

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

NOTICE OF VIOLATION

To: Bluegrass Water Utility Operating Company LLC
River Bluffs WWTP
1650 Des Peres Rd Ste 303

Saint Louis, MO 63131

AI Name: River Bluffs WWTP **AI ID:** 3367 **Activity ID:** ENV20200002
County: Oldham
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 AIOO0000003367():
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. KY0043150, 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 daily max., less than or equal to 6 mg/L. The facility reported the following: concentration monthly avg. 22.7 mg/L; and concentration daily max. 22.7 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]

- 2** Violation Description for Subject Item AIOO0000003367():
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. KY0043150, 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. The facility reported the following: concentration 30-day geometric avg. 206 MPN/100 mL 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: River Bluffs WWTP -- 3367

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 7, 2021



December 2, 2020

Kentucky Energy and Environment Cabinet
Department for Environmental Protection
ATTN: Jessie York

RE: Golden Acres WWTP (KY0080845) - Response to Inspection Report dated February 11, 2020

Dear Mr. York,

This letter is being sent to you in response to the items identified during the inspection of Golden Acres on February 11, 2020. The items identified during the inspection were as followed.

Impending Violations:

1. The permit expired on January 31, 2020. An application to renew permit coverage has been submitted to the DOW.
2. Lab analysis certificate and chain of custodies were available for review. Copies of DMRs shall be available for review.

Violations:

1. A GPP has not been developed.
2. 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 quarter of 2019.
3. The facility has failed to report spills, bypasses, and/or non-compliance as required by 401 KAR 5:065 Section 2(1).
4. 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 immediate or substantial danger to the environment or the public health or welfare as required in 401 KAR 5:065 Section 3(5).
5. The facility is not being properly operated and maintained as required. This facility regularly experiences treatment bypasses during heavy rainfall.
6. January 2018 – December 2020 DMRs were reviewed. Multiple E. coli violations were reported during this period.
7. 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.
8. The facility has failed to comply with the terms of the permit.



BLUEGRASS WATER
Utility Operating Company
A CSWR Managed Utility
1650 Des Peres Road, Suite 303 St. Louis, MO 63131
www.centralstateswaterresources.com/bluegrass-water/

For Impending Violation 1 above, Bluegrass Water was issued and received a new permit for Golden Acres WWTP on June 3, 2020.

For Impending Violation 2 above, all facility documentations, including DMRs, are available for review upon request to Bluegrass Water.

For Violation 1 above, Bluegrass Water has created and implemented a GPP for Golden Acres WWTP in accordance with 401 KAR 5:037. I have attached a copy of the plan with this letter.

For Violation 2 above, Bluegrass Water purchased the Golden Acres WWTP on August 30, 2019. Since taken over ownership, all analytical data from 4th quarter 2019 to present have been submitted to the DOW.

For Violations 3-5, since taking ownership of Golden Acres WWTP, no SSOs or non-compliance issues have occurred to warrant a report to the DOW. If there was to be an SSO or any non-compliance issue, Bluegrass Water will immediately report it to DOW as required in 401 KAR 5:065 Section 3(5).

For Violations 6-8, Bluegrass Water purchased the Golden Acres WWTP on August 30, 2019 and entered an AO (Case No. DOW 19-3-0156) on September 3, 2019. Through the AO, we have a corrective action plan for facility upgrades to meet the permit limit requirements.

Please let me know if you have any questions or need any additional information.

Sincerely,

A handwritten signature in black ink that reads "Michael Dick II".

Michael Dick
Environmental Compliance Officer

Attachment: Golden Acres WWTP GPP

c: Midwest Water Operations, LLC

Groundwater Protection Plan For

Golden Acres WWTP - NPDES#KY0044164

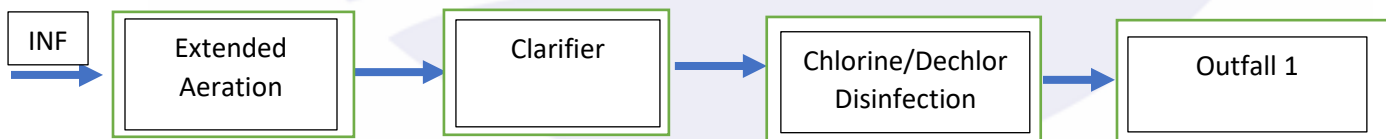
Section A. GENERAL INFORMATION

1. Name and address of facility
 - a. Name of Facility: Golden Acres WWTP
 - b. Address: 359 Golden Acres Loop, Sharpe, KY
 - c. County: Marshall County
 - d. Lat/Long: 36.972787, -88.480938
 - e. Mailing address: 1650 Des Peres Road, Suite 303, St. Louis. MO 63131

2. Person Developing GPP
 - a. Michael Dick II, Environmental Compliance Officer
 - b. Address: 1650 Des Peres Road, Suite 303, St. Louis, MO 63131
 - c. Telephone number: (314) 736-4672
 - d. Email: mdick@cswrgroup.com

3. Person Responsible for Implementing GPP
 - a. Christopher Carroll
 - b. Address: 398 East Gap Hill Road, Cub Run, KY 42729
 - c. Telephone number: (502) 509-8583
 - d. Email: ccarroll@midwestwaterop.com

4. Brief Description of Facility Operation
 - a. Type of treatment: activated sludge utilizing an extended aeration basin
 - b. Treatment capacity of plant (GPD): 0.070 MGD
 - c. Brief description of treatment process:



Section B. ACTIVITIES THAT HAVE THE POTENTIAL TO POLLUTE GROUNDWATER

- Treating residential wastewater by an activated sludge process through an extended aeration system.
- Sludge pumped and hauled away to landfill.

Section C. PRACTICES SELECTED TO PROTECT GROUNDWATER FROM POLLUTION

- Two certified operators run the plant
 - o Todd Teas – Cert# 32117
 - o Stephen Roach – Cert# 114274
- All treatment basins are concrete
- Sludge is pumped and disposed of through a contractor.

Section D. IMPLEMENTATION SCHEDULE

- This GPP is in effect as of November 24, 2020.
- All protective practices are being implemented already.

Section E. EMPLOYEE TRAINING

- Employees shall be trained on the GPP initially on hire and will go through a refresher training annually.

Section F. INSPECTION SCHEDULE

- Facility operators are on site conducting inspections a minimum of five days per week to monitor the operation of the facility.
- Central States Water Resources staff will conduct annual site audits which include reviewing the implementation of the facility GPP.
 - o Inspection checklist is included in Attachment 1

Section G. CERTIFICATION STATEMENT

I _____ Jay Favor _____ certify that this Groundwater Protection Plan complies with the requirements of 401 KAR 5:037. I have read the terms of the plan and will implement its provisions.

Signature: _____ Date: _____ 11/24/2020 _____

Enclosures: GPP Checklist

Facility Name:	Inspector:	Date:
Components to Inspect	Results/Comments	
Collection System (evidence of overflow, pumps functioning, etc.)		
Aeration Basin (blower unit, air lines, recirculation lines, etc.)		
Clarifier (weir, are solids present, water quality, etc.)		
Chlorination/Dechlor Treatment (are chlorine/dechlor tablets present, condition of units, etc.)		
Outfall (marked, clear path, debris discharge, evidence of overflow, etc.)		
Security (gate locked, opening in fencing, WWTP signage on all sides, etc.)		
Actions to be taken:		
Signature:		Date:

December 2, 2020

Kentucky Energy and Environment Cabinet
Department for Environmental Protection
ATTN: Zachary Campbell

RE: Great Oaks WWTP (KY0080845) - Response to Inspection Report dates November 21, 2019

Dear Mr. Campbell,

This letter is being sent to you in response to the items identified during the inspection of Great Oaks on November 12, 2019. The items identified during the inspection were as followed.

Violations:

1. The facility has failed to maintain required records. Lab analysis and chain of custody documentation, GPP, and DMRs were not made available for review at the time of the inspection.
2. A GPP has not been developed or implemented. A GPP is required by the permit but was not made available for review at the time of the inspection.
3. The facility was not being properly operated and maintained as required. Limits on DO and nitrogen were exceeded during August 2019.
4. The facility has failed to comply with the effluent imitations contained in the permit. Limits on DO and Nitrogen were exceeded during August 2019.
5. The facility has failed to comply with the terms of the permit. Documentation required by the permit was not made available for review. DO and Nitrogen permit effluent limits were exceeded during August 2019.

For Violation 1 above, Bluegrass Water has implemented a record retention program for all facilities. Records will be available for review, upon request, as required in 401 KAR 5:065 Section 2(1).

For Violation 2 above, Bluegrass Water has created and implemented a GPP for Great Oaks WWTP in accordance with 401 KAR 5:037. I have attached a copy of the plan with this letter.

For Violations 3-5, Bluegrass Water purchased the Great Oaks WWTP on August 30, 2019 and entered an AO (Case No. DOW 34434-01) on September 3, 2019. Through the AO, we have a corrective action plan for facility upgrades to meet the permit limit requirements.



Please let me know if you have any questions or need any additional information.

Sincerely,

Michael Dick II

Michael Dick
Environmental Compliance Officer

Attachment: Great Oaks WWTP GPP

c: Midwest Water Operations, LLC

Groundwater Protection Plan For

Great Oaks WWTP - NPDES#KY0080845

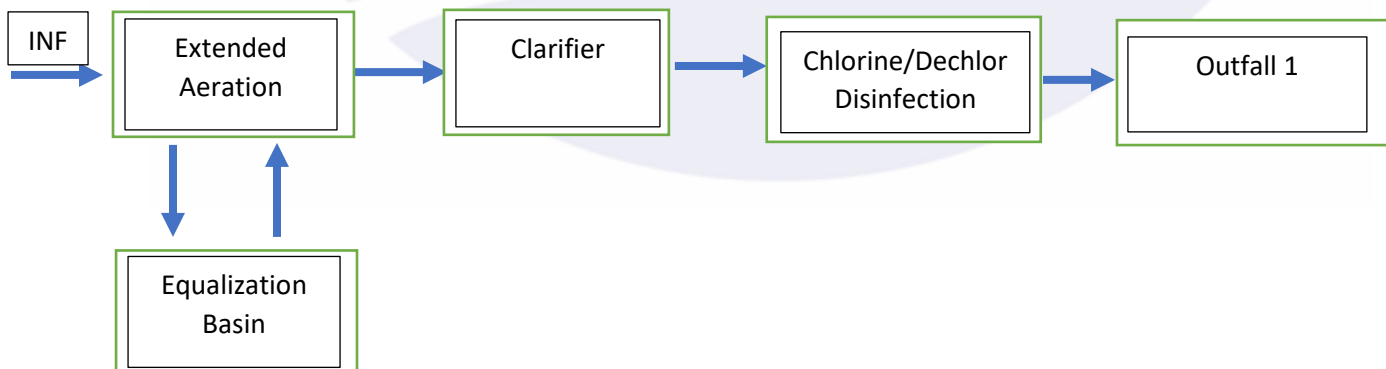
Section A. GENERAL INFORMATION

1. Name and address of facility
 - a. Name of Facility: Great Oaks WWTP
 - b. Address: 5700 Majestic Oaks Drive, Paducah, KY
 - c. County: McCracken County
 - d. Lat, Long: 36.986161, -88.638319
 - e. Mailing address: 1650 Des Peres Road, Suite 303, St. Louis. MO 63131

2. Person Developing GPP
 - a. Michael Dick II, Environmental Compliance Officer
 - b. Address: 1650 Des Peres Road, Suite 303, St. Louis, MO 63131
 - c. Telephone number: (314) 736-4672
 - d. Email: mdick@cswrgroup.com

3. Person Responsible for Implementing GPP
 - a. Christopher Carroll
 - b. Address: 398 East Gap Hill Road, Cub Run, KY 42729
 - c. Telephone number: (502) 509-8583
 - d. Email: ccarroll@midwestwaterop.com

4. Brief Description of Facility Operation
 - a. Type of treatment: activated sludge utilizing an extended aeration basin
 - b. Treatment capacity of plant (GPD): 0.070 MGD
 - c. Brief description of treatment process:



Section B. ACTIVITIES THAT HAVE THE POTENTIAL TO POLLUTE GROUNDWATER

- Treating residential wastewater by an activated sludge process through an extended aeration system.
- Sludge pumped and hauled away to Paducah McCracken Joint Sewer Agency.

Section C. PRACTICES SELECTED TO PROTECT GROUNDWATER FROM POLLUTION

- Two certified operators run the plant
 - o Todd Teas – Cert# 32117
 - o Stephen Roach – Cert# 114274
- All treatment basins are metal
- Sludge is pumped and disposed of through a contractor.

Section D. IMPLEMENTATION SCHEDULE

- This GPP is in effect as of November 24, 2020.
- All protective practices are being implemented already.

Section E. EMPLOYEE TRAINING

- Employees shall be trained on the GPP initially on hire and will go through a refresher training annually.

Section F. INSPECTION SCHEDULE

- Facility operators are on site conducting inspections a minimum of five days per week to monitor the operation of the facility.
- Central States Water Resources staff will conduct annual site audits which include reviewing the implementation of the facility GPP.
 - o Inspection checklist is included in Attachment 1

Section G. CERTIFICATION STATEMENT

I Jay Favor certify that this Groundwater Protection Plan complies with the requirements of 401 KAR 5:037. I have read the terms of the plan and will implement its provisions.

Signature: _____ Date: 11/24/2020

Enclosures: GPP Checklist

Facility Name:	Inspector:	Date:
Components to Inspect	Results/Comments	
Collection System (evidence of overflow, pumps functioning, etc.)		
Aeration Basin (blower unit, air lines, recirculation lines, etc.)		
Clarifier (weir, are solids present, water quality, etc.)		
Chlorination/Dechlor Treatment (are chlorine/dechlor tablets present, condition of units, etc.)		
Outfall (marked, clear path, debris discharge, evidence of overflow, etc.)		
Security (gate locked, opening in fencing, WWTP signage on all sides, etc.)		
Actions to be taken:		
Signature:		Date:

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

NOTICE OF VIOLATION

To: Brocklyn Utilities LLC WWTP
Alica Alexander
1650 Des Peres Rd Ste 303

Saint Louis, MO 63131

AI Name: Brocklyn Utilities LLC WWTP **AI ID:** 2809 **Activity ID:** ENV20210001
County: Madison
Enforcement Case ID:
Date(s) Violation(s) Observed: 02/19/2021

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. 4.2 mg/L; and concentration daily max. 4.2 mg/L for October 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: March 1, 2021

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

NOTICE OF VIOLATION

To: Golden Acres WWTP
Alica Alexander
1650 Des Peres Rd Ste 303

Saint Louis, MO 63131

AI Name: Golden Acres WWTP **AI ID:** 2935 **Activity ID:** ENV20210001

County: Marshall

Enforcement Case ID:

Date(s) Violation(s) Observed: 02/19/2021

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 mg/L for December 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: March 15, 2021

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

NOTICE OF VIOLATION

To: Great Oaks WWTP
Alica Alexander
1650 Des Peres Rd Ste 303

Saint Louis, MO 63131

AI Name: Great Oaks WWTP **AI ID:** 3041 **Activity ID:** ENV20210001
County: McCracken
Enforcement Case ID:
Date(s) Violation(s) Observed: 02/19/2021

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 CBOD. The permitted limit for CBOD 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. 19 mg/L; and concentration max. weekly avg. 19 mg/L for November 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 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. greater than 2.2 mg/L; and concentration daily max. greater than 2.2 mg/L for November 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 AIOO000003041():

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. .04 mg/L; and concentration daily max. .04 mg/L for December 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: March 15, 2021

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

NOTICE OF VIOLATION

To: Kingswood WWTP
Alica Alexander
1650 Des Peres Rd Ste 303

Saint Louis, MO 63131

AI Name: Kingswood WWTP **AI ID:** 455 **Activity ID:** ENV20210001
County: Bullitt
Enforcement Case ID:
Date(s) Violation(s) Observed: 02/19/2021

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 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 mg/L for November 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: 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: March 22, 2021

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

NOTICE OF VIOLATION

To: LH WWTP
Ali Alexander
1650 Des Peres Rd Suite 303
Des Peres, MO 63131

AI Name: LH WWTP **AI ID:** 163895 **Activity ID:** ENV20210001
County: Scott
Enforcement Case ID:
Date(s) Violation(s) Observed: 02/19/2021

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

- 1 Violation Description for Subject Item AIOO0000163895():
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. KY0081591, 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. The facility reported the following: concentration 30-day geometric avg. 133 MPN/100 mL for December 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: LH WWTP -- 163895

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 28, 2021

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

NOTICE OF VIOLATION

To: River Bluffs WWTP
Alica Alexander
1650 Des Peres Rd Ste 303

Saint Louis, MO 63131

AI Name: River Bluffs WWTP **AI ID:** 3367 **Activity ID:** ENV20210001
County: Oldham
Enforcement Case ID:
Date(s) Violation(s) Observed: 02/19/2021

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

- 1 Violation Description for Subject Item AIOO0000003367():
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. KY0043150, 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 daily max., less than or equal to 6 mg/L. The facility reported the following: concentration monthly avg. 8 mg/L; and concentration daily max. 8 mg/L for October 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: River Bluffs WWTP -- 3367

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 7, 2021

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

NOTICE OF VIOLATION

To: Timberland Subdivision WWTP
Alica Alexander
1650 Des Peres Rd Ste 303

Saint Louis, MO 63131

AI Name: Timberland Subdivision WWTP **AI ID:** 3070 **Activity ID:** ENV20210001
County: McCracken
Enforcement Case ID:
Date(s) Violation(s) Observed: 02/19/2021

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

- 1 Violation Description for Subject Item AIOO0000003070():
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. KY0083755, monitoring point 001-1, 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. 6.1 mg/L for December 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 AIOO0000003070():
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. KY0083755, 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. 2.06 mg/L; and concentration daily max. 2.06 mg/L for December 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 AIOO0000003070():
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. KY0083755, 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 October 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 AIOO0000003070():
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. KY0083755, 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. 4.9 mg/L; and concentration daily max. 4.9 mg/L for October 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 AIOO0000003070():
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. KY0083755, 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. .06 mg/L; and concentration daily max. .06 mg/L for October 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]

- 6 Violation Description for Subject Item AIOO0000003070():
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. KY0083755, 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. 1.42 mg/L; and concentration daily max. 1.42 mg/L for November 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: Timberland Subdivision WWTP -- 3070

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: March 22, 2021

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

AI ID: 1643 **AI Type:** SANI-Wastewater Treatment & Collection (2213)
AI Name: Airview WWTP
AI Address: 178 W Airview Dr
City: Elizabethtown, **State:** Kentucky **Zip:** 42701
County: Hardin **Regional Office:** Louisville Regional Office
Latitude: 37.758333 **Longitude:** -85.892222

Site Contact: Kathy Carey
Title: Operator **Phone #:** 502-650-5124

Inspection Type: Wastewater CSI-Minor Non-Municipal
Activity #: CIN20210001
Incident IDs:
Inspection Start Date: May 6, 2021 **Time:** 11:00 AM
End Date: May 6, 2021 **Time:** 12:50 PM
Site/Permit ID: KY0045390

Lead DEP Investigator: Sara Stewart
Other DEP Investigators: Todd Giles
External Investigators:
Persons Interviewed: Kathy Carey

General Comments: On May 6, 2021 Division of Water Inspector Sara Stewart and Supervisor Todd Giles conducted a compliance sampling inspection (CSI) in order to determine compliance with KPDES Permit KY0045390 at Airview Estates. DOW was accompanied during the inspection by Kathy Carey, operator for Midwest Water Operations, who operate the facility.

The facility treats residential wastewater and is designed to treat a capacity of 55,000 gallons per day (GPD). Treatment processes include a grit screen, aeration basin, clarifier, and chlorine contact chamber designed for two (2) stacks of chlorine tablets. A lagoon also exists at the facility, however it was not in use at the time of the inspection. A permit for wastewater treatment plant (WWTP) modification has been approved by DOW for converting the lagoon to be used for wet weather storage. Modification had not begun at the time of the inspection, but repairs to the lagoon and surrounding vegetation were ongoing and fencing around the WWTP had been demolished and replaced with temporary construction fencing.

At the time of the inspection, the facility was operating fairly despite wet weather impacts to the plant. Effluent in the aeration basin was thin and light in color, and two blowers were not operating at the time of the inspection to generate even aeration. However, settlometer readings were being taken at the time of the inspection in anticipation of re-seeding the plant using digester solids. Additional chlorine tablets were observed around the clarifier in order to provide additional disinfection for wet weather flows coming through.

Effluent analyses obtained by DOW at the time of the inspection were as follows:

pH: 7.95
DO: 6.91 mg/L

E. coli: 1.0 MPN/100 mL
CBOD: 5.38 mg/L
TSS: 8.50 mg/L
Ammonia: 0.229 mg/L

Overall Compliance Status: No Violations Observed- impend viol trend

Investigation Results

SI: AIOO1643

SI Description:

Inspector Comment:

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

Compliance Status: C-No Violations observed

Comment: The facility holds KPDES permit KY0045390, which went into effect on May 1, 2020 and will expire on April 30, 2025.

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

Compliance Status: C-No Violations observed

Comment: The facility has obtained the proper permit for modifications to a WWTP, which was approved on February 11, 2020.

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

Compliance Status: C-No Violations observed

Comment: The facility is operated by Kathy Carey, holding active license 31228 for WW Treatment II.

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: The collection system is supervised by Kathy Carey, holding active license 31241 for WW Collection II.

Requirement: Does the permittee retain records of all monitoring information including: the date, exact place, and time of sampling or measurements; the name of the individual who performed the sampling or measurements; the dates and times analyses were performed; the name of the individual who performed the analyses; the analytical techniques or methods used; the results of the analyses; all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation; copies of all reports required by this permit; and records of all data used to complete the application for this permit, for the period required by the cabinet and at a minimum of at least three (3) years from the date of the sample, measurement, report, or application?. [401 KAR 5:065 Section 2(1)]

Compliance Status: C-No Violations observed

Comment: All samples are collected and analyzed by Beckmar Laboratories. Copies of all records are sent as attachments to Operator Kathy Carey and Central State Water Resources.

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: E-Not Evaluated

Comment: The facility's GPP was not available for review at the time of the inspection.

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

Compliance Status: C-No Violations observed

Comment: Monitoring reports are submitted monthly to DOW as required by the KPDES permit.

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

Compliance Status: C-No Violations observed

Comment: DMRs are submitted electronically using netDMR.

Requirement: If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR Part 136 or as specified in the permit, are the results of this monitoring included in the calculation and reporting of the data submitted in the DMR?. [401 KAR 5:065 Section 2(1)]

Compliance Status: C-No Violations observed

Comment: All pollutants are only monitored as required by the KPDES permit.

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: All calculations are performed according to the terms of the KPDES permit.

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

Compliance Status: C-No Violations observed

Comment: The facility is aware of this requirement. Spills, bypasses, and non-compliance can be reported to DOW by contacting the regional office at (502) 429-7122 or by calling the 24-hour environmental emergency number at (800) 928-2380.

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: C-No Violations observed

Comment: The facility is aware of this requirement. Releases to the environment can be reported to DOW by contacting the regional office at (502) 429-7122 or by calling the 24-hour environmental emergency number at (800) 928-2380.

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

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

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

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

Comment: At the time of the inspection, the facility was operating well despite wet weather impacts to the plant. Effluent in the aeration basin was thin and light in color, and two blowers were not operating at the time of the inspection to generate even aeration. However, settlometer readings were being taken at the time of the inspection in anticipation of re-seeding the plant using digester solids.

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

Compliance Status: C-No Violations observed

Comment: At the time of the inspection, disinfection units were well-maintained and operating properly. Two stacks of chlorine tablets are used regularly, with additional tablets observed in the clarifier at the time of the inspection due to wet weather conditions.

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

Comment: Although the facility has an effluent flow meter installed, it was not working at the time of the inspection and flow was calculated and recorded daily using the facility's v-notch weir. The KPDES permit only requires an instantaneous reading for flow, however due to the facility's design capacity of 55,000 GPD, an indicating, recording, and totalizing flow measuring device is recommended.

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

Compliance Status: C-No Violations observed

Comment: A backflow preventor has been installed on the facility's water source used for cleanup.

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

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

Comment: At the time of the inspection, the facility was under construction and had only temporary fencing around the plant. DOW recommends replacing fencing with a lockable gate as soon as possible in order to resume compliance.

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

Compliance Status: C-No Violations observed

Comment: The access road to the facility was well-maintained at the time of the inspection.

Requirement: Is the sharp crested weir used to measure effluent flow installed in accordance with the criteria specified in regulation 401 KAR 5:005?. [401 KAR 5:005 Section 12(3)]

Compliance Status: C-No Violations observed

Comment: The facility uses a v-notched weir in order to measure effluent flow. At the time of the inspection, it was observed to be installed correctly and well-maintained.

Requirement: Is the Parshall flume(s) used to measure influent or effluent flows installed and maintained in accordance with the criteria specified in regulation 401 KAR 5:005?. [401 KAR 5:005 Section 12(4)]

Compliance Status: E-Not Evaluated

Comment: A Parshall flume was not observed to be used to measure influent or effluent flow at the time of the inspection.

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(1)]

Compliance Status: C-No Violations observed

Comment: Sewage sludge is held in a digester, which is pumped out as needed and taken to Outer Loop Landfill for disposal.

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)]

Compliance Status: C-No Violations observed

Comment: A review of DMRs was conducted from May 1, 2019 through May 31, 2021. During this time, the permittee reported violations for the first four months of ownership of the facility. Notes accompanying DMR submissions detailed the permittee's efforts in gaining compliance with the KPDES permit. From January 2020 until the most recent submission reviewed by DOW, all submissions have been on time with no parameter exceedances reported.

Requirement: 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: All sampling and analysis is conducted by Beckmar Laboratory and is performed according to the terms of the KPDES permit.

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: All sampling and analysis is conducted by Beckmar Laboratory.

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?. [401 KAR 5:065 Section 2(1)]

Compliance Status: C-No Violations observed

Comment: Samples are taken at Outfall 001, prior to effluent mixing with an unnamed tributary to Mill Creek.

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: All sampling, field and laboratory analysis is performed by Beckmar Laboratory, which holds certification KY00044.

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

Compliance Status: C-No Violations observed

Comment: The facility samples for all parameters required by the KPDES permit.

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

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

Comment: DMR review did not indicate that any pollutants had entered the waters of the Commonwealth at the time of the inspection. However, readings obtained by DOW showed dissolved oxygen (DO) as lower than the minimum limitation, although all other parameters measured at the time of the inspection including E. coli and ammonia were well within compliance.

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

Compliance Status: C-No Violations observed

Comment: No evidence of surface water degradation was observed at the time of the inspection. Discharge at Outfall 001 appeared clear with no solids, sheen, or odor present.

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

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

Comment: DOW recommends repairs to the facility's flow meter and two non-functioning blowers in order to improve operating conditions, including raising DO which was recorded at 6.91 by DOW at the time of the inspection, below the required minimum of 7.00. Additionally, fencing with a lockable gate should be installed as required by the KPDES permit.

Documentation

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

Inspector:



Signed by: Sara Stewart - Local Cert

Date: **June 30, 2021**

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

Delivery Method: **Email**



ANDY BESHEAR
GOVERNOR

REBECCA W. GOODMAN
SECRETARY

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

TONY HATTON
COMMISSIONER

100 SOWER BOULEVARD, STE. 104
FRANKFORT, KENTUCKY 40601

Thursday, May 20, 2021

Lab Sample Number: AS01640

To: Division of Water
300 Sower Blvd
Frankfort, KY 40601
ATTN: Sarah Gaddis

County: Hardin

Collected By: Sara Stewart

Delivered By: Sara Stewart

Received By: Gerry Morford

Sample Matrix: WATER

Sample Description: Airview WWTP Outfall 001

Sample ID: Outfall 001

Station/Project ID:

Re: Airview WWTP

AI #1643

Program Code: A02

AKGWA:

Facility:

Date: 05/07/2021

Time: 12:10

Date: 05/07/2021

Time: 14:17

Date: 05/07/2021

Time: 14:17

Collection Method: Grab

Sample Type: Field Sample

Container ID:

Shipment Temp: 6.5C

REPORT OF ANALYSIS

<u>LAB A CODE</u>	<u>CAS NUM</u>	<u>CONSTITUENTS</u>	<u>RESULT</u>	<u>UNIT</u>	<u>LOQ</u>	<u>LOD</u>	<u>FLAG</u>
<i>TESTCODE 2040</i>		<i>BY: SM20 5210 B</i>	<i>ON: 5/7/2021 2:50:00 PM</i>				
2040		CBOD-5	5.38	mg/L	2.00		
<i>TESTCODE 1320</i>		<i>BY: SM20 2540 D</i>	<i>ON: 5/12/2021 10:13:00 AM</i>				
1320		Solids, Total Suspended	8.50	mg/L	3.00	1.50	
<i>TESTCODE 2000</i>		<i>BY: EPA 350.1 r2</i>	<i>ON: 5/18/2021 12:22:00 PM</i>				
2000	7664-41-7	Ammonia (as N)	0.229	mg/L	0.0500	0.0250	

Container Preservation Status at Sample Login

@PG-ICE-1	Plastic or glass, ice as pres; #1	Unpreserved (checked by pH strip)
@PG-SO4-1	Plastic or glass; sulfuric acid pres; #1	Preserved < pH 2 (checked by pH strip)

Case Narrative

This report has been prepared and reviewed by personnel within the Department for Environmental Protection Laboratory (DEPLAB) and has been approved for release.

Michael Goss, Laboratory Technical Director

Report Format: DESFinal-Full

Sample Number: AS01640

KentuckyUnbridledSpirit.com



Report Version 1

Page 1 of 1

An Equal Opportunity Employer M/F/D

Case No. 2022-00432
Bluegrass Water's Response to OAG 1-34
Exhibit OAG 1-34
Page 936 of 2110



CERTIFICATE OF ANALYSIS

L1E0334

KYDOW - Louisville
Todd Giles
9116 Leesgate Road
Louisville, KY 40222

Date Reported 05/07/2021
Date Due 05/17/2021
Date Received 05/06/2021
Customer # EK082

E-Coli Analysis

Table with columns: Analysis, OOC, Qualifier, Result Units, Min, Max, Method, Rpt Limit, Analysis Date, Tech. Row 1: Sample: 01, Outfall 001, 1.0 MPN/100mL, SM 9223 B (Colilert-18)-1997, 1.0, 05/06/2021 15:50, CCK.

Qualifier Definitions

Report Comments

The data and information on this, and other accompanying documents, represents only the sample(s) analyzed. This report is incomplete unless all pages indicated in the footnote are present and an authorized signature is included.

Reviewed and Approved By:

Handwritten signature of Joan Heinsohn

JOAN HEINSOHN
Customer Relationship Specialist
Reported: 05/07/2021 18:02

The data and other information contained on this, and other accompanying documents, represents only the sample (s) analyzed and is rendered upon the condition that it is not to be reproduced wholly or in part for advertising or other purposes without written approval from the laboratory.

Microbac Laboratories, Inc.

3323 Gilmore Industrial Blvd. Louisville, KY 40213 502.962.6400 Fax: 502.962.6411
Evansville 812.464.9000 | Lexington 859.276.3506 | Paducah 270.898.3637 | Hazard 606.487.0511

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

NOTICE OF VIOLATION

To: Brocklyn Utilities LLC WWTP
Alica Alexander
1650 Des Peres Rd Ste 303

Saint Louis, MO 63131

AI Name: Brocklyn Utilities LLC WWTP **AI ID:** 2809 **Activity ID:** ENV20210002
County: Madison
Enforcement Case ID:
Date(s) Violation(s) Observed: 05/10/2021

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; and concentration max. weekly avg., less than or equal to 15 mg/L. The facility reported the following: concentration monthly avg. 18 mg/L; and concentration max. weekly avg. 18 mg/L for February 2021.

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; and concentration max. weekly avg., less than or equal to 45 mg/L. The facility reported the following: concentration monthly avg. 108 mg/L; and concentration max. weekly avg. 108 mg/L for February 2021.

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. 778 CFU/100 mL; and concentration weekly avg. 778 CFU/100 mL for February 2021.

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 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 5 mg/L. The facility reported the following: concentration monthly avg. 7.5 mg/L for March 2021.

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: May 25, 2021

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

NOTICE OF VIOLATION

To: Delaplain Disposal
Michael Dick
1650 Des Peres Rd Ste 303

Des Peres , MO 63131

AI Name: Delaplain Disposal **AI ID:** 479 **Activity ID:** ENV20210001
County: Bullitt
Enforcement Case ID:
Date(s) Violation(s) Observed: 05/10/2021

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

- 1 Violation Description for Subject Item AIOO0000000479():
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. KY0091600, during the December 2020 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]

AI: Delaplain Disposal -- 479

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 3, 2021

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

NOTICE OF VIOLATION

To: Fox Run WWTP
Alica Alexander
1650 Des Peres Rd Ste 303

Saint Louis, MO 63131

AI Name: Fox Run WWTP **AI ID:** 1388 **Activity ID:** ENV20210001

County: Franklin

Enforcement Case ID:

Date(s) Violation(s) Observed: 05/10/2021

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 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. 103 mg/L; and concentration max. weekly avg. 103 mg/L for March 2021.

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 9, 2021

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

NOTICE OF VIOLATION

To: Herrington Haven Subd
Bluegrass Water Utility
Alica Alexander
1650 Des Peres Rd Ste 303
Saint Louis, MO 63131

AI Name: Herrington Haven Subd **AI ID:** 1469 **Activity ID:** ENV20210002
County: Garrard
Enforcement Case ID:
Date(s) Violation(s) Observed: 05/10/2021

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

1 Violation Description for Subject Item AIOO0000001469():

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. KY0053431, monitoring point 001-1, for Total Phosphorus (as P). The permitted limit for Total Phosphorus (as P) is concentration 30-day avg., less than or equal to 1 mg/L. The facility reported the following: concentration 30-day avg. 7.8 mg/L for March 2021.

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 AIOO0000001469():

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. KY0053431, 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 1.63 lbs/day. The facility reported the following: loading 30-day avg. 1.949 lbs/day for March 2021.

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: Herrington Haven Subd -- 1469

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 6, 2021

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

NOTICE OF VIOLATION

To: Herrington Haven Subd
Bluegrass Water Utility
Alica Alexander
1650 Des Peres Rd Ste 303
Saint Louis, MO 63131

AI Name: Herrington Haven Subd **AI ID:** 1469 **Activity ID:** ENV20210002
County: Garrard
Enforcement Case ID:
Date(s) Violation(s) Observed: 05/10/2021

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

- 1 Violation Description for Subject Item AIOO0000001469():
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. KY0053431, monitoring point 001-1, for Total Phosphorus (as P). The permitted limit for Total Phosphorus (as P) is concentration 30-day avg., less than or equal to 1 mg/L. The facility reported the following: concentration 30-day avg. 7.8 mg/L for March 2021.

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 AIOO0000001469():
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. KY0053431, 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 1.63 lbs/day. The facility reported the following: loading 30-day avg. 1.949 lbs/day for March 2021.

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: Herrington Haven Subd -- 1469

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 6, 2021

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

NOTICE OF VIOLATION

To: Kingswood WWTP
Alica Alexander
1650 Des Peres Rd Ste 303

Saint Louis, MO 63131

AI Name: Kingswood WWTP **AI ID:** 455 **Activity ID:** ENV20210002
County: Bullitt
Enforcement Case ID:
Date(s) Violation(s) Observed: 05/10/2021

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 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. 245 MPN/100 mL; and concentration 7-day geometric 245 MPN/100 mL for March 2021.

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: July 6, 2021

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

NOTICE OF VIOLATION

To: Lake Columbia WWTP
Alica Alexander
1650 Des Peres Rd Ste 303

Saint Louis, MO 63131

AI Name: Lake Columbia WWTP **AI ID:** 458 **Activity ID:** ENV20210001
County: Bullitt
Enforcement Case ID:
Date(s) Violation(s) Observed: 05/10/2021

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

- 1** Violation Description for Subject Item AIOO000000458():
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. 32 mg/L for February 2021.

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: July 7, 2021

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

NOTICE OF VIOLATION

To: Timberland Subdivision WWTP
Alica Alexander
1650 Des Peres Rd Ste 303

Saint Louis, MO 63131

AI Name: Timberland Subdivision WWTP **AI ID:** 3070 **Activity ID:** ENV20210002
County: McCracken
Enforcement Case ID:
Date(s) Violation(s) Observed: 05/10/2021

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

1 Violation Description for Subject Item AIOO0000003070():

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. KY0083755, 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. 2.2 mg/L; and concentration daily max. 2.2 mg/L for January 2021.

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 AIOO0000003070():

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. KY0083755, monitoring point 001-1, for CBOD. The permitted limit for CBOD 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. 16 mg/L; and concentration max. weekly avg. 16 mg/L for March 2021.

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 AIOO0000003070():

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. KY0083755, monitoring point 001-1, 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. 5.9 mg/L for March 2021.

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 AIOO0000003070():

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. KY0083755, monitoring point 001-1, for CBOD. The permitted limit for CBOD 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. 21 mg/L; and concentration max. weekly avg. 21 mg/L for February 2021.

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 AIOO0000003070():

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. KY0083755, 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. 31 mg/L for February 2021.

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 AIOO0000003070():

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. KY0083755, 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. 2.08 mg/L; and concentration daily max. 2.08 mg/L for February 2021.

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 AIOO0000003070():

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. KY0083755, 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. .08 mg/L; and concentration daily max. .08 mg/L for March 2021.

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]

At: Timberland Subdivision WWTP -- 3070

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 6, 2021



Andy Beshear
Governor

Rebecca W. Goodman
Secretary
Energy and Environment Cabinet

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

Michael J. Schmitt
Chairman

Kent A. Chandler
Vice Chairman

Talina R. Mathews
Commissioner

May 18, 2021

Josiah Cox
CEO
Central States Water Resources
500 Northwest Plaza Drive, Suite 500
St. Ann, MO 63074

Re: First Periodic Waste Water Inspection
Bluegrass Water Utility Operating Company, LLC – Brocklyn Waste Water
System
Madison County, KY

Dear Mr. Cox:

Public Service Commission staff performed a periodic inspection of the Bluegrass Water Utility Operating Company, LLC – Brocklyn waste water system located in Madison County, KY on April 19, 2021, reviewing utility operations and management practices pursuant to Commission regulations. The report of this inspection is enclosed with this letter.

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

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

Sincerely,

Brian L. Rice
Utility Inspector
Public Service Commission

Enclosure(s)

Copy: Ali Alexander, R.G., Environmental Compliance Officer, Central States Water Resources
Terry Merritt, VP of Midwest Water Operations
1351 Jefferson Street, Suite 301
Washington, MO 63090

Kentucky Public Service Commission

Periodic Compliance Inspection

Utility: Bluegrass Water Utility Operating Company, LLC. – Brocklyn Wastewater Treatment Facility

Utility's Principal office location: 500 Northwest Plaza Drive Suite 500, St. Ann, MO

Wastewater Treatment Facility Location: Hager Drive, Richmond, KY

Utility representative during inspection: Alica (Ali) Alexander, R. G. – Environmental Compliance Officer, Charlie Begley - Operator

Counties Served: Madison

Customers: Approximately 168

Inspector: Brian L. Rice

Date(s) of inspection: April 19, 2021

Last Inspection Date: January 15, 2019

Deficiencies noted during the last inspection: 13

Have deficiencies been corrected since last inspection?

Yes

No

N/A

Note: The wastewater system owned by Brocklyn Utilities, LLC, was transferred to Bluegrass Water Utility Operating Company, LLC back in August of 2019 in case number 2019-00104. The thirteen deficiencies noted in the January 15, 2019 inspection report were associated with Brocklyn Utilities, LLC for not having an office.

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

Person(s) who should receive this inspection report:

Josiah Cox
Central States Water Resources, CEO
500 Northwest Plaza Drive, Suite 500
St. Ann, MO 63074
jcox@cswrgroup.com
314.736.4672

Terry Merritt
Midwest Water Operations, VP
1351 Jefferson Street, Suite 301
Washington, MO 63090
tmerritt@midwestwaterop.com
636.432.3001

Kentucky Public Service Commission

Periodic Compliance Inspection

General Questions

Treatment Facility: Yes No N/A

Collection System: Yes No N/A

Utility Information

Total number of Employees: Bluegrass Water Utility Operating Company, LLC has no employees. BWUOC contracts with Midwest Water Operations to operate and maintain the wastewater facility.

Does the utility have its own maintenance staff? Yes No N/A

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

807 KAR 5:006 (General Rules)

Section 2: General Provisions. Reference to standards or codes in 807 KAR Chapter 5 shall not prohibit a utility from continuing or initiating experimental work and installations to improve, decrease the cost of, or increase the safety of its service.

Section 7: Billings, Meter Readings, and Information.

Billing and Collection is done by: Bluegrass Water Utility Operating Company, LLC has contracted with Nitro Billing Services

Does each bill for utility service issued periodically by a utility clearly show the following?

The date the bill was issued:	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Class of service:	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Present and last preceding meter readings:	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Date of the present reading:	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Number of units consumed:	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Net amount for service rendered:	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
All taxes:	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Adjustments, if applicable:	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
The gross amount of the bill:	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
The date after which a penalty may apply to the gross amount:			

Kentucky Public Service Commission

Periodic Compliance Inspection

If the bill is estimated or calculated: Yes No N/A
Is the rate schedule under which the bill is computed posted on the utility's Web site (if it maintains a Web site)? Yes No N/A
Also furnished by one (1) of the following methods, by:
Printing it on the bill: Yes No N/A
Publishing it in a newspaper of general circulation once each year: Yes No N/A
Mailing it to each customer once each year; or: Yes No N/A
Provide a place on each bill for a customer to indicate the customer's desire for a copy of the applicable rates: Yes No N/A

Does the utility maintain the information required by this subsection, and is it available to the commission and any customer requesting this information?

Yes No N/A

Section 8. Deposits:

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

Section 10: Customer Complaints to the Utility

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

Note: Bluegrass Water does not have an office located in Kentucky. All customer complaints will be made via telephone.

Does the utility keep a record of all written complaints concerning the utility's service?

Yes No N/A

Does the record include the following?

The customer's name and address: Yes No N/A
The date and nature of the complaint: Yes No N/A
The disposition of the complaint: Yes No N/A

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

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

Note: Bluegrass Water does not have an office located in Kentucky. All customer complaints will be made via telephone.

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

If a telephonic complaint is not resolved, does the utility provide at least oral notice to the customer of his or her right to file a complaint with the commission? Yes No N/A

Section 14: Utility Customer Relations

Does the utility post and maintain regular business hours and provide representatives available to assist its customers and to respond to inquiries from the commission regarding customer complaints? Yes No N/A

Does the utility designate at least one (1) representative to be available to answer customer questions, resolve disputes, and negotiate partial payment plans at the utility's office? Yes No N/A

Note: Bluegrass Water does not have an office located in Kentucky. All customer questions, disputes, and partial payment plan negotiations will be handle over the telephone.

If the utility has an annual operating revenue of \$250,000 or more, does the utility have a designated representative available during the utility's established working hours not fewer than seven (7) hours per day, five (5) days per week excluding legal holidays? Yes No N/A

If the utility has an annual operating revenue of less than \$250,000, does the utility have a designated representative available during the utility's established working hours not fewer than seven (7) hours per day, one (1) days per week? Yes No N/A

Kentucky Public Service Commission

Periodic Compliance Inspection

Does the utility provide the following?

Maintain a telephone: Yes No N/A

Publish the telephone number in all service areas: Yes No N/A

Permit all customers to contact the utility's designated representative without charge: Yes No N/A

Does the utility prominently display in each office open to the public for customer service (and shall post on its Web site, if it maintains a Web site) a summary, prepared and provided by the commission, of the customer's rights pursuant to this section and Section 16 of this administrative regulation? Yes No N/A

Note: Bluegrass Water does not have an office located in Kentucky but does maintain a website with the necessary information for customers.

Section 20: Access to Property:

Do employees of the utility (whose duties require them to enter the customer's premises) wear a distinguishing uniform or other insignia, identifying them as an employee of the utility, and show a badge or other identification that shall identify them as an employee of the utility? Yes No N/A

Note: Bluegrass Water does not have any employees.

Section 23: System Maps and Records:

Does the utility have on file at its principal office located within the state and shall file upon request with the commission a map or maps of suitable scale of the general territory it serves or holds itself ready to serve? Yes No N/A

Note: Bluegrass Water does not have an office located in Kentucky; however, all Bluegrass Water's system maps are available on Central States Water resources website via a link to the Kentucky Infrastructure Authority.

Is the map or maps available in electronic format as a PDF file or as a digital geographic database? Yes No N/A

Kentucky Public Service Commission

Periodic Compliance Inspection

Is the following data available on the map or maps?

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

Section 24: Location of Records.

All records required by 807 KAR Chapter 5 shall be kept in the office of the utility and shall be made available to representatives, agents, or staff of the commission upon reasonable notice at all reasonable hours.

Are all records required by 807 KAR Chapter 5 kept in the office of the utility and shall be made available to representatives, agents, or staff of the commission upon reasonable notice at all reasonable hours?

Yes No N/A

Section 25: Safety Program:

Each utility shall adopt and execute a safety program, appropriate to the size and type of its operations. At a minimum, the safety program shall:

- (1) Establish a safety manual with written guidelines for safe working practices and procedures to be followed by utility employees;
- (2) Instruct employees in safe methods of performing their work.
- (3) Instruct employees who, in the course of their work, are subject to the hazard of electrical shock, asphyxiation, or drowning, in accepted methods of artificial respiration.

Has the utility adopted and executed a safety program, appropriate to the size and type of its operations?

Yes No N/A

At a minimum, does the safety program include the following?

A safety manual with written guidelines for safe working practices and procedures to be followed by utility employees:

Yes No N/A

Note: Contractor Safe Practices Handbook

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Instruct employees in safe methods of performing their work.

Yes No N/A

Note: Bluegrass Water has no employees

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

Yes No N/A

Note: Bluegrass Water has no employees

Section 26: Inspection of Systems:

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

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

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

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

Yes No N/A

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

Yes No N/A

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

Yes No N/A

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

Yes No N/A

Kentucky Public Service Commission

Periodic Compliance Inspection

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

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

- (a) Death or shock or burn requiring medical treatment at a hospital or similar medical facility, or any accident requiring inpatient overnight hospitalization;
- (b) Actual or potential property damage of \$25,000 or more; or
- (c) Loss of service for four (4) or more hours to ten (10) percent or 500 or more of the utility's customers, whichever is less.

(2) A summary written report shall be submitted by the utility to the commission within seven (7) calendar days of the utility related accident. For good cause shown, the executive director of the commission, shall, upon application in writing, allow a reasonable extension of time for submission of this report.

Has the Utility had any Accidents, Property Damage, or Loss of Service?

Yes No N/A

If yes, was the Commission notified by telephone or electronic mail within two (2) hours of discovery of a utility related accident that resulted in the following:

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

Yes No N/A

Actual or potential property damage of \$25,000 or more:

Yes No N/A

Loss of service for four (4) or more hours to ten (10) percent or 500 or more of the utility's customers, whichever is less:

Yes No N/A

Was a summary written report submitted by the utility to the commission within seven (7) calendar days of the utility related accident?

Yes No N/A

Kentucky Public Service Commission

Periodic Compliance Inspection

Section 28: Deviations from Administrative Regulation:

In special cases, for good cause shown, the commission shall permit deviations from this administrative regulation.

Has the utility been permitted by the commission to deviate from these administrative regulations?

Yes No N/A

If so, provide the case no.

807 KAR 5:011 (Tariffs)

Section 12: Posting tariffs, Administrative Regulations, and Statutes

Does the utility display a suitable placard, in large type, that states that the utility's tariff and statutes are available for public inspection?

Yes No N/A

Note: Bluegrass Water does not have an office in Kentucky; however, the tariffs and statutes are available on Central States Water Resources website.

Does the utility provide a suitable table or desk in its office or place of business on which the public may view all effective tariffs?

Yes No N/A

Note: Bluegrass Water does not have an office in Kentucky.

Section 13: Special Contracts

Does the utility have any special contracts that establish rates, charges, or conditions of service not contained in its tariff?

Yes No N/A

If yes, has the utility filed the special contracts with the PSC?

Yes No N/A

Kentucky Public Service Commission

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807 KAR 5:071 (Sewage)

Section 1: General. The purpose of this administrative regulation is to provide standard rules administrative regulations governing the service of sewage utilities operating under the Jurisdiction of the Public Service Commission.

Section 4: Information Available to Customers.

(1) System maps or records. Each utility shall maintain up-to-date maps, plans, or records of its entire force main and collection systems, with such other information as may be necessary to enable the utility to advise prospective customers, and others entitled to the information, as to the facilities available for serving any locality.

(2) Rates, rules, and regulations. A schedule of approved rates for sewage service applicable for each class of customers and the approved rules and regulations of the sewage utility shall be available to any customer or prospective customer upon request.

Does the Utility have a current map and/or plans for its system?

Yes

No

N/A

Section 5. Quality of Service.

(1) General. Each utility shall maintain and operate sewage treatment facilities of adequate size and properly equipped to collect, transport, and treat sewage, and discharge the effluent at the degree of purity required by the health laws of the State of Kentucky, and all other regulatory agencies, federal, state, and local, having jurisdiction over such matters.

(2) Limitations of service. No sewage disposal company shall be obliged to receive for treatment or disposal any material except sewage as defined by Section 2(7) of this administrative regulation. In compliance with the administrative regulation, the utility shall make all reasonable efforts to eliminate or prevent the entry of surface or ground water, or any corrosive or toxic industrial liquid waste into its sanitary sewer system. A utility may request assistance from the appropriate state, county, or municipal authorities in its efforts, but such a request does not relieve the utility of its aforementioned responsibilities.

Kentucky Public Service Commission

Periodic Compliance Inspection

Is the utility in compliance with the Division of Water? Yes No N/A

Note: See the following attachments:

Attachment A – Agreed Order between Bluegrass Water and Energy and Environment Cabinet.

Attachment B – Bluegrass Water’s Corrective Action Plan (CAP) dated December 13, 2019

Attachment C – EEC Comment & Approval Letter

Attachment D – Bluegrass Water Revision Corrective Action Plan dated July 29, 2020

Is the utility making every reasonable effort to eliminate or prevent the entry of surface or ground water, or any corrosive or toxic industrial liquid waste into its sanitary sewer system?

Yes No N/A

Section 6: Continuity of Service.

(1) **Emergency interruptions.** Each utility shall make all reasonable efforts to prevent interruptions of service and when such interruptions occur shall endeavor to reestablish service with the shortest possible delay consistent with the safety of its customers and the general public.

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

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

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

Yes No N/A

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

Yes No N/A

Kentucky Public Service Commission

Periodic Compliance Inspection

Does the utility make all reasonable efforts to schedule interruptions at such hours as will provide least inconvenience to the customers?

Yes No N/A

Does the utility maintain a record of all interruptions of service with regard to the following items?

Yes No N/A

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

Section 7. Design, Construction, and Operation.

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

(2) Design and construction requirements. The design and construction of the sewage utility's collecting sewers, treatment plant and facilities, and all additions thereto and modifications thereof, shall conform to the requirements of the Kentucky Department for Natural Resources and Environmental Protection, Bureau of Environmental Quality, Division of Water Quality.

(3) Adequacy of facilities. The capacity of the sewage utility's sewage treatment facilities for the collection, treatment and disposal of sewage and sewage effluent must be sufficiently sized to meet all normal demands for service and provide a reasonable reserve for emergencies.

(4) Inspection of facilities. Each sewage utility shall adopt procedures for inspection of its sewage treatment facilities to assure safe and adequate operation of its facilities and compliance with commission rules. These procedures shall be filed with the commission. Unless otherwise authorized in writing by the commission, the sewage utility shall make inspections of collecting sewers and manholes on a scheduled basis at intervals not to exceed one (1) year, unless

Kentucky Public Service Commission

Periodic Compliance Inspection

conditions warrant more frequent inspections and shall make inspections of all mechanical equipment on a daily basis. The sewage utility shall maintain a record of findings and corrective actions required, and/or taken, by location and date.

Is the utility operating and maintaining their facility in accordance with accepted good engineering practice to assure, as far as reasonably possible, continuity of service, uniformity in the quality of service furnished, and the safety of persons and property?

Yes No N/A

Is the utility adhering to their inspection procedures to assure safe and adequate operation of its facilities and compliance with the Commission rules?

Yes No N/A

Unless otherwise authorized in writing by the commission, does the sewage utility make inspections of their collecting sewers and manholes on a scheduled basis at intervals not to exceed one (1) year, unless conditions warrant more frequent inspections?

Yes No N/A

Does the utility inspect all mechanical equipment on a daily basis?

Yes No N/A

Note: Each facility has in place a Mission-Manage SCADA monitoring system.

Does the utility maintain a record of findings and corrective actions required, and/or taken, by location and date?

Yes No N/A

Kentucky Public Service Commission

Periodic Compliance Inspection

Deficiencies

No deficiencies noted during this inspection.

Additional Inspector Comments

This is the first inspection of Bluegrass Water Utility Operating Company, LLC since they became a utility back in September of 2019 in case no. 2019-00104 therefor this visit was considered introductory in nature.

Bluegrass Water entered into an Agreed Order with the Energy and Environment Cabinet back in September of 2019 for the interest of providing corrective actions to the Brocklyn wwt facility. (See attachment A) Bluegrass water submitted a Corrective Action Plan (CAP) to the cabinet in December of 2019 (see Attachment B). Since the acquisition of Brocklyn wwt facility, Bluegrass Water has submitted a revised CAP back in July of 2020. (See attachment D)

Brocklyn wastewater treatment plant is approximately 52 years old and is showing signs of major rust and deterioration (see Attachment E). At the time of the inspection, the polishing lagoon had been pumped out and is no longer being used as part of the treatment process.

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Periodic Compliance Inspection

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

Report by:

Date: May 11, 2021



Brian L. Rice
Utility Inspector
Kentucky Public Service Commission

Kentucky Public Service Commission

Periodic Compliance Inspection

- Attachments: A – Agreed Order
B – Corrective Action Plan
C – EEC Comment & Approval Letter
D – Revised Corrective Action Plan
E – Pictures

Kentucky Public Service Commission

Periodic Compliance Inspection

Attachment A

Agreed Order

J. Home



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

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

AGREED ORDER

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

STATEMENTS OF FACT

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

(hereinafter "DOW"). The facility's KPDES permit expired on May 31, 2018; however, the DOW has administratively continued the permit to allow the facility to operate under its expired permit.

5. Brocklyn Utilities, LLC is an active Kentucky corporation in good standing, according to the Kentucky Secretary of State.

6. BWUOC has indicated to the Cabinet that it plans to acquire Brocklyn WWTP, provided it receives from the Kentucky Public Service Commission ("Commission") all approvals required to make the acquisition. If the Commission approves the acquisition, BWUOC plans to assume ownership and operation of Brocklyn WWTP on or around September 15, 2019.

7. BWUOC has contracted with a third-party firm to produce an engineering memorandum detailing the status of and repairs needed at Brocklyn WWTP (Exhibit A). This report was submitted to the Cabinet on or about July 29, 2019.

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

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

REMEDIAL MEASURES

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

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

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

Section 2(1)

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

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

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

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

13. So long as BWUOC is in compliance with the terms and conditions of this Agreed Order, the Cabinet's Division of Enforcement agrees to hold any formal enforcement action for numeric permit parameter violations for the KPDES permit described in paragraph 4, in abeyance. Should BWUOC fail to comply with the terms and conditions of this Agreed Order, the Cabinet may seek formal enforcement action that would have otherwise been held in abeyance.

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

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

MISCELLANEOUS PROVISIONS

16. This Agreed Order shall be of no force and effect unless BWUOC assumes ownership and operations of Brocklyn WWTP

17. This Agreed Order addresses only the items described above. Other than the matters

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

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

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

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

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

compliance with the provisions of KRS Chapter 224 and the regulations promulgated pursuant thereto. Notwithstanding the Cabinet's review and approval of any plans formulated pursuant to this Agreed Order, BWUOC shall remain solely responsible for compliance with the terms of KRS Chapter 224 and the regulations promulgated thereto, this Agreed Order, and any permit and compliance schedule requirements.

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

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

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

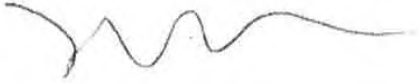
25 This Agreed Order shall be of no force and effect unless and until it is entered by the Secretary or his designee as evidenced by his signature thereon. If this Agreed Order contains any date by which BWUOC is to take any action or cease any activity, and the Secretary enters the Agreed Order after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

TERMINATION

26 This Agreed Order shall terminate upon BWUOC's completion of all requirements described in this Agreed Order. BWUOC may submit written notice to the Cabinet when it believes all requirements have been performed. The Cabinet shall notify BWUOC in writing whether it concurs that all requirements of this Agreed Order have been completed. The Cabinet reserves its

right to enforce this Agreed Order, and BWUOC reserves its right to file a petition for hearing pursuant to KRS 224 10-420(2) contesting the Cabinet's determination.

AGREED TO BY



Josiah Cox, President
Bluegrass Water Utility Operating Company, LLC

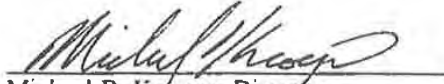
CASE NO. DOW 19-3-0150

8/14/19

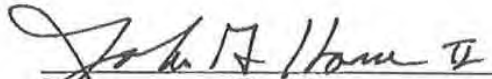
Date

CASE NO. DOW 19-3-0150

APPROVAL RECOMMENDED BY:


Michael B. Kroeger, Director
Division of Enforcement

8/27/19
Date


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

8/27/19
Date


R. Bruce Scott, Deputy Secretary
Energy and Environment Cabinet

8/29/19
Date

CASE NO. DOW 19-3-0150

ORDER

Wherefore, the foregoing Agreed Order is entered as the final Order of the Energy and Environment Cabinet this 3rd day of September, 2017.

ENERGY AND ENVIRONMENT CABINET



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

CERTIFICATE OF SERVICE

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

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

And mailed, messenger to:

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

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



DOCKET COORDINATOR

Distribution:

Dow
BGD
S:H
FBT

Exhibit A

Civil Engineering
Surveying & Mapping
Potable Water
Wastewater Treatment



Civil Site Design
Construction Support
Transportation
Wastewater Collection

Brocklyn-Kentucky (Wastewater)

Engineering Memorandum

Date: December 26, 2018

Wastewater Treatment Facility Understanding

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

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

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

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

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

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to the polishing cell. While this cell can protect sludge from discharging into the stream, the cell must be periodically cleaned to avoid sludge build up and recontamination of the effluent. I can't confirm sludge levels from this visit. Sludge judging of this cell should be completed. Additionally, I'm not aware of the depth of this cell. A shallow cell may have algae growth that will cause effluent problems. Since no aeration exists in the cell to improve mixing, I anticipate the cell turning over similar to a pond and may have contamination of the effluent from solid deposits on the cell bottom. (See polishing cell photo in Appendix Picture 7)

The contact chamber does not have typical baffling and may experience short circuiting. While it doesn't appear there are any violations for E. Coli, the contact chamber should be replaced or disinfection should be converted to Ultraviolet disinfection. (Appendix Picture 8)

Depending on further inspection of the contact chamber, it might be able to be salvaged if solely used for re-aeration to meet dissolved oxygen levels. This will be evaluated in the design and operational stage of the system transfer period.

The effluent quality looks clean as it was leaving the re-aeration tank. The effluent discharges into the existing stream that runs through the middle of the treatment facility yard.

Improvements: Install flow equalization, replace aeration system, replace sludge return lines, sludge judge polishing cell, evaluate the polishing cell to determine the benefit of this part of the treatment, regrade around perimeter of polishing cell with gutter system to redirect water if staying in use, install ultraviolet disinfection, and repair and repaint re-aeration tank to extend life of tankage.

In lieu of maintaining the polishing cell, the owner should evaluate the benefits of installing a cloth drum filter at the effluent and possibly converting the polishing cell to flow equalization.

Wastewater Collection System Understanding

Per records provided by the owner, the system has approximately 168 customers. These customers are served by a gravity sewer system. Per the operator, inflow infiltration is believed to be a problem on this facility. A flow meter should be installed to determine extent of the I and I problems. Funds should be invested into the collection system or the quality of the effluent will be an ongoing problem. No maps of the system were provided. The system will need to be mapped for future operation as it appeared nothing has been compiled for our review or operational maintenance purposes. The system should also be smoke tested. Video inspection is anticipated on parts of the system as well.

Improvements Required: Map the system. Install a flow meter. Smoke test and video inspect the collection system.

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APPENDIX



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Periodic Compliance Inspection

Attachment B

Corrective Action Plan

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Civil Site Design
Construction Support
Transportation
Wastewater Collection

December 13, 2019

Wes Dement
Kentucky Department for Environmental Protection
Division of Enforcement
300 Sower Blvd., 3rd Floor
Frankfort, KY 40601

Bluegrass Water Utility Operating Company, Inc.
Brocklyn WWTF
KYPDES Permit No. KY0081299
Corrective Action Plan

In light of the Brocklyn WWTF's failure to meet permitted limits Bluegrass Water Utility Operating Company (BWUOC) submits the following corrective action plan.

BWUOC has recently purchased this treatment plant. With the change of ownership, operational modifications have been implemented and are ongoing. With proper operation, the facility should be capable of meeting permit limits without process modification. Over the next several months, repairs will be made, and monitoring will continue to confirm that the existing processes can meet permit limits.

1. Causes of the Effluent Violations

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

Effluent testing data found on echo.epa.gov shows the plant hasn't consistently met permitted limits. Sporadic permit limit exceedances occurred in the parameters listed above prior to BWUOC ownership transfer. The first sample taken shortly after acquisition failed CBOD, E. Coli, and Ammonia. Dissolved Oxygen and E. Coli test results were slightly over the current permit limits at the second sampling. The third sample met all permit limit parameters. We feel the plant should be capable of regularly meeting permit limits and the previous owner had abandoned full operation of the plant before acquisition. Preliminary review shows that the tankage in place is adequately sized.

The CBOD and Ammonia exceedances can be caused by several conditions, such as poor process control, possible release of sludge during a rain event or lagoon turn over. If one of these conditions occurs, the lagoon can also have high TSS. Continual monitoring will be necessary to determine if further process improvement is needed.

21 Design Group, Inc
636-432-5029

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1351 Jefferson St., Suite 301
Washington, MO 63090

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

2. System Evaluation and Corrective Actions

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

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

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

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

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

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

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

21 Design Group, Inc
636-432-5029

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Washington, MO 63090

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3. Project Milestones

- Continue monitoring performance of facility (July 31, 2020)
- Replace aeration drop pipes and inspect diffusers (March 31, 2020)
- Install new magnetic flow meters and mission alarms (April 30, 2020)
- Repair aeration tank by spot welding corroded areas (May 31, 2020)
- Replace existing chlorine contact chamber and both tablet feeders (May 31, 2020)
- Clean and jet the collection system (August 31, 2020)
- Submit status report detailing improvements and whether process changes are required (August 31, 2020)

Sincerely

A handwritten signature in blue ink that reads 'Benjamin Kuenzel'.

Benjamin Kuenzel, PE
Principal of 21 Design Group, Inc.

Kentucky Public Service Commission

Periodic Compliance Inspection

Attachment C

EEC Comment & Approval Letter

ANDY BESHEAR
GOVERNOR



REBECCA W. GOODMAN
SECRETARY

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

ANTHONY R. HATTON
COMMISSIONER

300 SOWER BOULEVARD
FRANKFORT, KENTUCKY 40601

January 28, 2020

Jake Freeman
Central States Water Resources
500 Northwest Plaza Dr., Suite 500
St. Ann, MO 63074

Re: AI Name: Brocklyn Utilities LLC WWTP
AI No. 2809
Case No. DOW-19-3-0150
Activity No. ERF20190001
Facility ID: KY0081299
Madison County

Dear Mr. Freeman:

Thank you for your submission of a Corrective Action Plan ("CAP") dated December 13, 2019, for the facility listed above, which the Cabinet has reviewed and accepted. The Division of Water ("DOW") has the following comment regarding the CAP:

- It is recommended that any repairs made to the steel walls of the treatment plant be designed and reviewed by a licensed structural engineer.

Feel free to contact me at 502-782-8638 or wesley.dement@ky.gov should you have any questions or concerns.

Sincerely,

Recoverable Signature

A handwritten signature in black ink, appearing to read "Wesley Dement", enclosed in a rectangular box.

Kentucky Public Service Commission

Periodic Compliance Inspection

Attachment D

Revised Corrective Action Plan



BLUEGRASS WATER

Utility Operating Company

A CSWR Managed Utility

July 29, 2020

Michael Kroeger (CC. Wesley Dement)
Kentucky Department for Environmental Protection
Division of Enforcement
300 Sower Blvd., 3rd Floor
Frankfort, KY 40601

Bluegrass Water Utility Operating Company, Inc.
Brocklyn WWTF
KYPDES Permit No. KY0081299
Agency Interest No. 2809

Corrective Action Plan Revision:

I am pleased to submit this update to the Corrective Action Plan for the Brocklyn WWTF approved by EEC/DEP on 1/28/2020. The scope of the original CAP was completed within the projected schedule of the CAP. Triage and repair work has been completed and the plant is in better shape than it was at acquisition. Basic cleanup of the site, repairs to the contact chamber (including extending the walls to prevent continued overflows, installation of riprap in the drainage ditch to prevent further erosion, and a full cleanout of the lagoon cell have been completed since acquisition. As discussed previously, the tankage of the Brocklyn extended aeration plant is severely deteriorated with wastewater coming in direct contact with soils in the basin where walls are deteriorating. It has been determined that attempting to excavate around the outside and repair the tank or draining the tanks to make repairs would result in the tank collapsing completely and therefore the plant needs to be replaced. Construction permits for a MBBR extended aeration plant have been submitted and are in the permit approval process, KYDEP is currently having Bluegrass explore the possibility of connecting to a nearby POTW. As part of this process, we recently conducted flow monitoring and submitted actively monitored flow data to the POTW to evaluate feasibility of connecting. Until it is determined if the plant will be replaced or a connection made to the POTW the plant will continue to operate as is. It is currently consistently meeting limits, but the deteriorating condition of the plant still requires action.

Whether the solution is replacing the plant, or connecting to the POTW, Bluegrass hopes to proceed quickly with improvements following permit approval. We believe that work will proceed quickly following approval of the permit and expect to complete the improvements at Brocklyn by July 18, 2022, assuming the permit is issued in the near future. Following the improvements included in the construction permit the facility should be able to consistently comply with permitted limits

Sincerely,

JON MEANY
Utility Engineer

 (314) 380-8537 Ext. 215
 (314) 482-0342
 (314) 736-4759
 jmeany@cswrgroup.com
 1650 Des Peres Rd., Suite 303,
Des Peres, MO 63131

1650 Des Peres Rd., Suite 303, St. Louis, MO 63131
www.centralstateswaterresources.com

Kentucky Public Service Commission

Periodic Compliance Inspection

Attachment E

Pictures



Brocklyn WWTP





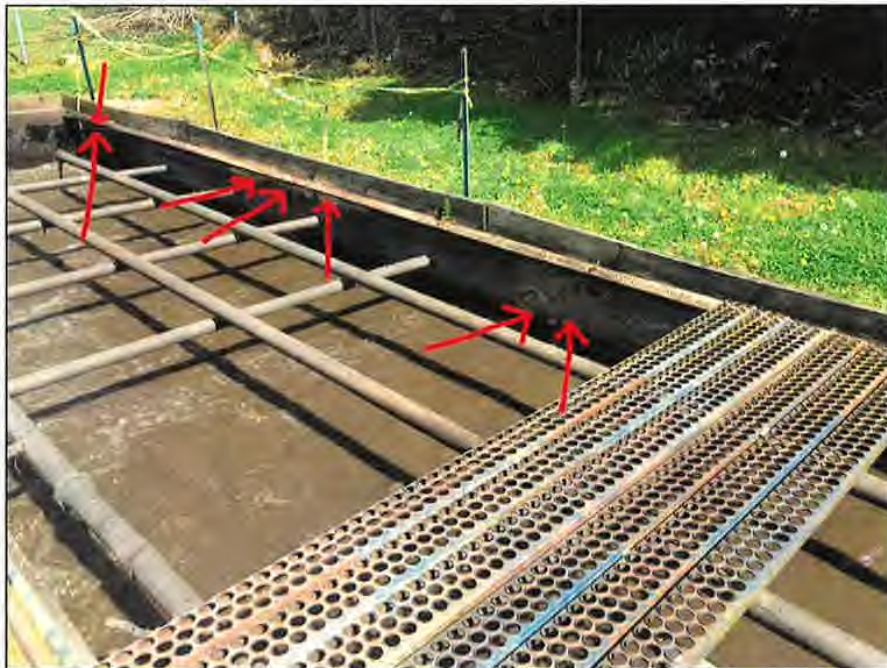
Storm water drainage



Polishing Lagoon



Aeration Basin



Aeration Basin – Signs of deterioration



Aeration Basin



Aeration Basin – Signs of deterioration



Aeration Basin – Metal Degradation



Old chlorine contact basin showing signs rust and deterioration



Andy Beshear
Governor

Rebecca W. Goodman
Secretary
Energy and Environment Cabinet

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

Michael J. Schmitt
Chairman

Kent A. Chandler
Vice Chairman

Talina R. Mathews
Commissioner

May 24, 2021

Josiah Cox
CEO
Central States Water Resources
500 Northwest Plaza Drive, Suite 500
St. Ann, MO 63074

Re: First Periodic Waste Water Inspection
Bluegrass Water Utility Operating Company, LLC – Longview Waste Water
System
Scott County, KY

Dear Mr. Cox:

Public Service Commission staff performed a periodic inspection of the Bluegrass Water Utility Operating Company, LLC – Longview waste water system located in Scott County, KY on April 19, 2021, reviewing utility operations and management practices pursuant to Commission regulations. The report of this inspection is enclosed with this letter.

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

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

Sincerely,

Brian L. Rice
Utility Inspector
Public Service Commission

Enclosure(s)

Copy: Ali Alexander, R.G., Environmental Compliance Officer, Central States Water Resources
Terry Merritt, VP of Midwest Water Operations
1351 Jefferson Street, Suite 301
Washington, MO 63090

Kentucky Public Service Commission

Periodic Compliance Inspection

Utility: Bluegrass Water Utility Operating Company, LLC. – Longview Wastewater Treatment Facility

Utility's Principal office location: 500 Northwest Plaza Drive Suite 500, St. Ann, MO

Wastewater Treatment Facility Location: Longview Golf Course Georgetown, KY

Utility representative during inspection: Alica (Ali) Alexander, R. G. – Environmental Compliance Officer, Charlie Begley - Operator

Counties Served: Scott

Customers: Approximately 261

Inspector: Brian L. Rice

Date(s) of inspection: April 19, 2021

Last Inspection Date: November 14, 2018

Deficiencies noted during the last inspection: one

Have deficiencies been corrected since last inspection?

Yes

No

N/A

Note: The wastewater system owned by **LH Company, LLC** was transferred to Bluegrass Water Utility Operating Company, LLC back in August of 2019 in case number 2019-00104.

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

Person(s) who should receive this inspection report:

Josiah Cox
Central States Water Resources, CEO
500 Northwest Plaza Drive, Suite 500
St. Ann, MO 63074
jcox@cswrgroup.com
314.736.4672

Terry Merritt
Midwest Water Operations, VP
1351 Jefferson Street, Suite 301
Washington, MO 63090
tmerritt@midwestwaterop.com
636.432.3001

Kentucky Public Service Commission

Periodic Compliance Inspection

General Questions

Treatment Facility: Yes No N/A

Collection System: Yes No N/A

Utility Information

Total number of Employees: Bluegrass Water Utility Operating Company, LLC has no employees. BWUOC contracts with Midwest Water Operations to operate and maintain the wastewater facility.

Does the utility have its own maintenance staff? Yes No N/A

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

807 KAR 5:006 (General Rules)

Section 2: General Provisions. Reference to standards or codes in 807 KAR Chapter 5 shall not prohibit a utility from continuing or initiating experimental work and installations to improve, decrease the cost of, or increase the safety of its service.

Section 7: Billings, Meter Readings, and Information.

Billing and Collection is done by: Bluegrass Water Utility Operating Company, LLC has contracted with Nitro Billing Services

Does each bill for utility service issued periodically by a utility clearly show the following?

The date the bill was issued:	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Class of service:	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Present and last preceding meter readings:	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Date of the present reading:	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Number of units consumed:	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Net amount for service rendered:	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
All taxes:	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Adjustments, if applicable:	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
The gross amount of the bill:	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
The date after which a penalty may apply to the gross amount:			

Kentucky Public Service Commission

Periodic Compliance Inspection

If the bill is estimated or calculated: Yes No N/A
Is the rate schedule under which the bill is computed posted on the utility's Web site (if it maintains a Web site)? Yes No N/A
Also furnished by one (1) of the following methods, by:
Printing it on the bill: Yes No N/A
Publishing it in a newspaper of general circulation once each year: Yes No N/A
Mailing it to each customer once each year; or: Yes No N/A
Provide a place on each bill for a customer to indicate the customer's desire for a copy of the applicable rates: Yes No N/A

Does the utility maintain the information required by this subsection, and is it available to the commission and any customer requesting this information?
Yes No N/A

Section 8. Deposits:

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

Section 10: Customer Complaints to the Utility

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

Note: Bluegrass Water does not have an office located in Kentucky. All customer complaints will be made via telephone.

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

Does the record include the following?
The customer's name and address: Yes No N/A
The date and nature of the complaint: Yes No N/A
The disposition of the complaint: Yes No N/A

Kentucky Public Service Commission

Periodic Compliance Inspection

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

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

Note: Bluegrass Water does not have an office located in Kentucky. All customer complaints will be made via telephone.

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

If a telephonic complaint is not resolved, does the utility provide at least oral notice to the customer of his or her right to file a complaint with the commission? Yes No N/A

Section 14: Utility Customer Relations

Does the utility post and maintain regular business hours and provide representatives available to assist its customers and to respond to inquiries from the commission regarding customer complaints? Yes No N/A

Does the utility designate at least one (1) representative to be available to answer customer questions, resolve disputes, and negotiate partial payment plans at the utility's office? Yes No N/A

Note: Bluegrass Water does not have an office located in Kentucky. All customer questions, disputes, and partial payment plan negotiations will be handle over the telephone.

If the utility has an annual operating revenue of \$250,000 or more, does the utility have a designated representative available during the utility's established working hours not fewer than seven (7) hours per day, five (5) days per week excluding legal holidays? Yes No N/A

If the utility has an annual operating revenue of less than \$250,000, does the utility have a designated representative available during the utility's established working hours not fewer than seven (7) hours per day, one (1) days per week? Yes No N/A

Kentucky Public Service Commission

Periodic Compliance Inspection

Does the utility provide the following?

Maintain a telephone: Yes No N/A

Publish the telephone number in all service areas: Yes No N/A

Permit all customers to contact the utility's designated representative without charge: Yes No N/A

Does the utility prominently display in each office open to the public for customer service (and shall post on its Web site, if it maintains a Web site) a summary, prepared and provided by the commission, of the customer's rights pursuant to this section and Section 16 of this administrative regulation? Yes No N/A

Note: Bluegrass Water does not have an office located in Kentucky but does maintain a website with the necessary information for customers.

Section 20: Access to Property:

Do employees of the utility (whose duties require them to enter the customer's premises) wear a distinguishing uniform or other insignia, identifying them as an employee of the utility, and show a badge or other identification that shall identify them as an employee of the utility? Yes No N/A

Note: Bluegrass Water does not have any employees.

Section 23: System Maps and Records:

Does the utility have on file at its principal office located within the state and shall file upon request with the commission a map or maps of suitable scale of the general territory it serves or holds itself ready to serve? Yes No N/A

Note: Bluegrass Water does not have an office located in Kentucky; however, all Bluegrass Water's system maps are available on Central States Water resources website via a link to the Kentucky Infrastructure Authority.

Is the map or maps available in electronic format as a PDF file or as a digital geographic database? Yes No N/A

Kentucky Public Service Commission

Periodic Compliance Inspection

Is the following data available on the map or maps?

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

Section 24: Location of Records.

All records required by 807 KAR Chapter 5 shall be kept in the office of the utility and shall be made available to representatives, agents, or staff of the commission upon reasonable notice at all reasonable hours.

Are all records required by 807 KAR Chapter 5 kept in the office of the utility and shall be made available to representatives, agents, or staff of the commission upon reasonable notice at all reasonable hours?

Yes No N/A

Section 25: Safety Program:

Each utility shall adopt and execute a safety program, appropriate to the size and type of its operations. At a minimum, the safety program shall:

- (1) Establish a safety manual with written guidelines for safe working practices and procedures to be followed by utility employees;
- (2) Instruct employees in safe methods of performing their work.
- (3) Instruct employees who, in the course of their work, are subject to the hazard of electrical shock, asphyxiation, or drowning, in accepted methods of artificial respiration.

Has the utility adopted and executed a safety program, appropriate to the size and type of its operations?

Yes No N/A

At a minimum, does the safety program include the following?

A safety manual with written guidelines for safe working practices and procedures to be followed by utility employees:

Yes No N/A

Note: Contractor Safe Practices Handbook

Kentucky Public Service Commission

Periodic Compliance Inspection

Instruct employees in safe methods of performing their work.

Yes No N/A

Note: Bluegrass Water has no employees

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

Yes No N/A

Note: Bluegrass Water has no employees

Section 26: Inspection of Systems:

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

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

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

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

Yes No N/A

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

Yes No N/A

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

Yes No N/A

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

Yes No N/A

Kentucky Public Service Commission

Periodic Compliance Inspection

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

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

- (a) Death or shock or burn requiring medical treatment at a hospital or similar medical facility, or any accident requiring inpatient overnight hospitalization;
- (b) Actual or potential property damage of \$25,000 or more; or
- (c) Loss of service for four (4) or more hours to ten (10) percent or 500 or more of the utility's customers, whichever is less.

(2) A summary written report shall be submitted by the utility to the commission within seven (7) calendar days of the utility related accident. For good cause shown, the executive director of the commission, shall, upon application in writing, allow a reasonable extension of time for submission of this report.

Has the Utility had any Accidents, Property Damage, or Loss of Service?

Yes No N/A

If yes, was the Commission notified by telephone or electronic mail within two (2) hours of discovery of a utility related accident that resulted in the following:

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

Yes No N/A

Actual or potential property damage of \$25,000 or more:

Yes No N/A

Loss of service for four (4) or more hours to ten (10) percent or 500 or more of the utility's customers, whichever is less:

Yes No N/A

Was a summary written report submitted by the utility to the commission within seven (7) calendar days of the utility related accident?

Yes No N/A

Kentucky Public Service Commission

Periodic Compliance Inspection

Section 28: Deviations from Administrative Regulation:

In special cases, for good cause shown, the commission shall permit deviations from this administrative regulation.

Has the utility been permitted by the commission to deviate from these administrative regulations?

Yes No N/A

If so, provide the case no.

807 KAR 5:011 (Tariffs)

Section 12: Posting tariffs, Administrative Regulations, and Statutes

Does the utility display a suitable placard, in large type, that states that the utility's tariff and statutes are available for public inspection?

Yes No N/A

Note: Bluegrass Water does not have an office in Kentucky; however, the tariffs and statutes are available on Central States Water Resources website.

Does the utility provide a suitable table or desk in its office or place of business on which the public may view all effective tariffs?

Yes No N/A

Note: Bluegrass Water does not have an office in Kentucky.

Section 13: Special Contracts

Does the utility have any special contracts that establish rates, charges, or conditions of service not contained in its tariff?

Yes No N/A

If yes, has the utility filed the special contracts with the PSC?

Yes No N/A

Kentucky Public Service Commission

Periodic Compliance Inspection

807 KAR 5:071 (Sewage)

Section 1: General. The purpose of this administrative regulation is to provide standard rules administrative regulations governing the service of sewage utilities operating under the Jurisdiction of the Public Service Commission.

Section 4: Information Available to Customers.

(1) System maps or records. Each utility shall maintain up-to-date maps, plans, or records of its entire force main and collection systems, with such other information as may be necessary to enable the utility to advise prospective customers, and others entitled to the information, as to the facilities available for serving any locality.

(2) Rates, rules, and regulations. A schedule of approved rates for sewage service applicable for each class of customers and the approved rules and regulations of the sewage utility shall be available to any customer or prospective customer upon request.

Does the Utility have a current map and/or plans for its system?

Yes

No

N/A

Section 5. Quality of Service.

(1) General. Each utility shall maintain and operate sewage treatment facilities of adequate size and properly equipped to collect, transport, and treat sewage, and discharge the effluent at the degree of purity required by the health laws of the State of Kentucky, and all other regulatory agencies, federal, state, and local, having jurisdiction over such matters.

(2) Limitations of service. No sewage disposal company shall be obliged to receive for treatment or disposal any material except sewage as defined by Section 2(7) of this administrative regulation. In compliance with the administrative regulation, the utility shall make all reasonable efforts to eliminate or prevent the entry of surface or ground water, or any corrosive or toxic industrial liquid waste into its sanitary sewer system. A utility may request assistance from the appropriate state, county, or municipal authorities in its efforts, but such a request does not relieve the utility of its aforementioned responsibilities.

Kentucky Public Service Commission

Periodic Compliance Inspection

Is the utility in compliance with the Division of Water? Yes No N/A

Note: See the following attachments:

Attachment A – Agreed Order between Bluegrass Water and Energy and Environment Cabinet.

Is the utility making every reasonable effort to eliminate or prevent the entry of surface or ground water, or any corrosive or toxic industrial liquid waste into its sanitary sewer system?

Yes No N/A

Section 6: Continuity of Service.

(1) **Emergency interruptions.** Each utility shall make all reasonable efforts to prevent interruptions of service and when such interruptions occur shall endeavor to reestablish service with the shortest possible delay consistent with the safety of its customers and the general public.

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

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

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

Yes No N/A

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

Yes No N/A

Does the utility make all reasonable efforts to schedule interruptions at such hours as will provide least inconvenience to the customers?

Yes No N/A

Kentucky Public Service Commission

Periodic Compliance Inspection

Does the utility maintain a record of all interruptions of service with regard to the following items?

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

Section 7. Design, Construction, and Operation.

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

(2) Design and construction requirements. The design and construction of the sewage utility's collecting sewers, treatment plant and facilities, and all additions thereto and modifications thereof, shall conform to the requirements of the Kentucky Department for Natural Resources and Environmental Protection, Bureau of Environmental Quality, Division of Water Quality.

(3) Adequacy of facilities. The capacity of the sewage utility's sewage treatment facilities for the collection, treatment and disposal of sewage and sewage effluent must be sufficiently sized to meet all normal demands for service and provide a reasonable reserve for emergencies.

(4) Inspection of facilities. Each sewage utility shall adopt procedures for inspection of its sewage treatment facilities to assure safe and adequate operation of its facilities and compliance with commission rules. These procedures shall be filed with the commission. Unless otherwise authorized in writing by the commission, the sewage utility shall make inspections of collecting sewers and manholes on a scheduled basis at intervals not to exceed one (1) year, unless conditions warrant more frequent inspections and shall make inspections of all mechanical equipment on a daily basis. The sewage utility shall maintain a record of findings and corrective actions required, and/or taken, by location and date.

Kentucky Public Service Commission

Periodic Compliance Inspection

Is the utility operating and maintaining their facility in accordance with accepted good engineering practice to assure, as far as reasonably possible, continuity of service, uniformity in the quality of service furnished, and the safety of persons and property?

Yes No N/A

Is the utility adhering to their inspection procedures to assure safe and adequate operation of its facilities and compliance with the Commission rules?

Yes No N/A

Unless otherwise authorized in writing by the commission, does the sewage utility make inspections of their collecting sewers and manholes on a scheduled basis at intervals not to exceed one (1) year, unless conditions warrant more frequent inspections?

Yes No N/A

Does the utility inspect all mechanical equipment on a daily basis?

Yes No N/A

Note: Each facility has in place a Mission-Manage SCADA monitoring system.

Does the utility maintain a record of findings and corrective actions required, and/or taken, by location and date?

Yes No N/A

Kentucky Public Service Commission

Periodic Compliance Inspection

Deficiencies

No deficiencies noted during this inspection.

Additional Inspector Comments

This is the first inspection of Bluegrass Water Utility Operating Company, LLC since they became a utility back in September of 2019 in case no. 2019-00104 therefore this visit was considered introductory in nature.

Bluegrass Water entered into an Agreed Order with the Energy and Environment Cabinet back in September of 2019 for the interest of providing corrective actions to the Longview wastewater treatment facility. (See attachment A)

Bluegrass Water has made some improvements to the Longview wastewater treatment facility by adding safety rails around the treatment plant, adding the Mission-Manage SCADA Control and replaced the old deteriorating storage building with a new one. (See Attachment B)

Kentucky Public Service Commission

Periodic Compliance Inspection

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

Report by:

Date: May 18, 2021



Brian L. Rice
Utility Inspector
Kentucky Public Service Commission

Kentucky Public Service Commission

Periodic Compliance Inspection

Attachments: A – Agreed Order
B – Pictures

Kentucky Public Service Commission

Periodic Compliance Inspection

Attachment A

Agreed Order

To Home



COMMONWEALTH OF KENTUCKY
ENERGY AND ENVIRONMENT CABINET
DIVISION OF ENFORCEMENT
CASE NO. DOW 19-3-0154

IN RE: Bluegrass Water Utility Operating Company, LLC
Longview/Homestead Wastewater Treatment Plant
3243 Frankfort Road
Georgetown, KY 40324
AI No 8083
Activity ID No ERF20190001

AGREED ORDER

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

STATEMENTS OF FACT

1 The Cabinet is charged with the statutory duty of enforcing KRS Chapter 224 and the regulations promulgated pursuant thereto

2 BWUOC is an active Kentucky Limited Liability Company in good standing that owns and operates utilities and whose principal address, according to the Kentucky Secretary of State is 500 NW Plaza Drive, Suite 500, Saint Ann, Missouri 63074

3 Longview/Homestead Wastewater Treatment Plant (hereinafter "Longview WWTP" or "facility"), is located at 3243 Frankfort Road, Georgetown, Kentucky 40324. The facility has a design capacity of 0.100 million gallons per day and discharges to an unnamed tributary to Elkhorn Creek.

4 Longview WWTP is currently owned and operated by LH Treatment Company, LLC. The facility's discharges are permitted under Kentucky Pollutant Discharge Elimination

Systems (hereinafter "KPDES") permit number KY0081591, issued by the Cabinet's Division of Water (hereinafter "DOW"). The facility's KPDES permit expires on June 30, 2024

5. LH Treatment Company, LLC is an active for-profit Kentucky corporation in good standing, according to the Kentucky Secretary of State

6. BWUOC has indicated to the Cabinet that it plans to acquire Longview WWTP, provided it receives from the Kentucky Public Service Commission ("Commission") all approvals required to make the acquisition. If the Commission approves the acquisition, BWUOC plans to assume ownership and operation of Longview WWTP on or around September 15, 2019

7. BWUOC has contracted with a third-party firm to produce an engineering memorandum detailing the status of and repairs needed at Longview WWTP (Exhibit A). This report was submitted to the Cabinet on or about July 29, 2019.

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

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

REMEDIAL MEASURES

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

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

11. At all times, commencing with assuming ownership of the facility, BWUOC shall provide for proper operation and maintenance of the facility in accordance with 401 KAR 5.065

Section 2(1).

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

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

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

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

13. So long as BWUOC is in compliance with the terms and conditions of this Agreed Order, the Cabinet's Division of Enforcement agrees to hold any formal enforcement action for numeric permit parameter violations for the KPDES permit described in paragraph 4, in abeyance. Should BWUOC fail to comply with the terms and conditions of this Agreed Order, the Cabinet may seek formal enforcement action that would have otherwise been held in abeyance.

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

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

MISCELLANEOUS PROVISIONS

16. This Agreed Order shall be of no force and effect unless BWUOC assumes ownership and operations of Longview WWTP.

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

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

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

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

21. The Cabinet does not, by its consent to the entry of this Agreed Order, warrant or

aver in any manner that BWUOC's complete compliance with this Agreed Order will result in compliance with the provisions of KRS Chapter 224 and the regulations promulgated pursuant thereto. Notwithstanding the Cabinet's review and approval of any plans formulated pursuant to this Agreed Order, BWUOC shall remain solely responsible for compliance with the terms of KRS Chapter 224 and the regulations promulgated thereto, this Agreed Order, and any permit and compliance schedule requirements.

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

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

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

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

TERMINATION

26. This Agreed Order shall terminate upon BWUOC's completion of all requirements described in this Agreed Order. BWUOC may submit written notice to the Cabinet when it believes all requirements have been performed. The Cabinet shall notify BWUOC in writing whether it

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

CASE NO. DOW 19-3-0154

AGREED TO BY




Josiah Cox, President
Bluegrass Water Utility Operating Company, LLC

8/14/19

Date

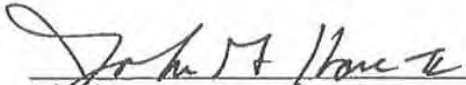
CASE NO. DOW 19-3-0154

APPROVAL RECOMMENDED BY:



Michael B. Kroeger, Director
Division of Enforcement

8/27/19
Date



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

8/27/19
Date



R. Bruce Scott, Deputy Secretary
Energy and Environment Cabinet

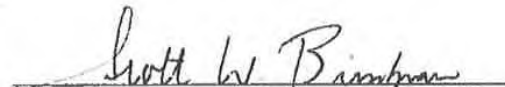
8/29/19
Date

CASE NO. DOW 19-3-0154

ORDER

Wherefore, the foregoing Agreed Order is entered as the final Order of the Energy and Environment Cabinet this 3rd day of September, 2019.

ENERGY AND ENVIRONMENT CABINET


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

CERTIFICATE OF SERVICE

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

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

And mailed, messenger to

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

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



DOCKET COORDINATOR

Distribution:

DW
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SH
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Exhibit A

Civil Engineering
Surveying & Mapping
Potable Water
Wastewater Treatment



Civil Site Design
Construction Support
Transportation
Wastewater Collection

LH Treatment-Kentucky (Wastewater, KY0081591)

Engineering Memorandum

Date: February 17, 2019

Wastewater Treatment Facility Understanding

The wastewater treatment facility is made up of a standard extended aeration activated sludge facility. It doesn't appear this system has an active permit to operate. The permit appears to have expired on December 31, 2018. The plant consists of an aeration tank, clarifier, and chlorine disinfection with dechlorination. (Appendix Picture 1) The facility appears to have a good quality structure, air piping, sludge returns, and capacity to continue to be efficient towards treatment. I performed a quick estimate of capacity and it appears the structures are adequate for the 276 customers currently attached.

A review was performed of EPA's Echo compliance website which lists violations. Prior to July 1, 2017, the system appeared to be a regular offender of violations in regards to effluent limits. It is my understanding they recently completed upgrades to the facility and total performance has improved. However, the system still appears to be exceeding limits but violations are more sporadic. In 2018, the facility violated CBOD, TRC, E. coli, Ammonia, DO and TSS at least once. Understanding that the tankage and piping appears to be efficiently laid out and seems in good quality with adequate capacity, I would tend to believe that the system violations may be more from operational issues rather than capacity of facility.

While the plant appears adequate, there are a few items of concern for the facility. The facility looks relatively new and in reasonable shape. However, the system continues to violate at least one limit each testing period.

The aeration process of the treatment facility appeared to have a reasonable mixed liquor. However, standard operational testing has not been provided to us for evaluation on the operational control of the facility. Daily testing should be completed until an understanding of the facility is clear. Additionally, I'm not aware of the current operator's maintenance practice. The diffusers should be pulled from the tank and inspected in case they have fouled due to not performing preventative maintenance. While the aeration tank mixed liquor looked reasonable, it is obvious consistent operation control is not occurring. (Appendix Picture 2)

The clarifier appears to be working properly. However, the supernatant water of the clarifier appeared to have a large amount of floc releasing and/or coming to the surface. While this might also be an operational issue in regards to control of the mixed liquor and sludge returns, the clarifier is not operating at an optimal level. Allowing floc to discharge the facility can lead to surpassing the limits imposed on the facility. As discussed above, various limits were exceeded in 2018. Avoiding excessive floc in the clarifier is vital in maintaining a healthy facility. Additionally, the effluent trough appears to have some green algae attached to the bottom, which if not cleaned, may build up and cause issues with

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effluent samples periodically. The clarifier should be cleaned as well as evaluated for size after actual dimensions and/or as-built drawings are provided. (Appendix Picture 3)

Minimal pictures were provided of the chlorination system that would aid in 21DG providing an opinion of its state. However, the system has violated E. coli and TRC in the past year and they should be evaluated. Again, these violations could be due to poor operational and maintenance practices.

The effluent quality looks clean as it was discharging to the stream. There were no signs of sludge or buildup in the stream. (Appendix Picture 4)

It did not appear any monitoring was in place for this facility. I recommend Mission monitoring be installed for improvement control and access.

It also appeared that the shed needed to be cleaned up. Various supports are not conventional and consist of buckets and wood holding up some piping. Sunlight is also coming through the walls that will tend to let rain into the building. This will allow the building to deteriorate faster than desired. Insulation appears to be failing and should be repaired. The shed should be cleaned up to allow better access and conventional supportive items.

Improvements: Pull and inspect diffusers and possible replacement. Install Mission monitoring. Clean up shed for adequate installation and cleaner environment. Perform operational improvements that will likely allow the facility to return to meeting effluent limits.

Wastewater Collection System Understanding

No information in regards to the collection system was provided to the Engineer for review to drafting this memo. It is recommended to obtain DMRS and/or flow data for the facility from the current owner to evaluate if I and I is a problem. If the owner is knowledgeable on wastewater systems, they may also be able to shed some light on if I and I is a problem. This would be adequate to start our evaluation period until actual flow monitoring and smoke testing of the system is completed. The system does have a flow meter installed at the effluent and it is recommended to get access to the data that is being compiled.

No maps of the system were provided. The system will need to be mapped for future operation as it appeared nothing has been compiled for our review or operational maintenance purposes. The Engineer was not informed if this system was all gravity, pressure, or had any pump stations. The system should also be smoke tested. Video inspection is anticipated on parts of the system as well.

Improvements Required: Map the system. Install a flow meter. Smoke test and video inspect the collection system.

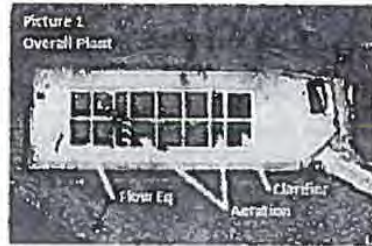
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APPENDIX



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Periodic Compliance Inspection

Attachment B

Pictures



Longview Wastewater Treatment Plant



Safety Rails have been added



Clarifier





Flow Equalization Basin



Aeration Basin



New Storage Building



Outfall



Andy Beshear
Governor

Rebecca W. Goodman
Secretary
Energy and Environment Cabinet

Commonwealth of Kentucky
Public Service Commission
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Frankfort, Kentucky 40602-0615
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Michael J. Schmitt
Chairman

Kent A. Chandler
Vice Chairman

Talina R. Mathews
Commissioner

June 10, 2021

Josiah Cox
CEO
Central States Water Resources
500 Northwest Plaza Drive, Suite 500
St. Ann, MO 63074

Re: First Periodic Waste Water Inspection
Bluegrass Water Utility Operating Company, LLC – Airview Waste Water System
Hardin County, KY

Dear Mr. Cox:

Public Service Commission staff performed a periodic inspection of the Bluegrass Water Utility Operating Company, LLC – Airview waste water system located in Scott County, KY on April 20, 2021, reviewing utility operations and management practices pursuant to Commission regulations. The report of this inspection is enclosed with this letter.

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

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

Sincerely,

Brian L. Rice
Utility Inspector
Public Service Commission

Enclosure(s)

Copy: Ali Alexander, R.G., Environmental Compliance Officer, Central States Water Resources
Terry Merritt, VP of Midwest Water Operations
1351 Jefferson Street, Suite 301
Washington, MO 63090

