was clear and skimmer appeared to be working correctly. Effluent was clear and non-odorous with no visual impacts in the receiving surface water.
Are the disinfection unit(s) maintained and operated properly to allow for compliance with permit conditions? [401 KAR 5:005 Section 11]	C	Facility uses gas chlorine for disinfection and sulfur dioxide for de-chlor.
Does the flow measuring device measure all flow received at the WWTP? For large wastewater facilities (average daily design capacity >50, 000 gpd), is flow measured by an indicating, recording, and totalizing flow measuring device? [401 KAR 5:005 Section 12]	C	Flow is measured as required and recorded.
Is a source of water provided for cleanup? If potable water is used, is a backflow preventor installed to protect the water supply? [401 KAR 5:005 Section 10(6)]	C	Backflow devices were observed in use at the facility.
Has fencing with a lockable gate been installed around the wastewater treatment plant? [401 KAR 5:005 Section 10 (7)]	C	Facility is secured by a chain link fence that is kept locked when operator is not on site.
Has an all-weather access road been installed to allow access to the wastewater treatment plant? Is the road adequately maintained to allow access to the facility for operation and maintenance activity? [401 KAR 5:005 Section 10(8)]	C	Access road is maintained to allow access in all weather conditions.

Requirement	Status	Results or Comments
Sewage sludge. Did the facility meet the requirements governing the disposal of sewage sludge from publicly owned treatment works, in accordance with 40 CFR Part 503? [401 KAR 5:065 Section 2(4)]	C	Sludge is wasted to a local municipality WWTP for disposal.
Is the effluent in compliance with KPDES permit limitations? Do the Discharge Monitoring Reports indicate KPDES permit violations? [401 KAR 5:065 Section 2(1)]. [401 KAR 5:065 Section 2(1)]	D	A review of the facility's DMRs from June 2018 through June 2019 revealed numerous parameter excursions. The facility has failed to comply with the effluent limitations contained in the permit. The Division of Enforcement is following up on the DMR violations.
Are samples taken in compliance with the monitoring requirements and taken at the following location(s): nearest accessible point after final treatment, but prior to actual discharge or mixing with receiving waters? Are the samples representative of plant flow? Are flow proportioned samples obtained when required by the KPDES permit? Are grab samples collected according to the KPDES permit requirements? Are composite samples collected and analyzed according to the KPDES permit conditions? Are samples collected according to KPDES permit requirements? [401 KAR 5:065 Section 2(1)]	C	Samples are pulled at the appropriate location. Samples were not being pulled at the time of inspection. All required samples are pulled and analyzed per KPDES permit requirements.
Are the facility sample collection procedures adequate? Are the samples collected in proper containers, preserved, and refrigerated properly? Are all samples analyzed within the allowed holding times? [401 KAR 5:065 Section 2(1)]	C	
Is the facility sampling in accordance with sampling requirements specified for biomonitoring in the KPDES permit conditions? [401 KAR 5:065 Section 2(1)]	C	
Have pollutants entered the waters of the Commonwealth? [KRS 224.70-110]	C	There was no visual sign of pollutants entering the waters of the Commonwealth at the time of the inspection.
Have surface waters been aesthetically or otherwise degraded? [401 KAR 10:031 Section 2]	C	There was no visual sign of degradation noted at the time of the inspection.
Is the permittee in compliance with all permit conditions? [401 KAR 5:065 Section 2]	D	The facility has failed to comply with the terms of the permit. A review of the facility's DMRs from June 2018 through June 2019 revealed numerous parameter excursions. The facility has failed to comply with the effluent limitations contained in the permit. The Division of Enforcement is following up on the DMR violations.

Investigator:

Title:

Date:

- N - N-Not Applicable
- E - E-Not Evaluated
- V - V-Out of Compliance-NOV
- C - C-No Violations observed
- I - I-No Violations obs-but impending viol trends obs

D - D-Out of Compliance-Violations Documented

O - O-Out of Comp-LOW non-recurrent Adm. or O&M

Received By:

Title:

Date:

Delivery Method:

KY DEP DOW
AI 8083 Longview Country Club
06/27/2019
KPDES CEI

Photos by Byrd, Wesley (EEC)

Effluent discharging at the time of inspection. Effluent was clear and not visually impacting receiving surface water.





Downstream
view of
receiving
surface water

MATTHEW G. BEVIN
GOVERNOR



CHARLES G. SNAVELY
SECRETARY

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF WATER
130 EAGLE NEST DR
PADUCAH KY 42003-9435

ANTHONY R. HATTON
COMMISSIONER

July 9, 2018

Certified No. 7014 0510 0002 3570 6368
Return Receipt Requested

Mr. Allen Artis
Marshall County Environmental Services
P.O. Box 431
Benton, KY 42025

Re: Notice of Violation
AI ID: 3041
AI Name: Great Oaks Subd
Activity ID: ENV20180003
Permit No. KY0080845
McCracken County, KY

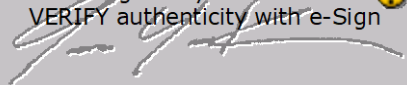
Dear Mr. Artis:

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

Your cooperation and attention to this matter is appreciated. If you have any questions, please contact me at 270-898-8468.

Sincerely,

E-Signed by Jessie York
VERIFY authenticity with e-Sign



Jessie York,
Environmental Scientist II
Division of Water

Enclosure: Inspection Report; Notice of Violation

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

NOTICE OF VIOLATION

To: Mr. Allen Artis
Marshall County Environmental Services
P.O. Box 431
Benton, KY 42025
AI Name: Great Oaks Subd **AI ID:** 3041 **Activity ID:** ENV20180003
Discovery ID: CIN20180006 **County:** McCracken
Enforcement Case ID:
Date(s) Violation(s) Observed: 06/21/2018

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

1 Violation Description for Subject Item AIOO0000003041():

Duty to comply. Monitoring shall be conducted according to test procedures approved under 40 CFR Part 136, unless another method is required under 40 CFR subchapters N and O. [401 KAR 5:065 Section 2(1)] as in [40 C.F.R. 122.41(j)(4)]

Description of Non Compliance:

The composite sampling method being used does not meet the definition of a 24-hr Composite Sample defined in section 3 of the facilities permit.

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

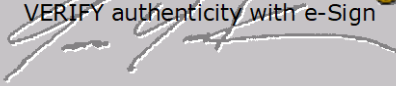
The permittee must monitor parameters in accordance with procedures approved under 40 CFR Part 136. Within thirty (30) days of the receipt of this notice, the permittee shall submit a written notification to the undersigned that the permittee complies with all requirements of its permit. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and/or your company to an immediate referral to the Division of Enforcement. [401 KAR 5:065 Section 2(1)]

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

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

Division of Water
Paducah Regional Office
130 Eagle Nest Dr
Paducah, KY 42001
270-898-8468 (8:00 AM – 4:30 PM)
Jessie York, Environmental Scientist II

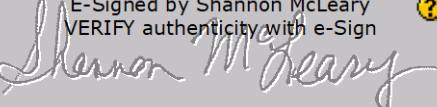
E-Signed by Jessie York
VERIFY authenticity with e-Sign



Issued By:

Jessie York, Environmental Scientist II
Date: July 9, 2018

E-Signed by Shannon McLeary
VERIFY authenticity with e-Sign



Issued By:

Shannon McLeary, Environmental Control Supervisor
Date: July 11, 2018

How Delivered: Certified Mail
Certified/Registered # 7014 0510 0002 3570 6368

Dear Jessie York,

I now use a composite sampler for monthly samples at Great Oaks Treatment Plant. I have discontinued the procedure of collecting samples manually throughout the day. In the future, all Great Oaks samples will be collected using the 24 Composite Sampler programmed to comply with the regulations and all samples since then have been taken with a 24 hour Composite Sampler.

Allen Curtis





MATTHEW G. BEVIN
GOVERNOR

CHARLES G. SNAVELY
SECRETARY

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

AARON B. KEATLEY
COMMISSIONER

300 SOWER BOULEVARD
FRANKFORT, KENTUCKY 40601

January 17, 2018

Certified No. 7015 3430 0000 4914 9912

James A. Donaldson
Longview Country Club
2021 Longview Dr
Georgetown, KY 40324

Re: Notice of Violation
AI ID: 8083
AI Name: Longview Country Club
Activity ID: ENV20180001
Facility No. KY0081591
Scott County, KY


Dear Mr. Donaldson:

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

Your cooperation and attention to this matter is appreciated. If you have any questions, please contact me at (502) 782-6859.

Sincerely,

E-Signed by Donald Polly
VERIFY authenticity with e-Sign



Donald Polly, Enforcement Specialist
Compliance and Operations Branch

Enclosure



**COMMONWEALTH OF KENTUCKY
ENERGY and ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
Division of Enforcement**

NOTICE OF VIOLATION

To: James A. Donaldson
Longview Country Club
2021 Longview Dr
Georgetown, KY 40324

AI Name: Longview Country Club **AI ID:** 8083 **Activity ID:** ENV20180001
County: Scott
Facility Number: KY0081591
Date(s) Violation(s) Observed: 01/16/2018

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

1 Violation Description for Subject Item AIOO0000008083():

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

Description of Non Compliance:

Failing to comply with 401 KAR 5:065, which cites 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0081591, Outfall 001-1, for E. Coli during the months of Nov and Dec 2015; Mar, Apr, May Jun and Nov 2016; and Feb, Mar and Jun 2017. The permitted limits for E. Coli Concentration are a 30-day geometric mean of 130 per 100ml and a 7-day geometric mean of 240 per 100ml. The reported results were a 7-day geometric mean of 2420 per 100ml for Nov 2015; a 7-day geometric mean of 2420 per 100ml for Dec 2015; a 7-day geometric mean of 60,000 per 100ml for Mar 2016; a 7-day geometric mean of 2420 per 100ml for Apr 2016; a 7-day geometric mean of 60,000 per 100ml for May 2016; a 7-day geometric mean of 2420 per 100ml for Jun 2016; a 7-day geometric mean of 2420 per 100ml for Nov 2016; a 7-day geometric mean of 2420 per 100ml for Feb 2017; a 7-day geometric mean of 2420 per 100ml for Mar 2017; and a 7-day geometric mean of 276 per 100ml for Jun 2017.

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

Longview Country Club shall comply with the terms and conditions of KPDES permit #KY0081591. The KDEP will continue to monitor your DMRs. [KRS 224.70-110]

2 Violation Description for Subject Item AIOO0000008083():

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

Description of Non Compliance:

Failing to comply with 401 KAR 5:065, which cites 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0081591, Outfall 001-1, for Dissolved Oxygen (DO) during the months of Jan, Feb, Mar, Apr, May, Aug and Oct 2016; May, Jun and Jul 2017. The permitted limit for DO Concentration is a minimum of 7 mg/l. The reported results were a minimum of 6.2 mg/l for Jan 2016; a minimum of 6.5 mg/l for Feb 2016; a minimum of 6.5 mg/l for Mar 2016; a minimum of 4 mg/l for Apr, 2016; a minimum of 6.5 mg/l for May 2016; a minimum of 6.6 mg/l for Aug 2016; a minimum of 6.8 mg/l for Oct 2016; a minimum of 5.7 mg/l for May 2017; a minimum of 6.1 mg/l for Jun 2017; and a minimum of 6.8 mg/l for Jul 2017.

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

Longview Country Club shall comply with the terms and conditions of KPDES permit #KY0081591. The KDEP will continue to monitor your DMRs. [KRS 224.70-110]

3 Violation Description for Subject Item AIOO0000008083():

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

Description of Non Compliance:

Failing to comply with 401 KAR 5:065, which cites 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0081591, Outfall 001-1, for Total Residual Chlorine (TRC) during the months of Jan, Feb, Mar, Apr, May, Aug and Oct 2016; and May 2017. The permitted limits for TRC Concentration are a monthly average of 0.011 mg/l and a maximum weekly average of 0.019 mg/l. The reported results were a monthly average of 0.74 mg/l and a maximum weekly average of 2.2 mg/l for Jan 2016; a monthly average of 1.02 mg/l and a maximum weekly average of 2.4 mg/l for Feb 2016; a monthly average of 0.015 mg/l and a maximum weekly average of 0.02 mg/l for Mar 2016; a monthly average of 0.02 mg/l and a maximum weekly average of 0.02 mg/l for Apr 2016; a monthly average of 0.05 mg/l and a maximum weekly average of 0.05 mg/l for May 2016; a monthly average of 0.035 mg/l and a maximum weekly average of 0.09 mg/l for Jul 2016; a monthly average of 0.664 mg/l and a maximum weekly average of 1.41 mg/l for Aug 2016; a monthly average of 0.02 mg/l for Oct 2016; and a monthly average of 0.035 mg/l and a maximum weekly average of 0.14 mg/l for May 2017; .

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

Longview Country Club shall comply with the terms and conditions of KPDES permit #KY0081591. The KDEP will continue to monitor your DMRs. [KRS 224.70-110]

4 Violation Description for Subject Item AIOO0000008083():

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

Description of Non Compliance:

Failing to comply with 401 KAR 5:065, which cites 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0081591, Outfall 001-1, for Total Suspended Solids (TSS) during the months of Dec 2015; Jan, Feb, Apr, Jul and Sept 2016; Jan, Mar, May, Jun, Jul and Sept 2017. The permitted limits for TSS Loading are a monthly avg of 25.0 lbs/day and a maximum weekly avg of 37.53 lbs/day. The reported results were a maximum weekly avg of 74.16 lbs/day for Dec 2015; a monthly avg of 54.7 lbs/day and a maximum weekly avg of 157.58 lbs/day for Jan 2016; a monthly avg of 198.52 lbs/day and a maximum weekly avg of 697.22 lbs/day for Feb 2016; a maximum weekly avg of 67.55 lbs/day for Jul 2016; a maximum weekly avg of 38.66 lbs/day for Sept 2016; a monthly avg of 55.38 lbs/day and a maximum weekly avg of 208.17 lbs/day for Jan 2017; a monthly avg of 39.22 lbs/day and a maximum weekly avg of 136.96 lbs/day for May 2017; a maximum weekly avg of 72.49 lbs/day for Jun 2017; and a maximum weekly avg of 69.06 lbs/day for Jul 2017. The permitted limits for TSS Concentration are a monthly avg of 30 mg/l and a maximum weekly avg of 45 mg/l. The reported results were a monthly avg of 134 mg/l and a maximum weekly avg of 402 mg/l for Jan 2016; a monthly avg of 134 mg/l and a maximum weekly avg of 418 mg/l for Feb 2016; a monthly avg of 46 mg/l and a maximum weekly avg of 191 mg/l for Apr 2016; a monthly avg of 42 mg/l and a maximum weekly avg of 150 mg/l for Jul 2016; a monthly avg of 58 mg/l and a maximum weekly avg of 122 mg/l for Sept 2016; a monthly avg of 45 mg/l and a maximum weekly avg of 160 mg/l for Jan 2017; a maximum weekly avg of 63 mg/l for Mar 2017; a monthly avg of 52 mg/l and a maximum weekly avg of 161 mg/l for May 2017; a monthly avg of 39 mg/l and a maximum weekly avg of 164 mg/l for Jun 2017; and a maximum weekly avg of 48 mg/l for Sept 2017.

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

Longview Country Club shall comply with the terms and conditions of KPDES permit #KY0081591. The KDEP will continue to monitor your DMRs. [KRS 224.70-110]

5 Violation Description for Subject Item AIOO0000008083():

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

Description of Non Compliance:

Failing to comply with 401 KAR 5:065, which cites 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0081591, Outfall 001-1, for Total Ammonia Nitrogen (TAN) during the months of May and Jun 2016; and May and Jun 2017. The permitted limits for TAN Loading during the months of May through Oct are a monthly average of 3.34 lbs/day and a maximum weekly average of 5.0 lbs/day. The reported results were a monthly average of 4.01 lbs/day and a maximum weekly average of 14.89 lbs/day for May 2016; a maximum weekly average of 7.78 lbs/day for Jun 2016; and a maximum weekly average of 5.17 lbs/day for Jun 2017. The permitted limits for TAN Concentration during the months of May through Oct are a monthly average of 4 mg/l and a maximum weekly average of 6 mg/l. The reported results were a maximum weekly average of 11.9 mg/l for May 2016; a maximum weekly average of 6.52 mg/l for May 2017; and a maximum weekly average of 11.7 mg/l for Jun 2017.

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

Longview Country Club shall comply with the terms and conditions of KPDES permit #KY0081591. The KDEP will continue to monitor your DMRs. [KRS 224.70-110]

6 Violation Description for Subject Item AIOO0000008083():

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

Description of Non Compliance:

Failing to comply with 401 KAR 5:065, which cites 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0081591, Outfall 001-1, for Biochemical Oxygen Demand (BOD) during the months of Jan, Feb, Apr and Sept 2016; and Jan 2017. The permitted limits for BOD Loading are a monthly average of 25.0 lbs/day and a maximum weekly average of 37.53 lbs/day. The reported results were a monthly average of 56.62 lbs/day and a maximum weekly average of 186.82 lbs/day for Feb 2016; and a maximum weekly average of 51.66 lbs/day for Sept 2016. The permitted limits for BOD Concentration are a monthly average of 30 mg/l and a maximum weekly average of 45 mg/l. The reported results were a maximum weekly average of 66 mg/l for Jan 2016; a monthly average of 42 mg/l and a maximum weekly average of 112 mg/l for Feb 2016; a maximum weekly average of 61 mg/l for Apr 2016; a monthly average of 61 mg/l and a maximum weekly average of 163 mg/l for Sept 2016; and a maximum weekly average of 58 mg/l for Jan 2017.

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

Longview Country Club shall comply with the terms and conditions of KPDES permit #KY0081591. The KDEP will continue to monitor your DMRs. [KRS 224.70-110]

7 Violation Description for Subject Item AIOO0000008083():

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

Description of Non Compliance:

Failing to comply with 401 KAR 5:065, which cites 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0081591, Outfall 001-1, for pH during the months of Nov 2016; and Jan 2017. The permitted limits for pH Concentration are a minimum of 6.0 standard units (su) and a maximum of 9.0 su. The reported results were a minimum of 3.55 su for Nov 2016; and a maximum of 11.2 su for Jan 2017.

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

Longview Country Club shall comply with the terms and conditions of KPDES permit #KY0081591. The KDEP will continue to monitor your DMRs. [KRS 224.70-110]