

COMMONWEALTH OF KENTUCKY
ENERGY AND ENVIRONMENT CABINET
DIVISION OF ENFORCEMENT
CASE NO. DOW 20-3-0021

IN RE: West Point WWTP
509 Elm Street
West Point, KY 40177
Agency Interest No. 1696
Activity ID No. ERF20200001

AGREED ORDER

WHEREAS, the parties to this Agreed Order, the Energy and Environment Cabinet (hereinafter "Cabinet") and the City of West Point (hereinafter "Responsible Party"), 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. The Responsible Party operates a municipal wastewater treatment plant (hereinafter "Facility") located at 1609 Elm Street, West Point Kentucky 40177.
3. The Responsible Party holds Kentucky Pollutant Discharge Elimination Systems (hereinafter "KPDES") permit KY0022152, issued by the Cabinet's Division of Water (hereinafter "DOW") for sanitary wastewater discharges, for the facility described in paragraph 2.
4. On July 27, 2018, September 27, 2019, December 4, 2019, February 28, 2020, May 14, 2020, September 4, 2020, and November 10, 2020, the Cabinet's authorized representatives identified alleged violations of KRS 224 and regulations promulgated pursuant thereto at the facility described in paragraph 2. The Cabinet issued the Responsible Party Notices of Violation (hereinafter "NOVs") on August 20, 2018, December 12, 2019, March 17, 2020, May 20, 2020, October 5, 2020, and December 18, 2020. The NOVs are attached hereto as Exhibit A to this Agreed Order.
5. A representative of the Responsible Party participated in a conference with the Cabinet's Division of Enforcement (hereinafter "DENF") on May 20, 2020. The Responsible Party

neither admits nor denies the violations alleged in Exhibit A, but agrees to the entry of this Agreed Order to resolve the allegations.

NOW THEREFORE, in the interest of settling all civil claims and controversies involving the violations alleged above, the parties hereby consent to the entry of this Agreed Order and agree as follows:

REMEDIAL MEASURES

6. Within thirty (30) days of the execution of the Agree Order, the Responsible Party shall submit to DENF for review an acceptance, a written Corrective Actions Plan (CAP) to bring the facility into compliance with its KPDES permit. The CAP shall include, but not be limited to, an identification of actions the Responsible Party shall implement to ensure compliance with permit requirements including but not limited to proper maintenance of its outfalls, proper sampling, proper record keeping and reporting, and maintaining compliance with effluent limitations. The CAP shall include a list of all actions necessary to ensure the completion of any facility upgrades. A list of completion dates for each action, and a final compliance date for completion of all remedial measures shall be included in the CAP; and

7. By the date specified in the CAP, the Responsible Party shall be in compliance with KRS 224, and the regulations promulgated pursuant thereto, KPDES Permit No. KY0022152, and this Agreed Order.

8. The Responsible Party may request an amendment of the accepted CAP by writing the Assistant 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 twenty (20) of this Agreed Order.

9. All submittals required by the terms of this Agreed Order shall be sent to:

Division of Enforcement
Attention: Assistant Director
300 Sower Boulevard, 3rd Floor
Frankfort, Kentucky 40601

CIVIL PENALTIES

10. The Responsible Party shall pay a civil penalty in the amount of three thousand dollars (\$3,000) for the violations alleged in Exhibit A. The payment shall be due within thirty (30) days of execution of the Agreed Order.

11. Payment of the civil penalty shall be by cashier's check, certified check, or money order, made payable to "Kentucky State Treasurer" and sent to the attention of the Assistant Director, Division of Enforcement, Department for Environmental Protection, 300 Sower Boulevard, 3rd Floor, Frankfort, Kentucky 40601; note "Case Number DOW 20-3-0021" on the instrument of payment.

STIPULATED PENALTIES

12. The Responsible Party may be assessed a stipulated penalty in an amount not to exceed five hundred dollars (\$500) per day to the Cabinet, for failure to timely complete each action identified in the accepted CAP.

13. The Responsible Party may be assessed a stipulated penalty in an amount not to exceed five hundred dollars (\$500) to the Cabinet for each instance where:

A. The violation of the effluent limits for any Group I parameter (as defined by 40 CFR 123.45, Appendix A) is more than 40% above the permitted limit at least twice within two consecutive quarters.

B. The violation of the effluent limits for any Group II parameter (as defined by 40 CFR 123.45, Appendix A) is more than 20% above the permitted limit at least twice within two consecutive quarters.

C. The discharge exceeds the effluent limits for any parameter at least 4 times within two consecutive quarters.

14. Payment of stipulated penalties shall be tendered by the Responsible Party to the Cabinet within thirty (30) days of receipt of written notification from DENF. These penalties are in addition to, and not in lieu of, any other penalty that could be assessed. The Cabinet may, in its discretion, waive stipulated penalties that would otherwise be due.

15. If the Responsible Party believes the request for payment of stipulated penalties is erroneous or contrary to law, the Responsible Party may request a hearing pursuant to KRS 224.10-420(2) in the Office of Administrative Hearings. The request for hearing does not excuse timely payment of the penalty. If an order is entered pursuant to KRS 224.10-440 that excuses payment, the Cabinet will refund the payment. Failure to make timely payment shall constitute an additional violation.

16. Payment of any stipulated penalties shall be by cashier's check, certified check, or money order, made payable to "Kentucky State Treasurer" and sent to the attention of the Assistant Director, Division of Enforcement, Department for Environmental Protection, 300 Sower Boulevard, 3rd Floor, Frankfort, Kentucky 40601; note "Case Number DOW 20-3-0021" on the instrument of payment.

MISCELLANEOUS PROVISIONS

17. This Agreed Order addresses only the violations specifically alleged in Exhibit A. Other than those matters resolved 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 the Responsible Party 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 the Responsible Party

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 the Responsible Party. The Responsible Party reserves its defenses thereto, except that the Responsible Party shall not use this Agreed Order as a defense.

19. The Responsible Party waives its right to any hearing on the matters contained herein. However, failure by the Responsible Party 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 her designee. The Responsible Party may request an amendment by writing the Assistant Director of the Division of Enforcement at 300 Sower Boulevard, 3rd Floor, Frankfort, Kentucky 40601 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 the Responsible Party'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, the Responsible Party shall remain solely responsible for compliance with the terms of KRS Chapter 224, and the regulations promulgated pursuant thereto, this Agreed Order and any permit and compliance schedule requirements.

22. The Responsible Party 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 its now-existing facility occurring prior to termination of this Agreed Order, shall notify the Cabinet that such notice

has been given, and shall follow all statutory and regulatory requirements for a transfer. Whether or not a transfer takes place, the Responsible Party shall remain fully responsible for payment of all civil penalties and response costs and for performance of all remedial measures identified in this Agreed Order.

23. The Cabinet agrees to allow the performance of the above-listed remedial measures and payment of civil penalties by the Responsible Party to satisfy the Responsible Party's obligations to the Cabinet generated by the violations alleged in Exhibit A.

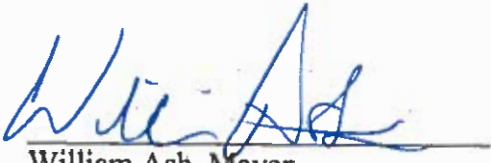
24. The Cabinet and the Responsible Party agree that the remedial measures agreed to herein are facility-specific and designed to comply with the statutes and regulations cited herein. This Agreed Order applies specifically and exclusively to the unique facility referenced herein and is inapplicable to any other facility.

25. This Agreed Order shall be of no force and effect unless and until it is entered by the Secretary or her designee as evidenced by their signature thereon. If this Agreed Order contains any date by which the Responsible Party is to take any action or cease any activity, and the Secretary enters the Agreed Order after that date, then the Responsible Party 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 the Responsible Party's completion of all requirements described in this Agreed Order. The Responsible Party may submit written notice to the Cabinet when it believes all requirements have been performed. The Cabinet will notify the Responsible Party in writing of whether it intends to agree with or object to termination. The Cabinet reserves its right to enforce this Agreed Order, and the Responsible Party reserves its right to file a petition for hearing pursuant to KRS 224.10-420(2) contesting the Cabinet's determination.

AGREED TO BY:

A handwritten signature in blue ink, appearing to read "William Ash", written over a horizontal line.

William Ash, Mayor
City of West Point

3/11/2021
Date

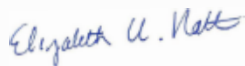
APPROVAL RECOMMENDED BY:



Michael B. Kroeger, Assistant Director
Division of Enforcement

4/5/2021

Date



Elizabeth U. Natter, Executive Director
Office of Legal Services

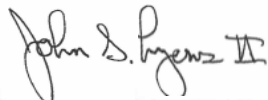
5/28/2021

Date

ORDER

Wherefore, the foregoing Agreed Order is entered as the final Order of the Energy and Environment Cabinet this 8th day of June, 2021.

ENERGY AND ENVIRONMENT CABINET



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

CERTIFICATE OF SERVICE

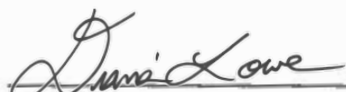
I hereby certify that a true and accurate copy of the foregoing **AGREED ORDER** was mailed, postage prepaid, to the following this 8th day of June, 2021.

City of West Point
Attn: William Ash
509 Elm Street
West Point, KY 40177

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

Michael B. Kroeger, Assistant Director
Division of Enforcement
300 Sower Boulevard, 3rd Floor
Frankfort, Kentucky 40601

Elizabeth U. Natter, Executive Director
Office of Legal Services
300 Sower Boulevard, 3rd Floor
Frankfort, Kentucky 40601



DOCKET COORDINATOR

Distribution:
DOW-email
FBT
S&H
DBG

Exhibit A

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

NOTICE OF VIOLATION

To: West Point WWTP
1608 Elm St
West Point, KY 40177

AI Name: West Point WWTP **AI ID:** 1696 **Activity ID:** ENV20180001
Discovery ID: CIN20180001 **County:** Hardin
Enforcement Case ID:
Date(s) Violation(s) Observed: 07/27/2018

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

1 Violation Description for Subject Item AIOO0000001696():

The KPDES program requires permits for the discharge of pollutants from a point source into the waters of the Commonwealth. [401 KAR 5:055 Section 2]

Description of Non Compliance:

The facility does not hold an active KPDES permit. The permit KY0022152 expired February 28, 2018.

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

An application for the proper KPDES permit must be completed and submitted to the Kentucky Division of Water within thirty (30) days of the receipt of this notice. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and or your company to an immediate referral to the Division of Enforcement. [401 KAR 5:055 Section 2]

2 Violation Description for Subject Item AIOO0000001696():

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

Description of Non Compliance:

The facility has failed to comply with the effluent limitations contained in the permit. As part of this inspection a review of Discharge Monitoring Reports (DMRs) was conducted for the time period of April 1, 2017 through July 30, 2018. During the review period the permittee reported multiple exceedances of permit parameter limitations.

There were numeric violations for the monthly mg/L average for BOD in 12/17 and 2/18 and for the weekly average in 10/17, 12/17, 2/18, and 3/18. In addition, the monthly average for lbs/day was exceeded

in 2/18 and the weekly average in 1/18 and 2/18. BOD also failed to reach the minimum 85% removal in 12/17, 2/18, and 6/18.

Total Suspended Solids (TSSs) exceeded the monthly mg/L average in 6/17, 7/17, and 8/17 and the weekly average in 6/17, 7/17, 8/17, 9/17, and 5/18. The monthly average for lbs/day was exceeded in 1/18 and the weekly average in 7/17 and 1/18. Also, TSSs failed to reach the minimum 85% removal in 5/17, 6/17, 7/17, 8/17, 9/17, 10/17, 11/17, 12/17, 1/18, 2/18, 3/18, 4/18, and 5/18.

The pH units were below the minimum requirement in 1/18 and above the maximum in 5/17.

The monthly mg/L average for Ammonia was exceeded in 6/17, 7/17, 1/18, and 5/18. In addition, the monthly and weekly average for lbs/day was exceeded in 1/18.

Total residual Chlorine exceeded the monthly and weekly mg/L average in 4/17, 5/17, 7/17, and 8/17.

The monthly 130 colonies/100ml average for E. Coli was exceeded in 6/17, 9/17, 11/17, 12/17, 1/18, 2/18, 3/18, 4/18, 5/18, and 6/18. In addition, the weekly 240 colonies/100ml average was exceeded in 5/17, 6/17, 7/17, 9/17, 11/17, 12/17, 1/18, 2/18, 3/18, 4/18, 5/18, and 6/18.

Finally, the KPDES permit requires monitoring results to be submitted monthly by the 28th of the following month. The permittee submitted DMRs to the cabinet after the due date for the months of 4/17 and 5/17.

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

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

3 Violation Description for Subject Item AIOO0000001696():

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

Description of Non Compliance:

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

As part of this inspection a review of Discharge Monitoring Reports (DMRs) was conducted for the time period of April 1, 2017 through July 30, 2018. During the review period the permittee reported multiple exceedances of permit parameter limitations.

The permit KY0022152 expired 2/28/2018. There has been no renewal request submitted.

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

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

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

deadlines does not provide exemption from liability for violations during the period of remediation, nor prevent additional remedial measures from being required.

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

Division of Water
Louisville Regional Office
9116 Leesgate Rd
Louisville, KY 40222
502-429-7122 (8:00 AM – 4:30 PM)
Joseph (Jody) Eilers, Environmental Scientist II

Issued By:



Joseph (Jody) Eilers, Environmental Scientist II
Date: August 20, 2018

Issued By:

Mr. Charlie Roth, Supervisor
Date: August 20, 2018

How Delivered: Certified Mail Certified/Registered # 9590 9401 0029 5168 8534 93

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

NOTICE OF VIOLATION

To: West Point WWTP
Honorable William Ash
509 Elm St

West Point, KY 40177

AI Name: West Point WWTP **AI ID:** 1696 **Activity ID:** ENV20190001

County: Hardin

Enforcement Case ID:

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

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

1 Violation Description for Subject Item AIOO0000001696():

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. KY0022152, monitoring point 001-1, for Suspended Solids % Removal. The permitted limit for Suspended Solids % Removal is concentration monthly avg. min., greater than or equal to 85 %. The facility reported the following: concentration monthly avg. min. 82 % for February 2019.

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

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

2 Violation Description for Subject Item AIOO0000001696():

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. KY0022152, monitoring point 001-1, for BOD % Removal. The permitted limit for BOD % Removal is concentration monthly avg. min., greater than or equal to 85 %. The facility reported the following: concentration monthly avg. min. 54 % for June 2019.

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

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

3 Violation Description for Subject Item AIOO0000001696():

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. KY0022152, monitoring point 001-1, for E. Coli. The permitted limit for E. Coli is concentration 7-day geometric, less than or equal to 240 MPN/100 mL. The facility reported the following: concentration 7-day geometric 435 MPN/100 mL for October 2018.

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

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

4 Violation Description for Subject Item AIOO0000001696():

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. KY0022152, monitoring point 001-1, for Suspended Solids % Removal. The permitted limit for Suspended Solids % Removal is concentration monthly avg. min., greater than or equal to 85 %. The facility reported the following: concentration monthly avg. min. 75.5 % for March 2019.

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

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

5 Violation Description for Subject Item AIOO0000001696():

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. KY0022152, monitoring point 001-1, for E. Coli. The permitted limit for E. Coli is concentration 7-day geometric, less than or equal to 240 MPN/100 mL. The facility reported the following: concentration 7-day geometric 356 MPN/100 mL for June 2019.

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

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

6 Violation Description for Subject Item AIOO0000001696():

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. KY0022152, monitoring point 001-1, for Suspended Solids % Removal. The permitted limit for Suspended Solids % Removal is concentration monthly avg. min., greater than or equal to 85 %. The facility reported the following: concentration monthly avg. min. 51 % for June 2019.

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

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

7 Violation Description for Subject Item AIOO0000001696():

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. KY0022152, 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. 562 MPN/100 mL; and concentration 7-day geometric 1553 MPN/100 mL for February 2019.

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

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

8 Violation Description for Subject Item AIOO0000001696():

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. KY0022152, monitoring point 001-1, for BOD % Removal. The permitted limit for BOD % Removal is concentration monthly avg. min., greater than or equal to 85 %. The facility reported the following: concentration monthly avg. min. 60 % for February 2019.

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

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

9 Violation Description for Subject Item AIOO0000001696():

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. KY0022152, monitoring point 001-1, for Total Suspended Solids. The permitted limit for Total Suspended Solids is loading weekly avg., less than or equal to 75 lbs/day. The facility reported the following: loading weekly avg. 82 lbs/day for February 2019.

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

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

1 Violation Description for Subject Item AIOO0000001696():

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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. KY0022152, monitoring point 001-1, for Suspended Solids % Removal. The permitted limit for Suspended Solids % Removal is concentration monthly avg. min., greater than or equal to 85 %. The facility reported the following: concentration monthly avg. min. 80 % for January 2019.

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

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

1 Violation Description for Subject Item AIOO0000001696():

1

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

Description of Non Compliance:

Failing to comply with 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0022152, monitoring point 001-1, for Suspended Solids % Removal. The permitted limit for Suspended Solids % Removal is concentration monthly avg. min., greater than or equal to 85 %. The facility reported the following: concentration monthly avg. min. 83 % for November 2018.

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

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

1 Violation Description for Subject Item AIOO0000001696():

2

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

Description of Non Compliance:

Failing to comply with 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0022152, monitoring point 001-1, for Suspended Solids % Removal. The permitted limit for Suspended Solids % Removal is concentration monthly avg. min., greater than or equal to 85 %. The facility reported the following: concentration monthly avg. min. 83 % for December 2018.

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

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

1 Violation Description for Subject Item AIOO0000001696():

3

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

Description of Non Compliance:

Failing to comply with 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0022152, monitoring point 001-1, for BOD % Removal. The permitted limit for BOD % Removal is concentration monthly avg. min., greater than or equal to 85 %. The facility reported the following: concentration monthly avg. min. 74 % for April 2019.

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

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

1 Violation Description for Subject Item AIOO0000001696():

4

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

Description of Non Compliance:

Failing to comply with 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0022152, monitoring point 001-1, for Suspended Solids % Removal. The permitted limit for Suspended Solids % Removal is concentration monthly avg. min., greater than or equal to 85 %. The facility reported the following: concentration monthly avg. min. 84.8 % for August 2019.

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

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

1 Violation Description for Subject Item AIOO0000001696():

5

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

Description of Non Compliance:

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

with the terms and conditions of KPDES Permit No. KY0022152, 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 20 mg/L; and concentration daily max., less than or equal to 30 mg/L. The facility reported the following: concentration monthly avg. 27 mg/L; and concentration daily max. 32.2 mg/L for September 2019.

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

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

1 Violation Description for Subject Item AIOO0000001696():

6

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

Description of Non Compliance:

Failing to comply with 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0022152, monitoring point 001-1, for Total Ammonia Nitrogen (as N). The permitted limit for Total Ammonia Nitrogen (as N) is concentration 30-day avg., less than or equal to 20 mg/L. The facility reported the following: concentration 30-day avg. 21.3 mg/L for August 2019.

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

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

1 Violation Description for Subject Item AIOO0000001696():

7

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. KY0022152, 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 20 mg/L; and concentration daily max., less than or equal to 30 mg/L. The facility reported the following: concentration monthly avg. 28.1 mg/L; and concentration daily max. 46.9 mg/L for October 2019.

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

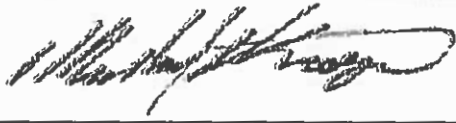
The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

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

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

Department for Environmental Protection
Division of Enforcement
300 Sower Blvd

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



Issued By:

Michael B. Kroeger, Director
Date: December 12, 2019

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

NOTICE OF VIOLATION

To: West Point WWTP
Honorable William Ash
509 Elm St

West Point, KY 40177

AI Name: West Point WWTP **AI ID:** 1696 **Activity ID:** ENV20200001
County: Hardin
Enforcement Case ID:
Date(s) Violation(s) Observed: 02/28/2020

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

1 Violation Description for Subject Item AIOO0000001696():

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. KY0022152, monitoring point 001-1, for BOD % Removal. The permitted limit for BOD % Removal is concentration monthly avg. min., greater than or equal to 85. The facility reported the following: concentration monthly avg. min. 83.8 % for January 2020.

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

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

2 Violation Description for Subject Item AIOO0000001696():

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. KY0022152, monitoring point 001-1, for E. Coli. The permitted limit for E. Coli is concentration 7-day geometric, less than or equal to 240. The facility reported the following: concentration 7-day geometric 2420 MPN/100 mL for November 2019.

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

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

3 Violation Description for Subject Item AIOO0000001696():

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. KY0022152, monitoring point 001-1, for Total Suspended Solids. The permitted limit for Total Suspended Solids is loading monthly avg., less than or equal to 50.04; and loading max. weekly avg., less than or equal to 75.06; and concentration monthly avg., less than or equal to 30; and concentration max. weekly avg., less than or equal to 45. The facility reported the following: loading monthly avg. 72.2 lbs/day; and loading max. weekly avg. 279 lbs/day; and concentration monthly avg. 39.05 mg/L; and concentration max. weekly avg. 136 mg/L for November 2019.

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

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

4 Violation Description for Subject Item AIOO0000001696():

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. KY0022152, monitoring point 001-1, for Suspended Solids % Removal. The permitted limit for Suspended Solids % Removal is concentration monthly avg. min., greater than or equal to 85. The facility reported the following: concentration monthly avg. min. 82.1 % for January 2020.

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

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

5 Violation Description for Subject Item AIOO0000001696():

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. KY0022152, monitoring point 001-1, for Suspended Solids % Removal. The permitted limit for Suspended Solids % Removal is concentration monthly avg. min., greater than or equal to 85. The facility reported the following: concentration monthly avg. min. 83.5 % for December 2019.

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

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

6 Violation Description for Subject Item AIOO0000001696():

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. KY0022152, monitoring point 001-1, for Suspended Solids % Removal. The permitted limit for Suspended Solids % Removal is concentration monthly avg. min., greater than or equal to 85. The facility reported the following: concentration monthly avg. min. -62.7 % for November 2019.

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

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

7 Violation Description for Subject Item AIOO0000001696():

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. KY0022152, monitoring point 001-1, for BOD % Removal. The permitted limit for BOD % Removal is concentration monthly avg. min., greater than or equal to 85. The facility reported the following: concentration monthly avg. min. 59.9 % for November 2019.

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

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

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 17, 2020

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

NOTICE OF VIOLATION

To: West Point WWTP
Honorable William Ash
509 Elm St

West Point, KY 40177

AI Name: West Point WWTP **AI ID:** 1696 **Activity ID:** ENV20200002

County: Hardin

Enforcement Case ID:

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

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

1 Violation Description for Subject Item AIOO0000001696():

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. KY0022152, 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. .08 mg/L for March 2020.

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

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

2 Violation Description for Subject Item AIOO0000001696():

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. KY0022152, monitoring point 001-1, for BOD % Removal. The permitted limit for BOD % Removal is concentration monthly avg. min., greater than or equal to 85 %. The facility reported the following: concentration monthly avg. min. 33.3 % for March 2020.

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

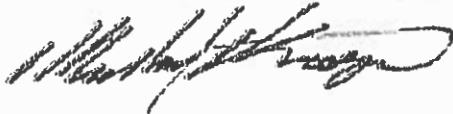
The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]



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 20, 2020

DEPARTMENT FOR ENVIRONMENTAL PROTECTION
Division of Enforcement

NOTICE OF VIOLATION

To: West Point WWTP
Honorable William Ash
509 Elm St

West Point, KY 40177

AI Name: West Point WWTP **AI ID:** 1696 **Activity ID:** ENV20200003

County: Hardin

Enforcement Case ID:

Date(s) Violation(s) Observed: 09/04/2020

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

1 Violation Description for Subject Item AIOO0000001696():

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. KY0022152, monitoring point 001-1, for Total Suspended Solids. The permitted limit for Total Suspended Solids is loading max. weekly avg., less than or equal to 75.06 lbs/day; and concentration monthly avg., less than or equal to 30 mg/L; and concentration max. weekly avg., less than or equal to 45 mg/L. The facility reported the following: loading max. weekly avg. 138.38 lbs/day; and concentration monthly avg. 71.4 mg/L; and concentration max. weekly avg. 272 mg/L for July 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 AIOO0000001696():

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. KY0022152, monitoring point 001-1, for E. Coli. The permitted limit for E. Coli is concentration 7-day geometric, less than or equal to 240 MPN/100 mL. The facility reported the following: concentration 7-day geometric 610 MPN/100 mL for April 2020.

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

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

3 Violation Description for Subject Item AIOO0000001696():

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. KY0022152, monitoring point 001-1, for Suspended Solids % Removal. The permitted limit for Suspended Solids % Removal is concentration monthly avg. min., greater than or equal to 85 %. The facility reported the following: concentration monthly avg. min. 77.9 % for May 2020.

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

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

4 Violation Description for Subject Item AIOO0000001696():

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. KY0022152, monitoring point 001-1, for Suspended Solids % Removal. The permitted limit for Suspended Solids % Removal is concentration monthly avg. min., greater than or equal to 85 %. The facility reported the following: concentration monthly avg. min. 75 % for June 2020.

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

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

5 Violation Description for Subject Item AIOO0000001696():

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. KY0022152, monitoring point 001-1, for Total Ammonia Nitrogen (as N). The permitted limit for Total Ammonia Nitrogen (as N) is concentration daily max., less than or equal to 30 mg/L. The facility reported the following: concentration daily max. 36 mg/L for July 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 AIOO0000001696():

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. KY0022152, monitoring point 001-1, for BOD. The permitted limit for BOD is concentration max. weekly avg., less than or equal to 45 mg/L. The facility reported the following: concentration max. weekly avg. 76 mg/L for July 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]

7 Violation Description for Subject Item AIOO0000001696():

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. KY0022152, 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 20 mg/L; and concentration daily max., less than or equal to 30 mg/L. The facility reported the following: concentration monthly avg. 25.9 mg/L; and concentration daily max. 52 mg/L for June 2020.

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

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

8 Violation Description for Subject Item AIOO0000001696():

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. KY0022152, monitoring point 001-1, for E. Coli. The permitted limit for E. Coli is concentration 7-day geometric, less than or equal to 240 MPN/100 mL. The facility reported the following: concentration 7-day geometric 687 MPN/100 mL for June 2020.

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

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

9 Violation Description for Subject Item AIOO0000001696():

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. KY0022152, 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. 176 MPN/100 mL; and concentration 7-day geometric 2420 MPN/100 mL for July 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]

1 Violation Description for Subject Item AIOO0000001696():

0

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

Description of Non Compliance:

Failing to comply with 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0022152, monitoring point 001-1, for Suspended Solids % Removal. The permitted limit for Suspended Solids % Removal is concentration monthly avg. min., greater than or equal to 85 %. The facility reported the following: concentration monthly avg. min. - 67.1 % for July 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]

1 Violation Description for Subject Item AIOO0000001696():

1

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

Description of Non Compliance:

Failing to comply with 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0022152, monitoring point 001-1, for BOD % Removal. The permitted limit for BOD % Removal is concentration monthly avg. min., greater than or equal to 85 %. The facility reported the following: concentration monthly avg. min. 78.4 % for July 2020.

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

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

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

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

Department for Environmental Protection
Division of Enforcement
300 Sower Blvd
Frankfort, KY 40601
502-782-6859 (8:00 AM – 4:30 PM)
COMMONWEALTH OF KENTUCKY

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

NOTICE OF VIOLATION

To: West Point WWTP
Mayor William Ash
509 Elm St

West Point, KY 40177

AI Name: West Point WWTP **AI ID:** 1696 **Activity ID:** ENV20200004

County: Hardin

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 AIOO0000001696():

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. KY0022152, 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 20 mg/L. The facility reported the following: concentration monthly avg. 22.28 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 AIOO0000001696():

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. KY0022152, monitoring point 001-1, for E. Coli. The permitted limit for E. Coli is concentration 7-day geometric, less than or equal to 240 MPN/100 mL. The facility reported the following: concentration 7-day geometric 1181 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]

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
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