

















Brocklyn Utilities LLC
Josiah Cox
500 Northwest Plaza Dr Ste 500
Saint Ann, MO 63074

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

NOTICE OF VIOLATION

To: Brocklyn Utilities LLC
Josiah Cox
500 Northwest Plaza Dr Ste 500

Saint Ann, MO 63074

AI Name: Brocklyn Utilities LLC **AI ID:** 2809 **Activity ID:** ENV20190001
County: Madison
Enforcement Case ID:
Date(s) Violation(s) Observed: 12/04/2019

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

- 1 Violation Description for Subject Item AIOO0000002809():
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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0081299, monitoring point 001-1, for Dissolved Oxygen. The permitted limit for Dissolved Oxygen is concentration min., greater than or equal to 7 mg/L. The facility reported the following: concentration min. 6.8 mg/L for October 2019.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

- 2 Violation Description for Subject Item AIOO0000002809():
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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0081299, monitoring point 001-1, for BOD. The permitted limit for BOD is concentration monthly avg., less than or equal to 10 mg/L. The facility reported the following: concentration monthly avg. 14 mg/L for August 2019.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

3 Violation Description for Subject Item AIOO0000002809():

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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0081299, monitoring point 001-1, for E. Coli. The permitted limit for E. Coli is concentration monthly avg., less than or equal to 130 CFU/100 mL; and concentration weekly avg., less than or equal to 240 CFU/100 mL. The facility reported the following: concentration monthly avg. 291 CFU/100 mL; and concentration weekly avg. 291 CFU/100 mL for October 2019.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [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 Sower Blvd
Frankfort, KY 40601
502-782-6859 (8:00 AM – 4:30 PM)

Issued By: _____



Michael B. Kroeger, Director
Date: December 19, 2019

Fox Run WWTP
Josiah Cox
500 Northwest Plaza Dr. Suite 500
St. Ann, MO 63074

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

NOTICE OF VIOLATION

To: Fox Run WWTP
Josiah Cox
500 Northwest Plaza Dr. Suite 500

St. Ann, MO 63074

AI Name: Fox Run WWTP **AI ID:** 1388 **Activity ID:** ENV20190003

County: Franklin

Enforcement Case ID:

Date(s) Violation(s) Observed: 09/27/2019, 12/04/2019

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

1 Violation Description for Subject Item AIOO0000001388():

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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0086967, monitoring point 001-1, for CBOD. The permitted limit for CBOD is loading monthly avg., less than or equal to 5 lbs/day; and loading weekly avg., less than or equal to 7.5 lbs/day. The facility reported the following: loading monthly avg. 9.453 lbs/day; and loading weekly avg. 9.453 lbs/day for November 2018.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

2 Violation Description for Subject Item AIOO0000001388():

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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0086967, monitoring point 001-1, for Total Suspended Solids. The permitted limit for Total Suspended Solids is loading monthly avg., less than or equal to 5 lbs/day; and loading weekly avg., less than or equal to 7.5 lbs/day. The facility reported the following: loading monthly avg. 10.84 lbs/day; and loading weekly avg. 10.84 lbs/day for December 2018.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

3 Violation Description for Subject Item AIOO0000001388():

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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0086967, monitoring point 001-1, for CBOD. The permitted limit for CBOD is loading monthly avg., less than or equal to 5 lbs/day. The facility reported the following: loading monthly avg. 6.017 lbs/day for October 2018.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

4 Violation Description for Subject Item AIOO0000001388():

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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0086967, monitoring point 001-1, for Total Suspended Solids. The permitted limit for Total Suspended Solids is loading monthly avg., less than or equal to 5 lbs/day. The facility reported the following: loading monthly avg. 7.09 lbs/day for November 2018.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

5 Violation Description for Subject Item AIOO0000001388():

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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0086967, monitoring point 001-1, for Total Residual Chlorine. The permitted limit for Total Residual Chlorine is concentration monthly avg., less than or equal to .011 mg/L; and concentration weekly avg., less than or equal to .019 mg/L. The facility reported the following: concentration monthly avg. .04 mg/L; and concentration weekly avg. .04 mg/L for March 2019.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

6 Violation Description for Subject Item AIOO0000001388():

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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0086967, monitoring point 001-1, for Total Ammonia Nitrogen (as N). The permitted limit for Total Ammonia Nitrogen (as N) is loading monthly avg., less than or equal to 1.67 lbs/day. The facility reported the following: loading monthly avg. 2.245 lbs/day for November 2018.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

7 Violation Description for Subject Item AIOO0000001388():

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 40 CFR 122.41(a), which cites to 401 KAR 5:065, Section 2(1), by failing to comply with the monitoring and reporting requirements specified in KPDES Permit No. KY0086967, during the April 2019 monitoring period, for the following monitoring point(s): 001-1.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

8 Violation Description for Subject Item AIOO0000001388():

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 40 CFR 122.41(a), which cites to 401 KAR 5:065, Section 2(1), by failing to comply with the monitoring and reporting requirements specified in KPDES Permit No. KY0086967, during the May 2019 monitoring period, for the following monitoring point(s): 001-1.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

9 Violation Description for Subject Item AIOO0000001388():

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 40 CFR 122.41(a), which cites to 401 KAR 5:065, Section 2(1), by failing to comply with the monitoring and reporting requirements specified in KPDES Permit No. KY0086967, during the June 2019 monitoring period, for the following monitoring point(s): 001-1.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

1 Violation Description for Subject Item AIOO0000001388():
0

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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0086967, monitoring point 001-1, for E. Coli. The permitted limit for E. Coli is concentration 30-day geometric avg., less than or equal to 130 MPN/100 mL; and concentration 7-day geometric, less than or equal to 240 MPN/100 mL. The facility reported the following: concentration 30-day geometric avg. 60000 MPN/100 mL; and concentration 7-day geometric 60000 MPN/100 mL for September 2019.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

1 Violation Description for Subject Item AIOO0000001388():
1

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 40 CFR 122.41(a), which cites to 401 KAR 5:065, Section 2(1), by failing to comply with the monitoring and reporting requirements specified in KPDES Permit No. KY0086967, during the July 2019 monitoring period, for the following monitoring point(s): 001-1.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

1 Violation Description for Subject Item AIOO0000001388():
2

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 40 CFR 122.41(a), which cites to 401 KAR 5:065, Section 2(1), by failing to comply with the monitoring and reporting requirements specified in KPDES Permit No. KY0086967, during the August 2019 monitoring period, for the following monitoring point(s): 001-1.

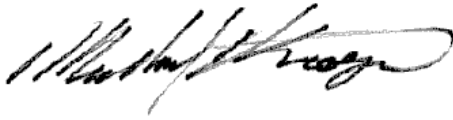
The remedial measure(s), and date(s) to be completed by are as follows:

The permittee shall comply with the terms and conditions of the KPDES Permit. [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 Sower Blvd
Frankfort, KY 40601
502-782-6859 (8:00 AM – 4:30 PM)



Issued By:

Michael B. Kroeger, Director
Date: December 18, 2019

Golden Acres WWTP
Josiah Cox
500 Northwest Plaza Dr Ste 500
Saint Ann, MO 63074

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

NOTICE OF VIOLATION

To: Golden Acres WWTP
Josiah Cox
500 Northwest Plaza Dr Ste 500
Saint Ann, MO 63074

AI Name: Golden Acres WWTP **AI ID:** 2935 **Activity ID:** ENV20190003
County: Marshall
Enforcement Case ID:
Date(s) Violation(s) Observed: 12/07/2019

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

- 1** Violation Description for Subject Item AIOO0000002935():
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 40 CFR 122.41(a), which cites to 401 KAR 5:065, Section 2(1), by failing to comply with the monitoring and reporting requirements specified in KPDES Permit No. KY0044164, during the September 2019 monitoring period, for the following monitoring point(s): 001-2.

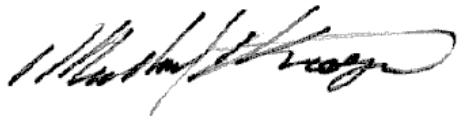
The remedial measure(s), and date(s) to be completed by are as follows:

The permittee shall comply with the terms and conditions of the KPDES Permit. [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 Sower Blvd
Frankfort, KY 40601
502-782-6859 (8:00 AM – 4:30 PM)



Issued By:

Michael B. Kroeger, Director
Date: December 19, 2019

Lake Columbia WWTP
Josiah Cox
500 Northwest Plaza Dr Ste 500
Saint Ann, MO 63074

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

NOTICE OF VIOLATION

To: Lake Columbia WWTP
Josiah Cox
500 Northwest Plaza Dr Ste 500

Saint Ann, MO 63074

AI Name: Lake Columbia WWTP **AI ID:** 458 **Activity ID:** ENV20190003

County: Bullitt

Enforcement Case ID:

Date(s) Violation(s) Observed: 12/04/2019

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

1 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 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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0077674, monitoring point 001-1, for Total Suspended Solids. The permitted limit for Total Suspended Solids is loading monthly avg., less than or equal to 3 lbs/day; and loading max. weekly avg., less than or equal to 4.5 lbs/day; and concentration monthly avg., less than or equal to 30 mg/L; and concentration max. weekly avg., less than or equal to 45 mg/L. The facility reported the following: loading monthly avg. 11.03 lbs/day; and loading max. weekly avg. 11.03 lbs/day; and concentration monthly avg. 88 mg/L; and concentration max. weekly avg. 88 mg/L for October 2019.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

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 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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply

with the terms and conditions of KPDES Permit No. KY0077674, monitoring point 001-1, for Total Ammonia Nitrogen (as N). The permitted limit for Total Ammonia Nitrogen (as N) is concentration monthly avg., less than or equal to 4 mg/L; and concentration max. weekly avg., less than or equal to 6 mg/L. The facility reported the following: concentration monthly avg. 7.8 mg/L; and concentration max. weekly avg. 7.8 mg/L for September 2019.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

3 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 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 40 CFR 122.41(a), which cites to 401 KAR 5:065, Section 2(1), by failing to comply with the monitoring and reporting requirements specified in KPDES Permit No. KY0077674, during the August 2019 monitoring period, for the following monitoring point(s): 001-1.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [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 Sower Blvd
Frankfort, KY 40601
502-782-6859 (8:00 AM – 4:30 PM)



Issued By:

Michael B. Kroeger, Director
Date: December 19, 2019

Great Oaks WWTP
Josiah Cox
500 Northwest Plaza Dr Ste 500

Saint Ann, MO 63074

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

NOTICE OF VIOLATION

To: Great Oaks WWTP
Josiah Cox
500 Northwest Plaza Dr Ste 500

Saint Ann, MO 63074

AI Name: Great Oaks WWTP **AI ID:** 3041 **Activity ID:** ENV20190006
County: McCracken
Enforcement Case ID:
Date(s) Violation(s) Observed: 09/27/2019

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

1 Violation Description for Subject Item AIOO0000003041():

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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0080845, monitoring point 001-1, for Total Ammonia Nitrogen (as N). The permitted limit for Total Ammonia Nitrogen (as N) is concentration 30-day avg., less than or equal to 10 mg/L; and concentration weekly avg., less than or equal to 15 mg/L. The facility reported the following: concentration 30-day avg. 18 mg/L; and concentration weekly avg. 18 mg/L for December 2018.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

2 Violation Description for Subject Item AIOO0000003041():

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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0080845, monitoring point 001-1, for Total Ammonia Nitrogen (as N). The permitted limit for Total Ammonia Nitrogen (as N) is concentration 30-day avg., less than or equal to 10 mg/L. The facility reported the following: concentration 30-day avg. 14 mg/L for January 2019.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

- 3 Violation Description for Subject Item AIOO0000003041():
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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0080845, monitoring point 001-1, for Total Residual Chlorine. The permitted limit for Total Residual Chlorine is concentration 30-day avg., less than or equal to .011 mg/L; and concentration weekly avg., less than or equal to .019 mg/L. The facility reported the following: concentration 30-day avg. .04 mg/L; and concentration weekly avg. .04 mg/L for January 2019.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

- 4 Violation Description for Subject Item AIOO0000003041():
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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0080845, monitoring point 001-1, for CBOD. The permitted limit for CBOD is loading 30-day avg., less than or equal to 5.84 lbs/day; and loading weekly avg., less than or equal to 8.76 lbs/day; and concentration 30-day avg., less than or equal to 10 mg/L; and concentration weekly avg., less than or equal to 15 mg/L. The facility reported the following: loading 30-day avg. 10 lbs/day; and loading weekly avg. 10 lbs/day; and concentration 30-day avg. 40 mg/L; and concentration weekly avg. 40 mg/L for January 2019.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

- 5 Violation Description for Subject Item AIOO0000003041():
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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0080845, monitoring point 001-1, for CBOD. The permitted limit for CBOD is concentration 30-day avg., less than or equal to 10 mg/L; and concentration weekly avg., less than or equal to 15 mg/L. The facility reported the following: concentration 30-day avg. 17 mg/L; and concentration weekly avg. 17 mg/L for December 2018.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

- 6 Violation Description for Subject Item AIOO0000003041():
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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0080845, monitoring point 001-1, for CBOD. The permitted limit for CBOD is loading 30-day avg., less than or equal to 5.84 lbs/day; and loading weekly avg., less than or equal to 8.76 lbs/day; and concentration 30-day avg., less than or equal to 10 mg/L; and concentration weekly avg., less than or equal to 15 mg/L. The facility reported the following: loading 30-day avg. 14.3 lbs/day; and loading weekly avg. 14.3 lbs/day; and concentration 30-day avg. 49 mg/L; and concentration weekly avg. 49 mg/L for March 2019.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

7 Violation Description for Subject Item AIOO0000003041():

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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0080845, monitoring point 001-1, for Total Residual Chlorine. The permitted limit for Total Residual Chlorine is concentration 30-day avg., less than or equal to .011 mg/L; and concentration weekly avg., less than or equal to .019 mg/L. The facility reported the following: concentration 30-day avg. .06 mg/L; and concentration weekly avg. .06 mg/L for March 2019.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

8 Violation Description for Subject Item AIOO0000003041():

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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0080845, monitoring point 001-1, for Total Residual Chlorine. The permitted limit for Total Residual Chlorine is concentration 30-day avg., less than or equal to .011 mg/L; and concentration weekly avg., less than or equal to .019 mg/L. The facility reported the following: concentration 30-day avg. .03 mg/L; and concentration weekly avg. .03 mg/L for October 2018.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

9 Violation Description for Subject Item AIOO0000003041():

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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0080845, monitoring point 001-1, for Total Suspended Solids. The permitted limit for Total Suspended Solids is concentration 30-day avg., less than or equal to 30 mg/L. The facility reported the following: concentration 30-day avg. 39 mg/L for November 2018.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

1 Violation Description for Subject Item AIOO0000003041():

0

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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0080845, monitoring point 001-1, for Total Suspended Solids. The permitted limit for Total Suspended Solids is concentration 30-day avg., less than or equal to 30 mg/L. The facility reported the following: concentration 30-day avg. 37 mg/L for January 2019.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

1 Violation Description for Subject Item AIOO0000003041():

1

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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0080845, monitoring point 001-1, for E. Coli. The permitted limit for E. Coli is concentration 30-day geometric avg., less than or equal to 130 MPN/100 mL; and concentration 7-day geometric, less than or equal to 240 MPN/100 mL. The facility reported the following: concentration 30-day geometric avg. 2420 MPN/100 mL; and concentration 7-day geometric 2420 MPN/100 mL for December 2018.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

1 Violation Description for Subject Item AIOO0000003041():

2

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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0080845, monitoring point 001-1, for E. Coli. The permitted limit for E. Coli is concentration 30-day geometric avg., less than or equal to 130 MPN/100 mL; and concentration 7-day geometric, less than or equal to 240 MPN/100 mL. The facility reported the following: concentration 30-day geometric avg. 2420 MPN/100 mL; and concentration 7-day geometric 2420 MPN/100 mL for March 2019.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

1 Violation Description for Subject Item AIOO0000003041():

3

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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0080845, monitoring point 001-1, for CBOD. The permitted limit for CBOD is loading 30-day avg., less than or equal to 5.84 lbs/day; and concentration 30-day avg., less than or equal to 10 mg/L; and concentration weekly avg., less than or equal to 15 mg/L. The facility reported the following: loading 30-day avg. 8.173 lbs/day; and concentration 30-day avg. 35 mg/L; and concentration weekly avg. 35 mg/L for November 2018.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

1 Violation Description for Subject Item AIOO0000003041():

4

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 40 CFR 122.41(a), which cites to 401 KAR 5:065, Section 2(1), by failing to comply with the monitoring and reporting requirements specified in KPDES Permit No. KY0080845, during the April 2019 monitoring period, for the following monitoring point(s): 001-1.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

1 Violation Description for Subject Item AIOO0000003041():

5

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 40 CFR 122.41(a), which cites to 401 KAR 5:065, Section 2(1), by failing to comply

with the monitoring and reporting requirements specified in KPDES Permit No. KY0080845, during the June 2019 monitoring period, for the following monitoring point(s): 001-1.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

1 Violation Description for Subject Item AIOO0000003041():
6

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 40 CFR 122.41(a), which cites to 401 KAR 5:065, Section 2(1), by failing to comply with the monitoring and reporting requirements specified in KPDES Permit No. KY0080845, during the May 2019 monitoring period, for the following monitoring point(s): 001-1.

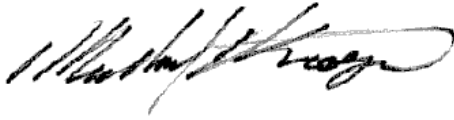
The remedial measure(s), and date(s) to be completed by are as follows:

The permittee shall comply with the terms and conditions of the KPDES Permit. [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 Sower Blvd
Frankfort, KY 40601
502-782-6859 (8:00 AM – 4:30 PM)



Issued By:

Michael B. Kroeger, Director
Date: December 19, 2019

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

AI ID: 2935 **AI Type:** SANI-Wastewater Treatment & Collection (2213)
AI Name: Golden Acres WWTP
AI Address: Golden Acres Loop

City: Sharpe, **State:** Kentucky **Zip:** 42025
County: Marshall **Regional Office:** Paducah Regional Office
Latitude: 36.972944 **Longitude:** -88.480861
Site Contact: Todd Teas
Title: Certified Operator **Phone #:** 270-564-8574
Inspection Type: WW CEI-Minor Non-Mun **Activity #:** CIN20200001
Incident IDs:
Inspection Start Date: February 11, 2020 **Time:** 01:30 PM **End Date:** February 11, 2020 **Time:** 03:00 PM
Site/Permit ID: KY0044164

Lead DEP Investigator: Jessie York
Other DEP Investigators:
External Investigators:
Persons Interviewed: Todd Teas

General Comments: This inspection was conducted to evaluate the facility's compliance with KPDES permit # KY0044164. This permit expired on January 31, 2020. An application to renew permit coverage has been submitted to the DOW and is currently under review. The facility's certified operator Todd Teas was present during the inspection.

This facility was acquired by Central States Water Resources on September 15, 2019. Since then they have repaired the blower motor and lift station. The aeration system was functioning properly at the time of this inspection. The MLSS concentration in the aeration basin and the sludge return appeared low. Chlorine tablets were in place. The discharge at outfall 001 appeared clear and free of any solids. No degradation was observed at the receiving stream which is an unnamed tributary to Clarks River.

Lab analysis certificates and chain of custodies were reviewed. Copies of DMRs shall be available for review. A Ground Water Protection Plan (GPP) was not available. 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.

January 2018 - December 2020 DMRs were reviewed. The permittee has failed to submit analytical data for the 1st, 2nd, and 3rd quarters of 2019. Multiple effluent limitation violations for DO, pH, TSS, ammonia, TRC, E. coli, and BOD were reported during that period.

This treatment plant is regularly inundated with water during heavy rain events. The high water mark indicates that water was recently 2.5' - 3' above the top of the package plant. Since the plant cannot operate properly under these conditions, all water discharges through outfall 001 either partially or untreated during these events. Sewage solids were observed on the ground around the plant. No notifications of treatment bypass have been reported to the DOW.

This facility is out of compliance with their KPDES permit. A Notice of Violation will be issued for the observed violations.

Overall Compliance Status: Out of Compliance- NOV

Investigation Results

SI: AIOO2935

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: KY0044164

This permit expired on January 31, 2020. An application to renew permit coverage has been submitted to the DOW.

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:

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: Todd Teas

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:

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: Lab analysis certificates and chain of custodies were available for review. Copies of DMRs shall be 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]

Compliance Status: V-Out of Compliance-NOV

Comment: A GPP has not been developed.

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

Compliance Status: D-Out of Compliance-Violations Documented

Comment: The facility has failed to submit monitoring results at intervals specified in the permit. January 2018 - December 2020 DMRs were reviewed. The permittee has failed to submit analytical data for the 1st, 2nd, and 3rd quarters of 2019.

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: N-Not Applicable

Comment:

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:

Requirement: Is the permittee in compliance for the reporting of spills, bypasses, and non-compliance according to 401 KAR 5:065 Section 2(1). [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 report spills, bypasses and/or non-compliance as required by 401 KAR 5:065 Section 2(1). This treatment plant is regularly inundated with water during heavy rain events. The high water mark indicates that water was recently 2.5' - 3' above the top of the package plant. Since the plant cannot operate properly under these conditions, all water discharges through outfall 001 either partially or untreated during these events.

Requirement: Is the permittee in compliance with immediate reporting requirements for emergency or accidental releases to the environment according to 401 KAR 5:065 Section 3(5)? [401 KAR 5:065 Section 3(5)]

Compliance Status: V-Out of Compliance-NOV

Comment: The permittee has failed to immediately report a spill or release of pollutants or contaminants, bypass, upset, or other event of non compliance that may present an imminent or substantial danger to the environment or the public health or welfare as required by 401 KAR 5:065 Section 3(5). This treatment plant is regularly inundated with water during heavy rain events. The high water mark indicates that water was recently 2.5' - 3' above the top of the package plant. Since the plant cannot operate properly under these conditions, all water discharges through outfall 001 either partially or untreated during these events.

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. This facility regularly experiences treatment bypasses during heavy rain events.

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

Compliance Status: V-Out of Compliance-NOV

Comment: January 2018 - December 2020 DMRs were reviewed. Multiple E. coli violations were reported during that period.

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:

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: Treatment plant is secure.

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: D-Out of Compliance-Violations Documented

Comment: The facility has failed to comply with the effluent limitations contained in the permit. January 2018 - December 2020 DMRs were reviewed. Multiple effluent limitation violations for DO, pH, TSS, ammonia, TRC, E. coli, and BOD were reported during that period.

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:

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: Microbac Laboratories conducts all sampling and analysis.

Requirement: Have samples been analyzed by a lab that has been certified according to 401 KAR 5:320? Are all field parameters collected by a lab or individual that holds a Field Only certification according to 401 KAR 5:320?. [401 KAR 5:320]

Compliance Status: C-No Violations observed

Comment: Microbac Laboratories

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

Compliance Status: C-No Violations observed

Comment: Discharge at outfall 001 was clear and free of any solids.

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

Compliance Status: C-No Violations observed

Comment: Discharge at outfall 001 was clear and free of any solids.

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.

Documentation

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

Inspector:

Date: **[Insert Signature Date Here]**

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

Delivery Method: Certified Mail
Certified Mail Number: 7014 0510 0002 3570 9956

Golden Acres Subd.

AI: 2935

KY0044164

by York, Jessie (EEC)

2/11/20



Influent bar screen



Solids have overflowed out of the plant.



Plant regularly overflows with heavy rain.

High water line



High water
line



Solids outside
plant



High water
line



Aeration chamber.
Good mixing. Low
MLSS concentration.



Sludge return has low
MLSS concentration.



Aeration chamber



Clarifier



Chlorine tablets



Contact chamber



Solids on the ground



High water
line



Solids on the ground around the plant.



New motor for aeration pump.



Outfall 001 appears clear.



Downstream of
outfall 001



Outfall 001



Downstream of outfall 001

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC PROPOSED ACQUISITION BY)	
BLUEGRASS WATER UTILITY OPERATING)	
COMPANY, LLC OF WASTEWATER SYSTEM)	CASE NO.
FACILITIES AND SUBSEQUENT TARIFFED)	2020-00028
SERVICE TO USERS PRESENTLY SERVED)	
BY THOSE FACILITIES)	

ORDER

On February 24, 2020, Bluegrass Water Utility Operating Company, LLC (Bluegrass Water) filed an application for any approvals necessary for the transfer of certain wastewater systems which are not subject to the Commission’s jurisdiction and provide service to those systems’ present users. The wastewater systems proposed to be acquired are Arcadia Pines Sewer Association, Inc. (Arcadia Pines), Carriage Park Neighborhood Association, Inc. (Carriage Park), Marshall Ridge Sewer Association, Inc. (Marshall Ridge), and Randview Septic Corporation (Randview). The wastewater systems proposed for acquisition provide wastewater services to approximately 160 users in areas of Graves and McCracken counties, Kentucky.¹

BACKGROUND

Bluegrass Water is a limited liability company with its principal place of business at 500 Northwest Plaza Drive, Suite 500, Saint Ann, Missouri 63074.² Bluegrass Water

¹ Verified Application at

² *Id.*

Utility Holding Company, LLC (Holding Company) is the member owner of Bluegrass Water.³ Kentucky Central States Water Resources, LLC (CSWR) is the member owner of Holding Company.⁴ First Round CSWR, LLC (First Round) and Central States Water Resources, Inc. (CSWR, Inc.) are affiliates of each other and sit atop the corporate structure (CSWR Group).⁵

By the Commission's August 14, 2019 Order in Case No. 2019-00104, Bluegrass Water was approved to own, control, operate, and manage eight wastewater systems.⁶ By October 1, 2019, Bluegrass Water had closed on all the approved transactions in Case No. 2019-00104, and has been operating all wastewater facilities acquired and providing service to customers since that time. By October 14, 2019, Bluegrass Water issued Adoption Notices for the filed tariffs of each of the transferring utilities in Case No. 2019-000104. With the acquisition of the eight wastewater systems, Bluegrass Water now serves approximately 1,300 wastewater customers in Bullitt, Franklin, Hardin, Madison, Marshall, McCracken, Scott, and Shelby counties. By the Commission's February 17, 2020 Order in Case No. 2019-000360, Bluegrass Water approved acquisition of the

³ Case No. 2019-00104, *The Proposed Acquisition by Bluegrass Water Utility Operating Company, LLC and the Transfer of Ownership and Control of Assets by: P.R. Wastewater Management, Inc.; Marshall County Environmental Services LLC; LH Treatment Company, LLC; Kingswood Development, Inc.; Airview Utilities, LLC; Brocklyn Utilities, LLC; Fox Run Utilities, LLC; and Lake Columbia Utilities, Inc.* (filed Apr. 16, 2019) at 3.

⁴ *Id.*

⁵ *Id.* at 3–4.

⁶ Case No. 2019-00104, *The Proposed Acquisition by Bluegrass Water Utility Operating Company, LLC and the Transfer of Ownership and Control of Assets by: P.R. Wastewater Management, Inc.; Marshall County Environmental Services LLC; LH Treatment Company, LLC; Kingswood Development, Inc.; Airview Utilities, LLC; Brocklyn Utilities, LLC; Fox Run Utilities, LLC; and Lake Columbia Utilities, Inc.* (Ky. PSC August 14, 2019).

assets of two sewer utilities and one water utility.⁷ With the acquisition of the two sewer utilities and the water utility, Bluegrass Water will serve another 700 customers in Calloway, McCracken, and Oldham counties.⁸

The Nonjurisdictional Wastewater Systems Proposed to be Acquired

Arcadia Pines is a nonstock, nonprofit corporation. Arcadia Pines was formed to use, operate, and maintain a wastewater disposal system to serve lots in the Arcadia Pines Subdivision in McCracken County.⁹ Arcadia Pines currently provides wastewater service to 25 lots.¹⁰ Title to the wastewater system facilities that Arcadia Pines operates and maintains is held by Heartland Manufactured Homes, LLC (Heartland).¹¹ Heartland is a member-managed company with its sole member, Tina L. Martin. Heartland was the developer of the Arcadia Pines Subdivision and owns the wastewater system facilities.¹² Heartland does not charge Arcadia Pines or the property owners/residents for use of or access to the system facilities.¹³ The Purchase District Health Department has oversight of the system's operation. Arcadia Pines operates the system, as well as bills and collects for the wastewater service provided.¹⁴ Charges and other terms for service by Arcadia

⁷ Case No. 2019-00360, *Electronic Proposed Acquisition by Bluegrass Water Utility Operating Company, LLC and the Transfer of Ownership and Control of Assets by Center Ridge Water District, Inc.; Joann Estates Utilities, Inc.; and River Bluffs, Inc.* (Ky. PSC Feb. 17, 2020).

⁸ *Id.*

⁹ Verified Application at 4.

¹⁰ *Id.* at 6.

¹¹ *Id.* at 5.

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.* at 6.

Pines are provided in its Bylaws. The service fee is a monthly assessment of \$25.00, the amount originally specified.¹⁵ Arcadia Pines bills and collects the monthly charges, and third-party contractors provide maintenance, repair, and other services for the system.¹⁶ Although the Bylaws provide for a \$500 tap-on fee, that fee has been waived to induce subdivision unit owners to tap into the system rather than construct septic drain fields.¹⁷ Interest is charged on delinquent accounts from the due date at 10 percent per annum.¹⁸

Carriage Park is a nonstock, nonprofit corporation, formed to use, operate, and maintain a wastewater disposal system to serve lots in the Carriage Park Subdivision in McCracken County.¹⁹ Carriage Park has also approved taps outside of the Carriage Park Subdivision to two lots immediately south of the Carriage Park Subdivision, and the owners of the lots are members of the Neighborhood Association.²⁰ The local Purchase District Health Department has oversight of the system's operation.²¹ Charges and other terms for Service by Carriage Park are provided in its Bylaws. The service fee is a monthly assessment of \$16.00, the amount originally specified. Interest is charged on delinquent accounts from the due date at 10 percent per annum. There is no charge specified in the Bylaws for being hooked up to the system.²² In February 2019, Carriage Park had 38

¹⁵ Verified Application at 5.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.* at 7.

²⁰ *Id.*

²¹ *Id.* at 8.

²² *Id.* at 7.

billed residential accounts.²³ For a fee, the West McCracken County Water District, which provides water service to the Carriage Park Subdivision, bills and collects the monthly charges for Carriage Park. Maintenance, repair, and other services for the system are provided by third-party contractors.²⁴

Marshall Ridge is a nonstock, nonprofit corporation. Marshall Ridge was formed to use, operate, and maintain a wastewater disposal system to serve lots in the Marshall Ridge Subdivision in McCracken County. Charges and terms of service by Marshall Ridge are provided in its Bylaws. The service fee is a monthly assessment of \$15.00, the amount originally specified. The Bylaws provide for a \$500 tap-on fee and for interest to be charged on delinquent accounts from the due date at 10 percent per annum.²⁵ In February 2019, there were 40 billed residential accounts using the Marshall Ridge system.²⁶ The local Purchase District Health Department has oversight of the system's operation. For a fee, Paducah Water Works, which provides water service to the Marshall Ridge Subdivision, bills and collects the monthly charge for Marshall Ridge. Maintenance, repair, and other services for the system are provided by third-party contractors.²⁷

Randview is a nonprofit corporation, formed to own and operate a wastewater system for owners of lots in the Randview Subdivision in Graves County. Membership in Randview is limited to owners of lots in the Randview Subdivision that are tapped into the

²³ Verified Application at 8.

²⁴ *Id.*

²⁵ *Id.* at 9.

²⁶ *Id.* at 10.

²⁷ *Id.*

system.²⁸ Charges and other terms of service by Randview are provided in a Septic Effluent Agreement between Randview and the owner of each served lot. Although service by Randview is available only to properties within the Randview Subdivision, not every lot in the Randview Subdivision is connected to or served by the system. Some lots in the Randview Subdivision have individual septic systems (tank and drainfield) and others are served by the city of Mayfield. The system serves most of the platted lots in the Randview Subdivision. Each of the lots served must have its own septic tank and discharge only tank effluent into the Randview system.²⁹ In February 2020, there are 55 customer properties on the system: one commercial property (a church), 52 one-tap residential properties, and two two-tap residential properties. The baseline charge is a fixed fee of \$25.00 per month per tap, and the corporate by-laws permit interest at 10 percent per annum to be charged from the due date on delinquent accounts for past service. The connection fee is \$950 for all properties except a duplex, for which the fee is \$1,500.³⁰ Administration of the system is provided by the Randview Subdivision developer, Greenwood Acres, which arranges for third-party billing and collection, maintenance, repair, and other services for the system. The Graves County Health Department has oversight of the system's operation.³¹

²⁸ Verified Application at 10.

²⁹ *Id.* at 11.

³⁰ *Id.*

³¹ *Id.* at 11–12.

The Transaction

Bluegrass Water has executed a sales agreement (Agreement) with each system's facilities owner designating the buyer as CSWR, Inc., or its affiliate. CSWR, Inc. has designated Bluegrass Water, its affiliate, as the buyer for each Agreement. Each Agreement provides for the sale of all of the assets pertaining to operation of the respective wastewater system.³² The sale includes all assets used or useful to operate the system, including real property interests, service machinery and equipment, other tangible fixtures or personality, franchises, contract rights, accounts receivable, and other intangibles.³³ Assets expressly excluded from the transfer are cash and banking deposits prior to the Closing.³⁴ This exclusion applies to any escrow or other depository accounts that are maintained for each system. Finally, upon the closing of the transactions, the Agreements provide for Bluegrass Water to become responsible at the closing of the transactions for all assets from that point forward.³⁵

Bluegrass Water's acquisition of each system's assets will be funded with equity capital from its affiliate CSWR, LLC. Bluegrass Water plans to fund the work to repair and improve the acquired systems with debt financing, including long-term loans which Bluegrass Water has access to through CSWR, LLC. Over time, this borrowed funding will balance the equity funding to achieve the planned 50-50 capital structure that has been developed for Bluegrass Water.³⁶

³² Verified Application at 14.

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.* at 15.

From and after the closing of the transactions of each system, Bluegrass Water will provide service in accordance with its current sewer tariff on file with the Commission with a sheet specific to each system providing for the monthly recurring monthly rates now charged to its users.³⁷ Over time, Bluegrass Water will integrate the four systems proposed to be acquired in the instant case with others operated by Bluegrass Water in Kentucky so that regulatory and technical standards are met on a uniform basis, and customers will be served under a unified tariff.

The day-to-day operations, billing, and customer service functions are to be provided by third-party contractors for Bluegrass Water's systems.

The systems will be operated by a third-party operations and maintenance firm engaged by Bluegrass Water. In Bluegrass Water's other Kentucky systems, that firm is Midwest Water Operations, LLC (Midwest Water). It is anticipated that Midwest Water will be the entity to provide operations and maintenance service for the systems proposed to be acquired in the instant case. Midwest Water has knowledgeable and experienced personnel who carry the necessary state licenses and has insurance coverage necessary to manage the daily wastewater operations of the systems. In addition to the service obligations during normal business hours, Midwest Water will be required to have a 24-hour emergency service line on which customers may report any service disruption with notice of service disruption calls to be forwarded to Josiah Cox, the president of Central States, Inc.

A third-party firm engaged by Bluegrass Water will send out bills and handle service-related billing questions for the acquired systems. In Bluegrass Water's other

³⁷ Verified Application at 15.

Kentucky systems, that firm is Nitor Billing Services, LLC (Nitor Billing Services). It is anticipated that Nitor Billing Services will have this role for the systems proposed to be acquired in the instant case. Nitor Billing Services has in place an online billing system to receive credit cards and e-checks from customers and a Bluegrass Water specific customer service email account to handle customer inquiries and other interactions. The customer service representatives are to be available during normal business hours and to take messages 24 hours a day.³⁸

Bluegrass Water will maintain a toll-free number and a website that contains a summary of customers' rights, tariffs, or links to the tariffs for each system; contact information for emergencies during regular and after-hours to report service issues; links to any tariffs filed in the future with the Commission; and links to Bluegrass Water's systems' maps on the Kentucky Infrastructure Authority Wastewater Mapping website. Bluegrass Water's arrangements will ensure continuity of service to current customers of the four systems and that future customers are provided with a quality of service equal to or better than that currently being provided. These arrangements include implementation of computerized maintenance management system for utility facilities, online bill-pay options, up-to-date website bulletins about current service status, and service initiation/discontinuance procedures.³⁹

CSWR, Inc. will be responsible for all management, financial reporting, underground facility safety and locations services, Commission and environmental regulatory reporting and management, record keeping, and final customer dispute

³⁸ Verified Application at 16.

³⁹ *Id.*

management. Proportional costs for those services will be allocated to Bluegrass Water, which will be considered as one utility, using the Massachusetts Formula.⁴⁰

DISCUSSION

Bluegrass Water argues that Commission approval is not necessary for the proposed asset acquisitions of the wastewater systems and its service to the systems' customers, with the exception of accommodating revisions to Bluegrass Water's tariff for the initial rates to be charged on the systems. Bluegrass Water goes on to state that, even if other Commission approvals or authorizations were necessary, the proposed acquisitions and continued service by Bluegrass Water meets relevant standards.

Argument that Commission Approval is Not Required Pursuant to Chapter 278

Bluegrass Water asserts that the "transfer" and "certificate" requirements of KRS 278.020(6) – (8) are inapplicable to the proposed transactions because the transactions do not involve "utility" facilities or entities within the meaning of KRS 278.010(3). Bluegrass Water states that KRS 278.020(6) – (8) require prior Commission approval for transfer or acquisition of ownership or control of utility assets or of a utility itself. Bluegrass Water states that the word "utility" is defined for purposes of Chapter 278 in KRS 278.010(3). Bluegrass Water asserts that, regardless of the type of service provided, a "utility" provides the service "for the public, for compensation." Therefore, the systems to be acquired in the instant case are not utilities within the meaning of KRS 278.010(3).⁴¹

Bluegrass Water also notes that the Commission has previously found that the transfer and acquisition provisions of KRS 278.020 do not apply when a jurisdictional

⁴⁰ Verified Application at 16-17.

⁴¹ *Id.* at 18

utility acquires facilities from a non-jurisdictional service provider, and the jurisdictional utility continues the service provided by the non-jurisdictional service providers. Therefore, with “no statutory requirement or authority for Commission approval of the transfer of ownership of [non-utilities’] wastewater assets”⁴² to a utility, the standards of KRS 278.020(6) – (8) do not apply in the instant case.

Bluegrass Water asserts that a certificate of public convenience or necessity pursuant to KRS 278.020(1) is not required in the instant case because KRS 278.020(1) does not apply to a utility that has already “commence[d] providing utility service” in Kentucky and is not seeking to construct anything.⁴³ Bluegrass Water states that the provision currently codified as KRS 278.020(6) has long governed transfers of existing utility-service assets and that the more recent provisions of KRS 278.020(7) and (8) were added to give the Commission jurisdiction over transactions in which ownership or control of the utility itself was changing hands. Bluegrass Water states that the approval of a transfer by the Commission under KRS 278.020 (7) and (8) has not also included grant of a KRS 278.020(1)(a) certificate of public convenience or necessity.⁴⁴ Bluegrass Water asserts that this is due to the acquirer adding to its assets or expanding its service territory. Bluegrass Water also asserts that in the case of existing assets and service, the requirements of KRS 278.020(1)(a) are also superfluous because the public convenience and necessity are demonstrated by the continued use of a service already provided.

⁴² Verified Application at 23, *quoting*, Case No. 2005-00206, *The Verified Joint Application of the City of Owenton and Kentucky-American Water Company for Approval of the Transfer of the Ownership of Water- and Wastewater-Related Assets of the City of Owenton to Kentucky-American Water Company* (Ky. PSC July 22, 2005) at 3.

⁴³ *Id.* at 22.

⁴⁴ *Id.* at 24.

Finally, Bluegrass Water asserts that no other requirement pursuant to KRS 278.020 is applicable in the instant case.⁴⁵

Bluegrass Water states that KRS 278.020(3) and (10) requirements apply only if a construction certification or approval is needed for a transfer or acquisition. Neither approval of a transfer or acquisition nor a certificate of public convenience and necessity is required in this case and, thus, the standards in KRS 278.020(3) and (10) are inapplicable.

Bluegrass Water states that the requirement pursuant to KRS 278.020(5) of a certificate of convenience and necessity from the Commission in order to apply for or obtain “any franchise, license, or permit from any city or other governmental agency” is also inapplicable. Bluegrass Water states that no municipal franchise is involved for the systems acquired, and that the permit for each system was obtained from the respective local health agency or authority at the time each system was constructed. In addition, the required showing regarding demand and need is “for the service sought to be rendered.” Here, the service is already being rendered and the continued demand and need for the service is shown by the past and continuing use of the systems.

KRS 278.020(6) and 278.020(7) require prior Commission approval of the transfer or control of any “utility.” None of the wastewater systems to be transferred in this case are “utilities” subject to the Commission’s jurisdiction as that term is defined in KRS 278.010(3). The systems to be acquired are not, and have not been, registered with the Commission as wastewater utilities. Furthermore, based on the evidence of record, the systems to be acquired do not meet the definition of a utility because they do not provide

⁴⁵ Verified Application at 24-25.

“the collection, transmission, or treatment of sewage for the public”⁴⁶ All of the systems to be acquired provide service to a specific subdivision and receipt of service is predicated upon living within that specific subdivision. The Commission has held that such systems are not public utilities subject to the Commission’s jurisdiction.⁴⁷ The Commission finds, therefore, that neither KRS 278.020(6) nor KRS 278.020(7) are applicable to the proposed transaction.

The Commission acknowledges that it had previously determined that a jurisdictional utility’s acquisition of a non-jurisdictional utility does not require Commission approval. For example, in Case No. 2005-00206⁴⁸, the Commission found that Kentucky-American Water Company’s (Kentucky-American) acquisition of a municipal water utility did not require Commission approval because the municipal’s facilities were not a utility as defined under KRS 278.010. We, however, part ways with this precedent as discussed below.

KRS 278.010(1)(a) provides, in part, that, “[n]o person, partnership, public or private corporation, or combination thereof shall commence providing utility service to or for the public . . . until that person has obtained from the Public Service Commission a certificate that public convenience and necessity require the service or construction.” The

⁴⁶ KRS 278.010(3)(f).

⁴⁷ See, Case No. 2020-00013, *Removal of Bush Gardens Enterprises, LLC from Public Service Commission Jurisdiction* (Ky. PSC Jan. 24, 2020); Case No. 1999-00515, *Application of Huntington Woods Neighborhood Association, Inc., for Transfer of Ownership of the Sewage Treatment Plant Owned by John and Marlene Fehsal Located in Huntington Woods Subdivision* (Ky. PSC June 14, 2000); and Case No. 2003-00360, *Petition of Doe Valley Utilities, Inc. for Determination as to Jurisdictional Status of Doe Valley Utilities, Inc. and Additional or Alternative Determinations* (Ky. PSC May 19, 2004).

⁴⁸ Case No. 2005-00206, *The Verified Joint Application of the City of Owenton and Kentucky-American Water Company for Approval of the Transfer of the Ownership of Water- and Wastewater-Related Assets of the City of Owenton to Kentucky-American Water Company* (Ky. PSC July 22, 2005).

systems that Bluegrass Water proposes to acquire are not utilities, and thus do not provide utility service as defined in KRS 278.010, but upon approval of this transaction, those non-utilities will be providing utility service “to or for the public.” Even though the acquired systems will technically be part of Bluegrass Water, upon closing of the proposed transaction, those entities will commence providing utility service, to or for the public, at their original rates, with the rates that they were charging before being acquired by Bluegrass Water. Eventually Bluegrass Water will likely seek a unified rate, however, upon acquisition, Arcadia Pines, Carriage Park, Marshall Ridge, and Randview will have separate rates and separate systems, and will be providing service to or for the public for compensation. As such, Commission approval in the form of a certificate of public convenience and necessity is required prior to their acquisition by Bluegrass Water.

Requiring approval under KRS 278.020(1)(a) ensures that the Commission discharges its statutory duty to ensure that the acquiring utility’s ability to provide adequate service at fair, just, and reasonable rates is not impaired. The Commission “is charged with responsibility, and vested with the power, to see that the service of public utilities is adequate. . . .”⁴⁹ Insofar as the acquisition of a non-utility’s system may impact a jurisdictional utility’s ability to provide adequate and reasonable service, either to customers of the system to be acquired or the customers of the acquiring utility, it follows that the Commission has such authority to prevent such an acquisition and its approval for such an acquisition is required. The Commission finds that the plain reading of KRS 278.020 supports and requires such a determination.

⁴⁹ *Pub. Serv. Comm’n v. Southgate*, 268 S.W. 19, 21 (Ky. 1954).

This interpretation of KRS 278.020 finds additional support in case law. In *Southgate* the Kentucky Supreme Court concluded that the Commission had the implied authority to review a utility's acquisition of a municipal utility. The Kentucky Supreme Court subsequently described its decision in *Southgate* as such:

In *Public Service Commission v. Cities of Southgate and Highland Heights*, 268 S.W.2d 19 (Ky.1954), this Court concluded that the PSC's power included not only powers expressly provided by statute but could also encompass powers necessarily implied to take action to meet its statutory duties. Specifically, in that case this Court concluded that the PSC had the implied power to approve or disapprove a utility systems sale, despite the lack of express statutory authority to do so, because of the PSC's general statutory authority under KRS 278.040 to regulate utility service.⁵⁰

The Commission's reading of KRS 278.020(1)(a) to require Commission approval of a utility's acquisition of a nonjurisdictional utility's system is consistent with the Commission's implied powers.

The Commission acknowledges that this decision is a departure from previous decisions of the Commission in which the Commission concluded that KRS 278.020 does not apply to a utility's acquisition of a municipal utility system, and neither was Commission approval necessary. However, those decisions rested upon a flawed reading of KRS 278.020 and an incorrect rejection of the Commission's plenary powers in general to ensure that utilities provide adequate and reasonable service at fair, just, and reasonable rates. The Commission's previous decision to not enforce KRS 278.020(1)(a) to certain acquisitions is not a bar to the Commission altering its

⁵⁰ *Kentucky Public Service Com'n v. Commonwealth ex rel. Conway*, 324 S.W.3d 373, 380 (Ky. 2010).

interpretation of KRS 278.020 and the Commission will hereafter require its approval before a utility may acquire the system of a nonjurisdictional utility.⁵¹

We find, however, that Bluegrass Water's acquisition of Arcadia Pines, Carriage Park, Marshall Ridge, and Randview should be approved. Bluegrass Water has provided sufficient information regarding the state of each of the systems it seeks to acquire, including the known problems with the system, the actions necessary to repair the systems, and adequate financial information. The evidence of record supports the Commission's decision that the acquisition of Arcadia Pines, Carriage Park, Marshall Ridge, and Randview will not impair Bluegrass Water's ability to provide reasonable and adequate service, to either those customers no Bluegrass' current customers.⁵²

We further find that KRS 278.300(1) is not applicable to the transactions proposed in the Application. Bluegrass Water is not issuing any new evidences of indebtedness to

⁵¹ The Commission is not required to continue with a flawed interpretation of its statutes or powers. See, *N.L.R.B. v. Baltimore Transit Co.*, 140 F.2d 51, 54-55 (4th Cir. 1944) (stating: "Whatever may be the effect of quasi-judicial determinations of administrative agencies (*Cf. Arizona Grocery Co. v. Atchison, etc., R. Co.*, 284 U.S. 370, 389, 52 S.Ct. 183, 76 L.Ed. 348), it is well settled that the principle of res adjudicata has no application to their exercise of other powers. 30 Am.Jur. p. 930; *Pearson v. Williams*, 202 U.S. 281, 26 S.Ct. 608, 50 L.Ed. 1029; *Tagg Bros. & Moorehead v. United States*, 280 U.S. 420, 445, 50 S.Ct. 220, 74 L.Ed. 524; *State Corp. Comm. v. Wichita Gas Co.*, 290 U.S. 561, 569, 54 S.Ct. 321, 78 L.Ed. 500; *St. Joseph Stock Yards Co. v. United States*, 298 U.S. 38, 64, 56 S.Ct. 720, 80 L.Ed. 1033. An administrative agency, charged with the protection of the public interest, is certainly not precluded from taking appropriate action to that end because of mistaken action on its part in the past. *Cf. Federal Communications Commission v. Pottsville Broadcasting Co.*, 309 U.S. 134, 145, 60 S.Ct. 437, 84 L.Ed. 656; *Houghton v. Payne*, 194 U.S. 88, 100, 24 S.Ct. 590, 48 L.Ed. 888. Nor can the principles of equitable estoppel be applied to deprive the public of the protection of a statute because of mistaken action or lack of action on the part of public officials. *United States v. San Francisco*, 310 U.S. 16, 32, 60 S.Ct. 749, 84 L.Ed. 1050; *Utah Power & Light Co. v. United States*, 243 U.S. 389, 409, 37 S.Ct. 387, 61 L.Ed. 791; *United States v. City of Greenville*, 4 Cir., 118 F.2d 963, 966."

⁵² A utility cannot change an established practice or precedent without explanation. See *GTE v. Revenue Cabinet*, 889 S.W.2d 788, 792 (Ky. 1994) ("This Court has held that interpretation of a statute made by an administrative agency, once made and applied over a long period of time, cannot be unilaterally revoked by the agency."); *Hagan v. Farris*, 807 S.W.2d 488, 490 (Ky. 1991). The Commission has adequately explained in this Order its reasons for deviating from past practices. Furthermore, to the extent that this new interpretation is applied to the instant proceeding, the Commission notes that the Applicants suffer no prejudice because the Commission is granting the relief requested in the Application.

acquire Arcadia Pines, Carriage Park, Marshall Ridge, or Randview, nor is Bluegrass Water assuming any obligations associated with any of the systems. As the Agreements make no provision for the purchase amount to be paid over an extended period of time, it does not constitute an evidence of indebtedness. KRS 278.300(1) does not require prior Commission review or approval of the proposed transaction. As no statutory requirement or authority for Commission approval of the transfer of ownership of the wastewater assets of Arcadia Pines, Carriage Park, Marshall Ridge, or Randview exists, we find that the portion of the Application requesting Commission approval is moot.

Approval for Tariff Revisions to Bluegrass Water's Tariff

Due to the transferors not having tariffs on file with the Commission which could be adopted by Bluegrass Water, Bluegrass Water proposes revisions to its existing tariff to establish rates for the systems proposed to be acquired when the transactions have closed. The proposed new sheets for Bluegrass Water's tariff will set initial rates for customers in the acquired systems' service areas at the existing levels established for each acquired system.⁵³ Bluegrass Water asserts that the proposed rates and other terms of service meet the criteria of KRS 278.030. The general terms and conditions in Bluegrass Water's tariff are uniform for all its systems, and were subject to Commission review before becoming effective November 20, 2019. The Bluegrass Water wastewater tariff does not have unified rates for the monthly flat service fee and instead charges customers on the respective systems at the applicable pre-acquisition rate per month.

Bluegrass Water is proposing the same for the service fees to customers on the systems in the instant case. Bluegrass Water argues that in comparing the rate schedules

⁵³ Verified Application at 19.

in Bluegrass Water’s filed tariff, the proposed recurring rates for the four systems are “fair, just, and reasonable” in accordance with KRS 278.030(1) because (a) the filed tariff rates are set at the level in the tariff of the respective transferor utility as of the date of the acquisition, (b) those rates had been subject to Commission review, and (c) the lowest flat fee currently tariffed for Bluegrass Water’s existing systems is \$28.84 per month, which is higher than the existing \$15 to \$25 charge per month for the four systems proposed to be acquired.⁵⁴ Bluegrass Water goes on to assert the following as indicative that the recurring per month flat fees proposed for the acquired systems are fair, just, and reasonable: (1) the existing rate was established by a non-profit corporation and has been paid by users who are also members of the non-profit; (2) the proposed flat fee for each system is substantially lower than the initial rate approved in a recent case in which the Commission established initial rates for a small wastewater utility⁵⁵ and the tariffed rates for other systems with a small number of users; (3) standing alone, the fixed charge by Bluegrass Water’s third-party contractor for operations and maintenance service of \$4,133 per plant site per month would yield a range of per-user monthly charges from \$165.32 for the 25 customers in the Arcadia Pines system to \$75.15 for the 55 customers of the Randview system.

The Bluegrass Water wastewater tariff is also not unified regarding late payment fee, connection fees, or tap-on charges. Instead, Bluegrass Water charges customers on those systems it has acquired any applicable pre-acquisition rate, which Bluegrass

⁵⁴ Verified Application at 19–20.

⁵⁵ Bluegrass Water references Case No. 2015-00306, *Application of Bush Gardens Enterprises, LLC for Approval of Initial Sewer Rates Pursuant to the Alternative Rate Filing Procedures for Small Utilities and Tariff* (Ky. PSC Mar. 24, 2016) in which the Commission established an initial monthly flat rate of \$123.65.

Water proposes to do in the instant case. The nonrecurring rate for a late payment charge (10 percent per annum) on the four systems is equivalent to the late payment charge in Bluegrass Water tariffed rates for its existing systems.⁵⁶ In addition, the existing and proposed nonrecurring rates for tap-on charges are similar to the charges for new taps, reconNECTIONS, and terminations for Bluegrass Water’s existing systems.⁵⁷ The rates proposed are also uniform throughout the respective area and are available to all users or provide “suitable and reasonable classifications of its service, patrons and rates” in accordance with KRS 278.030(3). There is no data source for preparing a full rate application or alternate rate filing to establish initial tariffed rates for customers on these systems. The current owners and operators of the systems are not among the KRS 278.010(3) “utilities” regulated by the Commission and neither report operations, expense, or revenue data to the Commission on a regular basis nor keep their books in accordance with the Uniform System of Accounts applicable to public utilities. As a result, Bluegrass Water does not have years of data from its own operation of the system in requesting to set initial rates. The proposed tariff revisions would go into effect simultaneously with the closing on the wastewater service facilities, so there is no gap in service or tariff coverage for the affected users.

The proposed changes in Bluegrass Water’s tariff do not affect its existing customers’ rates or other terms of service. As a part of its plan to integrate its Kentucky systems, Bluegrass Water anticipates that by mid-2021 it will be filing proposed revisions and adjustments to establish a unified tariff with uniform rates through its service area.

⁵⁶ Verified Application at 20.

⁵⁷ *Id.*

Bluegrass Water advises that it will file for a general rate adjustment of the rates for the four subject systems – individually, as a group, or as part of a wider adjustment – within 15 months of the last acquisition closing on the Arcadia Pines, Carriage Park, Marshall Ridge, and Randview facilities, when Bluegrass Water will have a full year of data from owning and operating those systems.

The Commission finds that the proposed initial rates for the acquired systems will be fair, just, and reasonable and should be approved. We base this finding on a variety of factors, notably that the rates are currently being charged to the systems' customers and that the rates are lower than any existing rates for Bluegrass Water's current customers. We also accept these rates based upon Bluegrass Water's assertion that it will file in mid-2021 for a unified rate for its various systems.

In Case No. 2019-00104 and Case No. 2019-00360, the Commission imposed certain conditions on Bluegrass Water regarding its acquisition of jurisdictional utilities. Many of those conditions are not applicable to the current proposed transactions because the systems to be acquired are not currently under the Commission's jurisdiction. However, upon closing of the transactions, the systems will be jurisdictional to the Commission due to their ownership by Bluegrass Water. The Commission finds that it should impose the post-closing requirements as discussed below.

Several of the engineering reports noted that significant improvements were necessary to the plants to be acquired. Accordingly, the Commission will require that, one month after the closing of the transactions, Bluegrass Water file a report listing discharge quality, number of service interruptions, employee or contractor response times, and Division of Water (DOW) or other applicable regulatory agencies violations or

citations for the preceding month. This will serve as a baseline against which to judge improvements to the systems. Bluegrass Water shall also file, at six months and one year after the closing of the transaction, a report listing discharge quality, number of service interruptions, employee or contractor response times, and DOW or other violations or citations for the preceding year. This will allow the Commission to review the anticipated progress that Bluegrass Water has made in improving quality in the systems.

In addition to the reports above, we will also require Bluegrass Water to maintain its records in such a way as to be able to readily distinguish between violations, repairs, investments, etc., for each system. This will allow review of Bluegrass Water's practices and will assist the Commission in determining how Bluegrass Water has used its resources in the operation and management of various systems as well as the reasonableness of the expenses and practices in any future ratemaking proceeding.

We also find that the imposition of the following post-closing conditions is necessary to ensure that the proposed transaction is in the public interest. Pursuant to KRS 278.020, Bluegrass Water shall not begin the construction of any plant, equipment, property, or facility for furnishing water or wastewater services to the public, except ordinary extensions of existing systems in the usual course of business, until Bluegrass Water has obtained a Certificate of Public Convenience and Necessity from the Commission.

Pursuant to KRS 278.300, Bluegrass Water shall not issue any securities or evidences of indebtedness, or assume any obligation or liability in respect to the securities

or evidences of indebtedness of any other person, until Bluegrass Water has been authorized to do so by an Order of the Commission.

IT IS THEREFORE ORDERED that:

1. Pursuant to KRS 278.020(1)(a), Arcadia Pines, Carriage Park, Marshall Ridge, and Randview are granted a Certificate of Public Convenience and Necessity to provide utility service to and for the public.

2. Bluegrass Water's Application of Commission approval of acquisition of certain wastewater systems is granted.

3. The initial rates proposed by Bluegrass Water are approved.

4. Within ten days of completion of the transfer of Arcadia Pines, Carriage Park, Marshall Ridge, and Randview to Bluegrass Water, Bluegrass Water shall notify the Commission in writing of the date that each transfer occurred.

5. One month after the closing of the transaction, Bluegrass Water shall file for each of the acquired systems a report listing discharge quality, number of service interruptions, employee or contractor response times, and any violations or citations for the preceding month.

6. Six months after the closing of the transaction, Bluegrass Water shall file for each of the acquired systems a report listing discharge quality, number of service interruptions, employee or contractor response times, and any violations or citations for the preceding month.

7. One year after the closing of the transaction, Bluegrass Water shall file for each of the acquired systems a report listing discharge quality, number of service

interruptions, employee or contractor response times, and DOW violations or citations for the preceding month.

8. Bluegrass Water shall maintain its records in such a way to be able to readily distinguish between violations, repairs, investments, etc., for each system.

9. Bluegrass Water shall not begin the construction of any plant, equipment, property, or facility for furnishing wastewater or water services to the public, except ordinary extensions of existing systems in the usual course of business, until Bluegrass Water has obtained a Certificate of Public Convenience and Necessity from the Commission.

10. Pursuant to KRS 278.300, Bluegrass Water shall not issue any securities or evidences of indebtedness or assume any obligation or liability in respect to the securities or evidences of indebtedness of any other person until Bluegrass Water has been authorized to do so by an Order of the Commission.

11. Within 20 days of the close of the acquisition of each system, Bluegrass Water shall file revised tariff sheets with the Commission, using the Commission's electronic Tariff Filing System, containing the rates approved in this Order.

12. This case is closed and removed from the Commission's docket.

By the Commission

ENTERED
JUN 19 2020 rcs
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2020-00028

Case No. 2022-00432
Bluegrass Water's Response to OAG 1-34

Exhibit OAG 1-34

Page 827 of 2110

*Kathryn A Eckert
McBrayer PLLC
201 East Main Street
Suite 900
Lexington, KENTUCKY 40507

*Katherine Yunker
McBrayer PLLC
201 East Main Street
Suite 900
Lexington, KENTUCKY 40507

*Bluegrass Water Utility Operating Company, LLC
1650 Des Peres Road, Suite 300
St. Louis, MO 63131

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

NOTICE OF VIOLATION

To: Golden Acres WWTP
Josiah Cox
500 Northwest Plaza Dr Ste 500

Saint Ann, MO 63074

AI Name: Golden Acres WWTP **AI ID:** 2935 **Activity ID:** ENV20200002
County: Marshall
Enforcement Case ID:
Date(s) Violation(s) Observed: 02/28/2020

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

1 Violation Description for Subject Item AIOO0000002935():

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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0044164, monitoring point 001-2, for Dissolved Oxygen. The permitted limit for Dissolved Oxygen is concentration instantaneous min., greater than or equal to 7 mg/L. The facility reported the following: concentration instantaneous min. 1.8 mg/L for December 2019.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

2 Violation Description for Subject Item AIOO0000002935():

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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0044164, monitoring point 001-2, for Total Suspended Solids. The permitted limit for Total Suspended Solids is concentration monthly avg., less than or equal to 30 mg/L; and concentration max. weekly avg., less than or equal to 45 mg/L. The facility reported the following: concentration monthly avg. 46 mg/L; and concentration max. weekly avg. 72 mg/L for December 2019.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

- 3 Violation Description for Subject Item AIOO0000002935():
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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0044164, monitoring point 001-2, for Total Residual Chlorine. The permitted limit for Total Residual Chlorine is concentration monthly avg., less than or equal to .011 mg/L; and concentration max. weekly avg., less than or equal to .019 mg/L. The facility reported the following: concentration monthly avg. .36 mg/L; and concentration max. weekly avg. .36 mg/L for December 2019.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70 110]

- 4 Violation Description for Subject Item AIOO0000002935():
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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0044164, monitoring point 001-2, for E. Coli. The permitted limit for E. Coli is concentration 30-day geometric avg., less than or equal to 130 MPN/100 mL; and concentration 7-day geometric, less than or equal to 240 MPN/100 mL. The facility reported the following: concentration 30-day geometric avg. 60000 MPN/100 mL; and concentration 7-day geometric 60000 MPN/100 mL for December 2019.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

- 5 Violation Description for Subject Item AIOO0000002935():
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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0044164, monitoring point 001-2, for CBOD. The permitted limit for CBOD is concentration monthly avg., less than or equal to 25 mg/L; and concentration max. weekly avg., less than or equal to 37.5 mg/L. The facility reported the following: concentration monthly avg. 57 mg/L; and concentration max. weekly avg. 110 mg/L for December 2019.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

- 6 Violation Description for Subject Item AIOO0000002935():
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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0044164, monitoring point 001-2, for Total Ammonia Nitrogen (as N). The permitted limit for Total Ammonia Nitrogen (as N) is concentration monthly avg., less than or equal to 10 mg/L; and concentration max. weekly avg., less than or equal to 15 mg/L. The facility reported the following: concentration monthly avg. 18.15 mg/L; and concentration max. weekly avg. 32 mg/L for December 2019.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

AI: Golden Acres WWTP -- 2935

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 Sower Blvd
Frankfort, KY 40601
502-782-6859 (8:00 AM – 4:30 PM)



Issued By:

Michael B. Kroeger, Assistant Director
Date: April 27, 2020

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

NOTICE OF VIOLATION

To: Great Oaks WWTP
Josiah Cox
500 Northwest Plaza Dr Ste 500

Saint Ann, MO 63074

AI Name: Great Oaks WWTP **AI ID:** 3041 **Activity ID:** ENV20200001
County: McCracken
Enforcement Case ID:
Date(s) Violation(s) Observed: 02/28/2020

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

- 1 Violation Description for Subject Item AIOO0000003041():
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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0080845, monitoring point 001-1, for E. Coli. The permitted limit for E. Coli is concentration 30-day geometric avg., less than or equal to 130; and concentration 7-day geometric, less than or equal to 240. The facility reported the following: concentration 30-day geometric avg. 60000 MPN/100 mL; and concentration 7-day geometric 60000 MPN/100 mL for October 2019.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

- 2 Violation Description for Subject Item AIOO0000003041():
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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0080845, monitoring point 001-1, for Total Residual Chlorine. The permitted limit for Total Residual Chlorine is concentration 30-day avg., less than or equal to .011; and concentration weekly avg., less than or equal to .019. The facility reported the following: concentration 30-day avg. .46 mg/L; and concentration weekly avg. .46 mg/L for November 2019.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

- 3 Violation Description for Subject Item AIOO0000003041():
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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0080845, monitoring point 001-1, for Total Residual Chlorine. The permitted limit for Total Residual Chlorine is concentration 30-day avg., less than or equal to .011; and concentration weekly avg., less than or equal to .019. The facility reported the following: concentration 30-day avg. .05 mg/L; and concentration weekly avg. .05 mg/L for January 2020.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

- 4 Violation Description for Subject Item AIOO0000003041():
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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0080845, monitoring point 001-1, for E. Coli. The permitted limit for E. Coli is concentration 30-day geometric avg., less than or equal to 130; and concentration 7-day geometric, less than or equal to 240. The facility reported the following: concentration 30-day geometric avg. 60000 MPN/100 mL; and concentration 7-day geometric 60000 MPN/100 mL for January 2020.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

- 5 Violation Description for Subject Item AIOO0000003041():
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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0080845, monitoring point 001-1, for Total Ammonia Nitrogen (as N). The permitted limit for Total Ammonia Nitrogen (as N) is loading 30-day avg., less than or equal to 2.34; and concentration 30-day avg., less than or equal to 4; and concentration weekly avg., less than or equal to 6. The facility reported the following: loading 30-day avg. 2.665 lbs/day; and concentration 30-day avg. 14 mg/L; and concentration weekly avg. 14 mg/L for October 2019.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

- 6 Violation Description for Subject Item AIOO0000003041():
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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0080845, monitoring point 001-1, for Total Residual Chlorine. The permitted limit for Total Residual Chlorine is concentration 30-day avg., less than or equal to .011; and concentration weekly avg., less than or equal to .019. The facility reported the following: concentration 30-day avg. .1 mg/L; and concentration weekly avg. .1 mg/L for October 2019.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

7 Violation Description for Subject Item AIOO0000003041():

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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0080845, monitoring point 001-1, for CBOD. The permitted limit for CBOD is loading 30-day avg., less than or equal to 5.84; and concentration 30-day avg., less than or equal to 10; and concentration weekly avg., less than or equal to 15. The facility reported the following: loading 30-day avg. 7 lbs/day; and concentration 30-day avg. 35 mg/L; and concentration weekly avg. 35 mg/L for October 2019.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

AI: Great Oaks WWTP -- 3041

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 Sower Blvd
Frankfort, KY 40601
502-782-6859 (8:00 AM – 4:30 PM)

Issued By:



Michael B. Kroeger, Assistant Director
Date: April 29, 2020

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

NOTICE OF VIOLATION

To: Kingswood WWTP
Josiah Cox
500 Northwest Plaza Dr Ste 500

Saint Ann, MO 63074

AI Name: Kingswood WWTP **AI ID:** 455 **Activity ID:** ENV20200001
County: Bullitt
Enforcement Case ID:
Date(s) Violation(s) Observed: 02/28/2020

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

- 1 Violation Description for Subject Item AIOO0000000455():
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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0101419, monitoring point 001-1, for Total Suspended Solids. The permitted limit for Total Suspended Solids is concentration monthly avg., less than or equal to 30. The facility reported the following: concentration monthly avg. 37 mg/L for November 2019.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

AI: Kingswood WWTP -- 455

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 Sower Blvd
Frankfort, KY 40601
502-782-6859 (8:00 AM – 4:30 PM)



Issued By:

Michael B. Kroeger, Assistant Director
Date: May 11, 2020

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

NOTICE OF VIOLATION

To: Lake Columbia WWTP
Josiah Cox
500 Northwest Plaza Dr Ste 500

Saint Ann, MO 63074

AI Name: Lake Columbia WWTP **AI ID:** 458 **Activity ID:** ENV20200001
County: Bullitt
Enforcement Case ID:
Date(s) Violation(s) Observed: 02/28/2020

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

1 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 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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0077674, monitoring point 001-1, for Total Suspended Solids. The permitted limit for Total Suspended Solids is loading monthly avg., less than or equal to 3 lbs/day; and loading max. weekly avg., less than or equal to 4.5 lbs/day. The facility reported the following: loading monthly avg. 9.215 lbs/day; and loading max. weekly avg. 9.215 lbs/day for January 2020.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

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 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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0077674, monitoring point 001-1, for CBOD. The permitted limit for CBOD is loading monthly avg., less than or equal to 3 lbs/day; and loading max. weekly avg., less than or equal to 4.5 lbs/day. The facility reported the following: loading monthly avg. 5.335 lbs/day; and loading max. weekly avg. 5.335 lbs/day for January 2020.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

AI: Lake Columbia WWTP -- 458

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 Sower Blvd
Frankfort, KY 40601
502-782-6859 (8:00 AM – 4:30 PM)

Issued By:



Michael B. Kroeger, Assistant Director
Date: May 13, 2020

Lake Columbia WWTP
Josiah Cox
500 Northwest Plaza Dr Ste 500

Saint Ann, MO 63074

ANDY BESHEAR
GOVERNOR



REBECCA W. GOODMAN
SECRETARY

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

ANTHONY R. HATTON
COMMISSIONER

February 28, 2020

Certified No. 7014 0510 0002 3570 9956
Return Receipt Requested

Josiah Cox
500 Northwest Plaza Drive, Suite 500
Saint Ann, MO 63074

Re: Notice of Violation
AI ID: 2935
AI Name: Golden Acres WWTP
Activity ID: ENV20200001
Permit No. KY0044164
Marshall County, KY

Dear Mr. Cox:

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

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

Sincerely,

Jessie York,
Environmental Scientist
Division of Water

Enclosure: Inspection Report, Notice of Violation

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

NOTICE OF VIOLATION

To: Josiah Cox
500 Northwest Plaza Drive, Suite 500
Saint Ann, MO 63074

AI Name: Golden Acres WWTP **AI ID:** 2935 **Activity ID:** ENV20200001
Discovery ID: CIN20200001 **County:** Marshall
Enforcement Case ID:
Date(s) Violation(s) Observed: 02/11/2020

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

1 Violation Description for Subject Item AIOO0000002935():

Any person required to prepare and implement a Groundwater Protection Plan (GPP) pursuant to 401 KAR 5:037 shall prepare and implement a site-specific or generic GPP upon commencement of the regulated activity. [401 KAR 5:037]

Description of Non Compliance:

A GPP has not been developed.

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

The permittee/responsible party shall develop and implement a GPP as required. A written copy of the GPP must be maintained onsite. Within thirty (30) days of the receipt of this notice, the permittee shall develop and implement a Groundwater Protection Plan and submit 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 5:037]

2 Violation Description for Subject Item AIOO0000002935():

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

Description of Non Compliance:

The facility has failed to report spills, bypasses and/or non-compliance as required by 401 KAR 5:065 Section 2(1). This treatment plant is regularly inundated with water during heavy rain events. The high water mark indicates that water was recently 2.5' - 3' above the top of the package plant. Since the plant cannot operate properly under these conditions, all water discharges through outfall 001 either partially or untreated during these events.

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

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

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

3 Violation Description for Subject Item AIOO0000002935():

If a spill or release of pollutants or contaminants, bypass, upset, or other event of non-compliance occurs that may present an imminent or substantial danger to the environment or public health or welfare, the permittee shall immediately notify the Division of Water in Frankfort at (502) 564-3410 or the appropriate regional field office of the Division of Water; and, if a report required by this subsection is made during other than normal business hours, it shall be made through the twenty-four (24) hour environmental emergency telephone number at (800) 928-2380. [401 KAR 5:065 Section 3(5)]

Description of Non Compliance:

The permittee has failed to immediately report a spill or release of pollutants or contaminants, bypass, upset, or other event of non-compliance that may present an imminent or substantial danger to the environment or the public health or welfare as required by 401 KAR 5:065 Section 3(5). This treatment plant is regularly inundated with water during heavy rain events. The high water mark indicates that water was recently 2.5' - 3' above the top of the package plant. Since the plant cannot operate properly under these conditions, all water discharges through outfall 001 either partially or untreated during these events.

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

The permittee must immediately report any spill or release of pollutants or contaminants, bypass, upset, or other event of non-compliance which may present an imminent or substantial danger to the environment or public health or welfare as required by 401 KAR 5:065 Section 3(5). Within thirty (30) days of the receipt of this notice, the permittee shall submit a written notification to the undersigned that the permittee complies with all requirements of its permit. Any permit non-compliance shall constitute a violation of the Clean Water Act and KRS 224, among which shall be the following remedies: Enforcement action, permit revocation, revocation and reissuance, or modification; or denial of permit renewal application. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and/or your company to an immediate referral to the Division of Enforcement. [401 KAR 5:065 Section 3(5)]

4 Violation Description for Subject Item AIOO0000002935():

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

Description of Non Compliance:

The facility is not being properly operated and maintained as required. This facility regularly experiences treatment bypasses during heavy rain events.

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

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

5 Violation Description for Subject Item AIOO0000002935():

All wastewater treatment plants shall have a disinfection process which meets the following requirements: An ultraviolet disinfection system designed to treat the anticipated peak hourly flow; a chlorination system with a flow or demand proportional feed system. The chlorine contact tank shall have a minimum detention time of thirty (30) minutes based on the average flow, or fifteen (15) minutes based on the peak hourly flow, whichever requires the larger tank size. Wastewater treatment plants shall also have a

dechlorination system with a flow or demand proportional feed system if necessary to meet the effluent limits; or a chlorination system with a manually controlled feed system and a flow equalization basin designed to eliminate the diurnal flow variations. Tablet type chlorination equipment shall not be used in an intermediate or large WWTP. [401 KAR 5:005 Section 11]

Description of Non Compliance:

January 2018 - December 2020 DMRs were reviewed. Multiple E. coli violations were reported during that period.

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

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

6 Violation Description for Subject Item AIOO0000002935():

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

Description of Non Compliance:

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

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

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

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

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

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

Issued By: _____

Jessie York, Environmental Scientist

Date: February 28, 2020



Recoverable Signature

Shannon McLeary

Issued By:

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

NOTICE OF VIOLATION

To: Persimmon Ridge Subd & WWTP
Josiah Cox
500 Northwest Plaza Dr Ste 500

Saint Ann, MO 63074

AI Name: Persimmon Ridge Subd & WWTP **AI ID:** 3955 **Activity ID:** ENV20200001
County: Shelby
Enforcement Case ID:
Date(s) Violation(s) Observed: 02/28/2020

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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0090956, monitoring point 002-1, for E. Coli. The permitted limit for E. Coli is concentration 30-day geometric avg., less than or equal to 130; and concentration 7-day geometric, less than or equal to 240. The facility reported the following: concentration 30-day geometric avg. 335 MPN/100 mL; and concentration 7-day geometric 568 MPN/100 mL for December 2019.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0090956, monitoring point 002-1, for Total Ammonia Nitrogen (as N). The permitted limit for Total Ammonia Nitrogen (as N) is concentration monthly avg., less than or equal to 5. The facility reported the following: concentration monthly avg. 6.5 mg/L for January 2020.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

AI: Persimmon Ridge Subd & WWTP -- 3955

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 Sower Blvd
Frankfort, KY 40601
502-782-6859 (8:00 AM – 4:30 PM)



Issued By:

Michael B. Kroeger, Assistant Director
Date: May 11, 2020

Persimmon Ridge Subd & WWTP
Josiah Cox
500 Northwest Plaza Dr Ste 500

Saint Ann, MO 63074

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

NOTICE OF VIOLATION

To: Lake Columbia WWTP
Josiah Cox
500 Northwest Plaza Dr Ste 500

Saint Ann, MO 63074

AI Name: Lake Columbia WWTP **AI ID:** 458 **Activity ID:** ENV20200001
County: Bullitt
Enforcement Case ID:
Date(s) Violation(s) Observed: 02/28/2020

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

1 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 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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0077674, monitoring point 001-1, for Total Suspended Solids. The permitted limit for Total Suspended Solids is loading monthly avg., less than or equal to 3 lbs/day; and loading max. weekly avg., less than or equal to 4.5 lbs/day. The facility reported the following: loading monthly avg. 9.215 lbs/day; and loading max. weekly avg. 9.215 lbs/day for January 2020.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

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 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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0077674, monitoring point 001-1, for CBOD. The permitted limit for CBOD is loading monthly avg., less than or equal to 3 lbs/day; and loading max. weekly avg., less than or equal to 4.5 lbs/day. The facility reported the following: loading monthly avg. 5.335 lbs/day; and loading max. weekly avg. 5.335 lbs/day for January 2020.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

AI: Lake Columbia WWTP -- 458

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 Sower Blvd
Frankfort, KY 40601
502-782-6859 (8:00 AM – 4:30 PM)

Issued By:



Michael B. Kroeger, Assistant Director
Date: May 13, 2020

Lake Columbia WWTP
Josiah Cox
500 Northwest Plaza Dr Ste 500

Saint Ann, MO 63074

ANDY BESHEAR
GOVERNOR



REBECCA W. GOODMAN
SECRETARY

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

ANTHONY R. HATTON
COMMISSIONER

February 28, 2020

Certified No. 7014 0510 0002 3570 9956
Return Receipt Requested

Josiah Cox
500 Northwest Plaza Drive, Suite 500
Saint Ann, MO 63074

Re: Notice of Violation
AI ID: 2935
AI Name: Golden Acres WWTP
Activity ID: ENV20200001
Permit No. KY0044164
Marshall County, KY

Dear Mr. Cox:

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

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

Sincerely,

Jessie York,
Environmental Scientist
Division of Water

Enclosure: Inspection Report, Notice of Violation

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

NOTICE OF VIOLATION

To: Josiah Cox
500 Northwest Plaza Drive, Suite 500
Saint Ann, MO 63074

AI Name: Golden Acres WWTP **AI ID:** 2935 **Activity ID:** ENV20200001
Discovery ID: CIN20200001 **County:** Marshall
Enforcement Case ID:
Date(s) Violation(s) Observed: 02/11/2020

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

1 Violation Description for Subject Item AIOO0000002935():

Any person required to prepare and implement a Groundwater Protection Plan (GPP) pursuant to 401 KAR 5:037 shall prepare and implement a site-specific or generic GPP upon commencement of the regulated activity. [401 KAR 5:037]

Description of Non Compliance:

A GPP has not been developed.

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

The permittee/responsible party shall develop and implement a GPP as required. A written copy of the GPP must be maintained onsite. Within thirty (30) days of the receipt of this notice, the permittee shall develop and implement a Groundwater Protection Plan and submit 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 5:037]

2 Violation Description for Subject Item AIOO0000002935():

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

Description of Non Compliance:

The facility has failed to report spills, bypasses and/or non-compliance as required by 401 KAR 5:065 Section 2(1). This treatment plant is regularly inundated with water during heavy rain events. The high water mark indicates that water was recently 2.5' - 3' above the top of the package plant. Since the plant cannot operate properly under these conditions, all water discharges through outfall 001 either partially or untreated during these events.

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

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

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

3 Violation Description for Subject Item AIOO0000002935():

If a spill or release of pollutants or contaminants, bypass, upset, or other event of non-compliance occurs that may present an imminent or substantial danger to the environment or public health or welfare, the permittee shall immediately notify the Division of Water in Frankfort at (502) 564-3410 or the appropriate regional field office of the Division of Water; and, if a report required by this subsection is made during other than normal business hours, it shall be made through the twenty-four (24) hour environmental emergency telephone number at (800) 928-2380. [401 KAR 5:065 Section 3(5)]

Description of Non Compliance:

The permittee has failed to immediately report a spill or release of pollutants or contaminants, bypass, upset, or other event of non-compliance that may present an imminent or substantial danger to the environment or the public health or welfare as required by 401 KAR 5:065 Section 3(5). This treatment plant is regularly inundated with water during heavy rain events. The high water mark indicates that water was recently 2.5' - 3' above the top of the package plant. Since the plant cannot operate properly under these conditions, all water discharges through outfall 001 either partially or untreated during these events.

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

The permittee must immediately report any spill or release of pollutants or contaminants, bypass, upset, or other event of non-compliance which may present an imminent or substantial danger to the environment or public health or welfare as required by 401 KAR 5:065 Section 3(5). Within thirty (30) days of the receipt of this notice, the permittee shall submit a written notification to the undersigned that the permittee complies with all requirements of its permit. Any permit non-compliance shall constitute a violation of the Clean Water Act and KRS 224, among which shall be the following remedies: Enforcement action, permit revocation, revocation and reissuance, or modification; or denial of permit renewal application. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and/or your company to an immediate referral to the Division of Enforcement. [401 KAR 5:065 Section 3(5)]

4 Violation Description for Subject Item AIOO0000002935():

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

Description of Non Compliance:

The facility is not being properly operated and maintained as required. This facility regularly experiences treatment bypasses during heavy rain events.

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

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

5 Violation Description for Subject Item AIOO0000002935():

All wastewater treatment plants shall have a disinfection process which meets the following requirements: An ultraviolet disinfection system designed to treat the anticipated peak hourly flow; a chlorination system with a flow or demand proportional feed system. The chlorine contact tank shall have a minimum detention time of thirty (30) minutes based on the average flow, or fifteen (15) minutes based on the peak hourly flow, whichever requires the larger tank size. Wastewater treatment plants shall also have a

dechlorination system with a flow or demand proportional feed system if necessary to meet the effluent limits; or a chlorination system with a manually controlled feed system and a flow equalization basin designed to eliminate the diurnal flow variations. Tablet type chlorination equipment shall not be used in an intermediate or large WWTP. [401 KAR 5:005 Section 11]

Description of Non Compliance:

January 2018 - December 2020 DMRs were reviewed. Multiple E. coli violations were reported during that period.

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

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

6 Violation Description for Subject Item AIOO0000002935():

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

Description of Non Compliance:

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

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

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

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

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

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

Issued By: _____

Jessie York, Environmental Scientist

Date: February 28, 2020



Recoverable Signature

Shannon McLeary

Issued By:

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

NOTICE OF VIOLATION

To: Persimmon Ridge Subd & WWTP
Josiah Cox
500 Northwest Plaza Dr Ste 500

Saint Ann, MO 63074

AI Name: Persimmon Ridge Subd & WWTP **AI ID:** 3955 **Activity ID:** ENV20200001
County: Shelby
Enforcement Case ID:
Date(s) Violation(s) Observed: 02/28/2020

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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0090956, monitoring point 002-1, for E. Coli. The permitted limit for E. Coli is concentration 30-day geometric avg., less than or equal to 130; and concentration 7-day geometric, less than or equal to 240. The facility reported the following: concentration 30-day geometric avg. 335 MPN/100 mL; and concentration 7-day geometric 568 MPN/100 mL for December 2019.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0090956, monitoring point 002-1, for Total Ammonia Nitrogen (as N). The permitted limit for Total Ammonia Nitrogen (as N) is concentration monthly avg., less than or equal to 5. The facility reported the following: concentration monthly avg. 6.5 mg/L for January 2020.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

AI: Persimmon Ridge Subd & WWTP -- 3955

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 Sower Blvd
Frankfort, KY 40601
502-782-6859 (8:00 AM – 4:30 PM)



Issued By:

Michael B. Kroeger, Assistant Director
Date: May 11, 2020

Persimmon Ridge Subd & WWTP
Josiah Cox
500 Northwest Plaza Dr Ste 500

Saint Ann, MO 63074

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

NOTICE OF VIOLATION

To: Persimmon Ridge Subd & WWTP
Josiah Cox
500 Northwest Plaza Dr Ste 500

Saint Ann, MO 63074

AI Name: Persimmon Ridge Subd & WWTP **AI ID:** 3955 **Activity ID:** ENV20200001
County: Shelby
Enforcement Case ID:
Date(s) Violation(s) Observed: 02/28/2020

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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0090956, monitoring point 002-1, for E. Coli. The permitted limit for E. Coli is concentration 30-day geometric avg., less than or equal to 130; and concentration 7-day geometric, less than or equal to 240. The facility reported the following: concentration 30-day geometric avg. 335 MPN/100 mL; and concentration 7-day geometric 568 MPN/100 mL for December 2019.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0090956, monitoring point 002-1, for Total Ammonia Nitrogen (as N). The permitted limit for Total Ammonia Nitrogen (as N) is concentration monthly avg., less than or equal to 5. The facility reported the following: concentration monthly avg. 6.5 mg/L for January 2020.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

AI: Persimmon Ridge Subd & WWTP -- 3955

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 Sower Blvd
Frankfort, KY 40601
502-782-6859 (8:00 AM – 4:30 PM)



Issued By:

Michael B. Kroeger, Assistant Director
Date: May 11, 2020

Persimmon Ridge Subd & WWTP
Josiah Cox
500 Northwest Plaza Dr Ste 500

Saint Ann, MO 63074

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

NOTICE OF VIOLATION

To: Brocklyn Utilities LLC WWTP
Josiah Cox
500 Northwest Plaza Dr Ste 500

Saint Ann, MO 63074

AI Name: Brocklyn Utilities LLC WWTP **AI ID:** 2809 **Activity ID:** ENV20200001

County: Madison

Enforcement Case ID:

Date(s) Violation(s) Observed: 05/14/2020

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

1 Violation Description for Subject Item AIOO0000002809():

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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0081299, monitoring point 001-1, for CBOD. The permitted limit for CBOD is concentration monthly avg., less than or equal to 10 mg/L. The facility reported the following: concentration monthly avg. 12 mg/L for March 2020.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

2 Violation Description for Subject Item AIOO0000002809():

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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0081299, monitoring point 001-1, for Total Suspended Solids. The permitted limit for Total Suspended Solids is concentration monthly avg., less than or equal to 30 mg/L. The facility reported the following: concentration monthly avg. 34 mg/L for March 2020.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

AI: Brocklyn Utilities LLC WWTP -- 2809

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 Sower Blvd
Frankfort, KY 40601
502-782-6859 (8:00 AM – 4:30 PM)

Issued By:



Michael B. Kroeger, Assistant Director
Date: July 1, 2020

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

NOTICE OF VIOLATION

To: Fox Run WWTP
Mr. Josiah Cox
500 Northwest Plaza Dr. STE 500

Saint Ann, MO 63074

AI Name: Fox Run WWTP **AI ID:** 1388 **Activity ID:** ENV20200002
County: Franklin
Enforcement Case ID:
Date(s) Violation(s) Observed: 05/14/2020

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

1 Violation Description for Subject Item AIOO0000001388():

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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0086967, monitoring point 001-1, for CBOD. The permitted limit for CBOD is concentration monthly avg., less than or equal to 30 mg/L. The facility reported the following: concentration monthly avg. 45 mg/L for March 2020.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

2 Violation Description for Subject Item AIOO0000001388():

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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0086967, monitoring point 001-1, for Total Suspended Solids. The permitted limit for Total Suspended Solids is concentration monthly avg., less than or equal to 30 mg/L. The facility reported the following: concentration monthly avg. 32 mg/L for February 2020.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

3 Violation Description for Subject Item AIOO0000001388():

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 40 CFR 122.41(a), as adopted by 401-KAR-5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0086967, monitoring point 001-1, for CBOD. The permitted limit for CBOD is concentration monthly avg., less than or equal to 30 mg/L. The facility reported the following: concentration monthly avg. 39 mg/L for February 2020.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

4 Violation Description for Subject Item AIOO0000001388():

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 40 CFR 122.41(a), which cites to 401 KAR 5:065, Section 2(1), by failing to comply with the monitoring and reporting requirements specified in KPDES Permit No. KY0086967, during the January 2020 monitoring period, for the following monitoring point(s): 001-1.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

AI: Fox Run WWTP -- 1388

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 Sower Blvd
Frankfort, KY 40601
502-782-6859 (8:00 AM – 4:30 PM)

Issued By:



Michael B. Kroeger, Assistant Director
Date: June 23, 2020

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

NOTICE OF VIOLATION

To: Central States Water Resources
Ali Alexander
Golden Acres WWTP
1650 Des Peres, Suite 303
St Louis, MO 63131

AI Name: Golden Acres WWTP **AI ID:** 2935 **Activity ID:** ENV20200004
County: Marshall
Enforcement Case ID:
Date(s) Violation(s) Observed: 09/04/2020

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

1 Violation Description for Subject Item AIOO0000002935():

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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0044164, monitoring point 001-2, for Dissolved Oxygen. The permitted limit for Dissolved Oxygen is concentration instantaneous min., greater than or equal to 7 mg/L. The facility reported the following: concentration instantaneous min. 6.42 mg/L for June 2020.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

2 Violation Description for Subject Item AIOO0000002935():

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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0044164, monitoring point 001-2, for Total Residual Chlorine. The permitted limit for Total Residual Chlorine is concentration monthly avg., less than or equal to .011 mg/L; and concentration max. weekly avg., less than or equal to .019 mg/L. The facility reported the following: concentration monthly avg. greater than 2.2 mg/L; and concentration max. weekly avg. greater than 2.2 mg/L for June 2020.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

AI: Golden Acres WWTP -- 2935

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 Sower Blvd
Frankfort, KY 40601
502-782-6859 (8:00 AM – 4:30 PM)



Issued By:

Michael B. Kroeger, Assistant Director
Date: January 15, 2021

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

NOTICE OF VIOLATION

To: Golden Acres WWTP
Josiah Cox
500 Northwest Plaza Dr Ste 500

Saint Ann, MO 63074

AI Name: Golden Acres WWTP **AI ID:** 2935 **Activity ID:** ENV20200003
County: Marshall
Enforcement Case ID:
Date(s) Violation(s) Observed: 05/14/2020

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

1 Violation Description for Subject Item AIOO0000002935():

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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0044164, monitoring point 001-2, for Total Residual Chlorine. The permitted limit for Total Residual Chlorine is concentration monthly avg., less than or equal to .011 mg/L; and concentration max. weekly avg., less than or equal to .019 mg/L. The facility reported the following: concentration monthly avg. .07 mg/L; and concentration max. weekly avg. .16 mg/L for March 2020.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

2 Violation Description for Subject Item AIOO0000002935():

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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0044164, monitoring point 001-2, for E. Coli. The permitted limit for E. Coli is concentration 30-day geometric avg., less than or equal to 130 MPN/100 mL; and concentration 7-day geometric, less than or equal to 240 MPN/100 mL. The facility reported the following: concentration 30-day geometric avg. 60000 MPN/100 mL; and concentration 7-day geometric 60000 MPN/100 mL for March 2020.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

3 Violation Description for Subject Item AIOO000002935():

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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0044164, monitoring point 001-2, for Dissolved Oxygen. The permitted limit for Dissolved Oxygen is concentration instantaneous min., greater than or equal to 7 mg/L. The facility reported the following: concentration instantaneous min. 3.7 mg/L for March 2020.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

AI: Golden Acres WWTP -- 2935

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 Sower Blvd
Frankfort, KY 40601
502-782-6859 (8:00 AM – 4:30 PM)

Issued By:



Michael B. Kroeger, Assistant Director
Date: June 24, 2020

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

NOTICE OF VIOLATION

To: Great Oaks WWTP
Josiah Cox
500 Northwest Plaza Dr Ste 500

Saint Ann, MO 63074

AI Name: Great Oaks WWTP **AI ID:** 3041 **Activity ID:** ENV20200002
County: McCracken
Enforcement Case ID:
Date(s) Violation(s) Observed: 05/14/2020

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

- 1 Violation Description for Subject Item AIOO0000003041():
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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0080845, monitoring point 001-1, for Total Residual Chlorine. The permitted limit for Total Residual Chlorine is concentration 30-day avg., less than or equal to .011 mg/L; and concentration weekly avg., less than or equal to .019 mg/L. The facility reported the following: concentration 30-day avg. .06 mg/L; and concentration weekly avg. .06 mg/L for March 2020.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

AI: Great Oaks WWTP -- 3041

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 Sower Blvd
Frankfort, KY 40601
502-782-6859 (8:00 AM – 4:30 PM)

Issued By:



Michael B. Kroeger, Assistant Director
Date: June 16, 2020

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

NOTICE OF VIOLATION

To: Lake Columbia WWTP
Josiah Cox
500 Northwest Plaza Dr Ste 500

Saint Ann, MO 63074

AI Name: Lake Columbia WWTP **AI ID:** 458 **Activity ID:** ENV20200002
County: Bullitt
Enforcement Case ID:
Date(s) Violation(s) Observed: 05/14/2020

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

1 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 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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0077674, monitoring point 001-1, for E. Coli. The permitted limit for E. Coli is concentration 30-day geometric avg., less than or equal to 130 MPN/100 mL; and concentration 7-day geometric, less than or equal to 240 MPN/100 mL. The facility reported the following: concentration 30-day geometric avg. 453 MPN/100 mL; and concentration 7-day geometric 453 MPN/100 mL for February 2020.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

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 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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0077674, monitoring point 001-1, for Total Suspended Solids. The permitted limit for Total Suspended Solids is concentration monthly avg., less than or equal to 30 mg/L. The facility reported the following: concentration monthly avg. 34 mg/L for March 2020.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

3 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 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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0077674, monitoring point 001-1, for CBOD. The permitted limit for CBOD is loading monthly avg., less than or equal to 3 lbs/day. The facility reported the following: loading monthly avg. 4.128 lbs/day for February 2020.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

4 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 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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0077674, monitoring point 001-1, for Total Suspended Solids. The permitted limit for Total Suspended Solids is loading monthly avg., less than or equal to 3 lbs/day; and loading max. weekly avg., less than or equal to 4.5 lbs/day. The facility reported the following: loading monthly avg. 6.755 lbs/day; and loading max. weekly avg. 6.755 lbs/day for February 2020.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

AI: Lake Columbia WWTP -- 458

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 Sower Blvd
Frankfort, KY 40601
502-782-6859 (8:00 AM – 4:30 PM)



Issued By:

Michael B. Kroeger, Assistant Director
Date: May 22, 2020

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

NOTICE OF VIOLATION

To: Persimmon Ridge Subd & WWTP
Josiah Cox
500 Northwest Plaza Dr Ste 500

Saint Ann, MO 63074

AI Name: Persimmon Ridge Subd & WWTP **AI ID:** 3955 **Activity ID:** ENV20200002

County: Shelby

Enforcement Case ID:

Date(s) Violation(s) Observed: 05/14/2020

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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0090956, monitoring point 002-1, for Total Ammonia Nitrogen (as N). The permitted limit for Total Ammonia Nitrogen (as N) is loading monthly avg., less than or equal to 5.9 lbs/day; and concentration monthly avg., less than or equal to 5 mg/L; and concentration daily max., less than or equal to 7.5 mg/L. The facility reported the following: loading monthly avg. 6.494 lbs/day; and concentration monthly avg. 9.7 mg/L; and concentration daily max. 11.2 mg/L for February 2020.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0090956, monitoring point 002-1, for Total Ammonia Nitrogen (as N). The permitted limit for Total Ammonia Nitrogen (as N) is loading monthly avg., less than or equal to 5.9 lbs/day; and loading max. weekly avg., less than or equal to 8.9 lbs/day; and concentration monthly avg., less than or equal to 5 mg/L; and concentration daily max., less than or equal to 7.5 mg/L. The facility reported the following: loading monthly avg. 9.477 lbs/day; and loading max. weekly avg. 11.04 lbs/day; and concentration monthly avg. 11.5 mg/L; and concentration daily max. 13.4 mg/L for March 2020.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

AI: Persimmon Ridge Subd & WWTP -- 3955

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 Sower Blvd
Frankfort, KY 40601
502-782-6859 (8:00 AM – 4:30 PM)



Issued By:

Michael B. Kroeger, Assistant Director
Date: May 27, 2020

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

NOTICE OF VIOLATION

To: Lake Columbia WWTP
Josiah Cox
500 Northwest Plaza Dr Ste 500

Saint Ann, MO 63074

AI Name: Lake Columbia WWTP **AI ID:** 458 **Activity ID:** ENV20200003
County: Bullitt
Enforcement Case ID:
Date(s) Violation(s) Observed: 09/04/2020

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

- 1 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 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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0077674, monitoring point 001-1, for Total Suspended Solids. The permitted limit for Total Suspended Solids is loading monthly avg., less than or equal to 3 lbs/day; and loading max. weekly avg., less than or equal to 4.5 lbs/day; and concentration monthly avg., less than or equal to 30 mg/L; and concentration max. weekly avg., less than or equal to 45 mg/L. The facility reported the following: loading monthly avg. 20.63 lbs/day; and loading max. weekly avg. 20.63 lbs/day; and concentration monthly avg. 496 mg/L; and concentration max. weekly avg. 496 mg/L for April 2020.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [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 Sower Blvd
Frankfort, KY 40601
502-782-6859 (8:00 AM – 4:30 PM)



Issued By:

Michael B. Kroeger, Assistant Director
Date: October 15, 2020

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

NOTICE OF VIOLATION

To: Persimmon Ridge Subd & WWTP
Josiah Cox
1650 Des Peres Rd Suite 303
Des Peres, MO 63131

AI Name: Persimmon Ridge Subd & WWTP **AI ID:** 3955 **Activity ID:** ENV20200003
County: Shelby
Enforcement Case ID:
Date(s) Violation(s) Observed: 09/04/2020

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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0090956, monitoring point 002-1, for Total Ammonia Nitrogen (as N). The permitted limit for Total Ammonia Nitrogen (as N) is concentration monthly avg., less than or equal to 5 mg/L; and concentration daily max., less than or equal to 7.5 mg/L. The facility reported the following: concentration monthly avg. 14.9 mg/L; and concentration daily max. 15.6 mg/L for April 2020.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0090956, monitoring point 002-1, for Total Ammonia Nitrogen (as N). The permitted limit for Total Ammonia Nitrogen (as N) is loading monthly avg., less than or equal to 2.4 lbs/day; and loading max. weekly avg., less than or equal to 3.6 lbs/day; and concentration monthly avg., less than or equal to 2 mg/L; and concentration daily max., less than or equal to 3 mg/L. The facility reported the following: loading monthly avg. 8.83 lbs/day; and loading max. weekly avg. 10.08 lbs/day; and concentration monthly avg. 13.8 mg/L; and concentration daily max. 15.7 mg/L for May 2020.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

AI: Persimmon Ridge Subd & WWTP -- 3955

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 Sower Blvd
Frankfort, KY 40601
502-782-6859 (8:00 AM – 4:30 PM)

Issued By:



Michael B. Kroeger, Assistant Director
Date: November 30, 2020

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

NOTICE OF VIOLATION

To: Brocklyn Utilities LLC WWTP
Ali Alexander
1650 Des Peres Rd Suite 303
St Louis, MO 63131

AI Name: Brocklyn Utilities LLC WWTP **AI ID:** 2809 **Activity ID:** ENV20200003
County: Madison
Enforcement Case ID:
Date(s) Violation(s) Observed: 11/10/2020

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

- 1 Violation Description for Subject Item AIOO0000002809():
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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0081299, monitoring point 001-1, for Total Ammonia Nitrogen (as N). The permitted limit for Total Ammonia Nitrogen (as N) is concentration monthly avg., less than or equal to 2 mg/L; and concentration daily max., less than or equal to 3 mg/L. The facility reported the following: concentration monthly avg. 14.4 mg/L; and concentration daily max. 14.4 mg/L for August 2020.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

AI: Brocklyn Utilities LLC WWTP -- 2809

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 Sower Blvd
Frankfort, KY 40601
502-782-6859 (8:00 AM – 4:30 PM)



Issued By:

Michael B. Kroeger, Assistant Director
Date: December 28, 2020

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

NOTICE OF VIOLATION

To: Brocklyn Utilities LLC WWTP
Ali Alexander
1650 Des Peres Rd Suite 303
St Louis, MO 63131

AI Name: Brocklyn Utilities LLC WWTP **AI ID:** 2809 **Activity ID:** ENV20200003
County: Madison
Enforcement Case ID:
Date(s) Violation(s) Observed: 11/10/2020

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

- 1** **Violation Description for Subject Item AIOO0000002809():**
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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0081299, monitoring point 001-1, for Total Ammonia Nitrogen (as N). The permitted limit for Total Ammonia Nitrogen (as N) is concentration monthly avg., less than or equal to 2 mg/L; and concentration daily max., less than or equal to 3 mg/L. The facility reported the following: concentration monthly avg. 14.4 mg/L; and concentration daily max. 14.4 mg/L for August 2020.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

AI: Brooklyn Utilities LLC WWTP -- 2809

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 Sower Blvd
Frankfort, KY 40601
502-782-6859 (8:00 AM – 4:30 PM)



Issued By:

Michael B. Kroeger, Assistant Director
Date: December 28, 2020

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

NOTICE OF VIOLATION

To: Central States Water Resources
Ali Alexander
Golden Acres WWTP
1650 Des Peres, Suite 303
St Louis, MO 63131

AI Name: Golden Acres WWTP **AI ID:** 2935 **Activity ID:** ENV20200005
County: Marshall
Enforcement Case ID:
Date(s) Violation(s) Observed: 11/10/2020

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

- 1 Violation Description for Subject Item AIOO0000002935():
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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0044164, monitoring point 001-2, for Dissolved Oxygen. The permitted limit for Dissolved Oxygen is concentration instantaneous min., greater than or equal to 7 mg/L. The facility reported the following: concentration instantaneous min. 6.55 mg/L for September 2020.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

AI: Golden Acres WWTP -- 2935

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 Sower Blvd
Frankfort, KY 40601
502-782-6859 (8:00 AM – 4:30 PM)



Issued By:

Michael B. Kroeger, Assistant Director
Date: January 15, 2021

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

NOTICE OF VIOLATION

To: Great Oaks WWTP
Josiah Cox
500 Northwest Plaza Dr Ste 500

Saint Ann, MO 63074

AI Name: Great Oaks WWTP **AI ID:** 3041 **Activity ID:** ENV20200004

County: McCracken

Enforcement Case ID:

Date(s) Violation(s) Observed: 11/10/2020

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

- 1** Violation Description for Subject Item AIOO0000003041():
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 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0080845, monitoring point 001-1, for Total Residual Chlorine. The permitted limit for Total Residual Chlorine is concentration monthly avg., less than or equal to .011 mg/L; and concentration daily max., less than or equal to .019 mg/L. The facility reported the following: concentration monthly avg. 1.04 mg/L; and concentration daily max. 1.04 mg/L for September 2020.

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

The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

AI: Great Oaks WWTP -- 3041

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 Sower Blvd
Frankfort, KY 40601
502-782-6859 (8:00 AM – 4:30 PM)

Issued By:



Michael B. Kroeger, Assistant Director
Date: December 3, 2020