











































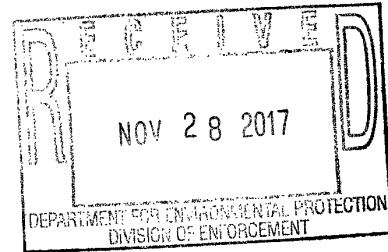




P.R. Wastewater Management, Inc.
72 Persimmon Ridge Drive
Louisville, KY 40245
502-241-0456

November 17, 2017

Mr. Donald Polly
Department for Environmental Protection
Division of Enforcement
300 Sower Blvd, 3rd Floor
Frankfort, KY 40601



Mr. Polly,

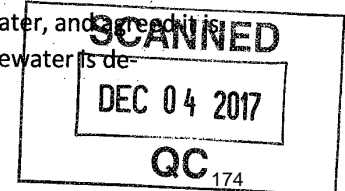
I am in receipt of the notice of violations letter related to P.R. Wastewater Management. Outfall 001 is located at the back of a 50-acre foot irrigation lake, which then flows into Floyd's Fork. The wastewater entering this lake enters through a chlorine contact tank after it has been aerated and settled out in two different 10-acre feet lagoons. The lake also receives natural ground water drainage from approximately 70 acres of residential homes and streets, as well as from two golf holes.

I will address each of the violations below, but would like to point out that the state required a change in our disinfection system over the past couple of years. This was reviewed and different plans explored, including UV and liquid chlorination. It was decided with our lagoon system that liquid chlorination would be the better choice. The system was built and implemented in late 2015/early 2016. We have been working to get the calibration correct since this was all new to us, and the flow through the chlorine contact tank changes when heavy rains occur. Our samples for 002 are taken at the weir as the wastewater leaves chlorination and enters into the dichlorination chamber, prior to it entering the irrigation lake.

As you are aware, we are required to test from both locations—001 as it leaves the irrigation lake; 002 as it enters the de-chlorination cell and before entering the irrigation lake. It appears the irrigation lake picks up several issues related to pond water, as opposed to wastewater, since most of the violations relate to this water, as opposed to just the wastewater leaving the aeration lagoons. Possibly this is a discussion I need to have as my permits are renewed in 2018.

In reference to the notice of violations letter received 11/16/17:

1. Outfall 001-BOD-It's possible if this continues to occur that the irrigation lake will need an aerator placed in it. This is a discussion I wish to have with DoW as my permit renewal application is being reviewed.
2. Outfall 001-P-Again, the irrigation lake picks up drainage from approximately 70 acres of residential land and golf course holes. This is not something the wastewater is causing as it enters this lake. Same as #1 regarding discussion on permit outfall test points.
3. Outfall 001-TRC-This has been reviewed with Charlie Roth of Division of Water, and it is impossible for this 50-acre foot lake to have TRC exceedances, as the wastewater is de-



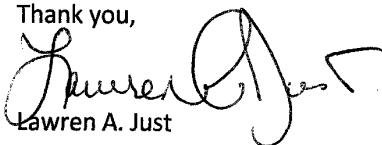
chlorinated prior to entering the irrigation lake. The chlorine tester is picking up manganese as chlorine.

4. Outfall 001-E.Coli- These readings could have occurred as we were switching from tablet chlorination to liquid chlorination and trying to determine the proper calibration. However, at Outfall 001, the irrigation lake outflow point is continually dammed up by beavers. We have trappers come out and trap them to remove them from the premises, but several times when the tester is set up at 001, the beavers have been hard at work the prior night, stirring up mud and muck from the irrigation lake and the algae and debris they use to build the dam. We have asked the lab tester to not set up where it is obvious the beavers have worked the prior night and brought in debris from the lake and/or creek.
5. Outfall 001-pH-Same as #1 and #2—when the wastewater entering this lake doesn't have these bad readings, it's difficult to know what is causing them in the lake water that is full of fish and turtles.
6. Outfall 001-DO-Same as #1 and #1—the lake may have turned over in May, causing these issues as the weather turned from cold to warm.
7. Outfall 001-TSS-This could have been a turnover of the lake or issues with testing where the beaver had brought in all their muck for their dam.
8. Outfall 002-E.Coli-this was a result of the change-over from tablet to liquid chlorination and trying to get the proper calibration. We asked Charlie Roth with Division of Water to meet with us this summer to try and determine what the issue was. It was determined our calibration needed to be increased during heavy rains that caused increased flow.
9. Outfall 002-BOD-We were not sure of the cause of this, although there was substantial duckweed on the lagoons at this time. Aeration was stepped up to determine if that would alleviate the problem.

As noted above, many of the violations are at Outfall 001, as opposed to Outfall 002, which is the outfall of the wastewater prior to it entering the irrigation lake. I will be reviewing this with our permit renewal reviewer in the Spring to determine why both areas need to be tested, as opposed to the weir located where the wastewater enters the de-chlor chamber.

If you should have any further questions regarding these issues, please feel free to contact me.

Thank you,



Lauren A. Just

President, P.R. Wastewater Management, Inc.
502-241-0456

Scanning Batch Sheet

Received
DEC 4 - 2017
File Room

| | | | |
|-------------|--|------------|-----------|
| Prepped by: | | Return to: | Don Polly |
|-------------|--|------------|-----------|

| | | | | | |
|----------|---|---------|--|---------|--|
| Color | | 11 x 17 | | Maps | |
| Duplex | | CD | | Recycle | |
| 8.5 x 11 | X | Other | | | |

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|------------------------------|----------------------------|
| Agency Interest (AI) Number: | 3955 |
| Program Code: | 11 |
| Document Type Code: | CRGSRD |
| Function Area Code: | 275 |
| View Attribute: | 2 - Public |
| Activity ID (Gray Bar): | ENV20170001 |
| Assign To (Tempo Login): | pollyd |
| Document Title: | DENFNOV110717 NOV Response |

Batch Name: 29

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

Program Misc. Information:

SCANNED

DEC 04 2017

QC



MATTHEW G. BEVIN
GOVERNOR

CHARLES G. SNAVELY
SECRETARY

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

AARON B. KEATLEY
COMMISSIONER

300 SOWER BOULEVARD
FRANKFORT, KENTUCKY 40601

December 7, 2017

Allen Artis
Marshall County Environmental Service
PO Box 431
Benton, KY 42324

Re: AI Name: Great Oaks Subd
AI No. 3041
Case No. DOW 170209
Activity No. ERF20170001
KPDES #: KY0080845
McCracken County

Dear Mr. Artis:

Your case has been referred to the Division of Enforcement of the Department for Environmental Protection to bring your facility into compliance with Kentucky's environmental laws. We will review the documentation and other information regarding your facility and then contact you to schedule an administrative conference so that we can discuss resolution of any outstanding issues. I have been assigned as the enforcement specialist for your case and you may contact me at 502-782-6865 or Corey.Craft@ky.gov.

Sincerely,



Corey Craft,
Environmental Enforcement Specialist
Division of Enforcement



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: 37.731389 **Longitude:** -84.342778
Site Contact: Elliott Turner
Title: Operator **Phone #:** 859-200-9543
Inspection Type: WW CEI-Minor Non-Mun **Activity #:** CIN20180001
Incident IDs: N/A
Inspection Start Date: February 23, 2018 **Time:** 10:20 AM
End Date: February 23, 2018 **Time:** 10:50 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 aging plant is showing some rust spots and deterioration. The facility is using tablets for chlorination and de-chlorination. The lagoon needs sludge pumped out. A review of the facility's DMRs from July 2015 through December 2017 revealed numerous permit parameter excursions for BOD and ammonia. The facility has failed to comply with the effluent limitations contained in the permit.

Overall Compliance Status: Out of Compliance- NOV

Investigation Results

SI: AIOO2809

SI Description:

Inspector Comment:

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

Compliance Status: C-No Violations observed

Comment: Facility holds KPDES Permit No. KY0081299.

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 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:

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.

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.

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.

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:

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.

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.

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)]

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 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).

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 has been calibrated.

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

Compliance Status: C-No Violations observed

Comment:

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

Compliance Status: C-No Violations observed

Comment:

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:

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:

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 July 2015 through December 2017 revealed numerous permit parameter excursions for BOD and ammonia. 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. North Mad. Co. Sanitation District handles field parameters.

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 July 2015 through December 2017 revealed numerous permit parameter excursions for BOD and ammonia. The facility has failed to comply with the terms of the permit.

Documentation

Photos taken

Documents obtained from facility

Samples taken by outside source

Request for Submission of Documents

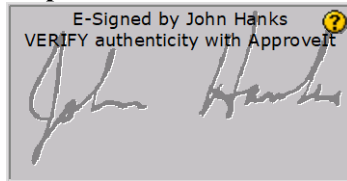
Record of visual determination of opacity

Samples taken by DEP

Regional office instrument readings taken

Other documentation

Inspector: John Hanks



Date:

3/15/18

Delivery Method: Certified Mail

Certified Mail Number:



MATTHEW G. BEVIN
GOVERNOR

CHARLES G. SNAVELY
SECRETARY

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF WATER
300 SOWER BLVD
FRANKFORT KY 40601

AARON B. KEATLEY
COMMISSIONER

March 15, 2018

Certified No. 7013 3020 0001 0603 1067
Return Receipt Requested

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

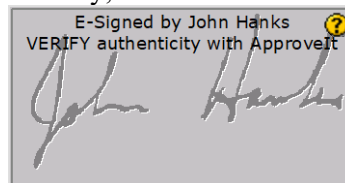
Re: Notice of Violation
AI ID: 2809
AI Name: Brocklyn Utilities LLC
Activity ID: ENV20180001
Permit No. KY0081299
Madison County, KY

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 February 23, 2018. Please review this Notice of Violation carefully to ensure that all remedial measures are completed by the specified deadlines.

Your cooperation and attention to this matter is appreciated. If you have any questions, please contact me at 502-782-6374.

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: ENV20180001
Discovery ID: CIN20180001 **County:** Madison
Enforcement Case ID:
Date(s) Violation(s) Observed: 02/23/2018

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 July 2015 through December 2017 revealed numerous permit parameter excursions for BOD and ammonia. 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 July 2015 through December 2017 revealed numerous permit parameter excursions for BOD and ammonia. The facility has failed to comply with the terms of the permit.

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

Comply with all conditions of the KPDES permit. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and/or your company to an immediate referral to

the Division of Enforcement. [401 KAR 5:065 Section 2]

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

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

Division of Water
Frankfort Regional Office
300 Sower Blvd
Frankfort, KY 40601
502-782-6374 (8:00 AM – 4:30 PM)
Mr. John Hanks, Environmental Inspector



Issued By:

Mr. John Hanks, Environmental Inspector

Date: March 15, 2018



Issued By:

Mr. Robert H Daniell, Environmental Control Supervisor

Date: March 15, 2018

How Delivered: Certified Mail Certified/Registered # 7013 3020 0001 0603 1067

Brocklyn Utilities LLC

P.O. Box 91588

Louisville, KY 4029

May 7, 2018

Mr. John Hanks

Division of Water

Re: Notice of Violation

AI ID: 2809

Activity ID: ENV20180001

Permit No. KY0081299

RE: Brocklyn Utilities LLC

Dear Mr. Hanks;

I have received the Notice of violation for the Brocklyn Utilities LLC sewer plant and understand our responsibility to comply with the issued permit. It is the goal of Brocklyn Utilities to have the plant produce an effluent that is within the permitted limits; although as you noted on different occasions we did exceed the permitted limit. Please understand that once we discovered that we had an issue we immediately went into action to determine how to resolve the problem.

For violation item # A1000000028090: (the parameter excursions of BOD and Ammonia), on each of those events, once we received notice from the laboratory that we had exceeded limits we initiated plant adjustments. Those adjustments once made would bring the parameter back to within permitted limits, those adjustments may have included; more blower run time, cleaning of some diffuser drops, new blower air filters, removal of sludge from plant and or lagoon. Also, we would retest for that parameter to determine if we had successfully lowered the parameter and was now within permitted limits.

Also, we have determined that the sludge in the lagoon needs to be removed, being a small private sewer treatment system, that removal cost is going to require a substantial amount of money. With that being said, plans are being made to receive quotes to have the lagoon pumped. With the quotes Brocklyn will try to secure funding and then request approval and a rate increase from the Public Service Commission.

In the end, the goal of Brocklyn Utilities is to protect the environment by producing an effluent that is in compliance with the permit.

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

Sincerely,



Lawrence W. Smither



MATTHEW G. BEVIN
GOVERNOR

CHARLES G. SNAVELY
SECRETARY

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF WATER
300 SOWER BLVD
FRANKFORT KY 40601

AARON B. KEATLEY
COMMISSIONER

May 8, 2018

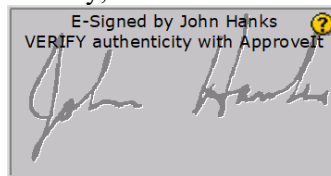
Mr. Larry Smither
Brocklyn Utilities LLC
P. O. Box 91588
Louisville, KY 40291

Re: Notice of Violation
AI ID: 2809
AI Name: Brocklyn Utilities LLC
Activity ID: ENV20180001
Permit No. KY0081299
Madison County, KY

Dear Mr. Smither:

On April 2, 2018, the Division of Water issued Brocklyn Utilities LLC a Notice of Violation (NOV). The Frankfort Regional Office appreciates your 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
Frankfort Regional Office
Division of Water

Enclosure:





MATTHEW G. BEVIN
GOVERNOR

CHARLES G. SNAVELY
SECRETARY

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

AARON B. KEATLEY
COMMISSIONER

300 SOWER BOULEVARD
FRANKFORT, KENTUCKY 40601

April 16, 2018

CERTIFIED MAIL No. 7017 0530 0000 5314 7023

Allen Artis
Marshall County Environmental Service
PO Box 431
Benton, KY 42324

Re: AI Name: Great Oaks Subd
AI No. 3041
Case No. DOW 170209
Activity No. ERF20170001
KPDES #: KY0080845
McCracken County

Dear Mr. Artis:

An Administrative Conference between the Great Oaks Subdivision and the Division of Enforcement is scheduled for May 9, 2018, beginning at 2:00 PM Eastern Time. The meeting will be held at the Division of Enforcement, 300 Sower Boulevard, Frankfort, Kentucky 40601. The purpose of the Administrative Conference will be to discuss the violations that were cited.

Please find the enclosed map to assist you in locating the conference. When you arrive at 300 Sower Boulevard, enter the front of the building and ask for Corey Craft. The Security Officer will contact me and I will escort you to the conference room. Since the Administrative Conference is informal, legal representation is not required. If you feel a legal representative is needed, please contact me at least five (5) working days prior to the meeting.

If you are unable to resolve your case in the Division of Enforcement, it may be necessary to refer your case for formal legal action. Should you have any questions regarding this correspondence, please contact me 502-782-6865 or Corey.Craft@ky.gov.

Respectfully,



Corey Craft
Environmental Enforcement Specialist
Division of Enforcement

Enclosure



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 #:** 270-205-1266
Inspection Type: WW Routine-Min Nmun **Activity #:** CIN20180002
Incident IDs: 2438864
Inspection Start Date: April 25, 2018 **Time:** 01:00 PM **End Date:** April 25, 2018 **Time:** 01:45 PM
Site/Permit ID: KY0080845

Lead DEP Investigator: Shannon McLeary
Other DEP Investigators:
External Investigators:
Persons Interviewed: Allen Artis

General Comments: This inspection was conducted as a follow up to assess the status of multiple ongoing issues at the plant. No operator was present upon arrival. A recent, but currently ceased, spill on the ground was noted around the access used for sampling on the effluent pipe. The spill had left black staining on the ground over a large area and appeared to go down the creek embankment. The spill appeared to have been an overflow of sewage from the plant through the discharge pipe and had not been reported to the Cabinet as required, nor did it appear that any clean-up efforts had taken place. The package plant was observed and a trickling of discharge was noted, although the plant is not to be discharging at this time. It was also noted that there is a horizontal offset between the top and bottom of an eroded area of the wall that separates the leaking tank from the aeration basin. There are concerns about the wall failing and a wooden brace has been placed in an attempt to relieve the pressure. A plate has been welded and angle iron added to the bottom of the failing tank in an attempt to repair the leaks. The entire contents of the package plant appear septic at this time. The bypass pump is functioning properly to allow the leaking tank to remain empty for repairs. The ditch behind the package plant is still gray in color and appears to be holding septic water. The area surrounding the plant still shows signs of holding septic water from the initial leaks. Solids from sewage are in multiple locations around the package plant, they appear to have been on the ground for an extended period of time and have not been properly disposed of by the operator.

Mr. Artis, owner and operator, arrived as I was leaving the plant. He stated that the spill from the effluent line was "groundwater and wasn't reported because it typically would have just gone out the outfall." I reiterated to him that all sewage spills that touch the ground are to be reported to the Cabinet.

Overall Compliance Status: Out of Compliance- NOV

Investigation Results

SI: AIOO3041

SI Description:

Inspector Comment:

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

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

Comment: A renewal application has been submitted. Permittee has failed to respond to a 15 day Notice of Deficiency at this time.

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: Allen Artis

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: Allen Artis

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

Compliance Status: D-Out of Compliance-Violations Documented

Comment: The facility is not being properly operated and maintained as required. Facility still has numerous O&M problems. Facility is actively working with DENF to enter into an interim Agreed Order. One of the tanks on the package plant is leaking. One wall is at risk of failing internally and had a patch of severe erosion. Beams inside the empty tank are buckled. The entire plant is septic.

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: D-Out of Compliance-Violations Documented

Comment: The facility has failed to properly maintain and / or operate the disinfection unit. 2 chlorine tablets are present.

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

Compliance Status: D-Out of Compliance-Violations Documented

Comment: Pollutants have entered and contributed to the pollution of the waters of the Commonwealth. Evidence of an unreported overflow going over the creek bank and into the stream. Overflow had ceased before arrival. Discharge was trickling at the time of inspection. Plant is septic. Facility is under and Abate and Alleviate Order and not to be discharging at this time.

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

Compliance Status: D-Out of Compliance-Violations Documented

Comment: The waters of the Commonwealth have been degraded. Evidence of an unreported overflow going over the creek bank and into the stream. Overflow had ceased before arrival. Discharge was trickling at the time of inspection. Plant is septic. Facility is under and Abate and Alleviate Order and not to be discharging at this time.

Requirement: Is the facility in compliance with the reporting requirements for spills, bypasses and other releases to the environment? [401 KAR 5:015 Section 2]

Compliance Status: V-Out of Compliance-NOV

Comment: The responsible party/permittee has failed to report a spill or discharge to the Division of Water as required. Evidence of an unreported overflow going over the creek bank and into the stream. Overflow had ceased before arrival. A large area around the effluent pipe was black from residual from the overflow. There was no evidence of an attempt to clean up the residual.

Documentation

Photos taken

Documents obtained from facility

Samples taken by outside source

Record of visual determination of opacity

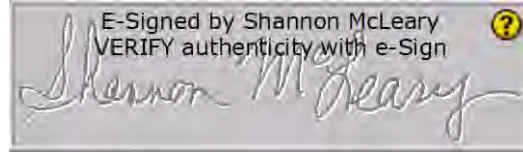
Samples taken by DEP

Regional office instrument readings taken

Request for Submission of Documents

Other documentation

Inspector:



Date: May 2, 2018

Received By: _____ Title: _____ Date: _____

Delivery Method: USPS

Certified Mail Number: 7014 0510 0002 3570 4128

Great Oaks Subd

April 16, 2018

Ben Allen

Shannon McLeary

Sewage standing around WWTP



Effluent Pipe. No discharge.



Effluent pipe

Sewage is flowing from under the treatment plant.



Water coming from tank. Evidence of attempt at previous repair.

Current leak



Repaired last week according to operator

Clairifier. Not receiving any flow due to leak.
Frozen bubbles at the top indicate septic conditions.



Tank with leak. Note difference in water level between sections.



Tank with leak. Note difference in water level between sections.



Holes in grate.



Aeration chamber



Aeration Chamber

Influent pipe



Looking back towards entrance from top of WWTP.



Looking down from WWTP



Looking down towards ditch that runs behind the plant. Ditch is receiving most of the flow from the leak.



Chlorine contact. Receiving no flow. Surface covered in frozen bubbles. Indicating possible septic conditions.



Dechlorination chamber. Receiving no flow at this time due to leak.



Ditch behind WWTP is gray in color.



Water on ground on the front side of the WWTP.



Septic water on the ground on front side of plant.



Great Oaks Subdivision

April 25, 2018

Shannon McLeary

Sewage still on ground from first spill



New spill near outfall



More residue left from new spill



Outfall pipe had a trickle of discharge at time of inspection.



Outfall pipe

Upstream view of stream from outfall pipe



Evidence where new spill had flowed over creek bank

Bank of creek



Pipe used for effluent sample collection. Mr. Artis stated this is where the overflow happened.



View of new spill from package plant steps



Location of previous leak that has been welded from inside the tank



Ditch behind the package plant.



Accumulated solids on the ground near the head of the plant.



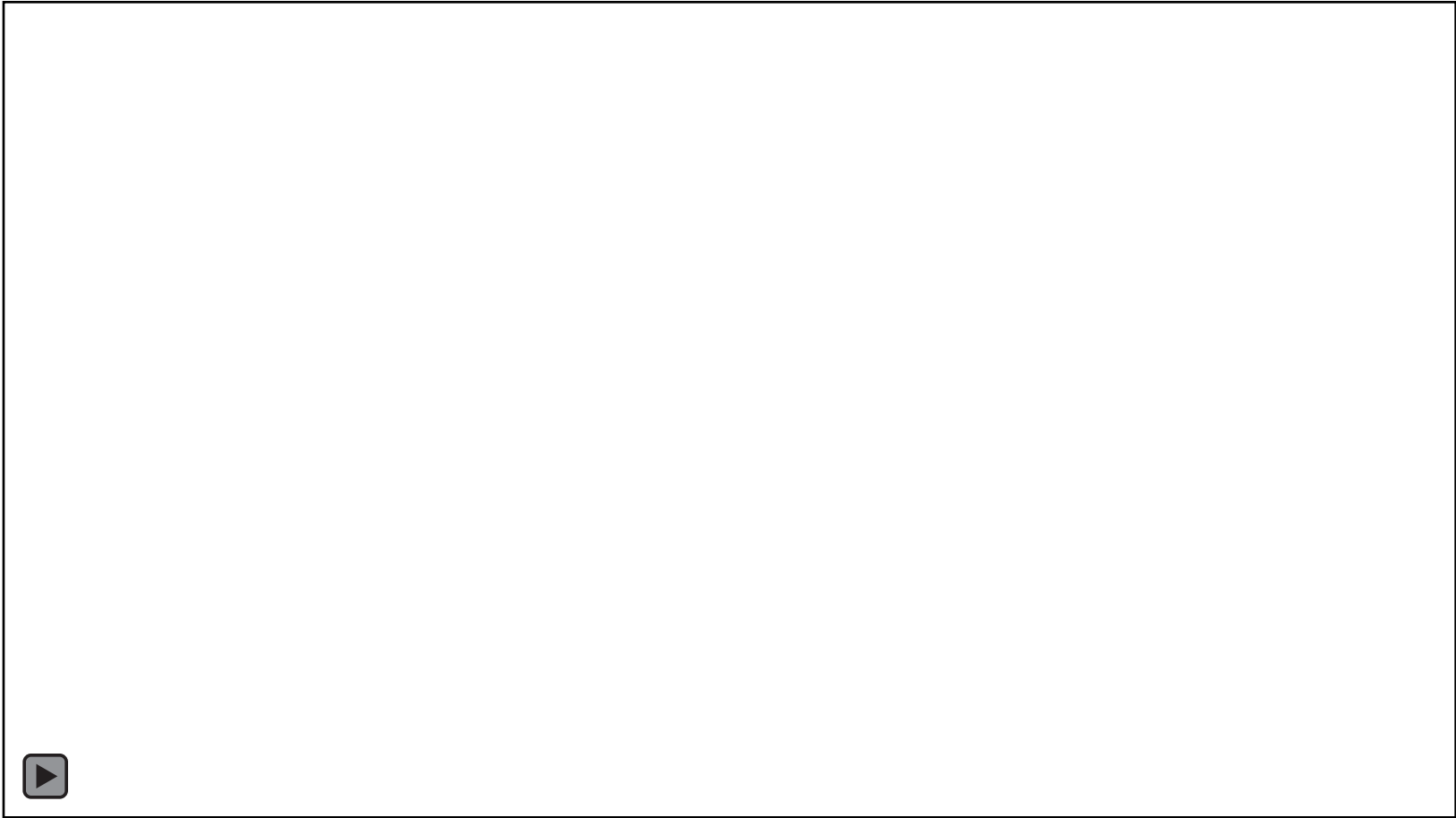
Clarifier



Discharge trough



Video. Discharge from plant is trickling.



Clarifier



Empty tank that had been leaking





Plate repair

Inside of leaking tank



Inside of leaking tank



Beam is bent

Inside of leaking tank



Beam is bent

Aeration basin. One side is being aerated.



End of Aeration Basin.



Wall between aeration and leaking tank. There is a horizontal offset between the top and bottom of eroded area.



Noticeable offset between
Top and bottom of
eroded area



Chlorine tablets in place



Bicycle and fire pit near outfall.



Great Oaks

April 27, 2018

by Allen, Benjamin (EEC)





Gravel from the road collapses is washing out below the culvert







Road Collapse is gotten bigger



Washed out area continues underneath the rest of the road











New Leaks from the tank can see welding line from the plate added to the inside







Support board is bowing due to stress
Constant flow into the
leaking tank



Bypass pump from
aeration basin to
clarifier was not
working



Water level in the aeration basin very high





Area surrounding the plant completely covered in water again



Water level in the
leaking tank





Clarifier
is septic





The dechlorinating tank is septic and water level is down















Great Oaks WWTP

April 30, 2018

by Allen, Benjamin (EEC)











































