



STEVEN L. BESHEAR  
GOVERNOR

LEONARD K. PETERS  
SECRETARY

ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

Division of Water  
200 Fair Oaks Ln 3rd Fl  
Frankfort, KY 40601  
www.kentucky.gov

August 2, 2013

Certified No. 7010 2780 0001 9146 8893  
Return Receipt Requested

Mr. Lawrence Smither  
Brocklyn Utilities LLC  
1706 Bardstown Rd.  
Louisville, KY 40215-1212

Re: Notice of Violation  
AI ID: 2809  
AI Name: Brocklyn Utilities LLC  
Activity ID: ENV20130001  
Permit No. KY0081299  
Madison County, KY

Dear Mr. Smither:

The Kentucky Department for Environmental Protection (DEP) has issued the enclosed inspection report and resulting Notice of Violation for violations discovered at your facility on July 25, 2013. Please review this Notice of Violation carefully to ensure that all remedial measures are completed by the specified deadlines.

Your cooperation and attention to this matter is appreciated. If you have any questions, please contact me at 502-564-3358.

Sincerely,

Mr. John Hanks,  
Environmental Inspector III  
Division of Water

Enclosure

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

**NOTICE OF VIOLATION**

**To:** Mr. Lawrence Smither  
Brocklyn Utilities LLC  
1706 Bardstown Rd.  
Louisville, KY 40215-1212

**AI Name:** Brocklyn Utilities LLC  
**AI ID:** 2809  
**Activity ID:** ENV20130001  
**Discovery ID:** CIN20130001   **County:** Madison  
**Enforcement Case ID:**  
**Date(s) Violation(s) Observed:** 07/25/2013

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

**1 Violation Description for Subject Item AIOO0000002809():**

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

**Description of Non Compliance:**

The facility has failed to submit monitoring results at intervals specified in the permit. A review of the facility's DMRs showed that the DMRs were sent in late during the months of February, April, and May of 2011.

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

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

**2 Violation Description for Subject Item AIOO0000002809():**

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

**Description of Non Compliance:**

A review of the facility's DMRs from January 2011 through May 2013 revealed numerous permit parameter excursions: BOD was exceeded in January, May, August, and September of 2011, March, June, August, September, and December of 2012, and May of 2013. Ammonia was exceeded in June of 2011 and in August of 2012. E. Coli was exceeded in the month of November 2011. The DMRs were also submitted late for the months of February, April, and May of 2011. The facility has failed to comply with the effluent limitations contained in the permit.

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

The permittee must comply with effluent limitations and all conditions of the KPDES permit. Within thirty (30) days of the receipt of this notice, the permittee shall submit a written notification to the undersigned that the permittee complies with all requirements of its permit. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and/or your company to an immediate



referral to the Division of Enforcement. [401 KAR 5:065 Section 2(1)]

**3 Violation Description for Subject Item AIOO0000002809():**

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

**Description of Non Compliance:**

A review of the facility's DMRs from January 2011 through May 2013 revealed numerous permit parameter excursions: BOD was exceeded in January, May, August, and September of 2011, March, June, August, September, and December of 2012, and May of 2013. Ammonia was exceeded in June of 2011 and in August of 2012. E. Coli was exceeded in the month of November 2011. The DMRs were also submitted late for the months of February, April, and May of 2011. The facility has failed to comply with the terms of the permit.

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

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

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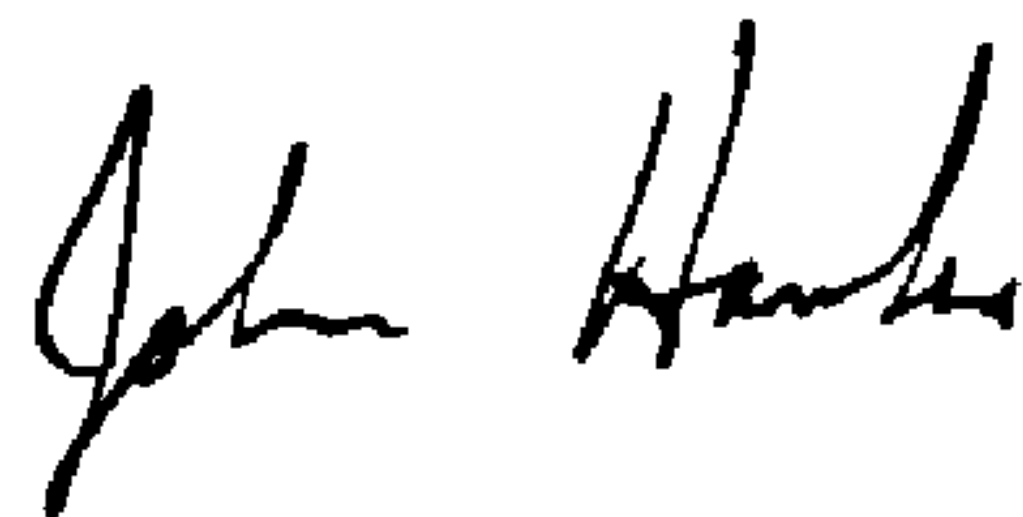
Violations of the above cited statute(s) and/or regulation(s) are subject to a civil penalty per day per violation. Violations carry civil penalties of up to \$25,000 per day per violation depending on the statutes/regulations violated. In addition, violations may be concurrently enjoined. Compliance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

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

Division of Water  
Frankfort Regional Office  
200 Fair Oaks Ln 3rd Fl  
Frankfort, KY 40601  
502-564-3358 (8:00 AM – 4:30 PM)  
Mr. John Hanks, Environmental Inspector III

Issued By:



Mr. John Hanks, Environmental Inspector III  
Date: August 2, 2013

Issued By:



Robert H Daniell, Environmental Control Supervisor  
Date: August 2, 2013

How Delivered: Certified Mail Certified/Registered # 7010 2780 0001 9146 8893



STEVEN L. BESHEAR  
GOVERNOR

LEONARD K. PETERS  
SECRETARY

ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

Division of Water  
200 Fair Oaks Ln 3rd Fl  
Frankfort, KY 40601  
www.kentucky.gov

January 27, 2014

Certified No. 7011 3500 0000 7034 3695  
Return Receipt Requested

Mr. Larry Smither  
Fox Run Subd  
P.O. Box 137  
Crestwood, KY 40014

Re: Inspection report/Notice of Violation  
AI ID: 1388  
AI Name: Fox Run Subd  
Activity ID: ENV20140001  
Permit No. KY0086967  
Franklin County, KY

Dear Mr. Smither:

The Kentucky Department for Environmental Protection (DEP) has issued the enclosed inspection report and Notice of Violation for violations discovered at your facility during a site inspection on January 23, 2014. Please review this Notice of Violation carefully to ensure that all remedial measures are completed by the specified deadlines.

Your cooperation and attention to this matter is appreciated. If you have any questions, please contact me at 502-564-3358.

Sincerely,

Deborah Singleton,  
Environmental Inspector III  
Division of Water

Enclosure: inspection report and notice of violation



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

**NOTICE OF VIOLATION**

**To:** Mr. Larry Smither  
Fox Run Subd  
P.O. Box 137  
Crestwood, KY 40014

**AI Name:** Fox Run Subd      **AI ID:** 1388      **Activity ID:** ENV20140001  
**Discovery ID:** CIN20140001      **County:** Franklin  
**Enforcement Case ID:**  
**Date(s) Violation(s) Observed:** 01/23/2014

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

**1 Violation Description for Subject Item AIOO0000001388():**

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

**Description of Non Compliance:**

The facility has failed to comply with the effluent limitations contained in the permit. A review of the submitted Discharge Monitoring Reports from September 2011 through November 2013 revealed the following violations: E Coli: 02/13&04/13; Biochemical Oxygen Demand- 12/11 & 03/13; Ammonia- 10/11,01/12,03/12,05/12,06/12,07/12,08/12,09/12,04/13,05/13,& 06/13.

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

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

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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.

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

Division of Water  
Frankfort Regional Office  
200 Fair Oaks Lane, 3rd Fl  
Frankfort, KY 40601  
502-564-3358 (8:00 AM – 4:30 PM)  
Deborah Singleton, Environmental Inspector III

Issued By: Deborah E. Singleton  
Deborah Singleton, Environmental Inspector III  
Date: January 27, 2014

Issued By: Robert H Daniell  
Robert H Daniell, Environmental Control Supervisor  
Date: January 27, 2014

How Delivered: certified/registered mail

Certified/Registered # 7011 3500 0000 7034 3695

**Fox Run Utilities LLC**  
**P.O. Box 91588**  
**Louisville, KY 40291**  
**502-241-4809 Fax 502-241-7943**

March 13, 2014

Ms Deborah Singleton  
Division of Water  
200 Fair Oaks Lane, 3<sup>rd</sup> Floor  
Frankfort, KY 40601

Re: Notice of Violation  
AI ID: 1388  
AI Name: Fox Run Subdivision WWTP  
Activity ID: INV20140001  
Permit No: KY0086967  
Franklin County, KY

Dear Ms Singleton:

In response to the notice of violation you sent with cover letter dated January 27, 2014 I present the following written notification:

- In your review of the Discharge Monitoring Reports, the last month that you have listed that you looked at during this review was 6/13. I have pulled out of my file all the DMR's since that date, to make certain that we have been in compliance and I am happy to report that we have been in compliance every month since that time.

Let me assure you that it is our intent that this facility should stay in compliance at all times. Our operator and his helper I feel do a good job of operating this plant and I am certain that they will continue to do their best to keep this plant in compliance. At times, during adverse weather conditions, such as we have had this winter, they redouble their efforts to keep the plant in good operational order.

Solids have been removed from the plant to get the MLSS down and a blower motor assembly has been repaired so that we can be certain to keep the oxygen levels up. Among other things, keeping these items in check will go a long way in maintaining the plant effluent in compliance.



(2)

I trust that you will find this acceptable.

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

Sincerely,

Lawrence W. Smither, member



STEVEN L. BESHEAR  
GOVERNOR

LEONARD K. PETERS  
SECRETARY

ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION  
DIVISION OF WATER  
200 FAIR OAKS LANE, 3RD FLOOR  
FRANKFORT KY 40601  
www.kentuckv.gov

March 14, 2014

Mr. Larry Smither  
Fox Run Subd  
P.O. Box 137  
Crestwood, KY 40014

Re: Notice of Violation  
AI ID: 1388  
AI Name: Fox Run Subd  
Activity ID: ENV20140001  
Permit No. KY0086967  
Franklin County, KY

Dear Mr. Smither:

On January 27, 2014, the Division of Water issued Fox Run Subd a Notice of Violation (NOV). The Frankfort Regional Office appreciates Fox Run Subd's efforts to address the compliance issues raised by the NOV. The actions taken by Fox Run Subd in response to the NOV are considered sufficient at this time with regard to the violations listed in the NOV. The Cabinet reserves its rights under KRS Chapter 224 and its administrative regulations to undertake such enforcement action hereafter as it deems appropriate, which may include consideration of the compliance issues addressed by the NOV. If you have any questions, please feel free to contact me at 502-564-3358.

Sincerely,

A handwritten signature in black ink that reads "Deborah E. Singleton".

Deborah Singleton  
Environmental Inspector III

c: Regional Office  
Main File



STEVEN L. BESHEAR  
GOVERNOR

LEONARD K. PETERS  
SECRETARY

ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

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

March 27, 2014

Persimmon Ridge  
Attn: Lawren Just  
72 Persimmon Ridge Dr  
Louisville, KY 40245

RE: Routine Inspection  
Persimmon Ridge Subd -- 3955  
Permit No.: KY0090956  
Shelby County, Kentucky  
Activity ID: CIN20140001

Dear Ms. Just,

Attached for your information and records is a copy of the WW Routine Inspection performed at Persimmon Ridge Subd on March 24, 2014.

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

Sincerely,

Casey Doyle  
Environmental Inspector  
Louisville Regional Office  
Division of Water

CTD  
Enclosure:



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

**AI ID:** 3955 **AI Type:** RESIDENCE- Subdivision (nec)  
**AI Name:** Persimmon Ridge Subd  
**AI Address:** 72 Persimmon Ridge Dr  
**City:** Louisville **State:** Kentucky **Zip:** 40245  
**County:** Shelby **Regional Office:** Louisville Regional Office  
**Latitude:** 38.297778 **Longitude:** -85.439722

**Site Contact:** Lawren Just  
**Title:** Operator **Phone #:** 502.419.4797

**Inspection Type:** WW Routine-Min Nmun **Activity #:** CIN20140001  
**Inspection Start Date:** March 24, 2014 **Time:** 02:00 PM **End Date:** March 24, 2014 **Time:** 02:30 PM

**Site/Permit ID:** KY0090956

**Lead DEP Investigator:** Casey Doyle  
**Persons Interviewed:**

**General Comments:** KPDES No. KY0090956  
August 1, 2013 - July 31, 2018.

A wastewater inspection was conducted at Persimmon Ridge Subdivision on 3/24/14 by DOW inspector Casey Doyle. This plant has a design capacity of 0.142 MGD and discharges to an irrigation lake via Outfall 002 and to Floyds Fork via Outfall 001.

One aerator was running in the primary lagoon. No aerators were running in the secondary lagoon. Duckweed was not present. Effluent from secondary lagoon appeared green/murky.

Disinfection units appeared to be operating correctly. Chlorine tablets were observed in the disinfection apparatus. Dechlorination tablets were not present in basket. Plans have been approved by the state to install a UV system; installation pending. Sampling is completed by Microbac Laboratories; generally Mon/Tues of every week.

Outfall 001, from the lake, was barely discharging at just a trickle. Final Effluent appeared mostly clear and free of solids. Outfall 002, from the lagoon, was observed discharging into the lake at 20.4 GPM. No visual evidence of any degradation to the waters of the Commonwealth was observed at the time of inspection.

Lawren Just WW Collection II 19497 Active 06/30/2015  
WW Treatment II 8997 Active 06/30/2015

Kathy Carey WW Treatment I 8665 Active 06/30/2015  
WW Collection II 19496 Active 06/30/2015

**Overall Compliance Status:** No Violations Observed

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## Investigation Results

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**SI: AIO03955**

**SI Description:**

**Inspector Comment:** KPDES No. KY0090956  
August 1, 2013 - July 31, 2018.

A wastewater inspection was conducted at Persimmon Ridge Subdivision on 3/24/14 by DOW inspector Casey Doyle. This plant has a design capacity of 0.142 MGD and discharges to an irrigation lake via Outfall 002 and to Floyds Fork via Outfall 001.

One aerator was running in the primary lagoon. No aerators were running in the secondary lagoon. Duckweed was not present. Effluent from secondary lagoon appeared green/murky.

Disinfection units appeared to be operating correctly. Chlorine tablets were observed in the disinfection apparatus. Dechlorination tablets were not present in basket; need to be replaced. Plans have been approved by the state to install a UV system; installation pending. Sampling is completed by Microbac Laboratories; generally Mon/Tues of every week.

Outfall 001, from the lake, was barely discharging at just a trickle. Final Effluent appeared mostly clear and free of solids. Outfall 002, from the lagoon, was observed discharging into the lake at 20.4 GPM. No visual evidence of any degradation to the waters of the Commonwealth was observed at the time of inspection.

Lawren Just WW Collection II 19497 Active 06/30/2015  
WW Treatment II 8997 Active 06/30/2015

Kathy Carey WW Treatment I 8665 Active 06/30/2015  
WW Collection II 19496 Active 06/30/2015

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

**Compliance Status:** C-No Violations observed

**Comment:** KPDES No. KY0090956  
August 1, 2013 - July 31, 2018.

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**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:** Lawren Just WW Collection II 19497 Active 06/30/2015  
WW Treatment II 8997 Active 06/30/2015

Kathy Carey WW Treatment I 8665 Active 06/30/2015  
WW Collection II 19496 Active 06/30/2015

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**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:** Lawren Just WW Collection II 19497 Active 06/30/2015  
WW Treatment II 8997 Active 06/30/2015

Kathy Carey WW Treatment I 8665 Active 06/30/2015  
WW Collection II 19496 Active 06/30/2015

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**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

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KAR 5:065 Section 2(1)]

**Compliance Status:** C-No Violations observed

**Comment:** One aerator was running in the primary lagoon. No aerators were running in the secondary lagoon. Duckweed was not present. Effluent from secondary lagoon appeared green/murky.

Disinfection units appeared to be operating correctly. Chlorine tablets were observed in the disinfection apparatus. Dechlorination tablets were not present in basket. Plans have been approved by the state to install a UV system; installation pending. Sampling is completed by Microbac Laboratories; generally Mon/Tues of every week.

Outfall 001, from the lake, was barely discharging at just a trickle. Final Effluent appeared mostly clear and free of solids. Outfall 002, from the lagoon, was observed discharging into the lake at 20.4 GPM. No visual evidence of any degradation to the waters of the Commonwealth was observed at the time of inspection.

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**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:** Disinfection units appeared to be operating correctly. Chlorine tablets were observed in the disinfection apparatus. Dechlorination tablets were not present in basket; need to be replaced. Plans have been approved by the state to install a UV system; installation pending.

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

**Compliance Status:** C-No Violations observed

**Comment:** Outfall 001, from the lake, was barely discharging at just a trickle. Final Effluent appeared mostly clear and free of solids. Outfall 002, from the lagoon, was observed discharging into the lake at 20.4 GPM. No visual evidence of any degradation to the waters of the Commonwealth was observed at the time of inspection.

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**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:** Outfall 001, from the lake, was barely discharging at just a trickle. Final Effluent appeared mostly clear and free of solids. Outfall 002, from the lagoon, was observed discharging into the lake at 20.4 GPM. No visual evidence of any degradation to the waters of the Commonwealth was observed at the time of inspection.

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**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:** Casey Doyle



**Date:** 3/27/14

**Received By:** \_\_\_\_\_ **Title:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Delivery Method:** Mail



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

**AI ID:** 2809  
**AI Type:** RESIDENCE- Subdivision (nec)  
**AI Name:** Brocklyn Utilities LLC  
**AI Address:** Hager Dr  
**City:** Richmond, **State:** Kentucky **Zip:** 40475  
**County:** Madison **Regional Office:** Frankfort Regional Office  
**Latitude:** 37.735 **Longitude:** -84.329722  
**Site Contact:** Elliott Turner  
**Title:** Operator **Phone #:** 859-200-9543  
**Inspection Type:** WW CEI-Minor Non-Mun **Activity #:** CIN20140001  
**Incident IDs:** N/A  
**Inspection Start Date:** March 27, 2014 **Time:** 01:15 PM  
**End Date:** March 27, 2014 **Time:** 01:35 PM  
**Site/Permit ID:** KY0081299

**Lead DEP Investigator:** John Hanks  
**Other DEP Investigators:**  
**External Investigators:**  
**Persons Interviewed:** Elliott Turner

**General Comments:** KPDES Permit No. KY0081299

At the time of the inspection, the MLSS had a good roll, color, and odor, clarifier was operating properly and the effluent from the lagoon was clean and clear. A review of the facility's DMRs from June 2013 through February 2014 revealed the results for August 2013 were not received, and BOD was exceeded in July of 2013. The facility has failed to comply with the terms of the permit.

**Overall Compliance Status:** Out of Comp- LOW

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### Investigation Results

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**SI:** AIOO2809

**SI Description:**

**Inspector Comment:**

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

**Compliance Status:** C-No Violations observed

**Comment:** Facility holds KPDES Permit No. KY0081299.

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**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:** Facility holds KPDES Permit No. KY0081299.

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**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:** Mr. Larry Smither, Elliott Turner, and Matthew Turner oversee operations at the plant.

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**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]

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**Compliance Status:** N-Not Applicable

**Comment:**

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**Requirement:** 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)]

**Compliance Status:** E-Not Evaluated

**Comment:** The records are kept by Mr. Smither, who was not on site at the time of the inspection. A maintenance log book was on site and available for review.

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**Requirement:** 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]

**Compliance Status:** C-No Violations observed

**Comment:** Facility has developed and implemented a GPP.

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

**Comment:** A review of the facility's DMRs from June 2013 through February 2014 revealed the results for August 2013 were not received. The facility has failed to submit monitoring results at intervals specified in the permit.

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

**Compliance Status:** C-No Violations observed

**Comment:**

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**Requirement:** 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)]

**Compliance Status:** C-No Violations observed

**Comment:** Facility is aware of this requirement.

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**Requirement:** 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)]

**Compliance Status:** C-No Violations observed

**Comment:** Facility is aware of this requirement.

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**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:** C-No Violations observed

**Comment:** 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.

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**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:** C-No Violations observed

**Comment:** 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.

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**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)]

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**Compliance Status:** C-No Violations observed

**Comment:** At the time of the inspection, the MLSS had a good roll, color, and odor, clarifier was operating properly and the effluent from the lagoon was clean and clear.

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**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:** Facility uses tablet chlorination for disinfection.

---

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

**Compliance Status:** C-No Violations observed

**Comment:**

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**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:**

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**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:**

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**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:**

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**Requirement:** 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)]

**Compliance Status:** C-No Violations observed

**Comment:** A & A sanitation handles the sludge disposal for this facility.

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

**Comment:** A review of the facility's DMRs from June 2013 through February 2014 revealed the results for August 2013 were not received, and BOD was exceeded in July of 2013. The facility has failed to comply with the effluent limitations contained in the permit.

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**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:** E-Not Evaluated

**Comment:** McCoy and McCoy handles sample analysis.

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**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:** E-Not Evaluated

**Comment:**

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**Requirement:** Is the facility sampling in accordance with sampling requirements specified for biomonitoring in the KPDES permit conditions? [401 KAR 5:065 Section 2(1)]

**Compliance Status:** N-Not Applicable

**Comment:**

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

**Compliance Status:** C-No Violations observed

**Comment:** There was no visual sign of pollution entering the water of the Commonwealth at the time of the

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inspection.

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

**Compliance Status:** C-No Violations observed

**Comment:** There was no visual sign of degradation noted at the time of the inspection.

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

**Compliance Status:** O-Out of Comp-LOW non-recurrent Adm. or O&M

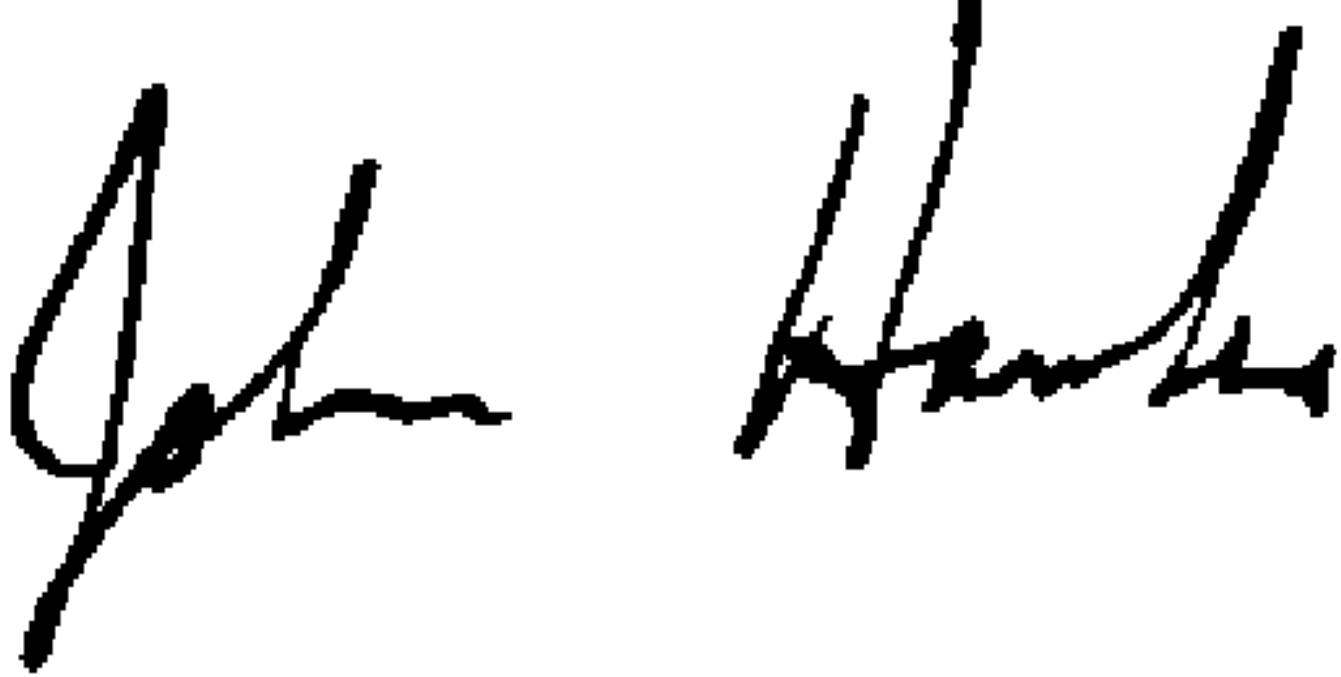
**Comment:** A review of the facility's DMRs from June 2013 through February 2014 revealed the results for August 2013 were not received, and BOD was exceeded in July of 2013. The facility has failed to comply with the terms of the permit.

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**Documentation**

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

**Inspector:** John Hanks



**Date:** 4/7/14

**Delivery Method:** Certified Mail  
**Certified Mail Number:** 7011 3500 0000 7034 3763



STEVEN L. BESHEAR  
GOVERNOR

LEONARD K. PETERS  
SECRETARY

**ENERGY AND ENVIRONMENT CABINET**  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION  
Division of Water  
200 Fair Oaks Ln 3rd Fl  
Frankfort, KY 40601  
www.kentucky.gov

April 7, 2014

Certified No. 7011 3500 0000 7034 3763  
Return Receipt Requested

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

Re: Letter of Warning  
AI ID: 2809  
AI Name: Brocklyn Utilities LLC  
Activity ID: ELW20140001  
Permit No. KY0081299  
Madison County, KY

Dear Mr. Smither:

The Kentucky Department for Environmental Protection (DEP) has issued the enclosed Inspection Report and resulting Letter of Warning for violations discovered at your facility on March 27, 2014. Please review this Letter of Warning 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 502-564-3358.

Sincerely,

Mr. John Hanks,  
Environmental Inspector III  
Division of Water

Enclosure

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

**LETTER OF WARNING**

**To:** Mr. Lawrence Smither  
Brocklyn Utilities LLC  
P.O. Box 91588  
Louisville, KY 40291

**AI Name:** Brocklyn Utilities LLC  
**AI ID:** 2809  
**Activity ID:** ELW20140001  
**County:** Madison  
**Enforcement Case ID:**  
**Date(s) Violation(s) Observed:** 03/27/2014

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

**1 Violation Description for Subject Item AIOO0000002809():**

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

**Description of Non Compliance:**

A review of the facility's DMRs from June 2013 through February 2014 revealed the results for August 2013 were not received. The facility has failed to submit monitoring results at intervals specified in the permit.

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

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

**2 Violation Description for Subject Item AIOO0000002809():**

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

**Description of Non Compliance:**

A review of the facility's DMRs from June 2013 through February 2014 revealed the results for August 2013 were not received, and BOD was exceeded in July of 2013. The facility has failed to comply with the effluent limitations contained in the permit.

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

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



**3 Violation Description for Subject Item AIOO0000002809():**

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

**Description of Non Compliance:**

A review of the facility's DMRs from June 2013 through February 2014 revealed the results for August 2013 were not received, and BOD was exceeded in July of 2013. The facility has failed to comply with the terms of the permit.

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

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

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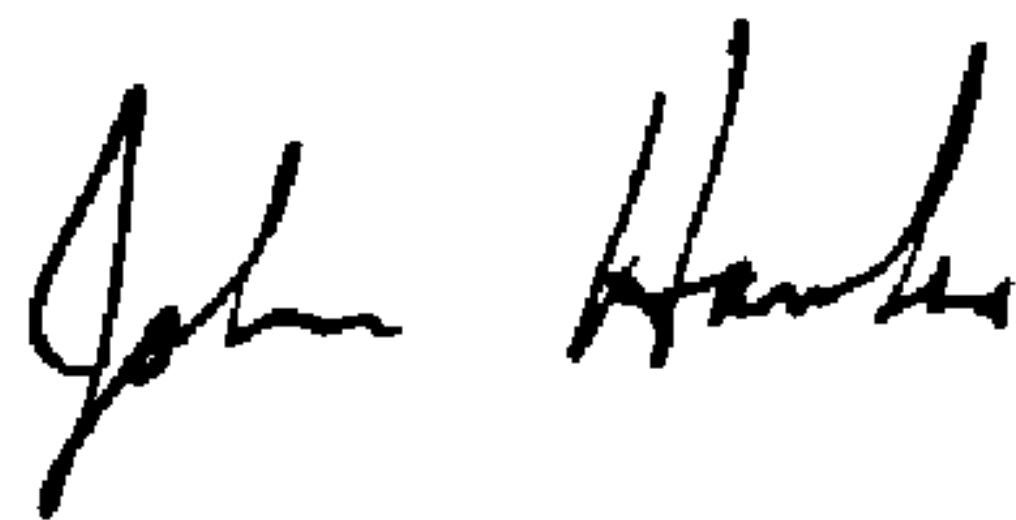
Violations of the above cited statute(s) and/or regulation(s) are subject to a civil penalty per day per violation. Violations carry civil penalties of up to \$25,000 per day per violation depending on the statutes/regulations violated. In addition, violations may be concurrently enjoined. Compliance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

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

Division of Water  
Frankfort Regional Office  
200 Fair Oaks Ln 3rd Fl  
Frankfort, KY 40601  
502-564-3358 (8:00 AM – 4:30 PM)  
Mr. John Hanks, Environmental Inspector III

Issued By:



Mr. John Hanks, Environmental Inspector III  
Date: April 7, 2014

Issued By:



Robert H Daniell, Environmental Control Supervisor  
Date: April 7, 2014

How Delivered: Certified Mail Certified/Registered # 7011 3500 0000 7034 3763



STEVEN L. BESHEAR  
GOVERNOR

LEONARD K. PETERS  
SECRETARY

ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

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

June 17, 2014

Persimmon Ridge Subd  
Attn: Lawren Just  
72 Persimmon Ridge Dr  
Louisville, KY 40245

RE: Site Visit  
Persimmon Ridge Subd -- 3955  
Permit No.: KY0090956  
Shelby County, Kentucky  
Activity ID: CIN20140002

Dear Ms. Just,

Attached for your information and records is a copy of the Routine Site Visit performed at Persimmon Ridge Subd on June 10, 2014.

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

Sincerely,

Casey Doyle  
Environmental Inspector  
Louisville Regional Office  
Division of Water

CTD  
Enclosure:



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**Investigation Results**

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**SI: AIO03955****SI Description:****Inspector Comment:** KPDES No. KY0090956

August 1, 2013 - July 31, 2018.

A site visit was conducted at Persimmon Ridge Subdivision on 6/10/14 by DOW inspectors Casey Doyle and Brad Trivette. This site visit was requested by Ms. Just for DOW view the irrigation lake which was having some issues. This plant has a design capacity of 0.142 MGD and discharges to an irrigation lake via Outfall 002 and to Floyds Fork via Outfall 001.

Five aerators were running in the primary lagoon. Three aerators were running in the secondary lagoon. Duckweed was covering about half of lagoons. Effluent from secondary lagoon (002) appeared clear. Disinfection units appeared to be operating correctly.

Irrigation lake was observed with several dozen dead shad floating on the surface near the banks. Ms. Just indicated that the lake had turned over recently and as a likely result, may have been impacting DMR results for the months of April and March 2014. DMR for April 2014 had one exception each for TSS, Phosphorus and BOD. Typically this plant does not have any problem meeting permit limits. DOW could not identify any specific problem at the plant or irrigation lake that would cause it to turn over. It is likely due to weather/harsh previous winter.

Outfall 001, from the lake, was not discharging at time of inspection. No visual evidence of any degradation to the waters of the Commonwealth was observed at the time of inspection.

Lawren Just WW Collection II 19497 Active 06/30/2015  
WW Treatment II 8997 Active 06/30/2015

Kathy Carey WW Treatment I 8665 Active 06/30/2015  
WW Collection II 19496 Active 06/30/2015

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**Requirement:** Does the facility hold the proper KPDES permit?. [401 KAR 5:055 Section 2]**Compliance Status:** C-No Violations observed**Comment:** KPDES No. KY0090956

August 1, 2013 - July 31, 2018.

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**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:** Lawren Just WW Collection II 19497 Active 06/30/2015

WW Treatment II 8997 Active 06/30/2015

Kathy Carey WW Treatment I 8665 Active 06/30/2015  
WW Collection II 19496 Active 06/30/2015

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**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:** Lawren Just WW Collection II 19497 Active 06/30/2015

WW Treatment II 8997 Active 06/30/2015

Kathy Carey WW Treatment I 8665 Active 06/30/2015  
WW Collection II 19496 Active 06/30/2015

---

**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

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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:** Five aerators were running in the primary lagoon. Three aerators were running in the secondary lagoon. Duckweed was covering about half of lagoons. Effluent from secondary lagoon (002) appeared clear. Disinfection units appeared to be operating correctly.

Irrigation lake was observed with several dozen dead shad floating on the surface near the banks. Ms. Just indicated that the lake had turned over recently and as a likely result, may have been impacting DMR results for the months of April and March 2014. DMR for April 2014 had one exception each for TSS, Phosphorus and BOD. Typically this plant does not have any problem meeting permit limits. DOW could not identify any specific problem at the plant or irrigation lake that would cause it to turn over. It is likely due to weather/harsh previous winter.

Outfall 001, from the lake, was not discharging at time of inspection. No visual evidence of any degradation to the waters of the Commonwealth was observed at the time of inspection.

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**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:** Disinfection units appeared to be operating correctly.

---

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

**Compliance Status:** C-No Violations observed

**Comment:** Outfall 001, from the lake, was not discharging at time of inspection. No visual evidence of any degradation to the waters of the Commonwealth was observed at the time of inspection.

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**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:** Outfall 001, from the lake, was not discharging at time of inspection. No visual evidence of any degradation to the waters of the Commonwealth was observed at the time of inspection.

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**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:** Casey Doyle



**Date:** 6/17/14

**Received By:** \_\_\_\_\_ **Title:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Delivery Method:** Mail

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

**AI ID:** 2809  
**AI Type:** RESIDENCE- Subdivision (nec)  
**AI Name:** Brocklyn Utilities LLC  
**AI Address:** Hager Dr  
**City:** Richmond, **State:** Kentucky **Zip:** 40475  
**County:** Madison **Regional Office:** Frankfort Regional Office  
**Latitude:** 37.735 **Longitude:** -84.329722  
**Site Contact:** Elliott Turner  
**Title:** Operator **Phone #:** 859-200-9543  
**Inspection Type:** WW CEI-Minor Non-Mun **Activity #:** CIN20140002  
**Incident IDs:** N/A  
**Inspection Start Date:** August 22, 2014 **Time:** 12:40 PM  
**End Date:** August 22, 2014 **Time:** 01:00 PM  
**Site/Permit ID:** KY0081299

**Lead DEP Investigator:** John Hanks  
**Other DEP Investigators:**  
**External Investigators:**  
**Persons Interviewed:** Elliott Turner

**General Comments:** KPDES Permit No. KY0081299

At the time of the inspection, the MLSS had a good roll, color, and odor, clarifier was operating properly and the effluent from the lagoon was clean and clear. A review of the facility's DMRs from March 2014 through July 2014 revealed some permit parameter excursions for BOD in June and July of 2014. The facility has failed to comply with the effluent limitations contained in the permit.

**Overall Compliance Status:** Out of Compliance- NOV

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**Investigation Results**

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**SI:** AIOO2809

**SI Description:**

**Inspector Comment:**

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

**Compliance Status:** C-No Violations observed

**Comment:** Facility holds KPDES Permit No. KY0081299.

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**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:** Facility holds KPDES Permit No. KY0081299.

---

**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:** Mr. Larry Smither, Elliott Turner, and Matthew Turner oversee operations at the plant.

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**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?

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[401 KAR 5:010 Section 2]

**Compliance Status:** N-Not Applicable

**Comment:**

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**Requirement:** 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)]

**Compliance Status:** C-No Violations observed

**Comment:** The records are kept by Mr. Smither, who was not on site at the time of the inspection. A maintenance log book was on site and available for review.

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**Requirement:** 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]

**Compliance Status:** C-No Violations observed

**Comment:** Facility has developed and implemented a GPP.

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**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:** C-No Violations observed

**Comment:** Monitoring results are submitted monthly.

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

**Compliance Status:** C-No Violations observed

**Comment:**

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**Requirement:** 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)]

**Compliance Status:** C-No Violations observed

**Comment:** Facility is aware of this requirement.

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**Requirement:** 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)]

**Compliance Status:** C-No Violations observed

**Comment:** Facility is aware of this requirement.

---

**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:** C-No Violations observed

**Comment:** 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.

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**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:** C-No Violations observed

**Comment:** 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.

---

**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)]

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**Compliance Status:** C-No Violations observed

**Comment:** At the time of the inspection, the MLSS had a good roll, color, and odor, clarifier was operating properly and the effluent from the lagoon was clean and clear.

---

**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:** Facility uses tablet chlorination for disinfection.

---

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

**Compliance Status:** C-No Violations observed

**Comment:**

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**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:**

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**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:**

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**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:**

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**Requirement:** 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)]

**Compliance Status:** C-No Violations observed

**Comment:** A & A sanitation handles the sludge disposal for this facility.

---

**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:** A review of the facility's DMRs from March 2014 through July 2014 revealed some permit parameter excursions for BOD in June and July of 2014. The facility has failed to comply with the effluent limitations contained in the permit.

---

**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:** E-Not Evaluated

**Comment:** McCoy and McCoy handles sample analysis.

---

**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:** E-Not Evaluated

**Comment:**

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**Requirement:** Is the facility sampling in accordance with sampling requirements specified for biomonitoring in the KPDES permit conditions? [401 KAR 5:065 Section 2(1)]

**Compliance Status:** N-Not Applicable

**Comment:**

---

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

**Compliance Status:** C-No Violations observed

**Comment:** There was no visual sign of pollution entering the water of the Commonwealth at the time of the

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inspection.

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

**Compliance Status:** C-No Violations observed

**Comment:** There was no visual sign of degradation noted at the time of the inspection.

---

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

**Compliance Status:** V-Out of Compliance-NOV

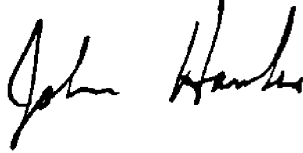
**Comment:** A review of the facility's DMRs from March 2014 through July 2014 revealed some permit parameter excursions for BOD in June and July of 2014. The facility has failed to comply with the terms of the permit.

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**Documentation**

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

**Inspector:** John Hanks



**Date:** 9/5/14

**Delivery Method:** Certified Mail

**Certified Mail Number:**



STEVEN L. BESHEAR  
GOVERNOR

LEONARD K. PETERS  
SECRETARY

ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

Division of Water  
200 Fair Oaks Ln 3rd Fl  
Frankfort, KY 40601  
www.kentucky.gov

September 5, 2014

Certified No. 7011 3500 0000 7063 1525  
Return Receipt Requested

Mr. Elliott Turner  
North Madison Co Sanitation Dist.  
201 Aqueduct Dr. Ste. B-9  
Richmond, Kentucky 40475

Re: Notice of Violation  
AI ID: 2809  
AI Name: Brocklyn Utilities LLC  
Activity ID: ENV20140001  
Permit No. KY0081299  
Madison County, KY

Dear Mr. Turner:

The Kentucky Department for Environmental Protection (DEP) has issued the enclosed Inspection Report and resulting Notice of Violation for violations discovered at your facility on August 22, 2014. Please review this Notice of Violation carefully to ensure that all remedial measures are completed by the specified deadlines.

Your cooperation and attention to this matter is appreciated. If you have any questions, please contact me at 502-564-3358.

Sincerely,

Mr. John Hanks,  
Environmental Inspector III  
Division of Water

Enclosure



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

**NOTICE OF VIOLATION**

To: Mr. Elliott Turner  
North Madison Co Sanitation Dist.  
201 Aqueduct Dr. Ste. B-9  
Richmond, Kentucky 40475

**AI Name:** Brocklyn Utilities LLC  
**AI ID:** 2809  
**Activity ID:** ENV20140001  
**Discovery ID:** CIN20140002 **County:** Madison  
**Enforcement Case ID:**  
**Date(s) Violation(s) Observed:** 08/22/2014

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

**1 Violation Description for Subject Item AIOO0000002809():**

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

**Description of Non Compliance:**

A review of the facility's DMRs from March 2014 through July 2014 revealed some permit parameter excursions for BOD in June and July of 2014. The facility has failed to comply with the effluent limitations contained in the permit.

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

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

**2 Violation Description for Subject Item AIOO0000002809():**

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

**Description of Non Compliance:**

A review of the facility's DMRs from March 2014 through July 2014 revealed some permit parameter excursions for BOD in June and July of 2014. The facility has failed to comply with the terms of the permit.

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

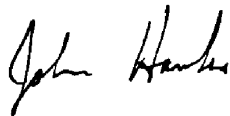
Comply with all conditions of the KPDES permit. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and/or your company to an immediate referral to the Division of Enforcement. [401 KAR 5:065 Section 2]


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

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

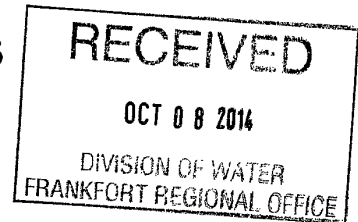
Division of Water  
Frankfort Regional Office  
200 Fair Oaks Ln 3rd Fl  
Frankfort, KY 40601  
502-564-3358 (8:00 AM – 4:30 PM)  
Mr. John Hanks, Environmental Inspector III

Issued By:   
Mr. John Hanks, Environmental Inspector III  
Date: September 5, 2014

Issued By:   
Mr. Robert H Daniell, Environmental Control Supervisor  
Date: September 5, 2014

How Delivered: Certified Mail Certified/Registered # 7011 3500 0000 7063 1525

**Brocklyn Utilities LLC**  
**P.O. Box 91588**  
**Louisville, Kentucky 40291**  
**502-241-4809 Fax 502-241-7943**



October 6, 2014

Mr. John Hanks  
Division of Water  
200 Fair Oaks Lane 3<sup>rd</sup> Floor  
Frankfort, KY 40601

Re: Notice of Violation  
AI ID: 2809  
AI Name: Brocklyn Utilities LLC  
Activity ID: ENV20140001  
Permit No. KY0081299  
Madison County

Dear Mr. Hanks:

As a corporate member of this utility I am responding, as required, to the referenced Notice of Violation.

**Description of Non Compliance:**

**A review of the facilities DMR from March 2014 through July 2014 revealed some permit parameter excursions for the BOD in June and July of 2014. The facility has failed to comply with the terms of the permit.**

The samples for the month of June 2014 were taken on the 4<sup>th</sup> of June and did indicate an excursion of the BOD limit. The result was 51 mg/l. With this information a resample was requested and the date of the resample was June 18<sup>th</sup>. The result of this resample was 3 mg/l.

For the month of July 2014, the samples were taken on the 2<sup>nd</sup> and the result was 78 mg/l for the BOD. So again a resample was requested and the resample date was the 16<sup>th</sup> of July. The result of this resample was 3 mg/l.

I feel that you would probably agree with us that there is somewhat of an unusual pattern here. Never the less, action was taken to decrease the solids level in the plant as well as the lagoon. And adjustments were made to increase the oxygen levels. Also,

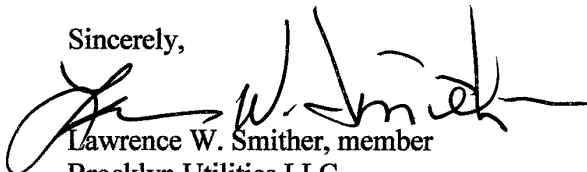
(2)

during the review period, the operator Elliott Turner, had some thoughts that maybe there was some unauthorized dumping into the Brocklyn sewer system. However, he was never able to determine where the possible dumping was taking place.

Based on the lab results since July, it would appear though that with the measures taken and adjustments made by the operator that the plant is back into compliance. And let me assure you, that it is our intention, to keep this facility in compliance with its KPDES Permit.

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

Sincerely,



Lawrence W. Smither, member  
Brocklyn Utilities LLC





STEVEN L. BESHEAR  
GOVERNOR

LEONARD K. PETERS  
SECRETARY

ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION  
DIVISION OF WATER  
200 FAIR OAKS LANE, 3RD FLOOR  
FRANKFORT KY 40601  
www.kentucky.gov

November 4, 2014

Mr. Elliott Turner  
North Madison Co Sanitation Dist.  
201 Aqueduct Dr. Ste. B-9  
Richmond, Kentucky 40475

Re: Notice of Violation  
AI ID: 2809  
AI Name: Brocklyn Utilities LLC  
Activity ID: ENV20140001  
Permit No. KY0081299  
Madison County, KY

Dear Mr. Turner:

On September 8, 2014, the Division of Water issued Brocklyn Utilities LLC a Notice of Violation (NOV). The Frankfort Regional Office appreciates Brocklyn Utilities LLC's efforts to address the compliance issues raised by the NOV. The actions taken in response to the NOV are considered sufficient at this time with regard to the violations listed in the NOV. The Cabinet reserves its rights under KRS Chapter 224 and its administrative regulations to undertake such enforcement action hereafter as it deems appropriate, which may include consideration of the compliance issues addressed by the NOV. If you have any questions, please feel free to contact me at 502-564-3358.

Sincerely,

Mr. John Hanks  
Environmental Inspector

c: Regional Office  
Main File



STEVEN L. BESHEAR  
GOVERNOR

LEONARD K. PETERS  
SECRETARY

ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION  
DIVISION OF WATER  
200 FAIR OAKS LANE, 3RD FLOOR  
FRANKFORT KY 40601  
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November 4, 2014

Mr. Elliott Turner  
North Madison Co Sanitation Dist.  
201 Aqueduct Dr. Ste. B-9  
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Re: Notice of Violation  
AI ID: 2809  
AI Name: Brocklyn Utilities LLC  
Activity ID: ENV20140001  
Permit No. KY0081299  
Madison County, KY

Dear Mr. Turner:

On September 8, 2014, the Division of Water issued Brocklyn Utilities LLC a Notice of Violation (NOV). The Frankfort Regional Office appreciates Brocklyn Utilities LLC's efforts to address the compliance issues raised by the NOV. The actions taken in response to the NOV are considered sufficient at this time with regard to the violations listed in the NOV. The Cabinet reserves its rights under KRS Chapter 224 and its administrative regulations to undertake such enforcement action hereafter as it deems appropriate, which may include consideration of the compliance issues addressed by the NOV. If you have any questions, please feel free to contact me at 502-564-3358.

Sincerely,

Mr. John Hanks  
Environmental Inspector

c: Regional Office  
Main File



STEVEN L. BESHEAR  
GOVERNOR

LEONARD K. PETERS  
SECRETARY

ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

Division of Water  
130 Eagle Nest Dr  
Paducah, KY 420039435  
www.kentucky.gov

April 15, 2015

Mr. Allen Artis  
Marshall County Environmental Services  
PO Box 431  
Benton, Kentucky 42324

RE: Golden Acres Subd -- 2935  
Permit No.: KY0044164  
Marshall County, Kentucky  
Activity ID: CIN20150001

Dear Mr. Artis:

Attached for your information and records is a copy of the WW Routine-Min Nmun performed at Golden Acres Subd on April 15, 2015.

**Please review the attached inspection report for deficiencies noted during this Routine inspection.**

If you have any questions or comments concerning this inspection, please contact the Paducah Regional Office at: (270) 898-8468.

*All laboratory analyses required to demonstrate compliance with the conditions of this permit shall be performed by a Division of Water (DOW) certified general wastewater laboratory and field-only laboratory. Compliance with this requirement shall commence on January 1, 2015 for analyses performed by a general wastewater laboratory and January 1, 2016 for a field-only wastewater laboratories. The deadline for submitting a completed application is October 1, 2014 for a general wastewater laboratory and October 1, 2015 for a field-only wastewater laboratory.*

*For information or questions regarding the certification process, contact Frank Hall at 502-564-3410 or email at [DOWLabCertification@ky.gov](mailto:DOWLabCertification@ky.gov). Required documents can be found at <http://water.ky.gov/permitting/Pages/WasteWaterCertification.aspx>.*

Sincerely,

Vince Priddle  
Environmental Inspector  
Paducah Regional Office  
Division of Water







Status/Comments:

**GINS1**

Requirement	Status	Results or Comments
Does the facility hold the proper KPDES permit?. [401 KAR 5:055 Section 2]	C	
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]	C	Alan Artis
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]	C	Alan Artis
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)]	I	<b>The collection system has significant inflow and infiltration problems causing the package treatment plant to wash out and overflow.</b>
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]	I	<b>The collection system has significant inflow and infiltration problems causing the package treatment plant to wash out and overflow.</b>
Have pollutants entered the waters of the Commonwealth? [KRS 224.70-110]. [KRS 224.70-110]	I	<b>I did not observe any sludge or sludge accumulation in the receiving stream due to the steam flow from the recent rain events. The levee surrounding the treatment plan was an overflowing lagoon at the time of inspection. The blower and electronics stood above the water level. I spoke with the operator about the conditions and Mr. Artis stated that he had completed some recent collection line repairs trying to reduce the inflow and infiltration.</b>
Have surface waters been aesthetically or otherwise degraded? [401 KAR 10:031 Section 2]. [401 KAR 10:031 Section 2]	I	<b>I did not observe any sludge or sludge accumulation in the receiving stream due to the steam flow from the recent rain events.</b>

**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:**



STEVEN L. BESHEAR  
GOVERNOR

LEONARD K. PETERS  
SECRETARY

ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

Division of Water  
130 Eagle Nest Dr  
Paducah, KY 420039435  
www.kentucky.gov

May 18, 2015

Mr. Allen Artis  
Marshall County Environmental Services  
PO Box 431  
Benton, Kentucky 42324

RE: Golden Acres Subd -- 2935  
Permit No.: KY0044164  
Marshall County, Kentucky  
Activity ID: CIN20150002

Dear Mr. Artis:

Attached for your information and records is a copy of the WW Routine-Min Nmun performed at Golden Acres Subd on April 22, 2015.

**Please review the attached inspection report for deficiencies noted during this Routine inspection.**

If you have any questions or comments concerning this inspection, please contact the Paducah Regional Office at: (270) 898-8468.

*All laboratory analyses required to demonstrate compliance with the conditions of this permit shall be performed by a Division of Water (DOW) certified general wastewater laboratory and field-only laboratory. Compliance with this requirement shall commence on January 1, 2015 for analyses performed by a general wastewater laboratory and January 1, 2016 for a field-only wastewater laboratories. The deadline for submitting a completed application is October 1, 2014 for a general wastewater laboratory and October 1, 2015 for a field-only wastewater laboratory.*

*For information or questions regarding the certification process, contact Frank Hall at 502-564-3410 or email at [DOWLabCertification@ky.gov](mailto:DOWLabCertification@ky.gov). Required documents can be found at <http://water.ky.gov/permitting/Pages/WasteWaterCertification.aspx>.*

Sincerely,

Vince Priddle  
Environmental Inspector  
Paducah Regional Office  
Division of Water

vwp



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

**Activity:** CIN20150002 Inspection

**Lead Investigator:** Priddle, Vince

**Agency Interest/Permit ID:** 2935

**Agency Interest Name:** Golden Acres Subd

**Agency Interest Address:** US 68  
Sharpe, KY 42025

**Program:** Wastewater

**County:** Marshall

**Type of Agency Interest:** RESIDENCE- Subdivision (nec)

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

**Purpose:** Inspection

**Inspection Type:** WW Routine-Min Nmun

**Inspection Date:** 04/22/2015

**Start Time:** 12:15 PM

**End Time:** 12:45 PM

**Latitude:** 36.97294400

**Longitude:** -88.48086100

**Coordinate Collection Method:**Decimal Degrees

**Incident ID(s):**

**General Comments:**

I conducted a Routine inspection on this date. I met with Mr. Artis at the treatment plant where he was returning sludge to the aeration basin. Sludge had accumulated in the clarifier during the recent washout and was partially plugged due to the amount of sludge in the clarifier to return.

The collection system has significant inflow and infiltration problems. Mr. Artis is unsure where the leaks are that are contributing to the inflow and infiltration. Mr. Artis is going to view the manholes during future rain events in an attempt to locate the problem areas in the collection system.

**Person(s) Interviewed:**

<b>Name</b>	<b>Organization</b>
Alan Artis	Certified Operator



**Status/Comments:**

**GINS1**

Requirement	Status	Results or Comments
Does the facility hold the proper KPDES permit?. [401 KAR 5:055 Section 2]	C	
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]	C	Alan Artis
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]	C	Alan Artis
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)]	I	<b>The collection system has significant inflow and infiltration problems that cause the package treatment plant to wash out during significant rain events.</b>
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]	I	<b>The collection system has significant inflow and infiltration problems that cause the package treatment plant to wash out and overflow.</b>
Have pollutants entered the waters of the Commonwealth? [KRS 224.70-110]. [KRS 224.70-110]	C	None observed
Have surface waters been aesthetically or otherwise degraded? [401 KAR 10:031 Section 2]. [401 KAR 10:031 Section 2]	C	None observed

**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:**

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

**AI ID:** 2809  
**AI Type:** RESIDENCE- Subdivision (nec)  
**AI Name:** Brocklyn Utilities LLC  
**AI Address:** Hager Dr  
**City:** Richmond, **State:** Kentucky **Zip:** 40475  
**County:** Madison **Regional Office:** Frankfort Regional Office  
**Latitude:** 37.735 **Longitude:** -84.329722  
**Site Contact:** Larry Smithers  
**Title:** Operator  
**Inspection Type:** WW CEI-Minor Non-Mun **Activity #:** CIN20150001  
**Incident IDs:** N/A  
**Inspection Start Date:** September 10, 2015 **Time:** 10:00 AM  
**End Date:** September 10, 2015 **Time:** 10:45 AM  
**Site/Permit ID:** KY0081299

**Lead DEP Investigator:** John Hanks  
**Other DEP Investigators:**  
**External Investigators:**  
**Persons Interviewed:** Elliott Turner

**General Comments:** KPDES Permit No. KY0081299

At the time of the inspection, the MLSS had a good roll, color, and odor, clarifier was operating properly and the effluent from the lagoon was clean and clear. The bar screen has been damaged and needs to be repaired or replaced. The aging plant is showing some rust spots and deterioration. The facility is using tablets for chlorination and de-chlorination. A review of the facility's DMRs from August 2014 through June 2015 revealed some permit parameter excursions for BOD in December 2014 and April of 2015. The facility has failed to comply with the effluent limitations contained in the permit.

**Overall Compliance Status:** Out of Compliance- NOV

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**Investigation Results**

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**SI:** AIOO2809

**SI Description:**

**Inspector Comment:**

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

**Compliance Status:** C-No Violations observed

**Comment:** Facility holds KPDES Permit No. KY0081299.

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**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:** Facility holds KPDES Permit No. KY0081299.

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**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

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**Comment:** Mr. Larry Smither, Elliott Turner, and Matthew Turner oversee operations at the plant.

**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]

**Compliance Status:** N-Not Applicable

**Comment:**

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**Requirement:** 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)]

**Compliance Status:** C-No Violations observed

**Comment:** The records are kept by Mr. Smither, who was not on site at the time of the inspection. A maintenance log book was on site and available for review.

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**Requirement:** 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]

**Compliance Status:** C-No Violations observed

**Comment:** Facility has developed and implemented a GPP.

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**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:** C-No Violations observed

**Comment:** Monitoring results are submitted monthly.

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

**Compliance Status:** C-No Violations observed

**Comment:**

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**Requirement:** 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)]

**Compliance Status:** C-No Violations observed

**Comment:** Facility is aware of this requirement.

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**Requirement:** 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)]

**Compliance Status:** C-No Violations observed

**Comment:** Facility is aware of this requirement.

---

**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:** C-No Violations observed

**Comment:** 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.

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**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:** C-No Violations observed

**Comment:** 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.

---

**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

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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:** C-No Violations observed

**Comment:** At the time of the inspection, the MLSS had a good roll, color, and odor, clarifier was operating properly and the effluent from the lagoon was clean and clear. The bar screen has been damaged and needs to be repaired or replaced. The aging plant is showing some rust spots and deterioration.

---

**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:** I-No Violations obs-but impending viol trends obs

**Comment:** The facility is using tablets for chlorination and de-chlorination. The facility is an intermediate size plant (10,000 - 49,999 gpd).

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

**Compliance Status:** C-No Violations observed

**Comment:** Facility has a transducer flow meter that was calibrated by River City Control (RCC) 10-30-14.

---

**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:**

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**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:**

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**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:**

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**Requirement:** 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)]

**Compliance Status:** C-No Violations observed

**Comment:** A & A sanitation handles the sludge disposal for this facility, which goes to Richmonds Silver Creek plant. 3 loads were taken out of the lagoon in May 2015 and again in August 2015.

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**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:** A review of the facility's DMRs from August 2014 through June 2015 revealed some permit parameter excursions for BOD in December 2014 and April of 2015. The facility has failed to comply with the effluent limitations contained in the permit.

---

**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:** E-Not Evaluated

**Comment:** McCoy and McCoy handles sample analysis.

---

**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:** E-Not Evaluated

**Comment:** Field analysis (pH, D.O. chlorine) is done by N. Madison Co. Sanitation District.

---

**Requirement:** Is the facility sampling in accordance with sampling requirements specified for biomonitoring in the

---

---

KPDES permit conditions? [401 KAR 5:065 Section 2(1)]

**Compliance Status:** N-Not Applicable

**Comment:**

---

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

**Compliance Status:** C-No Violations observed

**Comment:** There was no visual sign of pollution entering the water of the Commonwealth at the time of the inspection.

---

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

**Compliance Status:** C-No Violations observed

**Comment:** There was no visual sign of degradation noted at the time of the inspection.

---

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

**Compliance Status:** V-Out of Compliance-NOV

**Comment:** A review of the facility's DMRs from August 2014 through June 2015 revealed some permit parameter excursions for BOD in December 2014 and April of 2015. The facility has failed to comply with the terms of the permit. The facility is using tablets for chlorination and de-chlorination. The facility is an intermediate size plant (10,000 - 49,999 gpd).

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**Documentation**

**Photos taken**

**Documents obtained from facility**

**Samples taken by outside source**

**Request for Submission of Documents**


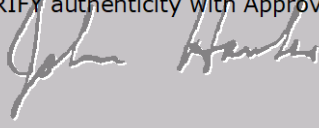
Record of visual determination of opacity

**Samples taken by DEP**

Regional office instrument readings taken

**Other documentation**

**Inspector: John Hanks**

E-Signed by John Hanks   
VERIFY authenticity with Approv  


**Date:**

**9/17/15**

**Delivery**

**Method: Certified Mail**

**Certified Mail Number: 7013 3020 0001 0844 5633**





STEVEN L. BESHEAR  
GOVERNOR

LEONARD K. PETERS  
SECRETARY

**ENERGY AND ENVIRONMENT CABINET**  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

Division of Water  
200 Fair Oaks Ln 3rd Fl  
Frankfort, KY 40601  
www.kentucky.gov

September 17, 2015

Certified No. 7013 3020 0001 0844 5633  
Return Receipt Requested

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

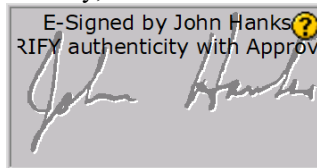
Re: Notice of Violation  
AI ID: 2809  
AI Name: Brocklyn Utilities LLC  
Activity ID: ENV20150001  
Permit No. KY0081299  
Madison County, KY

Dear Mr. Smithers:

The Kentucky Department for Environmental Protection (DEP) has issued the enclosed inspection report and resulting Notice of Violation for violations discovered at your facility on September 10, 2015. Please review this Notice of Violation carefully to ensure that all remedial measures are completed by the specified deadlines.

Your cooperation and attention to this matter is appreciated. If you have any questions, please contact me at 502-564-3358.

Sincerely,



Mr. John Hanks,  
Environmental Inspector  
Division of Water

Enclosure

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

**NOTICE OF VIOLATION**

**To:** Mr. Larry Smithers  
Brocklyn Utilities LLC  
P.O. Box 91588  
Louisville, KY 40291

**AI Name:** Brocklyn Utilities LLC  
**AI ID:** 2809  
**Activity ID:** ENV20150001  
**Discovery ID:** CIN20150001    **County:** Madison  
**Enforcement Case ID:**  
**Date(s) Violation(s) Observed:** 09/10/2015

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

**1 Violation Description for Subject Item AIOO0000002809():**

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

**Description of Non Compliance:**

A review of the facility's DMRs from August 2014 through June 2015 revealed some permit parameter excursions for BOD in December 2014 and April of 2015. The facility has failed to comply with the effluent limitations contained in the permit.

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

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

**2 Violation Description for Subject Item AIOO0000002809():**

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

**Description of Non Compliance:**

A review of the facility's DMRs from August 2014 through June 2015 revealed some permit parameter excursions for BOD in December 2014 and April of 2015. The facility has failed to comply with the terms of the permit. The facility is using tablets for chlorination and de-chlorination. The facility is an intermediate size plant (10,000 - 49,999 gpd).

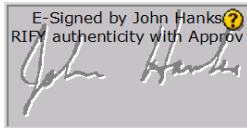
**The remedial measure(s), and date(s) to be completed by are as follows:**

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

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

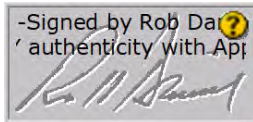
If you have questions or need further information, write or call the undersigned:

Division of Water  
Frankfort Regional Office  
200 Fair Oaks Ln 3rd Fl  
Frankfort, KY 40601  
502-564-3358 (8:00 AM – 4:30 PM)  
Mr. John Hanks, Environmental Inspector



Issued By:

Mr. John Hanks, Environmental Inspector  
Date: September 17, 2015



Issued By:

Mr. Robert H Daniell, Environmental Control Supervisor  
Date: September 17, 2015

How Delivered: Certified Mail Certified/Registered # 7013 3020 0001 0844 5633

**Brocklyn Utilities, LLC**  
**P.O. Box 91588**  
**Louisville, Kentucky 40291**

November 4, 2015

Mr. John Hanks  
Division of Water  
200 Fair Oaks Lane, 3<sup>rd</sup> Floor  
Frankfort, KY 40601

Re: NOV  
AI ID: 2809  
AI Name: Brocklyn Utilities  
Activity ID: ENV20150001  
Permit No. KY0081299  
Madison County

Dear Mr. Hanks:

The following is our response to the Notice of Violation with cover letter dated September 17, 2015.

1. In referenced to the two excursions of the BOD parameter, December 2014 and April 2015, steps were taken to bring this into compliance. To date this year, 2015, there have been a total 16 tank truck loads removed from both the plant and the tertiary lagoon. Going forward Brocklyn will continue to remove the sludge from the plant and the lagoon as needed. In addition the pumps in the lagoon were cleaned to help get more oxygen into the lagoon. Based on recent DMR's for the past couple of months the plant is in compliance.

I assure you, the operator, has been diligent in his effort to bring the plant into compliance and will continue in his effort to keep it there. And Brocklyn Utilities, LLC support him in his efforts.

2. In the NOV you also noted that the facility is using tablets for chlorination and dechlorination. The use of tablets for disinfection has been the method, as far as I know, since the plant was installed by the previous owners. And I might add that this method has consistently given us the needed results.

(2)

However, starting immediately we will prepare a design for the new disinfection system, make the necessary application for approval to the Division of Water, secure the needed financing and complete the installation. I would estimate that this project could be completed in 90 days. If it takes longer to get needed approval or the needed financing, it may be necessary to extend this slightly.

In the mean time, I feel sure that the current methods will continue to keep us in compliance on E-coli and TRC.

I hope that this will meet with your approval.

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

Sincerely,

Lawrence W. Smither, member

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

**AI ID:** 1388      **AI Type:** RESIDENCE- Subdivision (nec)  
**AI Name:** Fox Run Subd  
**AI Address:** US 60 W  
**City:** Frankfort, **State:** Kentucky **Zip:** 40601  
**County:** Franklin **Regional Office:** Frankfort Regional Office  
**Latitude:** 38.168611    **Longitude:** -84.935556  
**Site Contact:** Larry Smither  
**Title:** permittee      **Phone #:** 502-241-4809  
**Inspection Type:** WW CEI-Minor Non-Mun **Activity #:** CIN20150001  
**Incident IDs:** n/a  
**Inspection Start Date:** September 17, 2015 **Time:** 08:15 AM  
**End Date:** September 17, 2015 **Time:** 09:15 AM  
**Site/Permit ID:** KY0086967  
**Lead DEP Investigator:** Deborah Singleton  
**Persons Interviewed:** Mike Gray

**General Comments:** The facility holds KPDES Permit #KY0086967 for discharges associated with wastewater treatment facilities. The permit expires on June 30, 2018.

**PLANT:** The facility was clean and operational at the time of the inspection. No major concerns were noted with the plant.

**PUMP STATION #3.** Mr. Terry Coker informed the FRO inspection by text on July 13 or 14th that this lift station was destroyed by a tree that fell during the storm. The power was cut off by the Frankfort Plant board. At the time of the inspection, the tree debris has been removed however no other repairs have yet been made. This pump station services three homes and the sewage appears to be staying right around the lift station. One of the lines going to the pump station may also be damaged.

**Overall Compliance Status:** Out of Compliance- NOV

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**Investigation Results**

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**SI:** AIOO1388

**SI Description:**

**Inspector Comment:**

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**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 KPDES Permit #KY0086967 for discharges associated with wastewater treatment facilities. The permit expires on June 30, 2018. The plant discharges to a UT @ mp 0.17 to a UT @ mp 1.15 to South Benson Creek @ mp 5.40.

---

**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 holds KPDES Permit #KY0086967 for discharges associated with wastewater treatment facilities. The permit expires on June 30, 2018. The facility is not undergoing any construction or modification at the time of the inspection.

---

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

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**Compliance Status:** C-No Violations observed

**Comment:** The facility is under the charge of Mr. Michael Gray, active class I, license #10070.

---

**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]

**Compliance Status:** E-Not Evaluated

**Comment:** Not evaluated.

---

**Requirement:** 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)]

**Compliance Status:** E-Not Evaluated

**Comment:** A records review was not conducted during the inspection. A current maintenance log is maintained on site. The operator stated that the remaining paperwork is maintained by the owner.

---

**Requirement:** 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]

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

**Comment:** The facility has developed and implemented a groundwater protection plan. The plan needs to be reviewed and updated if necessary every five years.

---

**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:** C-No Violations observed

**Comment:** A review of the submitted Discharge Monitoring Reports from December 2013 through July 2015 revealed that the permittee is reporting the monitoring results to the cabinet at the intervals specified in the issued KPDES Permit.

---

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

**Compliance Status:** C-No Violations observed

**Comment:** A review of the submitted Discharge Monitoring Reports from December 2013 through July 2015 revealed that the monitoring results are being reported to the cabinet on a Discharge Monitoring Reports. The permittee submits the DMRs utilizing the Net-DMR system.

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**Requirement:** 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)]

**Compliance Status:** C-No Violations observed

**Comment:** Permittee is aware of this requirement.

---

**Requirement:** 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)]

**Compliance Status:** C-No Violations observed

**Comment:** Permittee is aware of this requirement.

---

**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:** C-No Violations observed

**Comment:** The facility is aware of the requirement to report all spills, accidents, bypasses, releases, etc. to the Cabinet by the most rapid means available. The 24-hour emergency reporting number is: (800) 928-2380. the operators report the bypasses/ overflows by phone, texting, faxing, or e-mail notification followed up by final reports.

---

**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:** C-No Violations observed

**Comment:** The facility is aware of the requirement to report all spills, accidents, bypasses, releases, etc. to the Cabinet by the most rapid means available. The 24-hour emergency reporting number is: (800) 928-2380. the operators report

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the bypasses/ overflows by phone, texting, faxing, or e-mail notification followed up by final reports.

---

**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:** PLANT: The facility was clean and operational at the time of the inspection. Both influent lift station pumps are out for repair and a temporary pump is being used. Aeration basin had a good roll and color. Clarifier and chlorine contact tank were satisfactory. Effluent was clear and odorless and had a total residual chlorine result of below detection limit. Current maintenance log is maintained on site. A recent overflow appears to have been cleaned up as necessary. Some areas of corrosion were noted on the upper section of the structures.

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

PUMP STATION #3. Mr. Terry Coker informed the FRO inspection by text on July 13 or 14th that this lift station was destroyed by a tree that fell during the storm. The power was cut off by the Frankfort Plant board. At the time of the inspection, the tree debris has been removed however no other repairs have yet been made. This pump station services three homes and the sewage appears to be staying right around the lift station. One of the lines going to the pump station may also be damaged.

---

**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:** The facility utilizes liquid chlorine for disinfection purposes.

---

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

**Compliance Status:** C-No Violations observed

**Comment:** Flow is measured by an appropriate timed method.

---

**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:** In compliance.

---

**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:** The facility is fenced and secure when plant personnel are not on site.

---

**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:** The facility is accessible in all types of weather.

---

**Requirement:** 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)]

**Compliance Status:** N-Not Applicable

**Comment:** The facility is privately owned.

---

**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 the submitted Discharge Monitoring Reports from December 2013 through July 2015 revealed the following parameter violations: Ammonia in June 2015; E. Coliform in June 2015; and Biochemical Oxygen Demand in December 2014.

---

**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:** E-Not Evaluated

**Comment:** Samples are collected at appropriate sample location. Flow proportioned sampling is not required. The facility is required to perform the following analysis: pH, Dissolved Oxygen, total residual chlorine, and E. Coli by grab sample once per month; Flow by instantaneous measurement once per month; and Biochemical Oxygen Demand, Total Suspended Solids, and ammonia by composite sample once per month. Facility personnel collect the samples and perform the field analysis. The remaining analysis is performed by McCoy McCoy Laboratories.

**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:** E-Not Evaluated

**Comment:** The division is not present when the samples are collected from the outfalls and assumes that the samples are collected using appropriate containers, preservative, refrigeration, that holding times are observed and analyses performed as per permit specifications. The facility utilizes McCoy/McCoy Laboratories to analyze samples.

**Requirement:** Is the facility sampling in accordance with sampling requirements specified for biomonitoring in the KPDES permit conditions? [401 KAR 5:065 Section 2(1)]

**Compliance Status:** N-Not Applicable

**Comment:** The facility is not required to perform biomonitoring analysis.

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

**Compliance Status:** C-No Violations observed

**Comment:** The effluent discharge area was observed. The effluent was clear and odorless and there was not any visual evidence of pollutants entering the waters of the Commonwealth noted at the time of the inspection.

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

**Compliance Status:** C-No Violations observed

**Comment:** The effluent discharge area was observed. The effluent was clear and odorless and there was not any visual evidence of surface water degradation noted at the time of the inspection.

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

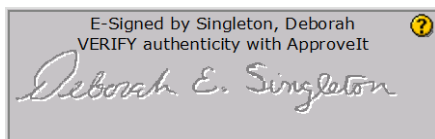
**Compliance Status:** V-Out of Compliance-NOV

**Comment:** The facility has failed to comply with the terms of the permit. 1) A review of the submitted Discharge Monitoring Reports from December 2013 through July 2015 revealed the following parameter violations: Ammonia in June 2015; E. Coliform in June 2015; and Biochemical Oxygen Demand in December 2014. 2) Pump station #3 needs to be repaired or replaced.

**Documentation**

- Photos taken
- Documents obtained from facility
- Samples taken by outside source
- Request for Submission of Documents
- Record of visual determination of opacity
- Samples taken by DEP
- Regional office instrument readings taken
- Other documentation

**Inspector:** Deborah Singleton, Environmental Inspector



**Date:** September 17, 2015

**Delivery Method:** certified/registered mail  
**Certified Mail Number:** 7013 3020 0001 0844 6463



Fox Run WWTP, Frankfort, KY September 17, 2015.

Deborah Singleton, Environmental Inspector.

Influent lift station. Both pumps are out for repairs. Temporary pump is being used.





Fox Run WWTP, Frankfort, KY September 17, 2015.  
Deborah Singleton, Environmental Inspector.  
Outfall area. Effluent is clear and odorless, no degradation observed.





Fox Run WWTP, Frankfort, KY September 17, 2015.  
Deborah Singleton, Environmental Inspector.  
Aeration basin had good roll and color.





Fox Run WWTP, Frankfort, KY September 17, 2015.  
Deborah Singleton, Environmental Inspector.  
View of plant.



Fox Run WWTP, Frankfort, KY September 17, 2015.  
Deborah Singleton, Environmental Inspector.  
View toward chlorine contact basin.





Fox Run WWTP, Frankfort, KY September 17, 2015.  
Deborah Singleton, Environmental Inspector.  
Lift station hit by trees in July 2015.





Fox Run WWTP, Frankfort, KY September 17, 2015.  
Deborah Singleton, Environmental Inspector.  
Lift station hit by trees in July 2015.



Fox Run WWTP, Frankfort, KY September 17, 2015.  
Deborah Singleton, Environmental Inspector.  
Lift station hit by trees in July 2015. The culprits.





Fox Run WWTP, Frankfort, KY September 17, 2015.  
Deborah Singleton, Environmental Inspector.  
View from about 2/3 of way down to pump station.



Fox Run WWTP, Frankfort, KY September 17, 2015.

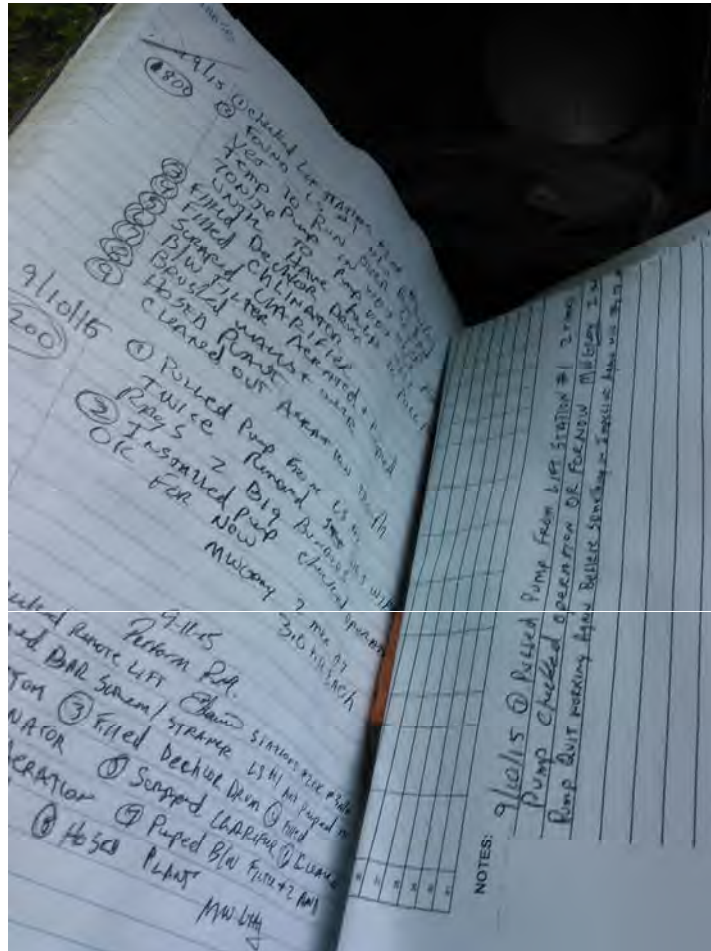
Deborah Singleton, Environmental Inspector.

Influent lift station. Both pumps are out for repairs. Temporary pump is being used.





Fox Run WWTP, Frankfort, KY September 17, 2015.  
Deborah Singleton, Environmental Inspector.  
Outfall area. Effluent is clear and odorless, no degradation observed.

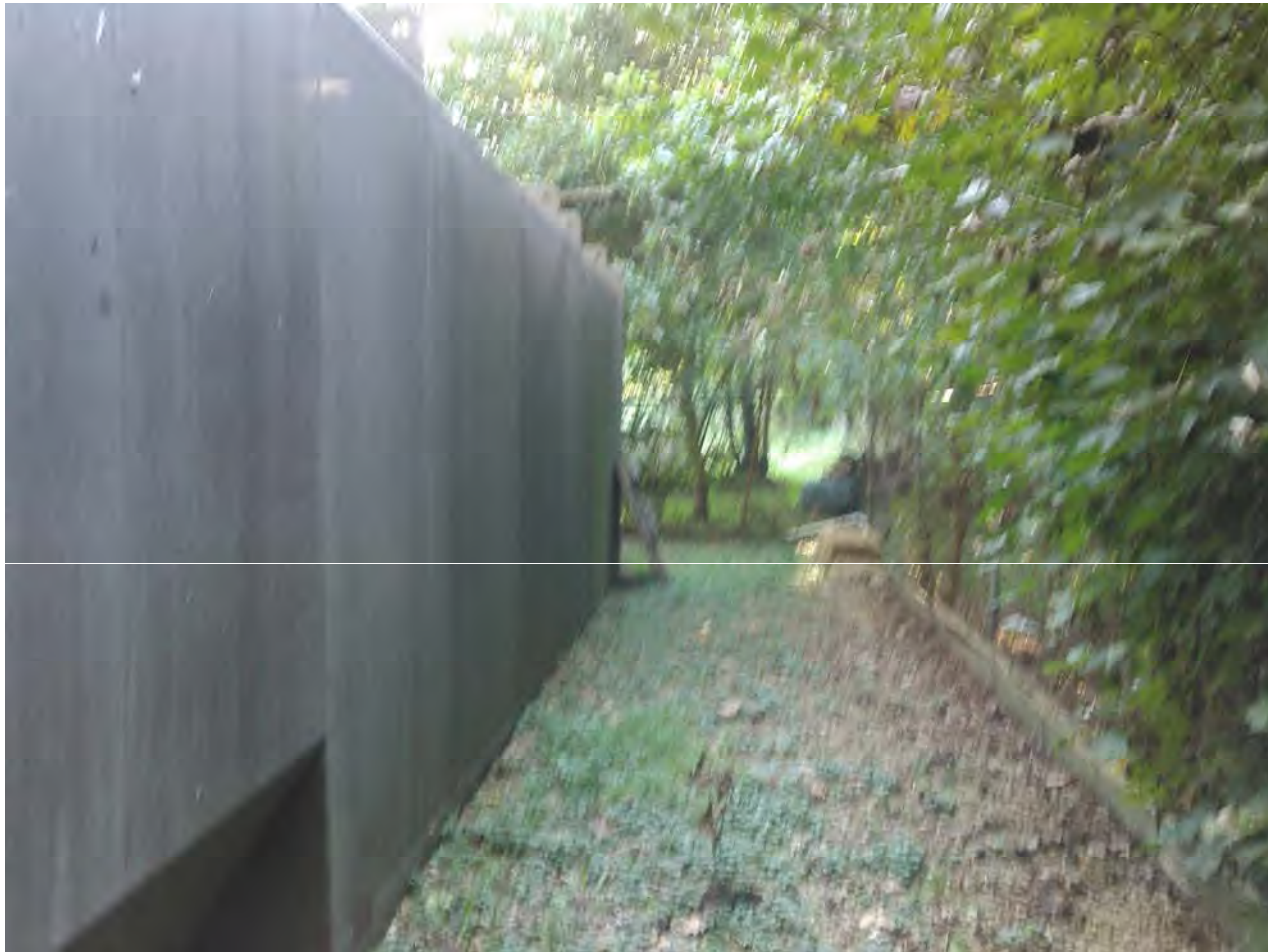


Fox Run WWTP, Frankfort, KY September 17, 2015.  
 Deborah Singleton, Environmental Inspector.  
 Current maintenance log on site.





Fox Run WWTP, Frankfort, KY September 17, 2015.  
Deborah Singleton, Environmental Inspector.  
Aeration basin had good roll and color.



Fox Run WWTP, Frankfort, KY September 17, 2015.  
Deborah Singleton, Environmental Inspector.  
View of plant.





Fox Run WWTP, Frankfort, KY September 17, 2015.  
Deborah Singleton, Environmental Inspector.  
View toward chlorine contact basin.



Fox Run WWTP, Frankfort, KY September 17, 2015.  
Deborah Singleton, Environmental Inspector.  
Lift station hit by trees in July 2015.





Fox Run WWTP, Frankfort, KY September 17, 2015.  
Deborah Singleton, Environmental Inspector.  
Lift station hit by trees in July 2015.



Fox Run WWTP, Frankfort, KY September 17, 2015.  
Deborah Singleton, Environmental Inspector.  
Lift station hit by trees in July 2015. The culprits.





Fox Run WWTP, Frankfort, KY September 17, 2015.  
Deborah Singleton, Environmental Inspector.  
View from about 2/3 of way down to pump station.



STEVEN L. BESHEAR  
GOVERNOR

LEONARD K. PETERS  
SECRETARY

**ENERGY AND ENVIRONMENT CABINET**  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

Division of Water  
200 Fair Oaks Ln 3rd Fl  
Frankfort, KY 40601  
www.kentucky.gov

September 17, 2015

Certified No. 7013 3020 0001 0844 6463  
Return Receipt Requested

Mr. Larry Smither  
Fox Run Subd  
P.O. Box 91588  
Louisville, KY 40291

Re: Inspection Report/ Notice of Violation  
AI ID: 1388  
AI Name: Fox Run Subd  
Activity ID: ENV20150001  
Permit No. KY0086967  
Franklin County, KY

Dear Mr. Smither:

The Kentucky Department for Environmental Protection (DEP) has issued the enclosed inspection report and Notice of Violation for violations discovered at your facility during a Division of Water inspection on September 17, 2015. Please review this Notice of Violation carefully to ensure that all remedial measures are completed by the specified deadlines.

Your cooperation and attention to this matter is appreciated. If you have any questions, please contact me at 502-564-3358.

Sincerely,

Deborah Singleton,  
Environmental Inspector  
Division of Water

Enclosure: Inspection Report and Notice of violation

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

**NOTICE OF VIOLATION**

**To:** Mr. Larry Smither  
Fox Run Subd  
P.O. Box 91588  
Louisville, KY 40291

**AI Name:** Fox Run Subd      **AI ID:** 1388      **Activity ID:** ENV20150001  
**Discovery ID:** CIN20150001      **County:** Franklin  
**Enforcement Case ID:**  
**Date(s) Violation(s) Observed:** 09/17/2015

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

**1 Violation Description for Subject Item AIOO0000001388:**

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

**Description of Non Compliance:**

PLANT: The facility was clean and operational at the time of the inspection. Both influent lift station pumps are out for repair and a temporary pump is being used. Aeration basin had a good roll and color. Clarifier and chlorine contact tank were satisfactory. Effluent was clear and odorless and had a total residual chlorine result of below detection limit. Current maintenance log is maintained on site. A recent overflow appears to have been cleaned up as necessary. Some areas of corrosion were noted on the upper section of the structures.

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

PUMP STATION #3. Mr. Terry Coker informed the FRO inspection by text on July 13 or 14th that this lift station was destroyed by a tree that fell during the storm. The power was cut off by the Frankfort Plant board. At the time of the inspection, the tree debris has been removed however no other repairs have yet been made. This pump station services three homes and the sewage appears to be staying right around the lift station. One of the lines going to the pump station may also be damaged.

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

The permittee must, at all times, properly operate & maintain the facility. With proper approval(s) from the Division of Water, upgrade/update the facility in order to meet the regulatory requirements and facility permit conditions. Within thirty (30) days of the receipt of this notice, the permittee shall develop a correction action plan for the repair/replacement of pump station #3 along with a time frame of repairs and submit the plan in a written notification to the undersigned. Failure to comply with the remedial measures or repeated violations of this requirement may

subject you and/or your company to an immediate referral to the Division of Enforcement. [401 KAR 5:065 Section 2(1)]

**2 Violation Description for Subject Item AIOO0000001388:**

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

**Description of Non Compliance:**

The facility has failed to comply with the effluent limitations contained in the permit. A review of the submitted Discharge Monitoring Reports from December 2013 through July 2015 revealed the following parameter violations: Ammonia in June 2015; E. Coliform in June 2015; and Biochemical Oxygen Demand in December 2014.

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

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

**3 Violation Description for Subject Item AIOO0000001388:**

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

**Description of Non Compliance:**

The facility has failed to comply with the terms of the permit. 1) A review of the submitted Discharge Monitoring Reports from December 2013 through July 2015 revealed the following parameter violations: Ammonia in June 2015; E. Coliform in June 2015; and Biochemical Oxygen Demand in December 2014. 2) Pump station #3 needs to be repaired or replaced.

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

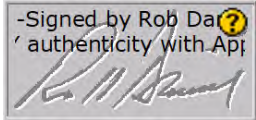
Comply with all conditions of the KPDES permit. Within thirty (30) days of the receipt of this notice, the permittee shall submit a written notification to the undersigned that the permittee complies with all requirements of its permit. Failure to comply with the remedial measures or repeated violations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

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

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

Division of Water  
Frankfort Regional Office  
200 Fair Oaks Ln 3rd Fl  
Frankfort, KY 40601  
502-564-3358(8:00 AM – 4:30 PM)  
Deborah Singleton, Environmental Inspector

Issued By:   
Deborah Singleton, Environmental Inspector  
Date: September 17, 2015

Issued By:   
Robert H Daniell, Environmental Control Supervisor  
Date: September 17, 2015

How Delivered: certified/registered mail

Certified/Registered # 7013 3020 0001 0844 6463

**Fox Run Utilities LLC**  
**P.O. Box 91588**  
**Louisville, KY 40291**  
**502-241-4809 Fax 502-241-7943**

October 30, 2015

Ms Deborah Singleton  
Division of Water  
200 Fair Oaks Lane, 3<sup>rd</sup> Floor  
Frankfort, KY 40601

Re: Notice of Violation  
AI ID: 1388  
AI Name: Fox Run Subdivision WWTP  
Activity ID: ENV20150001  
Permit No: KY0086967  
Franklin County, KY

Dear Ms Singleton:

In response to the notice of violation you sent with cover letter dated September 17, 2015 I present the following for your review:

1) In response to paragraph No.1, Fox Run states that, as reflected in the NOV and the report of the September 17, 2015 inspection, the WWTP is being properly operated and maintained. Accordingly, Fox Run does not agree that the facility is not being properly operated and maintained as required.

With respect to pump station No. 3 that was destroyed when trees fell on it during a heavy rainstorm, Fox Run is implementing the following corrective action plan. On or before November 15, 2015, Fox Run will determine if the pump station can be repaired. If pump station No. 3 can be repaired, the repairs will be made to the pump station by December 15, 2015. If the pump station cannot be repaired, preliminary estimates reflect that the cost to replace the pump station exceeds \$21,000. Which is the approximate gross annual revenue of Fox Run Utilities. Accordingly, Fox Run will have to borrow the money to pay for the construction and installation of the replacement pump station, which the loan will require the approval of the Kentucky Public Service Commission("PSC"). Additionally, Fox Run will determine if it is required to obtain a Certificate of Convenience and Necessity from the PSC prior to building a replacement pump station. If a certificate is required, then construction of the new pump station cannot begin until approval is given by



(2)

the PSC. If a certificate is not required, then the new pump station can be built within 90 days of the PSC and financial institution approving the application for a loan and issuing the needed funds.

In the meantime, Fox Run is working to develop an interim method to pump the sanitary sewage to the WWTP.

In addition, Fox Run has also contacted the City of Frankfort Sewer Department to see if the Fox Run sanitary sewer system can be conveyed to the City.

2) BOD exceedance for December 2014 - It is believed that the sample taken on 12/3/14 was accidentally contaminated. A resample was performed on 12/26/14 and the result was <2.

Ammonia and E coli for June 2015 – This was a period a very wet, stormy weather. The operator had to turn the blowers off to the treatment plant on several occasions to retain solids in the plant. This I am sure effected the test results.

Please note that Fox Run has a very good operator taking care of the treatment plant. And I can assure you that he does every thing possible to keep this facility in compliance. Based on recent lab results this facility is in compliance.

I hope that this will meet with your approval.

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

Sincerely,

Lawrence W. Smither, member



STEVEN L. BESHEAR  
GOVERNOR

LEONARD K. PETERS  
SECRETARY

**ENERGY AND ENVIRONMENT CABINET**  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

Division of Water  
130 Eagle Nest Dr  
Paducah, KY 420039435  
www.kentucky.gov

November 2, 2015

Mr. Allen Artis  
Marshall County Environmental Services  
PO Box 431  
Benton, Kentucky 42324

RE: Golden Acres Subd -- 2935  
Permit No.: KY0044164  
Marshall County, Kentucky  
Activity ID: CIN20150003

Dear Mr. Artis:

Attached for your information and records is a copy of the WW Routine-Min Nmun performed at Golden Acres Subd on October 29, 2015.

If you have any questions or comments concerning this inspection, please contact the Paducah Regional Office at: (270) 898-8468.

Sincerely,



Vince Priddle  
Environmental Inspector  
Paducah Regional Office  
Division of Water

vwp  
Enclosure:

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

**Activity:** CIN20150003 Inspection

**Lead Investigator:** Priddle, Vince

**Agency Interest/Permit ID:** 2935

**Agency Interest Name:** Golden Acres Subd

**Agency Interest Address:** US 68  
Sharpe, KY 42025

**Program:** Wastewater

**County:** Marshall

**Type of Agency Interest:** RESIDENCE- Subdivision (nec)

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

**Purpose:** Inspection

**Inspection Type:** WW Routine-Min Nmun

**Inspection Date:** 10/29/2015

**Start Time:** 02:00 PM

**End Time:** 02:45 PM

**Latitude:** 36.97294400

**Longitude:** -88.48086100

**Coordinate Collection Method:**Decimal Degrees

**Incident ID(s):**

**General Comments:**

I viewed the treatment plant on this date to check the treatment plant conditions and the effluent water quality. The mixed liquor had a chocolate brown color and the aeration had a good roll. The sludge return and skimmer was functioning and returning flows to the head of the treatment plant. The clarifier was free of floating sludge and effluent water quality was visually free of solids.

No problems noted.

**Person(s) Interviewed:**

Name	Organization
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**Status/Comments:**

**GINSI**

Requirement	Status	Results or Comments
Does the facility hold the proper KPDES permit?. [401 KAR 5:055 Section 2]	C	
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]	C	Alan Artis
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]	E	
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)]	C	<p><b>The mixed liquor had a chocolate brown color and the aeration had a good roll. The sludge return and skimmer was functioning and returning flows to the head of the treatment plant. The clarifier was free of floating sludge and effluent water quality was visually free of solids.</b></p> <p><b>No problems noted.</b></p>
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]	C	
Have pollutants entered the waters of the Commonwealth? [KRS 224.70-110]. [KRS 224.70-110]	C	None observed
Have surface waters been aesthetically or otherwise degraded? [401 KAR 10:031 Section 2]. [401 KAR 10:031 Section 2]	C	None observed

**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:**



MATTHEW G. BEVIN  
GOVERNOR

CHARLES G. SNAVELY  
SECRETARY

**ENERGY AND ENVIRONMENT CABINET**  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION  
DIVISION OF ENFORCEMENT  
300 FAIR OAKS LANE  
FRANKFORT KENTUCKY 40601  
[www.kentucky.gov](http://www.kentucky.gov)

January 14, 2016

CERTIFIED MAIL No. 7015 0640 0005 6317 8928  
Return Receipt Requested

Persimmon Ridge Subd  
Lawren A. Just  
72 Persimmon Ridge Rd  
Louisville, KY 40245

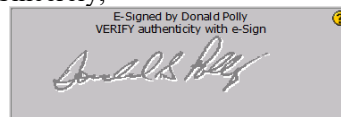
Re: Notice of Violation  
AI ID: 3955  
AI Name: Persimmon Ridge Subd  
Activity ID: ENV20160001  
Facility No. KY0090956  
Shelby County, KY

Dear Ms. Just:

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) 564-2150, extension 3580.

Sincerely,



Donald Polly, Enforcement Specialist  
Compliance and Operations Branch



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

**NOTICE OF VIOLATION**

**To:** Persimmon Ridge Subd  
Lawren A. Just  
72 Persimmon Ridge Rd  
Louisville, KY 40245

**AI Name:** Persimmon Ridge Subd      **AI ID:** 3955      **Activity ID:** ENV20160001

**County:** Shelby

**Facility Number:** KY0090956

**Date(s) Violation(s) Observed:** 01/13/2016

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

**1** Violation Description for Subject Item AIOO0000003955():

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. KY0090956, Outfall 001-1, for Biochemical Oxygen Demand (BOD) during the months of April and May 2014; January, March and April 2015. The permitted limits for BOD Loading are a monthly average of 11.8 lbs/day and a maximum weekly average of 17.8 lbs/day. The reported results were a monthly average of 183 lbs/day and a maximum weekly average of 704 lbs/day for May 2014; a monthly average of 27 lbs/day and a maximum weekly average of 27 lbs/day for March 2015; a monthly average of 50 lbs/day and a maximum weekly average of 50 lbs/day for April 2015. The permitted limits for BOD Concentration are a monthly average of 10 mg/l and a maximum weekly average of 15 mg/l. The reported results were a maximum weekly average of 23 mg/l for April 2014; a monthly average of 36 mg/l and a maximum weekly average of 120 mg/l for May 2014; a monthly average of 12 mg/l and a maximum weekly average of 26 mg/l for January 2015; a monthly average of 17 mg/l and a maximum weekly average of 17 mg/l for March 2015; and a monthly average of 13 mg/l for April 2015.

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

Persimmon Ridge Subd shall develop and submit a Corrective Action Plan: **Due 02/17/2016**. This plan shall provide a detailed written explanation of reasons for the violation, what is being done to maintain compliance at the facility, and a proposed schedule specifying when the corrective actions are to be completed. The KDEP will continue to monitor your DMRs. [KRS 224.70-110]

**2** Violation Description for Subject Item AIOO0000003955():

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. KY0090956, Outfall 001-1, for Total Suspended Solids (TSS) during the months of April, May and September 2014; and April 2015. The permitted limits for TSS Loading are a monthly average of 35.5 lbs/day and a maximum weekly average of 53.3 lbs/day. The reported results were a monthly average of 39 lbs/day and a maximum weekly average of 70 lbs/day for May 2014; a monthly average of 44 lbs/day for September 2014; a monthly average of 98 lbs/day and a maximum weekly average of 98 lbs/day for April 2015. The permitted limits for TSS 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 47 mg/l for April 2014.

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

Persimmon Ridge Subd shall develop and submit a Corrective Action Plan: **Due 02/17/2016**. This plan shall provide a detailed written explanation of reasons for the violation, what is being done to maintain compliance at the facility, and a proposed schedule specifying when the corrective actions are to be completed. The KDEP will continue to monitor your DMRs. [KRS 224.70-110]

**3** Violation Description for Subject Item AIOO0000003955():

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. KY0090956, Outfall 001-1, for pH during the months of March and April 2015. 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 maximum of 9.11 su for March 2015; and a maximum of 9.32 su for April 2015.

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

Persimmon Ridge Subd shall develop and submit a Corrective Action Plan: **Due 02/17/2016**. This plan shall provide a detailed written explanation of reasons for the violation, what is being done to maintain compliance at the facility, and a proposed schedule specifying when the corrective actions are to be completed. The KDEP will continue to monitor your DMRs. [KRS 224.70-110]

**4** Violation Description for Subject Item AIOO0000003955():

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. KY0090956, Outfall 001-1, for Total Phosphorus (P) during the months of January and April 2014. The permitted limits for P Concentration are a monthly average of 1 mg/l and a daily maximum of 2 mg/l. The reported results were a monthly average of 1.188 mg/l and a daily maximum of 3.7 mg/l for January 2014; and a daily maximum of 2.2 mg/l for April 2014.

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

The Kentucky Department for Environmental Protection (KDEP) acknowledges the explanations attached to the Discharge Monitoring Reports (DMRs) detailing Persimmon Ridge Subd's determination of the causes of these violations. Persimmon Ridge Subd shall comply with the terms and conditions of KPDES Permit number KY0090956. The KDEP does not currently intend to pursue a formal enforcement action at this time, but reserves its rights under KRS Chapter 224 and its administrative regulations to undertake such enforcement action hereafter as it deems appropriate. No additional submittals are required for these violations at this time. The KDEP will continue to monitor your DMRs. [KRS 224.70-110]

**5 Violation Description for Subject Item AIOO0000003955():**

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. KY0090956, Outfall 001-1, for E. Coli during the month of May 2014. 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 result was a 7-day geometric mean of 1046 per 100ml.

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

The Kentucky Department for Environmental Protection (KDEP) acknowledges the explanations attached to the Discharge Monitoring Reports (DMRs) detailing Persimmon Ridge Subd's determination of the causes of these violations. Persimmon Ridge Subd shall comply with the terms and conditions of KPDES Permit number KY0090956. The KDEP does not currently intend to pursue a formal enforcement action at this time, but reserves its rights under KRS Chapter 224 and its administrative regulations to undertake such enforcement action hereafter as it deems appropriate. No additional submittals are required for these violations at this time. The KDEP will continue to monitor your DMRs. [KRS 224.70-110]

**6 Violation Description for Subject Item AIOO0000003955():**

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. KY0090956, Outfall 001-1, for Dissolved Oxygen (DO) during the month of September 2014. The permitted limit for DO Concentration is a minimum of 7 mg/l. The reported result was a minimum of 5.76 mg/l.

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

The Kentucky Department for Environmental Protection (KDEP) acknowledges the explanations attached to the Discharge Monitoring Reports (DMRs) detailing Persimmon Ridge Subd's determination of the causes of these violations. Persimmon Ridge Subd shall comply with the terms and conditions of KPDES Permit number KY0090956. The KDEP does not currently intend to pursue a formal enforcement action at this time, but reserves its rights under KRS Chapter 224 and its administrative regulations to undertake such enforcement action hereafter as it deems appropriate. No additional submittals are required for these violations at this time. The KDEP will continue to monitor your DMRs. [KRS 224.70-110]

7 Violation Description for Subject Item AIOO0000003955():

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. KY0090956, Outfall 002-1, for E. Coli during the months of September and October 2013; May, August, September and October 2014 . 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 345 per 100ml for September 2013; a 30-day geometric mean of 208 per 100ml and a 7-day geometric mean of 2420 per 100ml for October 2013; a 30-day geometric mean of 450 per 100ml and a 7-day geometric mean of 2420 per 100ml for May 2014; a 7-day geometric mean of 613 per 100ml for August 2014; a 7-day geometric mean of 299 per 100ml for September 2014; and a 7-day geometric mean of 326 per 100ml for October 2014.

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

The Kentucky Department for Environmental Protection (KDEP) acknowledges the explanations attached to the Discharge Monitoring Reports (DMRs) detailing Persimmon Ridge Subd's determination of the causes of these violations. Persimmon Ridge Subd shall comply with the terms and conditions of KPDES Permit number KY0090956. The KDEP does not currently intend to pursue a formal enforcement action at this time, but reserves its rights under KRS Chapter 224 and its administrative regulations to undertake such enforcement action hereafter as it deems appropriate. No additional submittals are required for these violations at this time. The KDEP will continue to monitor your DMRs. [KRS 224.70-110]

**8 Violation Description for Subject Item AIOO0000003955():**

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. KY0090956, Outfall 002-1, for Total Suspended Solids (TSS) during the month of May 2014. The permitted limits for TSS Concentration are a monthly average of 30 mg/l and a maximum weekly average of 45 mg/l. The reported result was a maximum weekly average of 54 mg/l.

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

The Kentucky Department for Environmental Protection (KDEP) acknowledges the explanations attached to the Discharge Monitoring Reports (DMRs) detailing Persimmon Ridge Subd's determination of the causes of these violations. Persimmon Ridge Subd shall comply with the terms and conditions of KPDES Permit number KY0090956. The KDEP does not currently intend to pursue a formal enforcement action at this time, but reserves its rights under KRS Chapter 224 and its administrative regulations to undertake such enforcement action hereafter as it deems appropriate. No additional submittals are required for these violations at this time. The KDEP will continue to monitor your DMRs. [KRS 224.70-110]

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:

Department for Environmental Protection  
Division of Enforcement  
300 Fair Oaks Lane  
Frankfort, KY 40601  
502-564-2150 extension 3580 (7:45 AM – 3:45 PM)  
Donald Polly, Enforcement Specialist



Issued By:

Donald Polly  
Environmental Enforcement Specialist  
Compliance and Operations Branch  
Date: January 14, 2016

How Delivered: Certified Mail Certified/Registered # 7015 0640 0005 6317 8928



**P.R. Wastewater Management, Inc.**  
72 Persimmon Ridge Drive  
Louisville, KY 40245  
502-241-0456

February 10, 2016

Mr. Donald Polly, Enforcement Specialist  
Department for Environmental Protection  
Division of Enforcement  
300 Fair Oaks Lane  
Frankfort, KY 40601



Dear Mr. Polly,

I am in receipt of the notice of violation on the Persimmon Ridge Subdivision, AI ID 3955; Activity ID ENV20160001; Facility NO. KY 0090956 located in Shelby County, Kentucky. The notice requires response on or before February 17<sup>th</sup>.

I have met with my superintendent regarding these violations and reviewed our records for these dates. Following is the information I have for each violation listed:

- 1) Violation related to Outfall 001-1 for periods April/May 2014, high BOD readings—according to our records, the lagoons had 2 aerators that were malfunctioning and had to be pulled for repairs. They were picked up on April 28<sup>th</sup> and put back in the lagoons on the 30<sup>th</sup>. This could have been a cause for the high BOD readings, because once they were operational, later months' readings were okay. But it also could have been due to high amounts of run-off from surrounding areas into the lake and stirring up the settlement on the bottom. —For periods January, March and April 2015—In looking at our records for these months, it is hard to determine what the cause may have been for the high BOD. The records indicate the polishing lake elevation was extremely high due to heavy rains. This final lake of our triple lagoon system is five surface acres ten feet deep, and collects approximately 70 acres of uphill run-off from neighboring streets, yards and golf course. Subsequent months were okay, so possibly whatever was flowing into the lake from the collection areas was contributing to oxygen demand.
- 2) Violation related to Outfall 001-1 for periods April/May and September 2014, high TSS readings—again, this could be attributed to the aerators during this time-frame malfunctioning as well as the excessive amounts of run-off into the lake due to heavy rains. Our records indicate that in September, 2014, we had a high duckweed concentration that was dying into the lagoon. We aren't sure if this would contribute to high TSS readings, but this is what our records show.
- 3) Violation related to Outfall 001-1 for periods March/April 2015, high pH readings—our records indicate the lake elevation was extremely high during this time-frame due to the heavy snowfall and heavy rains. Due to the run-off into our lake, we assume something placed on the streets for snow/ice melting could have had an impact on the pH reading.

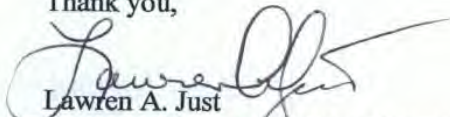


- 4) Violation related to Outfall 001-1 for periods January and April, 2014, high P readings—in January, we had high run-off into the lake and the lake was extremely high, but we didn't know why this would affect a phosphorus, and reported this on the DMR. In April, the lake actually turned over when the weather went from cold to hot to cold again, and again, we didn't know why this would cause a high phosphorus reading, but it was reported to our inspectors at DoW when it occurred. **The NoV didn't require response on this violation since they were noted on the DMR's, but since we were checking our records we are following up on this as well.**
- 5) Violation related to Outfall 001-1 for periods May, 2014, high e.coli—our records indicate heavy duckweed dying in both lagoons and the irrigation lake. The E.coli could also have resulted from the small fish dying after the lake turned over in April. **The NoV didn't require response on this violation since they were noted on the DMR's, but since we were checking our records we are following up on this as well.**
- 6) Violation related to Outfall 001-1 for periods September, 2014, low DO—again, we had dying duckweed on both lagoons and into the irrigation lake which could have been the issue for low DO. **The NoV didn't require response on this violation since they were noted on the DMR's, but since we were checking our records we are following up on this as well.**
- 7) Violation related to Outfall 002-1 for periods September/October 2013 and May, August, September, October 2014, high e.coli readings—our records indicate high concentrations of dying duckweed in the months of these years. Our inspectors were called to look at the lagoons with us. Aerifiers were operating properly. **The NoV didn't require response on this violation since they were noted on the DMR's, but since we were checking our records we are following up on this as well.**
- 8) Violation related to Outfall 002-1 for periods May 2014, high TSS—our records indicate a high concentration of dying duckweed which could have caused this reading. **The NoV didn't require response on this violation since they were noted on the DMR's, but since we were checking our records we are following up on this as well.**

We meet with our Division of Water inspectors often, and call if we have an issue that we can't figure out the reason for the issue. I am more comfortable now with the netdmr filings and will use more clarification in the comments section if future exceedances occur.

If you should need anything further, please let me know.

Thank you,



Lauren A. Just  
President, Class II Certified Operator, PR Wastewater Management, Inc.

cc: Charlie Roth, Alan Bond

MATTHEW G. BEVIN  
GOVERNOR



CHARLES G. SNAVELY  
SECRETARY

**ENERGY AND ENVIRONMENT CABINET**  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION  
DIVISION OF WATER  
9116 LEESGATE ROAD  
LOUISVILLE KY 40222-5004

AARON B. KEATLEY  
COMMISSIONER

December 20, 2016

Certified No. 7014 1820 0002 0965 9080  
Return Receipt Requested

Lawrence W Smither  
PO Box 137  
Crestwood, KY 40014


Re: Notice of Violation  
AI ID: 458  
AI Name: Lake Columbia Utilities Inc  
Activity ID: ENV20160001  
Permit No. KY0077674  
Bullitt County, KY

Dear Mr. Smither:

The Kentucky Department for Environmental Protection (DEP) has issued the enclosed Notice of Violation for violations discovered at your facility on 11/18/16. Please review this Notice of Violation carefully to ensure that all remedial measures are completed by the specified deadlines.

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

Sincerely,

E-Signed by Brad Trivette  
VERIFY authenticity with eSign Desktop  


Brad Trivette,  
Environmental Inspector III  
Division of Water

Enclosure

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

**NOTICE OF VIOLATION**

**To:** Lawrence W Smither  
PO Box 137  
Crestwood (Oldham), KY 40014

**AI Name:** Lake Columbia Utilities Inc **AI ID:** 458 **Activity ID:** ENV20160001  
**Discovery ID:** CIN20160001 **County:** Bullitt  
**Enforcement Case ID:**  
**Date(s) Violation(s) Observed:** 11/18/2016

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

**1 Violation Description for Subject Item AIOO0000000458():**

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

**Description of Non Compliance:**

The facility is not being properly operated and maintained as required. The bar screen is gone. The aeration basin is dark. The skimmers are broken. The clarifier appears to be full of solids. The chlorine contact tank has solids in it. Sewer solids are entering and settling in the stream.

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

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

**2 Violation Description for Subject Item AIOO0000000458():**

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

**Description of Non Compliance:**

Pollutants have entered and contributed to the pollution of the waters of the Commonwealth. The effluent is very cloudy. There are some solids in the effluent. The stream is full of very dark septic sewage and sewer solids.

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

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

**3 Violation Description for Subject Item AIO0000000458():**

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

**Description of Non Compliance:**

The waters of the Commonwealth have been degraded. The effluent is very cloudy. There are some solids in the effluent.

The stream is full of very dark septic sewage and sewer solids

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

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

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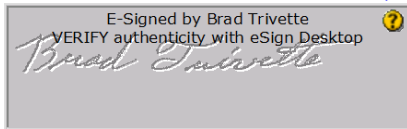
Violations of the above cited statute(s) and/or regulation(s) are subject to a civil penalty per day per violation. Violations carry civil penalties of up to \$25,000 per day per violation depending on the statutes/regulations violated. In addition, violations may be concurrently enjoined. Compliance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

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

Division of Water  
Louisville Regional Office  
9116 Leesgate Rd  
Louisville, KY 40222-5084  
502-429-7122 (8:00 AM – 4:30 PM)  
Brad Trivette, Environmental Inspector III

Issued By:



Mr. Brad Trivette, Environmental Inspector III

Date: December 20, 2016

Issued By:



Mr. Charles Roth, Environmental Control Supervisor

Date: December 20, 2016

How Delivered: Certified Certified/Registered # 7014 1820 0002 0965 9080





MATTHEW G. BEVIN  
GOVERNOR

CHARLES G. SNAVELY  
SECRETARY

**ENERGY AND ENVIRONMENT CABINET**  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

AARON B. KEATLEY  
COMMISSIONER

DIVISION OF WATER  
130 EAGLE NEST DR  
PADUCAH, KY, 42001

January 11, 2017

Mr. Allen Artis  
PO Box 431  
Benton, Kentucky 42025

RE: Golden Acres Subd -- 2935  
Permit No.: KY0044164  
Marshall County, Kentucky  
Activity ID: CIN20170001

Dear Mr. Artis:

Attached for your information and records is a copy of the WW CEI-Minor Non-Mun inspection performed at Golden Acres Subdivision on January 6, 2017. Please review this inspection report carefully, take note of any comments and address all deficiencies identified. A follow up inspection may be conducted to evaluate remedial measures.

If you have any questions or comments concerning this inspection, please contact the Paducah Regional Office at: (270) 898-8468.

Sincerely,

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

Jessie York  
Environmental Inspector  
Paducah Regional Office  
Division of Water

Enclosure: Inspection Report, GPP Preparation Documents

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

**AI ID:** 2935      **AI Type:** RESIDENCE- Subdivision (nec)  
**AI Name:** Golden Acres Subd  
**AI Address:** US 68  
**City:** Sharpe, **State:** Kentucky **Zip:** 42025  
**County:** Marshall **Regional Office:** Paducah Regional Office  
**Latitude:** 36.972944   **Longitude:** -88.480861  
**Site Contact:** Allen Artis  
**Title:** Certified Operator      **Phone #:** 270-205-1571  
**Inspection Type:** WW CEI-Minor Non-Mun   **Activity #:** CIN20170001  
**Inspection Start Date:** January 6, 2017 **Time:** 09:00 AM **End Date:** January 6, 2017 **Time:** 11:00 AM  
**Site/Permit ID:** KY0044164

**Lead DEP Investigator:** Jessie York  
**Other DEP Investigators:**  
**External Investigators:**  
**Persons Interviewed:** Allen Artis

**General Comments:** This inspection was conducted to evaluate the facility's compliance with KPDES permit # KY0044164 which expires on 1/31/20. The facility's certified operator Allen Artis was present during the inspection. Lab analysis certificates, DMRs, and COCs were reviewed. The GPP was not available for review. Mr. Artis is in the process of developing one for the facility. GPPs shall be submitted to the DOW Groundwater Section for approval. This plan shall be updated every 3 years and be available for review upon request. The appropriate signage was not displayed at the authorized outfall. A permanent marker should be placed at the outfall monitoring location. The plant receives excessive flow during wet weather events. Mr. Artis has been conducting smoke testing to locate and address areas of piping infiltration throughout the collection system. The facilities field lab certification was due for renewal on 12/31/16.

**Overall Compliance Status:** No Viol Obs- impend viol trend

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**Investigation Results**

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**SI:** AIOO2935

**SI Description:**

**Inspector Comment:**

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

**Compliance Status:** C-No Violations observed

**Comment:** KY0044164

Expires: 1/31/20

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**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:**

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**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:** Allen Artis

WW Treatment III 20450

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**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]

**Compliance Status:** C-No Violations observed

**Comment:** Allen Artis  
WW Collection II 18924

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**Requirement:** 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)]

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

**Comment:** DMRs, COCs, Certificates of Analysis, instrument calibration logs were available for review

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Facilities Field Lab Certification is due for renewal.

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**Requirement:** 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]

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

**Comment:** Facility is in the process of completing their GPP.

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**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:** C-No Violations observed

**Comment:**

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

**Compliance Status:** C-No Violations observed

**Comment:** NetDMR

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**Requirement:** 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)]

**Compliance Status:** N-Not Applicable

**Comment:**

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**Requirement:** 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)]

**Compliance Status:** C-No Violations observed

**Comment:**

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**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:** C-No Violations observed

**Comment:**

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**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:** C-No Violations observed

**Comment:**

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**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:** I-No Violations obs-but impending viol trends obs

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**Comment:** Collection system experiences infiltration issues during wet weather events causing excessive flow to the WWTP.

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**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 in place

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

**Compliance Status:** C-No Violations observed

**Comment:**

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**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:**

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**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:**

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**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:**

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**Requirement:** 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)]

**Compliance Status:** C-No Violations observed

**Comment:** Sludge Disposal log available.

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**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:** C-No Violations observed

**Comment:** 2013-present DMRs reviewed

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**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:**

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**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:**

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**Requirement:** Is the facility sampling in accordance with sampling requirements specified for biomonitoring in the KPDES permit conditions? [401 KAR 5:065 Section 2(1)]

**Compliance Status:** C-No Violations observed

**Comment:**

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

**Compliance Status:** C-No Violations observed

**Comment:**

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

**Compliance Status:** C-No Violations observed

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**Comment:**

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

**Compliance Status:** C-No Violations observed

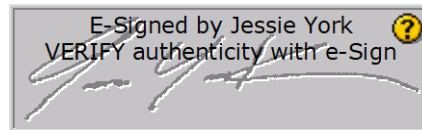
**Comment:**

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**Documentation**

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

**Inspector:**



**Date:** 1/19/17

**Received By:** \_\_\_\_\_ **Title:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Delivery Method:** **regular mail**

**Certified Mail Number:**



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

**AI ID:** 3041      **AI Type:** RESIDENCE- Subdivision (nec)  
**AI Name:** Great Oaks Subd  
**AI Address:** Creek Side Dr  
**City:** Paducah, **State:** Kentucky **Zip:** 42001  
**County:** McCracken **Regional Office:** Paducah Regional Office  
**Latitude:** 36.988889    **Longitude:** -88.641667  
**Site Contact:** Allen Artis  
**Title:** Operator                      **Phone #:** 270-205-1571  
**Inspection Type:** Incident Investigation    **Activity #:** CIV20170001  
**Incident IDs:** 2427091  
**Inspection Start Date:** June 26, 2017 **Time:** 09:29 AM **End Date:** June 26, 2017 **Time:** 09:29 AM  
**Site/Permit ID:** KY0080845

**Lead DEP Investigator:** Benjamin Allen  
**Other DEP Investigators:** Jessie York  
**Persons Interviewed:** Allen Artis

**General Comments:**

On June 23, 2017 an incident investigation was conducted at Great Oaks WWTP located at Creekside Dr. In Paducah, KY. During this investigation I was accompanied by Environmental Scientist Jesse York. This inspection is conducted in response to a complaint received by the Division of Water. Stating that the sewer system was over flowing. At the time of this inspection the Division of Water had not received any notification of a Sanitary Sewer Overflow for Great Oaks WWTP.

During this investigation, I observed the Man hole and sanitary sewer over flowing from the man hole and down a ditch. The ditch continues behind the wwtp and flows into Blizzard Pond Drainage Canal. The Lift Station at the plant was observed full and over flowing also draining into the ditch.

Allen Artis the certified operator was contacted via telephone. Mr. Artis stated that he had been notified about the overflow on Sunday June 17, 2017. He had not been able to make repairs due to lack of help and parts, as well as other personal reasons.

Due to Failure to report the bypass and discharging into the waterway these violations are being referred to the division of enforcement for further action. If you have any questions regarding this report please contact the Paducah Regional office at 270-898-8468.

**Overall Compliance Status:** V- Out of Compliance - NOV

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**Investigation Results**

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**SI:** AIOO3041

**SI Description:**

**Inspector Comment:**

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**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).

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**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

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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.

**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.

**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.

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

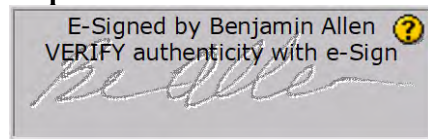
**Compliance Status:** V-Out of Compliance-NOV

**Comment:** The waters of the Commonwealth have been degraded.

**Documentation**

- Photos taken**
- Documents obtained from facility**
- Samples taken by outside source**
- Request for Submission of Documents**
- Record of visual determination of opacity**
- Samples taken by DEP**
- Regional office instrument readings taken**
- Other documentation**

**Inspector:**



**Date:** June 27, 2017+

**Received By:** \_\_\_\_\_ **Title:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Delivery Method:** USPS

**Certified Mail Number:** 70140510000235701424

Great Oaks  
Majestic Oaks Dr.  
Paducah, KY  
June 23, 2017

by Allen, Benjamin (EEC)



























































































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

**AI ID:** 455      **AI Type:** RESIDENCE- Subdivision (nec)  
**AI Name:** Kingswood Development Subd  
**AI Address:** Kings Church Rd  
**City:** Taylorsville, **State:** Kentucky **Zip:** 40071  
**County:** Bullitt **Regional Office:** Louisville Regional Office  
**Latitude:** 38.089629   **Longitude:** -85.483246

**Site Contact:** Larry Smither    **Title:** Operator   **Phone #:** 502-569-0824

**Inspection Type:** WW CEI-Minor Non-Mun   **Activity #:** CIN20170001  
**Inspection Start Date:** July 13, 2017   **Time:** 10:00 AM   **End Date:** July 13, 2017   **Time:** 10:30 AM  
**Site/Permit ID:** KY0101419

**Lead DEP Investigator:** Sarah Goodin  
**Other DEP Investigators:** Sean Vanderhoff  
**External Investigators:**  
**Persons Interviewed:** Shawn Ford

**General Comments:** A CEI -Minor NonMunicipal Inspection was conducted on 7/13/2017 by KY Division of Water (DOW) inspectors Sarah Goodin and Sean Vanderhoff to inspect the permitted facility, "KY0101419 - Kingswood Dev Subd" and if permittee is in compliance with issued permit requirements. DOW was accompanied by WW Operator Shawn Ford at the time of inspection.

The current treatment consist of the following: Extended Aeration, Comminutors, Aerobic Digestion, UV Disinfection, Post Aeration and Settling. As you enter the plant, you first come to the digester, then continue past the aeration tank and the pathway ends at the clarifier. The influent is then sent to disinfection with UV and finally discharging to the waters of the Commonwealth.

The digester appeared to be full of solids at the time of inspection. The mixed liquor in the clarifier was darker brown in color indicating older sludge. No outside structural damage was observed at the time of inspection. There was minimal sewage sludge accumulation in the creek near the outfall.

A review of Submitted NetDMR results from 7/1/2015 to 6/30/2017 showed 16 violations:

Monitoring Period ending:

6/30/2017 - TSS Monthly Average and E. coli 30 Day GEO

3/31/2017 - High E.coli (2437)

1/31/2017 - High E.Coli (60000) and High BOD

12/31/2016 - High TSS and Nitrogen, ammonia total [as N]

11/30/2016 - High Nitrogen, ammonia total [as N] and E.coli 30 Day GEO

10/31/2016 - High E.coli 30 Day GEO

7/31/2016 - High E.coli

4/30/2016 - High TSS, E.coli and BOD

1/31/2016 - High E. coli (1733)

11/30/2015- High TSS for Monthly Average

**Overall Compliance Status:** Out of Compliance- NOV



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## Investigation Results

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**SI:** AIOO455

**SI Description:**

**Inspector Comment:** The digester appeared to be full of solids at the time of inspection. The mixed liquor in the clarifier was darker brown in color indicating older sludge. There was minimal sewage sludge accumulation in the creek near the outfall.

A review of Submitted NetDMR results from 7/1/2015 to 6/30/2017 showed 16 violations.

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

**Compliance Status:** C-No Violations observed

**Comment:** KY0101419 - Kingswood Dev Subd

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**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:** N-Not Applicable

**Comment:** The facility is not undergoing any construction or modifications at the time of the inspection. Sewer line extensions are approved through the Division of Water.

---

**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:** Shawn Ford, WW Treatment II #28257 exp. 6/30/2019

---

**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]

**Compliance Status:** C-No Violations observed

**Comment:** Shawn Ford, WW Collection II #21343 exp. 6/30/2019

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**Requirement:** 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)]

**Compliance Status:** E-Not Evaluated

**Comment:** Beckmar, a KY WW Certified Laboratory does sampling for this facility.

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**Requirement:** 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]

**Compliance Status:** E-Not Evaluated

**Comment:**

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**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:** C-No Violations observed

**Comment:** A review of the submitted Discharge Monitoring Reports from 7/1/2015 to 6/30/2017 revealed that the permittee is reporting the monitoring results to the cabinet at the intervals specified in the issued KPDES Permit.

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

**Compliance Status:** C-No Violations observed

**Comment:** The monitoring results are being reported to the cabinet on a Discharge Monitoring Report (DMR) using the Net-DMR system.

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**Requirement:** 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)]

**Compliance Status:** C-No Violations observed

**Comment:** Permittee is aware of this requirement.

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**Requirement:** 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)]

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**Compliance Status:** C-No Violations observed

**Comment:** Permittee is aware of this requirement.

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**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:** C-No Violations observed

**Comment:** The facility is aware of the requirement to report all spills, accidents, bypasses, releases, etc. to the Cabinet by the most rapid means available. The 24-hour emergency reporting number is: (800) 928-2380. Reports are made to the Division of Water through the 24- hour reporting number, calling regional office personnel, and through the e-notification system.

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**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:** C-No Violations observed

**Comment:** The facility is aware of the requirement to report all spills, accidents, bypasses, releases, etc. to the Cabinet by the most rapid means available. The 24-hour emergency reporting number is: (800) 928-2380. Reports are made to the Division of Water through the 24- hour reporting number, calling regional office personnel, and through the e-notification system.

---

**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:** I-No Violations obs-but impending viol trends obs

**Comment:** The digester appeared pretty full of solids. The color in the aeration tank was a darker brown than optimal. The clarifier appeared to be properly working. The UV system had recently been maintained.

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**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:** V-Out of Compliance-NOV

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

The system utilizes UV for disinfection purposes. Monitoring Reports revealed the facility to be in out of compliance for e. coli for the following Monitoring Periods:

6/30/2017 , 3/31/2017(=2437), 1/31/2017(=60000), 11/30/2016, 10/31/2016, 7/31/2016, 4/30/2016, 1/31/2016

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

**Compliance Status:** C-No Violations observed

**Comment:** The facility maintains appropriate flow meters on the influent and effluent channels.

---

**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:** A source of potable water is available for clean-up with a back flow preventor.

---

**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:** The facility maintains a chain link fence and gates. The facility is locked when no personnel are on site.

---

**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:** The facility maintains an all weather access road for easy access to the facility.

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**Requirement:** 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)]

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

**Comment:** The sewage sludge is taken to the landfill. According to Mr. Ford it was last hauled off about 3 weeks ago but no receipts were available to confirm. At the time of inspection, the color of the aeration tank and the full digester indicated that the old sludge will need to be better managed or soon hauled away.

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**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 Submitted NetDMR results from 7/1/2015 to 6/30/2017 showed 16 violations:

Monitoring Period ending:

6/30/2017 - TSS Monthly Average and E. coli 30 Day GEO

3/31/2017 - High E.coli (2437)

1/31/2017 - High E.Coli (60000) and High BOD

12/31/2016 - High TSS and Nitrogen, ammonia total [as N]

11/30/2016 - High Nitrogen, ammonia total [as N] and E.coli 30 Day GEO

10/31/2016 - High E.coli 30 Day GEO

7/31/2016 - High E.coli

4/30/2016 - High TSS, E.coli and BOD

1/31/2016 - High E. coli (1733)

11/30/2015- High TSS for Monthly Average

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**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:** Beckmar, a KY WW Certified Laboratory does sampling for this facility.

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**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:** Beckmar, a KY WW Certified Laboratory does sampling for this facility.

---

**Requirement:** Is the facility sampling in accordance with sampling requirements specified for biomonitoring in the KPDES permit conditions? [401 KAR 5:065 Section 2(1)]

**Compliance Status:** C-No Violations observed

**Comment:** Beckmar, a KY WW Certified Laboratory does sampling for this facility.

---

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

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

**Comment:** Some/minimal sludge was observed in the creek near the outfall at the time of inspection.

---

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

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

**Comment:** Some/minimal sludge was observed in the creek near the outfall at the time of inspection.

---

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

**Compliance Status:** C-No Violations observed

**Comment:** Other Recommendations: "The permittee should place and maintain a permanent marker at each of the monitoring locations" as stated in Section 2.7 of facility's KPDES Permit.

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#### Documentation

**Photos taken**

**Documents obtained from facility**

**Samples taken by outside source**

**Request for Submission of Documents**

**Record of visual determination of opacity**

**Samples taken by DEP**

**Regional office instrument readings taken**

**Other documentation**



**Inspector:**



**Date:** **8/3/2017**

**Received By:** \_\_\_\_\_ **Title:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Delivery Method:** **Certified Mail**

**Certified Mail Number:** **7015 0640 0002 9091 3403**

WW CEI Minor Non Municipal  
Inspection: KY0101419  
Kingswood Development Subd;  
AI: 455

Inspection and Photos  
by Goodin, Sarah (EEC)  
7.13.2017



























07 13 2017





07.13.2017





07 13 2017







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

**AI ID:** 3041      **AI Type:** RESIDENCE- Subdivision (nec)  
**AI Name:** Great Oaks Subd  
**AI Address:** Creek Side Dr  
**City:** Paducah, **State:** Kentucky **Zip:** 42001  
**County:** McCracken **Regional Office:** Paducah Regional Office  
**Latitude:** 36.988889    **Longitude:** -88.641667  
**Site Contact:** Allen Artis  
**Title:** Owner/ Operator      **Phone #:** 270-205-1571  
**Inspection Type:** Incident Investigation    **Activity #:** CIV20170002  
**Incident IDs:** 2428645  
**Inspection Start Date:** August 1, 2017 **Time:** 02:47 PM **End Date:** August 2, 2017 **Time:** 02:47 PM  
**Site/Permit ID:** KY0080845

**Lead DEP Investigator:** Benjamin Allen  
**Persons Interviewed:** Allen Artis

**General Comments:**

On August 1, 2017, a complaint was received by the Division of Water, stating that the discharge from the Great Oaks WWTP was putting grey water into the stream and putting off a bad odor.

An investigation was conducted at the complainant's property and the stream was observed to have waste solids settling out in it causing a grey and black bottom. There was a distinct odor of sanitary sewer water. I traced the water up the stream bed to the source coming out of the discharge pipe for the Great Oaks WWTP.

On August 2, 2017 I returned to take samples of the water in the stream. Three E.coli samples were taken. Site one sampled was taken about 100 yards upstream of the outfall. Site two was taken directly from the discharge pipe. Site three was taken on the complainant's property approximately 100 yards downstream from the outfall. The samples were analyzed by McCoy & McCoy. Results showed for site 1- E.coli 613 MPN/ 100ml. Site 2 and 3 results were 2420 MPN/ 100ml results were Flagged due to concentration being higher than 2420 MPN/100 ml. These results are well above the permitted limit and demonstrate a violation.

This is a violation of the KPDES permit and degradation to the waters of the Commonwealth of Kentucky. There is an ongoing enforcement case for this facility and this will be added to that case. If you have any question feel free to contact the Paducah Regional Office at 270-898-8468.

**Overall Compliance Status:** Out of Compliance- NOV

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**Investigation Results**

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**SI:** AIOO3041

**SI Description:**

**Inspector Comment:**

**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

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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.

**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:** V-Out of Compliance-NOV

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

**Requirement:** Have pollutants entered the waters of the Commonwealth? [KRS 224.70-110]. [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. E coli samples were taken and results were above the permitted limit.

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

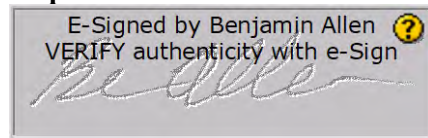
**Compliance Status:** V-Out of Compliance-NOV

**Comment:** The waters of the Commonwealth have been degraded.

**Documentation**

- Photos taken**
- Documents obtained from facility**
- Samples taken by outside source**
- Request for Submission of Documents**
- Record of visual determination of opacity**
- Samples taken by DEP**
- Regional office instrument readings taken**
- Other documentation**

**Inspector:**



**Date:** August 8, 2017

**Received By:** \_\_\_\_\_ **Title:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Delivery Method:** USPS

**Certified Mail Number:** 70140510000235701431

## Certificate of Analysis 7081629

Benjamin Allen  
Kentucky Division of Water Paducah  
130 Eagle Nest Drive  
Paducah KY, 42003

Customer ID: KY3872  
Report Printed: 08/07/2017 16:22

Project Name: Benjamin Allen

Workorder: 7081629

Dear Benjamin Allen

Enclosed are the analytical results for samples received at one of our laboratories on 08/02/2017 11:02.

McCoy & McCoy Laboratories, Inc. and Environmental Certification Labs are commercial laboratories accredited by various state and national authorities, including Indiana, Kentucky, Tennessee, and Virginia's National Environmental Laboratory Accreditation Program (NELAP). With the NELAP accreditation, applicable test results are certified to meet the requirements of the National Environmental Laboratory Accreditation Program.

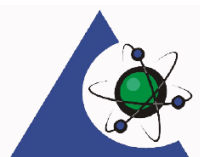
If you have any questions concerning this report please contact the individual listed below.

Please visit our website at [www.mccoyslabs.com](http://www.mccoyslabs.com) for a listing of the NELAP accreditations and Scope of Work, as well as, links to other scientific organizations.

This certificate of analysis may not be reproduced without the written consent of McCoy & McCoy



#460210  
Madisonville



PJLA  
Testing  
Accreditation  
#80812

**ISO/IEC  
17025:2005  
ACCREDITED**

*Bonney Hewlett*

*This page is included as part of the Analytical Report and must be retained as a permanent record thereof.*

Bonney Hewlett, Project Manager



### SAMPLE SUMMARY

Lab ID	Client Sample ID/Alias	Matrix	Date Collected	Date Received	Sampled By
7081629-01	Ecoli/Stream Upstream outfall	Wastewater	08/02/2017 10:10	08/02/2017 11:02	Ben Allen
7081629-02	Ecoli/Discharge WWTP	Wastewater	08/02/2017 10:15	08/02/2017 11:02	Ben Allen
7081629-03	Ecoli/Downstream WWTP Stream	Wastewater	08/02/2017 10:35	08/02/2017 11:02	Ben Allen

### ANALYTICAL RESULTS

Lab Sample ID: **7081629-01**  
Description: **Ecoli Stream Upstream outfall**

Sample Collection Date Time: 08/02/2017 10:10  
Sample Received Date Time: 08/02/2017 11:02

#### Microbiological Analyses Paducah

Analyte	Result	Flag	Units	MRL	MDL	Method	Prepared	Analyzed	Analyst
E. Coli	613		MPN/100m L	1		SM9223 COLertQT 24	08/02/2017 13:30	08/03/2017 16:30	DCM

### ANALYTICAL RESULTS

Lab Sample ID: **7081629-02**  
Description: **Ecoli Discharge WWTP**

Sample Collection Date Time: 08/02/2017 10:15  
Sample Received Date Time: 08/02/2017 11:02

#### Microbiological Analyses Paducah

Analyte	Result	Flag	Units	MRL	MDL	Method	Prepared	Analyzed	Analyst
E. Coli	2420	>E	MPN/100m L	1		SM9223 COLertQT 24	08/02/2017 13:30	08/03/2017 16:30	DCM

### ANALYTICAL RESULTS

Lab Sample ID: **7081629-03**  
Description: **Ecoli Downstream WWTP Stream**

Sample Collection Date Time: 08/02/2017 10:35  
Sample Received Date Time: 08/02/2017 11:02

#### Microbiological Analyses Paducah

Analyte	Result	Flag	Units	MRL	MDL	Method	Prepared	Analyzed	Analyst
E. Coli	2420	>E	MPN/100m L	1		SM9223 COLertQT 24	08/02/2017 13:30	08/03/2017 16:30	DCM



**Notes for work order 7081629**

- Samples collected by MMLI personnel are done so in accordance with procedures set forth in MMLI field services SOPs.
- All Waste Water analyses comply with methodology requirements of 40 CFR Part 136.
- All Drinking Water analyses comply with methodology requirements of 40 CFR Part 141.
- Unless otherwise noted, all quantitative results for soils are reported on a dry weight basis.
- The Chain of Custody document is included as part of this report.
- All Library Search analytes should be regarded as tentative identification based on the presumptive evidence of the mass spectra.

- >E E. coli concentration greater than 2420 MPN/100mL.
- T19 LT2 bacteriological sample receipt temperature outside 0 - 10°C; client gave permission to proceed as documented on COC or the project manager notified to contact client before proceeding.
- U Target analyte was analyzed for, but was below detection limit (the value associated with the qualifier is the laboratory method detection limit in our LIMS system).

Standard Qualifiers/Acronyms

- MDL Method Detection Limit
- MRL Minimum Reporting Limit
- ND Not Detected
- LCS Laboratory Control Sample
- MS Matrix Spike
- MSD Matrix Spike Duplicate
- DUP Sample Duplicate
- % Rec Percent Recovery
- RPD Relative Percent Difference
- > Greater than
- < Less than

**Certified Analyses included in this Report**

Analyte	Certifications
<b>SM9223 COLertQT 24 in Water</b>	
E. Coli	KY Drinking Water Pad (00031) KY Wastewater Pad (00031) TN Drinking Water (02819)



<b>Sample Acceptance Checklist for Work Order 7081629</b>	
Shipped By: Client	Temperature: 15.30° Celcius
<b>Condition</b>	
Check if custody seals were present/intact.	<input type="checkbox"/>
Check if any containers were received damaged.	<input type="checkbox"/>
Check if COC was submitted and complete.	<input checked="" type="checkbox"/>
Check if COC agreed with sample labels.	<input checked="" type="checkbox"/>
Check if all containers on COC were received	<input checked="" type="checkbox"/>
Check if all samples had appropriate containers.	<input checked="" type="checkbox"/>
Check if all samples had appropriate volumes.	<input checked="" type="checkbox"/>
Check if collection methods were recorded on COC.	<input checked="" type="checkbox"/>
Check if flow units were recorded on COC.	<input type="checkbox"/>
Check if any headspace issues with volatile sample	<input type="checkbox"/>
Check if holding times were acceptable.	<input checked="" type="checkbox"/>
Check if all containers were preserved properly.	<input checked="" type="checkbox"/>





# McCoy & McCoy Laboratories, Inc.

NELAC Accredited - Woman-Owned

825 Industrial Rd. Madisonville, KY 42431 270-821-7375  
 2456 Fortune Dr., Suite 160 Lexington, KY 40509 859-299-7775  
 173 Island Creek Rd. Pikeville, KY 41501 606-432-3104  
 5510 Fern Valley Rd. Louisville, KY 40228 502-961-0001  
 3038 Lone Oak Rd. Paducah, KY 42003 270-444-6547

## CHAIN OF CUSTODY

Page 1 of \_\_\_\_\_

Page 5 of 5

Client: <u>KY DNR Industrial Regional Office</u>		Bill To: <u>KY Division of Water</u>		Customer PO#		Sample Chlorinated		YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
<u>Benjamin Allen</u>		<u>Industrial Regional Office</u>				Sample Compliance Sample		YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
<u>130 East 1st St.</u>		<u>Paducah, KY 42303</u>				Workorder No.: <u>7061629</u>			
Project Name: <u>East Oaks</u>		Sample Collector (Signature): <u>Ben Allen</u>		Sample receipt information is electronically recorded				Sample No. MMLL Use Only	
Collection									
No.	Date	Time	Matrix	Preservative	# of Bottles	Grad Composite	Sample Description	Analysis Requested	Sample No. MMLL Use Only
1	8/2/17	1010	WW	ECST	1		Shannon Co. stream water	ECOL	
2	8/2/17	1015	WW	ECST	1		Package water	ECOL	
3	8/2/17	1035	WW	ECST	1		Burns Stream WWTP stream	ECOL	
4								ROSC	
5									
Comments:									
Relinquished By: <u>Ben Allen</u>		Date:	<u>8/2/17</u>	Time:	<u>1102</u>				
Received By: <u>Treavis Miller</u>		Date:	<u>8-2-17</u>	Time:	<u>1107</u>				
Relinquished By:		Date:		Time:					
Received By:		Date:		Time:					
Relinquished By:		Date:		Time:					
Received By:		Date:		Time:					
		Matrix		Code Chart					
		DW - Drinking Water		NI - Nitric Acid (HNO3)					
		SW - Solid Waste		HA - Hydrochloric Acid (HCL)					
		SO - Soil/Solid		SH - Sodium Hydroxide (NaOH)					
		OL - Oil		ST - Sodium Thiosulfate					
		SL - Sludge		ZN - Zinc Acetate					
		GW - Groundwater		SA - Sulfuric Acid (H2SO4)					
		WW - Wastewater		AA - Ascorbic Acid					
		SU - Surface water		4C - 4 degree Celcius					
		NO - None							
1. Expedited TAT not available for all testing, please call. 2. RUSH fees may apply if samples received with <48 hr hold time remaining. 3. MMLL reserves the right to return unused sample.									

Great Oaks WWTP  
Blizzard Pond Drainage Canal  
7045 Houser Rd. Paducah, KY  
August 1, 2017  
by Allen, Benjamin (EEC)

