

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

NOTICE OF VIOLATION



To: Lake Columbia WWTP
Mandy Sappington
1630 Des Peres Rd Ste 140

Saint Louis, MO 631311871

AI Name: Lake Columbia WWTP **AI ID:** 458 **Activity ID:** ENV20230003
County: Bullitt
Enforcement Case ID:
Date(s) Violation(s) Observed: 11/13/2023

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

- 1** Violation Description for Subject Item AIOO0000000458():
No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:

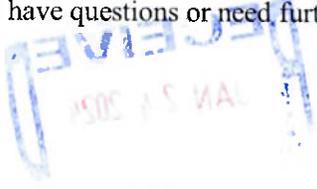
Failing to comply with 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0077674, monitoring point 001-1, for Total Suspended Solids. The permitted limit for Total Suspended Solids is concentration monthly avg., less than or equal to 30 mg/L. The facility reported the following: concentration monthly avg. 34 mg/L for September 2023.

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: Marlon A. Bascombe
Marlon Bascombe, Environmental Control Manager
Date: January 10, 2024

Lake Columbia WWTP
Mandy Sappington
1630 Des Peres Rd Ste 140

Saint Louis, MO 631311871



Andy Beshear
GOVERNOR

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

FLORENCE REGIONAL OFFICE
8020 VETERANS MEMORIAL DRIVE SUITE 110
FLORENCE, KY, 41042

Rebecca W. Goodman
SECRETARY

Anthony R. Hatton
COMMISSIONER

January 25, 2024

Emailed to Mandy Sappington, Josiah Cox, and Joseph Johnson
Return Receipt Requested

Darlington Creek HOA Subd
US 27 S & KY 154
Alexandria (Campbell), KY 41001

Re: Notice of Violation
AI ID: 44397
AI Name: Darlington Creek HOA Subd
Activity ID: ENV20240001
Campbell County, KY

Dear Ms. Sappington

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

Your cooperation and attention to this matter is appreciated. If you have any questions, please contact me at 502-782-8895.

Sincerely,

Ashton Quiogue,
Environmental Scientist II
Division for Air Quality

Enclosure

COMMONWEALTH OF KENTUCKY
ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
Division for Air Quality

NOTICE OF VIOLATION

To: Darlington Creek HOA Subd
US 27 S & KY 154
Alexandria (Campbell), KY 41001

AI Name: Darlington Creek HOA Subd AI ID: 44397 Activity ID: ENV20240001
Discovery ID: CIV20240001 County: Campbell
Enforcement Case ID:
Date(s) Violation(s) Observed: 01/22/2024

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

1 Violation Description for Subject Item AIOO0000044397():

ODORS: The primary and secondary ambient air quality standards for odors are specified in Appendix A of this administrative regulation. APPENDIX A: At any time when 1 volume unit of ambient air is mixed with 7 volume units of odorless air, the mixture must have no detectable odor. [401 KAR 53:010 Section 1]

Description of Non Compliance:

Odors were detected at the 7:1 dilution threshold off of the wastewater treatment plant property.

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

Darlington Creek HOA Subd waste water treatment plant shall develop and submit a Corrective Action Plan : **Due within fifteen (15) days.** The plan should include actions taken and/or actions to be taken to achieve and maintain compliance with the Secondary Ambient Odor Standard. [401 KAR 53:010 Section 1 Appendix A]

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 for Air Quality
Florence Regional Office
8020 Veteran's Memorial Dr Ste 110
Florence, KY 41042
(8:00 AM – 4:30 PM)
Ashton Quiogue, Environmental Scientist II

Issued By: _____


Ashton Quiogue, Environmental Scientist II
Date: January 25, 2024

COMMONWEALTH OF KENTUCKY
ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
Division for Air Quality

 Recoverable Signature

Natalie Cox

Issued By: _____

Natalie Cox, Environmental Control Supervisor

Date: January 25, 2024

How Delivered: Emailed to msappington@cswrgroup.com , jcox@cswrgroup.com , and env.comp@cswrgroup.com



Andy Beshear
GOVERNOR

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

FLORENCE REGIONAL OFFICE
8020 VETERANS MEMORIAL DRIVE SUITE 110
FLORENCE, KY, 41042

Rebecca W. Goodman
SECRETARY

Anthony R. Hatton
COMMISSIONER

January 29, 2024

Josiah Cox, President
Central States Water Resources Inc.
1630 Des Peres Rd., Suite 140
Des Peres, MO 63131

RE: Darlington Creek Subd -- 44397
Permit No.: KY0105325
Campbell County, Kentucky
Activity ID: CIN20240001

Mr. Cox:

Attached for your information and records is a copy of the report for the inspection performed at Darlington Creek Subdivision on January 23, 2024.

This cover letter and a copy of the report are being sent to you by Email. Please respond back by Email that you have received and read the report.

If you have any questions or comments concerning this inspection, please contact the Florence Regional Office at: (859) 525-4923.

Sincerely,

[Signature Line]

Jeffrey R. Malsi
Environmental Inspector
Florence Regional Office
Division of Water

JRM
Enclosure:

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

AI ID: 44397

AI Type: RESIDENCE- Subdivision (nec)

AI Name: Darlington Creek HOA Subd

AI Address: US 27 S & KY 154

City: Alexandria, **State:** Kentucky **Zip:** 41001

County: Campbell **Regional Office:** Florence Regional Office

Latitude: 38.853333 **Longitude:** -84.386667

Site Contact: Zach Wilson **Title:** WWTP Operator

Inspection Type: WW CEI-Minor Non-Municipal

Activity #: CIN20240001

Incident IDs: 2528036

Inspection Start Date: January 23, 2024 **Time:** 11:00 AM **End Date:** January 23, 2024 **Time:** 12:38 PM

Site/Permit ID: KY0105325

Lead DEP Investigator: Jeff Malsi

Persons Interviewed: Zach Wilson

General Comments: Treatment facility consists of two treatment plants. The effluents of the two treatment plants are combined and flow into the Chlorine Contact Tank.

This inspection was conducted due to odor complaints received by Florence Regional Office about the facility. Odors were not noticed during this inspection. The conditions observed at the facility during this inspection could be causing intermittent odors.

The overall rating of this inspection is Out of Compliance - Violations Documented.

This was due to;

--- permit limit exceedances

--- solids observed in the stream

--- poor operational conditions observed at the facility.

Overall Compliance Status: Out of Compliance- Violations documented

Investigation Results

SI: AIOO44397

SI Description:

Inspector Comment:

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

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

Comment: Facility holds a permit that became effective on July 1, 2019. The permit will expire June 30, 2024. Permit renewal applications are required to be submitted at least 180 days before the expiration date of the existing permit. No permit renewal application has been submitted as of 1/24/2024.

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: No construction or modification of the treatment plant has occurred.

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: Facility is operated under the supervision of Zachary Wilson, a properly certified operator.

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: Collection system in under the primary responsibility of Kathy Carey who holds an active collection system certification at the appropriate level.

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: Copies of the records were supplied electronically.

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: C-No Violations observed

Comment: Waste water treatment plants are required to have a GPP. Facility has a GPP.

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

Compliance Status: C-No Violations observed

Comment: Discharge Monitoring Reports (DMRs) for the second quarter through the fourth quarter 2023 were reviewed as part of this inspection.

The DMRs were submitted at the proper intervals.

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

Compliance Status: C-No Violations observed

Comment: The facility has migrated to the federal EPA's Net DMR data base for the submission of DMRs.

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: D-Out of Compliance-Violations Documented

Comment: Records were supplied electronically. During the third quarter 2023 the sampling records indicated ammonia was sampled on seven (7) dates. The third quarter 2023 DMR reported the Ammonia monthly average as 4.2 and the daily max as 19.6. The Certificates of Analysis for that quarter indicate that the daily max was 19.6 and the monthly average was 4.7.;

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: D-Out of Compliance-Violations Documented

Comment: Records were supplied electronically. Calculations appeared to be performed by arithmetic mean where necessary. A calculation error on the third quarter 2023 DMR for Ammonia was detected. E. coli was performed by geometric mean;

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

Compliance Status: D-Out of Compliance-Violations Documented

Comment: Solids were observed in the stream below the plant's outfall. This would indicate at least one spill, bypass or other non-compliance has occurred. No report has been received by KDOW.

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: D-Out of Compliance-Violations Documented

Comment: Solids were observed in the stream below the plant's outfall. This would indicate at least one accidental or emergency release to the environment has occurred. No report has been received by KDOW.

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: D-Out of Compliance-Violations Documented

Comment: Facility is two treatment plants feeding to a common disinfection unit. Both treatment plant were covered with thick tan foam. This indicates that the facility is not being properly operated and maintained often enough to achieve compliance with the conditions of the permit.

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

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

Comment: Water in the chlorine contact tank and de-chlorination tank had a low level of turbidity. Turbidity will cause a high chlorine demand and may allow E. coli above permit limits to be discharged.

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: N-Not Applicable

Comment: The average daily design capacity of this treatment facility is 0.0495 MGD. This places the facility in the intermediate class. The facility is not required to have an indicating, recording and totalizing flow measuring device.

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 frost proof yard hydrant exists at the plant on its own water meter. Backflow prevention is provided by the backflow preventer in the meter setter box.

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

Compliance Status: C-No Violations observed

Comment: Facility is surrounded by a fence with a lockable gate. The wooden fence around the plant has recently been replaced with new wooden fence.

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: An all weather access road is in place.

Requirement: Sewage sludge. Did the facility meet the requirements governing the disposal of sewage sludge from publicly owned treatment works, in accordance with 40 CFR Part 503? [401 KAR 5:065 Section 2(4)]

Compliance Status: C-No Violations observed

Comment: When needed, a sewage pump truck is used to remove solids.

Requirement: Is the effluent in compliance with KPDES permit limitations? Do the Discharge Monitoring Reports indicate KPDES permit violations? [401 KAR 5:065 Section 2(1)]. [401 KAR 5:065 Section 2(1)]

Compliance Status: D-Out of Compliance-Violations Documented

Comment: The facility has failed to comply with the effluent limitations contained in the permit.

Discharge Monitoring Reports (DMRs) for the second quarter through the fourth quarter 2023 were reviewed as part of this inspection.

Exceedances of Ammonia permit limits were indicated on the third quarter 2023 DMR.

Requirement: Are samples taken in compliance with the monitoring requirements and taken at the following location(s): nearest accessible point after final treatment, but prior to actual discharge or mixing with receiving waters? Are the samples representative of plant flow? Are flow proportioned samples obtained when required by the KPDES permit? Are grab samples collected according to the KPDES permit requirements? Are composite samples collected and analyzed according to the KPDES permit conditions? Are samples collected according to KPDES permit requirements? [401 KAR 5:065 Section 2(1)]

Compliance Status: C-No Violations observed

Comment: Operator reports that lab is taking composite samples from the discharge trough of a filter system on the WWTP effluent line.

Requirement: Are the facility sample collection procedures adequate? Are the samples collected in proper containers, preserved, and refrigerated properly? Are all samples analyzed within the allowed holding times? [401 KAR 5:065 Section 2(1)]

Compliance Status: E-Not Evaluated

Comment: Inspector was not present during sampling.

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: Samples have been collected and analyzed by Beckmar Environmental Laboratory a properly certified lab with field testing certification.

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

Compliance Status: D-Out of Compliance-Violations Documented

Comment: Solids and sludge worms were observed in the stream below the plant's outfall. This indicates pollutants were entering the waters of the Commonwealth.

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

Compliance Status: D-Out of Compliance-Violations Documented

Comment: Solids and sludge worms were observed in the stream below the plant's outfall. This is surface water degradation.

Documentation

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

Inspector:

 Recoverable Signature





March 1st, 2024

Division for Water
Attn: Jeffery Malsi
8020 Veterans Memorial Drive Suite 110
Florence, KY 41042

**RE: Sanitary Survey for Darlington Creek.
(KY0105325)
US 27S & KY 154
Alexandria, KY 41001
Campbell County**

To: Division for Water,

This letter is being sent to you in response to the issued Sanitary Survey completed January 23, 2024 and to update you on the progress of action taken to resolve these issues.

Notice of Deficiency: Darlington Creek Subd. KY0105325

Deficiency: Multiple

Inquiry:

1. *No permit renewal application has been submitted as of 1/24/2024.*
2. *A calculation error on the third quarter 2023 DMR for Ammonia was detected. E. coli was performed by geometric mean.*
3. *Solids and sludge worms were observed in the stream below the plant's outfall. This indicates pollutants were entering the waters of the Commonwealth.*
4. *Water in the chlorine contact tank and de-chlorination tank had a low level of turbidity. Turbidity will cause a high chlorine demand and may allow E. coli above permit limits to be discharged.*
5. *Exceedances of Ammonia permit limits were indicated on the third quarter 2023 DMR.*
6. *Facility is two treatment plants feeding to a common disinfection unit. Both treatment plants were covered with thick tan foam. This indicates that the facility is not being properly operated and maintained often enough to achieve compliance with the conditions of the permit.*

Bluegrass Water UOC Response:

1. The application was submitted electronically on 03/01/2024.
2. Calculations will be completed using arithmetic mean for ammonia.
3. Remediation and cleaning via vacuum truck was completed 03/19/2024. Plant upgrades are in design to prevent future contamination.
4. New digesters, diffusers, and blower are to be installed during a capital upgrade to the plant.
5. Plant upgrade to improve water quality is in engineering for design.
6. A new operator has been hired to maintain the function of the facility.

Best Regards,

A handwritten signature in cursive script that reads "Joe Johnson".

Joe Johnson
EHS Compliance Coordinator

Timberland Subdivision WWTP
Mandy Sappington
1630 Des Peres Rd Ste 140

Saint Louis, MO 631311871

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

NOTICE OF VIOLATION

To: Timberland Subdivision WWTP
Mandy Sappington
1630 Des Peres Rd Ste 140

Saint Louis, MO 631311871

AI Name: Timberland Subdivision WWTP **AI ID:** 3070 **Activity ID:** ENV20240001
County: McCracken
Enforcement Case ID:
Date(s) Violation(s) Observed: 02/12/2024

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 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), 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 2023.

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:

Marlon A. Bascombe

Marlon Bascombe, Environmental Control Manager
Date: February 29, 2024

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

NOTICE OF VIOLATION

To: Delaplain Disposal
Mandy Sappington
1630 Des Peres Rd Ste 140

Saint Louis, MO 631311871

AI Name: Delaplain Disposal **AI ID:** 3901 **Activity ID:** ENV20240001
County: Scott
Enforcement Case ID:
Date(s) Violation(s) Observed: 02/12/2024

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

- 1 Violation Description for Subject Item AIOO0000003901():
No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:

Failing to comply with 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0079049, 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; and concentration daily max., less than or equal to 7.5 mg/L. The facility reported the following: concentration monthly avg. 8.33 mg/L; and concentration daily max. 31.7 mg/L for December 2023.

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:

Marlon A. Bascombe

Marlon Bascombe, Environmental Control Manager
Date: March 4, 2024



Andy Beshear
GOVERNOR

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

FRANKFORT REGIONAL OFFICE
300 SOWER BLVD
FRANKFORT, KY, 40601

Rebecca W. Goodman
SECRETARY

Anthony R. Hatton
COMMISSIONER

April 12, 2024

Return Receipt Requested

Mr. Enrique Chavez
Bluegrass Water Utility Operating Company LLC
1650 Des Peres Rd Ste 303
Saint Louis, MO 63131

Re: Notice of Violation
AI ID: 1388
AI Name: Fox Run WWTP
Activity ID: ENV20240001
Permit No. KY0086967
Franklin County, KY

Dear Mr. Chavez:

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

Your cooperation and attention to this matter is appreciated. If you have any questions, please contact me at 502-330-6413.

Sincerely,

Deborah Singleton,
Environmental Scientist Advisor
Division of Water

Enclosure

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

To: Mr. Enrique Chavez
Bluegrass Water Utility Operating Company LLC
1650 Des Peres Rd Ste 303
Saint Louis, MO 63131

AI Name: Fox Run WWTP **AI ID:** 1388 **Activity ID:** ENV20240001
Discovery ID: CIV20240001 **County:** Franklin
Enforcement Case ID:
Date(s) Violation(s) Observed: 04/08/2024

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

1 Violation Description for Subject Item AIOO0000001388():

The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. [40 C.F.R. 122.41(1)(6)]

Description of Non Compliance:

This investigation is the result of not receiving any notifications of overflows at the Fox Run WWTP. Photos of a recent overflow were submitted to the inspector on February 29, 2024. Mr. Enrique Chavez was contacted on March 25 & April 4, 2024 by email regarding the overflow since no notifications appeared to have been submitted. Mr. Chavez was also contacted by phone on March 25, 2024. On April 7 2024, a video was submitted of the wet well/ pump area overflowing. A Division of Water site investigation on April 8, 2024 revealed that the overflow was still ongoing. This overflow appeared to be mechanical/ blockage/ etc since the area had not received any rain. As of ten o'clock a.m.on April 10, 2024, the Division of Water had not received any notifications on either bypass. The wwtp was visited on April 10, 2024 and the operator was met on site and informed of the unreported bypasses. Reporting procedures were discussed and the need for timely reporting and the need for cleaning up and applying lime to the affected area was discussed. Mr. Smith now has the inspector's contact information to facilitate timely reporting of overflows when they are discovered. The facility has failed to report spills, bypasses and/or non-compliance as required by 401 KAR 5:065 Section 2(1).

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

The permittee must report spills, bypasses and non-compliance as required by 401 KAR 5:065 Section 2(1). Within fifteen (15) days of the receipt of this notice, the permittee shall 1) submit a written notification to the undersigned that the permittee complies with all requirements of its permit; 2) provide a timeline for repairs/ upgrades to the influent wet well area/ pumps/ electrical that was discussed with the operator on site. Any permit non-compliance shall constitute a violation of the Clean Water Act and KRS 224, among which shall be the following remedies: Enforcement action, permit revocation, revocation and reissuance, or modification; or denial of permit renewal application. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and or your company to an immediate referral to the Division of Enforcement. [401 KAR 5:065 Section 2(1)]

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

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

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

Division of Water
Frankfort Regional Office
300 Sower Blvd
Frankfort, KY 40601
502-330-6413 (8:00 AM – 4:30 PM)
Deborah Singleton, Environmental Scientist Advisor

Issued By: Deborah E. Singleton
Deborah Singleton, Environmental Scientist Advisor
Date: April 12, 2024
Signed By: Deborah Singleton

 Recoverable Signature

Issued By: Robert H Daniell
Mr. Robert H Daniell, Environmental Control Supervisor
Date: April 12, 2024
Signed By: Robert Daniell

How Delivered: e-mail

April 16th, 2024

To: Deborah Singleton
Kentucky Division of Water
Frankfort Regional Office
300 Sower Blvd.
Frankfort, KY 40601

Re: Notice of Violation
AI ID: 1388
AI Name: Fox Run WWTP
Activity ID: ENV2020001
Permit No. KY0086967
Franklin County, KY

Dear Mrs. Singleton,

This letter is being sent to you in response to the issued Notice of Violation and to update you on the progress of action taken to resolve these issues.

Notice of Violation: Fox Run WWTP (KY0086967)

Deficiency: The permittee shall report any noncompliance which may endanger health or the environment [40 C.F.R. 122.41(1)(6)]

Inquiry:

1. This investigation is the result of not receiving any notifications of overflows at the Fox Run WWTP. Photos of a recent overflow were submitted to the inspector on February 29, 2024. Mr. Enrique Chavez was contacted on March 25 & April 4, 2024 by email regarding the overflow since no notifications appeared to have been submitted. Mr. Chavez was also contacted by phone on March 25, 2024. On April 7 2024, a video was submitted of the wet well/ pump area overflowing. A Division of Water site investigation on April 8, 2024 revealed that the overflow was still ongoing. This overflow appeared to be mechanical/ blockage/ etc since the area had not received any rain. As of ten o'clock a.m. on April 10, 2024, the Division of Water had not received any notifications on either bypass. The wwtp was visited on April 10, 2024 and the operator was met on site and informed of the unreported bypasses. Reporting procedures were discussed and the need for timely reporting and the need for cleaning up and applying lime to the affected area was discussed. Mr. Smith now has the inspector's contact information to facilitate timely reporting of overflows when they are discovered. The facility has failed to report spills, bypasses and/or non-compliance as required by 401 KAR 5:065 Section 2(1).

Bluegrass Water UOC Response:

After an investigation between Bluegrass Water UOC and the contracted operations firm, the following corrective actions are being implemented to ensure compliance and management of Fox Run WWTP:

1. New grinder pumps have been delivered to the facility to replace the old pumps that cannot adequately meet the needs that the facility requires. Other equipment to install the new pumps has yet to be delivered on-site. However, inquiry has determined that those parts will be delivered within the week.
2. Operations has also determined that an upgrade of the lift station will be completed to ensure that proper holding and encapsulation of lift station will meet or exceed state and Bluegrass Water standards.
3. This project has a completion date of April 30th, 2024.
4. In conjunction with the upgrades on-site, it has been determined that new Standard Operating Procedures will be written to ensure that all state regulations are followed for the reporting of any noncompliance issues moving forward.
5. Training will be conducted for all operations personnel to ensure any future discrepancies are reported in a manner befitting any state issued guidelines.

It is our goal at Bluegrass Water UOC to ensure that all our facilities meet or exceed all environmental guidelines set forth by the Kentucky Division of Water. We will continue to monitor closely so that these goals are met. Thank you for your understanding of this matter.

Sincerely,



Joe Johnson

EHS – Compliance Coordinator

Email: jjohnson@cswrgroup.com

O: (314) 380 – 9498 ext. 148

1630 Des Peres Rd., Ste. 140, Des Peres, MO 63131

www.centralstateswaterresources.com

Fox Run WWTP
Mandy Sappington
1630 Des Peres Rd Ste 140

Saint Louis, MO 631311871

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

NOTICE OF VIOLATION

To: Fox Run WWTP
Mandy Sappington
1630 Des Peres Rd Ste 140

Saint Louis, MO 631311871

AI Name: Fox Run WWTP **AI ID:** 1388 **Activity ID:** ENV20240002

County: Franklin

Enforcement Case ID:

Date(s) Violation(s) Observed: 05/14/2024

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 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0086967, 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. 5.1 mg/L for January 2024.

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: Marlon A. Bascombe
Marlon Bascombe, Environmental Control Manager
Date: June 12, 2024

Great Oaks WWTP
Mandy Sappington
1630 Des Peres Rd Ste 140

Saint Louis, MO 631311871

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

NOTICE OF VIOLATION

To: Great Oaks WWTP
Mandy Sappington
1630 Des Peres Rd Ste 140

Saint Louis, MO 631311871

AI Name: Great Oaks WWTP **AI ID:** 3041 **Activity ID:** ENV20240001
County: McCracken
Enforcement Case ID:
Date(s) Violation(s) Observed: 05/14/2024

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 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), 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. The facility reported the following: concentration monthly avg. 12 mg/L for January 2024.

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 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0080845, monitoring point 001-1, for Total Suspended Solids. The permitted limit for Total Suspended Solids is concentration 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. 53 mg/L; and concentration max. weekly avg. 92 mg/L for January 2024.

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: Marlon A. Bascombe
Marlon Bascombe, Environmental Control Manager
Date: June 12, 2024

River Bluffs WWTP
Mandy Sappington
1630 Des Peres Rd Ste 140

Saint Louis, MO 631311871

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

NOTICE OF VIOLATION

To: River Bluffs WWTP
Mandy Sappington
1630 Des Peres Rd Ste 140

Saint Louis, MO 631311871

AI Name: River Bluffs WWTP **AI ID:** 3367 **Activity ID:** ENV20240001
County: Oldham
Enforcement Case ID:
Date(s) Violation(s) Observed: 05/14/2024

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 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), 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 10 mg/L; and concentration daily max., less than or equal to 15 mg/L. The facility reported the following: concentration monthly avg. 22.1 mg/L; and concentration daily max. 22.1 mg/L for January 2024.

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 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), 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; and concentration 7-day geometric, less than or equal to 240 MPN/100 mL. The facility reported the following: concentration 30-day geometric avg. 270 MPN/100 mL; and concentration 7-day geometric 270 MPN/100 mL for January 2024.

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 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 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), 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 10 mg/L; and concentration daily max., less than or equal to 15 mg/L. The facility reported the following: concentration monthly avg. 34.8 mg/L; and concentration daily max. 34.8 mg/L for February 2024.

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 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 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), 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; and concentration 7-day geometric, less than or equal to 240 MPN/100 mL. The facility reported the following: concentration 30-day geometric avg. 60000 MPN/100 mL; and concentration 7-day geometric 60000 MPN/100 mL for March 2024.

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 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 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), 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; and concentration 7-day geometric, less than or equal to 240 MPN/100 mL. The facility reported the following: concentration 30-day geometric avg. 14322 MPN/100 mL; and concentration 7-day geometric 14322 MPN/100 mL for February 2024.

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 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 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), 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 10 mg/L; and concentration daily max., less than or equal to 15 mg/L. The facility reported the following: concentration monthly avg. 19.7 mg/L; and concentration daily max. 19.7 mg/L for March 2024.

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 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 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0043150, 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. 175 mg/L; and concentration max. weekly avg. 175 mg/L for February 2024.

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 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 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0043150, monitoring point 001-1, for CBOD. The permitted limit for CBOD is concentration monthly avg., less than or equal to 30 mg/L. The facility reported the following: concentration monthly avg. 35 mg/L for February 2024.

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:

Marlon A. Bascombe

Marlon Bascombe, Environmental Control Manager
Date: June 26, 2024



Andy Beshear
GOVERNOR

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

LOUISVILLE REGIONAL OFFICE
9116 LEESGATE ROAD
LOUISVILLE, KY, 40222-5004

Rebecca W. Goodman
SECRETARY

Anthony R. Hatton
COMMISSIONER

July 15, 2024

Bluegrass Water Utility Operating Company LLC
1630 Des Peres Rd
Des Peres, MO 63131

RE: Kingswood WWTP -- 455
Permit No.: KY0101419
Bullitt County, Kentucky
Activity ID: CIN20240001

Dear Bluegrass Water Utility Operating Company LLC:

Attached for your information and records is a copy of the WW Routine-Min Nmun Inspection performed at Kingswood WWTP on June 11, 2024.

The facility was issued a "Violations Documented" for floc observed in the effluent and failure to report a release to the environment within the 24 hours upon discovery over Memorial Day weekend. See report for additional comments.

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

Sincerely,

 Recoverable Signature

Sarah Duker
Environmental Inspector
Louisville Regional Office
Division of Water

SMD
Enclosure: Inspection Report

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

AI ID: 455 **AI Type:** SANI-Wastewater Treatment & Collection (2213)
AI Name: Kingswood WWTP
AI Address: Kings Church Rd
City: Taylorsville, **State:** Kentucky **Zip:** 40071
County: Bullitt **Regional Office:** Louisville Regional Office
Latitude: 38.090101 **Longitude:** -85.490572

Site Contact: James Smith **Title:** Operator **Phone #:** 270-559-5252

Inspection Type: WW Routine-Min Nmun **Activity #:** CIN20240001
Inspection Start Date: June 11, 2024 **Time:** 10:30 AM **End Date:** June 11, 2024 **Time:** 11:00 AM
Site/Permit ID: KY0101419

Lead DEP Investigator: Sarah Duker
Persons Interviewed: James Smith

General Comments: A WW Routine Inspection was conducted on 6/11/2024 by KY Division of Water (DOW) inspector Sarah Duker to inspect the permitted facility, Kingswood WWTP and if permittee is in compliance with issued permit KY0101419 requirements. DOW was accompanied by operator James Smith at the time of inspection.

James Smith is the main operator for this facility. He is a licensed Operator WW I # 73056 exp 6/30/2025 and had his operations card on him at the time of inspection.

At the time of inspection, the facility appeared to be operating properly. However, the clarifier was noted to have some pin floc going over the weir and also observed in the final effluent. The facility had a sign at the outfall with the permit and outfall number. Other than the floc observed coming out of the effluent pipe, no other degradation to the waters was observed at the time of inspection.

A review of NetDMRs from June 2021-June 2024 showed violations in Dec 2021(E.coli Exceedance), January 2022(Nitrogen Exceedance), April 2022(TSS Exceedance), October 2022(E.coli Exceedance), March 2023(Low DOW), August 2023(TSS Exceedance), November 2023(E.coli Exceedance), and April 2024(Low DO; TSS and BOD Exceedances) and May 2024 (BOD Exceedance). The facility often adds comments to NetDMR when a violation is reported.

The facility failed to report a release to the environment within the 24 hours upon discovery over Memorial Day weekend. At the time of inspection, DOW discussed the reporting requirements with the operator. DOW followed up in an email with instructions on how to set up an eNotification account for electronic reporting in the future.

Overall Compliance Status: Out of Comp- Viol documented

Investigation Results

SI: AIOO455
SI Description:

Inspector Comment: There was some floc observed going over the weir and discharging at the outfall.

The facility failed to notify DOW of a release within the 24-hour time period following a release that occurred over the Memorial Day weekend.

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

Compliance Status: C-No Violations observed

Comment: KY0101419 - Kingswood WWTF. Permit is set to expire August 31, 2024. Facility has already applied for a permit renewal.

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

Compliance Status: C-No Violations observed

Comment: The facility is being operated by James Smith who holds a WW Operator's License I # 73056 that is set to expire 6/30/2025. Mr. Smith had his WW Operator's card on him at the time of inspection.

Requirement: Is the collection system under the primary responsibility of an individual who holds an active collection system certification at the level appropriate for the size of the treatment facility receiving the waste? [401 KAR 5:010 Section 2]. [401 KAR 5:010 Section 2]

Compliance Status: N-Not Applicable

Comment: The permit does not require a collections license for this plant.

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

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

Comment: The facility appeared to be mostly operating properly at the time of inspections. There was some floc observed going over the weir in the clarifier and there was floc also observed at the discharge pipe of the plant to the nearby stream.

The flow meter was last calibrated on 5/15/2024 and the flow at the time of inspection was 28.55 gal/min.

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

Compliance Status: C-No Violations observed

Comment: The facility utilizes UV disinfection. The disinfection units appeared to be operating properly at the time of inspection.

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

Compliance Status: D-Out of Compliance-Violations Documented

Comment: A review of NetDMRs from June 2021-June 2024 showed violations in Dec 2021(E.coli Exceedance), January 2022(Nitrogen Exceedance), April 2022(TSS Exceedance), October 2022(E.coli Exceedance), March 2023(Low DOW), August 2023(TSS Exceedance), November 2023(E.coli Exceedance), and April 2024(Low DO; TSS and BOD Exceedances) and May 2024 (BOD Exceedance).

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

Compliance Status: D-Out of Compliance-Violations Documented

Comment: Pin floc was observed going over the crests of the weir and at the outfall pipe at the time of inspection.

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: D-Out of Compliance-Violations Documented

Comment: The facility had an overflow in the system over the Memorial Day weekend that was not reported to DOW within 24 hours of discovery.

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)]. [401 KAR 5:065 Section 3(5)]

Compliance Status: C-No Violations observed

Comment: The facility is aware of the requirements to report all emergency spills and/or accidental discharges, IMMEDIATELY to the Cabinet by the most rapid means available. Reports can be made to the Division of Water through the 24-hour reporting number or contacting the regional office personnel.

The Kentucky Department for Environmental Protection's Environmental Response Team's 24-hour emergency number is (502) 564-2380 or (800) 928-2380. The DOW Louisville Regional Office can be reached at 502-429-7122.

Documentation

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

Inspector:

 Recoverable Signature

Sarah Duker

Signed by: Sarah Duker

Date: 7/15/2024

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

Delivery Method: Email

Lake Columbia WWTP
Mandy Sappington
1630 Des Peres Rd Ste 140

Saint Louis, MO 631311871

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

NOTICE OF VIOLATION

To: Lake Columbia WWTP
Mandy Sappington
1630 Des Peres Rd Ste 140

Saint Louis, MO 631311871

AI Name: Lake Columbia WWTP **AI ID:** 458 **Activity ID:** ENV20240002
County: Bullitt
Enforcement Case ID:
Date(s) Violation(s) Observed: 05/14/2024

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

- 1** Violation Description for Subject Item AIOO0000000458():
No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:
Failing to comply with 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), 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; and concentration max. weekly avg., less than or equal to 45 mg/L. The facility reported the following: concentration monthly avg. 249 mg/L; and concentration max. weekly avg. 249 mg/L for January 2024.

The remedial measure(s), and date(s) to be completed by are as follows:
The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]
- 2** Violation Description for Subject Item AIOO0000000458():
No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:
Failing to comply with 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0077674, monitoring point 001-1, for CBOD. The permitted limit for CBOD is concentration monthly avg., less than or equal to 30 mg/L. The facility reported the following: concentration monthly avg. 37 mg/L for January 2024.

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: Marlon A. Bascombe
Marlon Bascombe, Environmental Control Manager
Date: July 3, 2024

Airview WWTP
Mandy Sappington
1630 Des Peres Rd Ste 140

Saint Louis, MO 631311871

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

NOTICE OF VIOLATION

To: Airview WWTP
Mandy Sappington
1630 Des Peres Rd Ste 140

Saint Louis, MO 631311871

AI Name: Airview WWTP **AI ID:** 1643 **Activity ID:** ENV20240003
County: Hardin
Enforcement Case ID:
Date(s) Violation(s) Observed: 08/12/2024

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

- 1 Violation Description for Subject Item AIOO0000001643():
No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:

Failing to comply with 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0045390, 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. .31 mg/L; and concentration daily max. .59 mg/L for April 2024.

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 AIOO0000001643():
No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:

Failing to comply with 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0045390, 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. 9.47 mg/L; and concentration daily max. 15.1 mg/L for May 2024.

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 AIOO0000001643():
No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:

Failing to comply with 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0045390, 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. .61 mg/L; and concentration daily max. 1.2 mg/L for May 2024.

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 AIOO0000001643():
No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:

Failing to comply with 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0045390, 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. 62 mg/L; and concentration max. weekly avg. 74 mg/L for April 2024.

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 AIOO0000001643():
No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:

Failing to comply with 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0045390, 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 10 mg/L; and concentration daily max., less than or equal to 15 mg/L. The facility reported the following: concentration monthly avg. 26.35 mg/L; and concentration daily max. 35.7 mg/L for April 2024.

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 AIOO0000001643():
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]

waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:

Failing to comply with 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0045390, 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 April 2024.

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 AIOO0000001643():

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

Description of Non Compliance:

Failing to comply with 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0045390, monitoring point 001-1, for CBOD. The permitted limit for CBOD is concentration monthly avg., less than or equal to 25 mg/L; and concentration max. weekly avg., less than or equal to 37.5 mg/L. The facility reported the following: concentration monthly avg. 103.5 mg/L; and concentration max. weekly avg. 185 mg/L for April 2024.

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:

Marlon A. Bascombe

Marlon Bascombe, Environmental Control Manager
Date: August 20, 2024

Woodland Acres
Mandy Sappington
1630 Des Peres Rd Ste 140

Saint Louis, MO 631311871

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

NOTICE OF VIOLATION

To: Woodland Acres
Mandy Sappington
1630 Des Peres Rd Ste 140

Saint Louis, MO 631311871

AI Name: Woodland Acres **AI ID:** 479 **Activity ID:** ENV20240001
County: Bullitt
Enforcement Case ID:
Date(s) Violation(s) Observed: 08/12/2024

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 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0091600, monitoring point 001-2, for Total Suspended Solids. The permitted limit for Total Suspended Solids is concentration monthly avg., less than or equal to 30 mg/L; and concentration max. weekly avg., less than or equal to 45 mg/L. The facility reported the following: concentration monthly avg. 58 mg/L; and concentration max. weekly avg. 160 mg/L for June 2024.

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 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 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0091600, monitoring point 001-2, 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. 41 mg/L; and concentration max. weekly avg. 64 mg/L for June 2024.

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 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 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0091600, 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. 6.92 mg/L for June 2024.

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 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 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0091600, monitoring point 001-2, for Total Residual Chlorine. The permitted limit for Total Residual Chlorine is concentration monthly avg., less than or equal to .011 mg/L; and concentration daily max., less than or equal to .019 mg/L. The facility reported the following: concentration monthly avg. .5 mg/L; and concentration daily max. 2.2 mg/L for June 2024.

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 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 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0091600, monitoring point 001-2, for E. Coli. The permitted limit for E. Coli is concentration 30-day geometric avg., less than or equal to 130 MPN/100 mL; and concentration 7-day geometric avg., less than or equal to 240 MPN/100 mL. The facility reported the following: concentration 30-day geometric avg. 12366 MPN/100 mL; and concentration 7-day geometric avg. 60000 MPN/100 mL for June 2024.

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: Marlon A. Bascombe
Marlon Bascombe, Environmental Control Manager
Date: August 21, 2024

Darlington Creek HOA Subd
Mandy Sappington
1630 Des Peres Rd Ste 140

Saint Louis, MO 631311871

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

NOTICE OF VIOLATION

To: Darlington Creek HOA Subd
Mandy Sappington
1630 Des Peres Rd Ste 140

Saint Louis, MO 631311871

AI Name: Darlington Creek HOA Subd **AI ID:** 44397 **Activity ID:** ENV20240002
County: Campbell
Enforcement Case ID:
Date(s) Violation(s) Observed: 08/12/2024

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

- 1 **Violation Description for Subject Item AIOO0000044397():**
No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:

Failing to comply with 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0105325, monitoring point 001-2, for Total Ammonia Nitrogen (as N). The permitted limit for Total Ammonia Nitrogen (as N) is concentration monthly avg., less than or equal to 4 mg/L; and concentration daily max., less than or equal to 6 mg/L. The facility reported the following: concentration monthly avg. 34.7 mg/L; and concentration daily max. 40 mg/L for June 2024.

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: Marlon A. Bascombe
Marlon Bascombe, Environmental Control Manager
Date: September 5, 2024

Delaplain Disposal
Mandy Sappington
1630 Des Peres Rd Ste 140

Saint Louis, MO 631311871

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

NOTICE OF VIOLATION

To: Delaplain Disposal
Mandy Sappington
1630 Des Peres Rd Ste 140

Saint Louis, MO 631311871

AI Name: Delaplain Disposal **AI ID:** 3901 **Activity ID:** ENV20240003

County: Scott

Enforcement Case ID:

Date(s) Violation(s) Observed: 08/12/2024

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

1 Violation Description for Subject Item AIOO0000003901():

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

Description of Non Compliance:

Failing to comply with 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0079049, 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. .12 mg/L; and concentration daily max. .67 mg/L for May 2024.

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 AIOO0000003901():

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

Description of Non Compliance:

Failing to comply with 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0079049, 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. 8977 MPN/100 mL; and concentration 7-day geometric 60000 MPN/100 mL for June 2024.

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 AIOO0000003901():
No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:

Failing to comply with 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0079049, 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. 69 mg/L; and concentration max. weekly avg. 195 mg/L for April 2024.

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 AIOO0000003901():
No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:

Failing to comply with 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0079049, 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. 4.059 mg/L; and concentration daily max. 8.09 mg/L for June 2024.

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 AIOO0000003901():
No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:

Failing to comply with 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0079049, 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. 944 MPN/100 mL; and concentration 7-day geometric 60000 MPN/100 mL for April 2024.

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 AIOO0000003901():
No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the

Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:

Failing to comply with 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0079049, monitoring point 001-1, for CBOD. The permitted limit for CBOD is concentration max. weekly avg., less than or equal to 15 mg/L. The facility reported the following: concentration max. weekly avg. 18 mg/L for April 2024.

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 AIOO0000003901():

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

Description of Non Compliance:

Failing to comply with 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0079049, 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. 8237 MPN/100 mL; and concentration 7-day geometric 60000 MPN/100 mL for May 2024.

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 AIOO0000003901():

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

Description of Non Compliance:

Failing to comply with 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0079049, 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. .17 mg/L; and concentration daily max. .62 mg/L for June 2024.

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:

Marlon A. Bascombe

Marlon Bascombe, Environmental Control Manager
Date: September 5, 2024



Andy Beshear
GOVERNOR

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

FLORENCE REGIONAL OFFICE
8020 VETERANS MEMORIAL DRIVE SUITE 110
FLORENCE, KY, 41042

Rebecca W. Goodman
SECRETARY

Anthony R. Hatton
COMMISSIONER

September 18, 2024

Return Receipt Requested

Darlington Creek HOA Subd
US 27 S & KY 154
Alexandria (Campbell), KY 41001

Re: Notice of Violation
AI ID: 44397
AI Name: Darlington Creek HOA Subd
Activity ID: ENV20240003
Campbell County, KY

Dear Ms. Sappington:

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

Your cooperation and attention to this matter is appreciated. If you have any questions, please contact me at 859-525-4923.

Sincerely,

Natalie Cox,
Environmental Control Supervisor
Division for Air Quality

Enclosure

COMMONWEALTH OF KENTUCKY
ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
Division for Air Quality
NOTICE OF VIOLATION

To: Ms. Sappington
Darlington Creek HOA Subd
US 27 S & KY 154
Alexandria (Campbell), KY 41001

AI Name: Darlington Creek HOA Subd **AI ID:** 44397 **Activity ID:** ENV20240003
Discovery ID: CIV20240008 **County:** Campbell
Enforcement Case ID:
Date(s) Violation(s) Observed: 09/11/2024

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

1 Violation Description for Subject Item AIOO0000044397():

ODORS: The primary and secondary ambient air quality standards for odors are specified in Appendix A of this administrative regulation. APPENDIX A: At any time when 1 volume unit of ambient air is mixed with 7 volume units of odorless air, the mixture must have no detectable odor. [401 KAR 53:010 Section 1]

Description of Non Compliance:

Odors were detected at the 7:1 dilution threshold off of the wastewater treatment plant property.

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

Darlington Creek HOA Subd waste water treatment plant shall develop and submit a Corrective Action Plan : Due within fifteen (15) days of receipt of this Notice of Violation. The plan should include actions taken and/or actions to be taken to achieve and maintain compliance with the Secondary Ambient Odor Standard. [401 KAR 53:010 Section 1(Appendix A)]

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 for Air Quality
Florence Regional Office
8020 Veterans Memorial Dr Ste 110
Florence, KY 41042
859-525-4923 (8:00 AM – 4:30 PM)
Natalie Cox, Environmental Control Supervisor



Issued By: _____
Natalie Cox, Environmental Control Supervisor
Date: September 18, 2024

How Delivered: Emailed to msappington@cswrgroup.com, JJohnson@cswrgroup.com,
jbrown@cswrgroup.com

Energy and Environment Cabinet
Department for Environmental Protection
Division for Air Quality
Air Inspection Report

AI ID: 44397 **AI Type:** RESIDENCE- Subdivision (nec)
AI Name: Darlington Creek HOA Subd
AI Address: US 27 S & KY 154
City: Alexandria (Campbell), **State:** Kentucky **Zip:** 41001
County: Campbell **Regional Office:** Florence Regional Office
Latitude: 38.853333 **Longitude:** -84.386667
Site Contact: Mandy Sappington
Title: EHS Compliance Manager **Phone #:** (314) 464-3976
Inspection Type: Incident Investigation **Activity #:** CIV20240008
Incident IDs: 2540301, 2540135
Inspection Start Date: September 11, 2024 **Time:** 03:20 PM **End Date:** September 11, 2024 **Time:** 08:05 PM
Lead DEP Investigator: Natalie Cox
Other DEP Investigators: Courtney Shattuck
Persons Interviewed: Joe Johnson

General Comments: On September 6, 2024 at 9:39 AM and 12:25 PM the KY Division for Air Quality received complaints of a strong odor that occurred on 9/5/24 at 7:00 PM coming from the waste water treatment plant on Sycamore Creek Dr, Alexandria, KY. On 09/6/24, the complainants explained that the odor was not currently present, and we discussed starting a log to document the time, date, and strength of the odor in the evenings.

On September 11, 2024 at 1:15 PM a complaint was received of a strong odor from the WWTP. I drove to the WWTP along Darlington Creek, Walnut Creek, to Sycamore Creek Dr on September 11, 2024. No odor was detected in the ambient air while I was near 12851 Sycamore Creek Drive from 3:23 PM until 3:47 PM. I spoke with residents in the area while on Sycamore Creek Drive and it was explained that the odor was observed every evening around 7:00 PM and got worse around 7:30 PM.

Environmental Scientist Consultant Courtney Shattuck arrived at Darlington Creek subdivision at 7:43 pm on September 11, 2024. She began the investigation by driving to the WWTP along Darlington Creek, Walnut Creek and Sycamore Creek. Upon arrival at the WWTP, a faint sewage odor was observed in the ambient air. Several neighbors were outside at the time of the investigation, and she spoke to them regarding the odor complaint and WWTP system. One resident stated that the odor was worse when the unit was on and when material is being pumped out. She suggested that the residents maintain a log of their observations including when they observe odors, when the plant kicks on and pump out. Around 8:00 pm, it sounded as if the plant blower had kicked on. An odor was observed in the ambient air and odor survey was conducted in the driveway of 12841 Sycamore Creek Drive. An odor was detected at 7:1 dilutions to threshold at 8:03 pm. No odor was observed past the WWTP near 12861 Sycamore Creek. See attached DAQ Odor Survey for further details.

Overall Compliance Status: Out of Compliance- NOV

Investigation Results

SI: AIOO44397

Inspector Comment:

Requirement: ODORS: The primary and secondary ambient air quality standards for odors are specified in Appendix A of this administrative regulation. APPENDIX A: At any time when 1 volume unit of ambient air is mixed with 7 volume units of odorless air, the mixture must have no detectable odor. [401 KAR 53:010 Section 1]

Compliance Status: V-Out of Compliance-NOV

Comment: Odors were detected at the 7:1 dilution threshold off of the wastewater treatment plant property.

Documentation

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

Inspector:

Natalie Cox

Date: September 18, 2024

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

Delivery Method: Emailed to msappington@cswrgroup.com , JJohnson@cswrgroup.com,
jbrown@cswrgroup.com



DAQ ODOR SURVEY FORM

Incident/AI#: 2540135 Source Name: Darlington Creek AI-44397 Inspection Date: 9/11/24

Check Olfactometer Used

NR Scentometer

Pre-Inspection

Inspect and Clean Nose Piece(s)

ID Number: #8

Location # 1
Location Description: driveway of 12841 Sycamore Creek Drive

| | | | | |
|------------------------------------|---|--|---------------------------|---------------------------------------|
| Time: <u>8:03 pm</u> | Lat: <u>38°51'09.1N</u> | Long: <u>84°23'04W</u> | Temperature: <u>77</u> °F | Wind (from): <u>east</u> Direction |
| Odor detectable in ambient air? | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | <input checked="" type="checkbox"/> Perform leak check | | |
| Odor detectable at a 7:1 dilution? | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | <input checked="" type="checkbox"/> Verify fresh carbon filter | | |

Location # 2
Location Description: near 12861 Sycamore Creek Drive

| | | | | |
|------------------------------------|---|---|---------------------------|---------------------------------------|
| Time: <u>8:07</u> | Lat: <u>38.052537</u> ° | Long: <u>-84.388351</u> ° | Temperature: <u>77</u> °F | Wind (from): <u>east</u> Direction |
| Odor detectable in ambient air? | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | <input type="checkbox"/> Perform leak check | | |
| Odor detectable at a 7:1 dilution? | <input type="checkbox"/> YES <input type="checkbox"/> NO | <input type="checkbox"/> Verify fresh carbon filter | | |

Location # _____
Location Description: _____

| | | | | |
|------------------------------------|--|---|-----------------------|---------------------------------|
| Time: _____ | Lat: _____ ° | Long: _____ ° | Temperature: _____ °F | Wind (from): _____ Direction |
| Odor detectable in ambient air? | <input type="checkbox"/> YES <input type="checkbox"/> NO | <input type="checkbox"/> Perform leak check | | |
| Odor detectable at a 7:1 dilution? | <input type="checkbox"/> YES <input type="checkbox"/> NO | <input type="checkbox"/> Verify fresh carbon filter | | |

Location # _____
Location Description: _____

| | | | | |
|------------------------------------|--|---|-----------------------|---------------------------------|
| Time: _____ | Lat: _____ ° | Long: _____ ° | Temperature: _____ °F | Wind (from): _____ Direction |
| Odor detectable in ambient air? | <input type="checkbox"/> YES <input type="checkbox"/> NO | <input type="checkbox"/> Perform leak check | | |
| Odor detectable at a 7:1 dilution? | <input type="checkbox"/> YES <input type="checkbox"/> NO | <input type="checkbox"/> Verify fresh carbon filter | | |

Inspector Signature: [Signature] Date: 9/11/24

Inspector Name (Print): Courtney Shattuck



Andy Beshear
GOVERNOR

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

LOUISVILLE REGIONAL OFFICE
9116 LEESGATE ROAD
LOUISVILLE, KY, 40222-5004

Rebecca W. Goodman
SECRETARY

Anthony R. Hatton
COMMISSIONER

September 20, 2024

Mr. Josiah Cox
Bluegrass Water Utility Operating Company, LLC
500 Northwest Plaza Drive, Suite 500
St. Ann, MO 63074

RE: Lake Columbia WWTP -- 458
Permit No.: KY0077674
Bullitt County, Kentucky
Activity ID: CIN20240001

Dear Mr. Josiah Cox:

Attached for your information and records is a copy of the WW Routine-Min Nmun Inspection performed at Lake Columbia WWTP located at 251 Columbia Ln. Shepherdsville, Kentucky 40165 on August 15, 2024.

The facility was issued a Violations-Document for the numerous NetDMR violations in the past year. Please see report for additional comments.

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

Sincerely,

 Recoverable Signature

Sarah Duker
Environmental Inspector
Louisville Regional Office
Division of Water

SMD
Enclosure: Inspection Report

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

AI ID: 458 **AI Type:** SANI-Wastewater Collection (2213)
AI Name: Lake Columbia WWTP
AI Address: 251 Columbia Ln
City: Shepherdsville, **State:** Kentucky **Zip:** 40165
County: Bullitt **Regional Office:** Louisville Regional Office
Latitude: 38.05847 **Longitude:** -85.62758

Site Contact: Justin Minton **Title:** WW Operator **Phone #:** 502-341-4467

Inspection Type: WW Routine-Min Nmun **Activity #:** CIN20240001
Inspection Start Date: August 15, 2024 **Time:** 12:55 PM **End Date:** August 15, 2024 **Time:** 01:30 PM
Site/Permit ID: KY0077674

Lead DEP Investigator: Sarah Duker
Persons Interviewed: Justin Minton

General Comments: A Routine Wastewater Inspection was conducted on August 15, 2024 at the Lake Columbia WWTP by Division of Water (DOW) inspector Sarah Duker. The purpose of the inspection was to determine if the facility was in compliance with issued permit KY0077674. DOW was accompanied by WW Operator Justin Minton at the time of the inspection.

The facility is supervised by operator Justin Minton who had his operator's card on him at the time of inspection. He is a WW Operator Class II #79432 and is set to expire 6/30/2025. The site is visited by an operator at least 3 times a week.

The sludge color appeared adequate at the time of inspection. There were chlorine and dechlorination tablets in the feed system observed at the time of inspection. The receiving creek was dry and there were no visual indications that the surface waters of the Commonwealth had been degraded at the time of the inspection.

Hall Environmental, a KY WW Certified laboratory, currently takes the field samples and performs laboratory analysis. Mr. Minton mentioned that the facility is investigating on whether to bring sampling in-house. If so, the facility will need to make sure that they maintain their KY Field WW Laboratory Certifications, along with the proper training, proper preservation of samples, proper calibration and maintenance of meters. The facility will need to have calibration records and chain of custodies available for review by DOW inspectors during future CEI and CSI inspections. Documentation will need to be maintained for a minimum of 3 years.

A review of NetDMRS for Lake Columbia WWTP from January 1, 2023 - July 31, 2024 showed violations for Jan 2023 (E.coli exceedance), Sept 2023(TSS MO AVG Exceedance), Oct 2023(TSS and E.coli), December 2023(TSS and BOD Exceedances), January 2024(TSS and BOD Exceedances), April 2024(TSS and total residual Chlorine(TRC) exceedances), May 2024(Low DO, TSS and TRC Exceedance), June 2024(Low DO, High TSS, Nitrogen, Chlorine and Super high E.coli). All results were submitted on time.

When asked what the facility has done recently to address the non-compliances, DOW was informed that baking soda is added at the bar screen to help with overall plant pH values and that the RAS line was

recently replaced. He also mentioned that a 2nd blower would help to ensure future compliance numbers at this facility.

DOW observed that there was no water source available for clean-up as required by 401 KAR 5:005 Section 10(6). DOW recommends that a reliable and appropriate water source be supplied to the plant as needed for clean-up.

Overall Compliance Status: Out of Comp- Viol documented

Investigation Results

SI: AIOO458

SI Description:

Inspector Comment: The facility has had numerous NetDMR violations in the last year, including high total residual chlorine (TRC) post disinfection.

DOW recommends that a reliable and appropriate water source be supplied to the plant as needed for clean-up. [401 KAR 5:005 Section 10(6).]

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

Compliance Status: C-No Violations observed

Comment: KY0077674 - Lake Columbia WWTP, Permit set to expire June 30, 2025.

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

Compliance Status: C-No Violations observed

Comment: The facility is supervised by operator Justin Minton who had his operator's card on him at the time of inspection. He is a WW Operator Class II #79432 and is set to expire 6/30/2025.

Requirement: Is the collection system under the primary responsibility of an individual who holds an active collection system certification at the level appropriate for the size of the treatment facility receiving the waste? [401 KAR 5:010 Section 2]. [401 KAR 5:010 Section 2]

Compliance Status: N-Not Applicable

Comment: Does not require a collection's license.

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

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

Comment: The facility appeared to be operating properly at the time of inspection. The sludge color appeared adequate, no outstanding odors were observed and there were chlorine and dechlorination tablets in the feed system observed at the time of inspection. The tank was free of any visual defects and no vegetation (trees, shrubs) was observed growing next to the intake, aeration, clarifier and disinfection tanks at the time of inspection. The flow meter was last calibrated on 5/15/2024 and the plant had a recorded flow of 3.031 g/m at the time of inspection.

Hall Environmental, a KY WW Certified laboratory Lab ID KY00047, currently takes the field samples and performs laboratory analysis for this facility. Mr. Minton mentioned that the facility is investigating on whether to bring sampling in-house. If so, the facility will need to make sure that they maintain their KY Field WW Laboratory Certifications, along with the proper training, proper preservation of samples, proper calibration and proper maintenance of meters. The facility will need to have calibration records and chain of custodies available for review by DOW inspectors during future CEI and CSI inspections. Documentation will need to be maintained for a minimum of 3 years.

DOW observed that there is no water source available for clean-up as required by 401 KAR 5:005 Section 10(6). DOW recommends that a reliable and appropriate water source be supplied to the plant as needed for clean-up.

A generator is not on-site but one is available if needed.

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

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

Comment: The facility utilizes chlorine and dechlorination tablets for disinfection. The facility had adequate tablets installed at the time of inspection but had reported high Total Residual Chlorine (TRC) exceedances for April and May 2024.

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

Compliance Status: D-Out of Compliance-Violations Documented

Comment: Review of NetDMRS for Lake Columbia WWTP from January 1, 2023 - July 31, 2024 showed violations for Jan 2023 (E.coli exceedance), Sept 2023(TSS MO AVG Exceedance), Oct 2023(TSS and E.coli), December 2023(TSS and BOD Exceedances), January 2024(TSS and BOD Exceedances), April 2024(TSS and total residual Chlorine exceedances), May 2024(Low DO, TSS and TRC Exceedance), June 2024(Low DO, High TSS, Nitrogen, Chlorine and Super high E.coli).

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

Compliance Status: C-No Violations observed

Comment: The receiving creek was dry at the time of inspection. There were no visual indications that the surface waters of the Commonwealth had been degraded at the time of the inspection.

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 the requirements to report all spills, bypasses and/or non-compliance, to the Cabinet by the most rapid means available but no later than 24 hours from discovery. Reports can be made to the Division of Water through the 24-hour reporting number, contacting the regional office personnel, or through the eNotification system.

The Kentucky Department for Environmental Protection's Environmental Response Team's 24-hour emergency number is (502) 564-2380 or (800) 928-2380. The DOW Louisville Regional Office can be reached at 502-429-7122.

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)]. [401 KAR 5:065 Section 3(5)]

Compliance Status: C-No Violations observed

Comment: The facility is aware of the requirements to report all emergency spills and/or accidental discharges, IMMEDIATELY to the Cabinet by the most rapid means available. Reports can be made to the Division of Water through the 24-hour reporting number or contacting the regional office personnel.

The Kentucky Department for Environmental Protection's Environmental Response Team's 24-hour emergency number is (502) 564-2380 or (800) 928-2380. The DOW Louisville Regional Office can be reached at 502-429-7122.

Documentation

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

Inspector:

 Recoverable Signature

Sarah Duker

Signed by: Sarah Duker

Date: 9/20/2024

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

Delivery Method: [Email](#)

Sept. 27th, 2024

Division for Air Quality
Attn: Natalie Cox
8020 Veteran's Memorial DR. Ste 110
Florence, KY 41042
ashton.quiogue@ky.gov

**RE: NOV Discovery ID: CIV20240001:
Darlington Creek HOA Subd. Air Quality Violation**

To: Division for Air Quality,

This letter is being sent to you in response to the air quality violation issued on 09/18/2024. After an investigation, we have determined the following course of action to improve the air quality of Darlington Creek HOA Subd in Alexandria, KY.

Discovery ID: CIV20240001 Odor Complaint

Deficiency: Violation of air quality.

Inquiry:

1. *"Odors were detected at the 7:1 dilution threshold off of the wastewater treatment plant property."*

Bluegrass Water UOC Response:

To combat the issues of the odors, Bluegrass Water UOC has been informed that operations will be changing the air timers to be offline from 18:00-20:30.

Investigations to at the facility has discovered that the facility is being sent illicit substances that are greatly impacting the performance of the facility. Bluegrass Water has authorized the Operations division to replace the current manhole lids with locking/tamper proof lids. The chemical make-up of the what is being sent to the facility is known to disrupt the bio-system of Wastewater treatment. Therefore, prevention of the substance will render a healthier system with no odor.

Long term Corrective Action: Include the addition of digester/decanting tanks to improve plant efficiency and to better control ammonia treatment.

Please contact me regarding any questions.

A handwritten signature in cursive script that reads "Joe Johnson".

Joe Johnson
EHS Compliance Coordinator

Fox Run WWTP
Mandy Sappington
1630 Des Peres Rd Ste 140

Saint Louis, MO 631311871

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

NOTICE OF VIOLATION

To: Fox Run WWTP
Mandy Sappington
1630 Des Peres Rd Ste 140

Saint Louis, MO 631311871

AI Name: Fox Run WWTP **AI ID:** 1388 **Activity ID:** ENV20240003
County: Franklin
Enforcement Case ID:
Date(s) Violation(s) Observed: 08/12/2024

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 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0086967, monitoring point 001-1, for CBOD. The permitted limit for CBOD is concentration monthly avg., less than or equal to 30 mg/L; and concentration max. weekly avg., less than or equal to 45 mg/L. The facility reported the following: concentration monthly avg. 77 mg/L; and concentration max. weekly avg. 126 mg/L for April 2024.

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

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

- 2 Violation Description for Subject Item AIOO0000001388():**
No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:

Failing to comply with 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0086967, monitoring point 001-1, for Total Residual Chlorine. The permitted limit for Total Residual Chlorine is concentration monthly avg., less than or equal to .011 mg/L; and concentration daily max., less than or equal to .019 mg/L. The facility reported the following: concentration monthly avg. .03 mg/L; and concentration daily max. .03 mg/L for May 2024.

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: Marlon A. Bascombe
Marlon Bascombe, Environmental Control Manager
Date: September 11, 2024

Lake Columbia WWTP
Mandy Sappington
1630 Des Peres Rd Ste 140

Saint Louis, MO 631311871

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

NOTICE OF VIOLATION

To: Lake Columbia WWTP
Mandy Sappington
1630 Des Peres Rd Ste 140

Saint Louis, MO 631311871

AI Name: Lake Columbia WWTP **AI ID:** 458 **Activity ID:** ENV20240003
County: Bullitt
Enforcement Case ID:
Date(s) Violation(s) Observed: 08/12/2024

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

1 Violation Description for Subject Item AIOO0000000458():

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

Description of Non Compliance:

Failing to comply with 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0077674, monitoring point 001-1, for Total Ammonia Nitrogen (as N). The permitted limit for Total Ammonia Nitrogen (as N) is concentration monthly avg., less than or equal to 4 mg/L; and concentration daily max., less than or equal to 6 mg/L. The facility reported the following: concentration monthly avg. 8.52 mg/L; and concentration daily max. 8.61 mg/L for June 2024.

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

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

2 Violation Description for Subject Item AIOO0000000458():

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

Description of Non Compliance:

Failing to comply with 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), 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; and concentration max. weekly avg., less than or equal to 45 mg/L. The facility reported the following: concentration monthly avg. 35 mg/L; and concentration max. weekly avg. 65 mg/L for May 2024.

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

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

- 3 Violation Description for Subject Item AIOO0000000458():
No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:

Failing to comply with 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0077674, 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. 2.02 mg/L; and concentration daily max. 2.02 mg/L for April 2024.

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

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

- 4 Violation Description for Subject Item AIOO0000000458():
No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:

Failing to comply with 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), 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; and concentration max. weekly avg., less than or equal to 45 mg/L. The facility reported the following: concentration monthly avg. 40 mg/L; and concentration max. weekly avg. 50 mg/L for June 2024.

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 AIOO0000000458():
No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:

Failing to comply with 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0077674, monitoring point 001-1, for E. Coli. The permitted limit for E. Coli is concentration 30-day geometric avg., less than or equal to 130 MPN/100 mL; and concentration 7-day geometric, less than or equal to 240 MPN/100 mL. The facility reported the following: concentration 30-day geometric avg. 60000 MPN/100 mL; and concentration 7-day geometric 60000 MPN/100 mL for June 2024.

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 AIOO0000000458():
No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such

waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:

Failing to comply with 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0077674, 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. 1.61 mg/L; and concentration daily max. 1.61 mg/L for May 2024.

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 AIOO0000000458():

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

Description of Non Compliance:

Failing to comply with 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), 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; and concentration max. weekly avg., less than or equal to 45 mg/L. The facility reported the following: concentration monthly avg. 75 mg/L; and concentration max. weekly avg. 75 mg/L for April 2024.

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 AIOO0000000458():

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

Description of Non Compliance:

Failing to comply with 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0077674, 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. 5.67 mg/L for June 2024.

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 AIOO0000000458():

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

Description of Non Compliance:

Failing to comply with 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0077674, 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. .21 mg/L; and concentration daily max. .21 mg/L for June 2024.

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 AIOO0000000458():
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 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0077674, 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. 5.02 mg/L for May 2024.

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]

Kingswood WWTP
Mandy Sappington
1630 Des Peres Rd Ste 140

Saint Louis, MO 631311871

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

NOTICE OF VIOLATION

To: Kingswood WWTP
Mandy Sappington
1630 Des Peres Rd Ste 140

Saint Louis, MO 631311871

AI Name: Kingswood WWTP **AI ID:** 455 **Activity ID:** ENV20240002

County: Bullitt

Enforcement Case ID:

Date(s) Violation(s) Observed: 08/12/2024

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 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0101419, monitoring point 001-1, for CBOD. The permitted limit for CBOD is concentration monthly avg., less than or equal to 20 mg/L; and concentration max. weekly avg., less than or equal to 30 mg/L. The facility reported the following: concentration monthly avg. 21 mg/L; and concentration max. weekly avg. 36 mg/L for May 2024.

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 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 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0101419, monitoring point 001-1, for Total Suspended Solids. The permitted limit for Total Suspended Solids is concentration monthly avg., less than or equal to 30 mg/L; and concentration max. weekly avg., less than or equal to 45 mg/L. The facility reported the following: concentration monthly avg. 36 mg/L; and concentration max. weekly avg. 70 mg/L for April 2024.

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 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 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0101419, monitoring point 001-1, for CBOD. The permitted limit for CBOD is concentration monthly avg., less than or equal to 20 mg/L; and concentration max. weekly avg., less than or equal to 30 mg/L. The facility reported the following: concentration monthly avg. 31 mg/L; and concentration max. weekly avg. 59 mg/L for April 2024.

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 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 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), 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. 6.89 mg/L for April 2024.

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: Marlon A. Bascombe
Marlon Bascombe, Environmental Control Manager
Date: September 18, 2024



Andy Beshear
GOVERNOR

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

FLORENCE REGIONAL OFFICE
8020 VETERANS MEMORIAL DRIVE SUITE 110
FLORENCE, KY, 41042

Rebecca W. Goodman
SECRETARY

Anthony R. Hatton
COMMISSIONER

February 12, 2024

Darlington Creek HOA Subd
Attn: Joe Johnson
US 27 S & KY 154
Alexandria (Campbell), KY 41001

Re: Notice of Violation
AI ID: 44397
AI Name: Darlington Creek HOA Subd
Activity ID: ENV20240001
Campbell County, KY

Dear Joe Johnson:

On January 26, 2024, the KY Division for Air Quality issued Darlington Creek HOA Subd wastewater treatment plant a Notice of Violation (NOV). The Florence Regional Office appreciates Darlington Creek HOA Subd's (Bluegrass Water) efforts to address the compliance issues raised by the NOV. The actions taken by Darlington Creek HOA Subd in response to the NOV are considered sufficient at this time with regard to the violations listed in the NOV. The Cabinet reserves its rights under KRS Chapter 224 and its administrative regulations to undertake such enforcement action hereafter as it deems appropriate, which may include consideration of the compliance issues addressed by the NOV. If you have any questions, please feel free to contact me at (859) 525-4923.

Sincerely,

Ashton Quiogue
Environmental Scientist II
Florence Regional Office
Division for Air Quality

AQ
Enclosure: Sufficient Letter

February 7th, 2024

Division for Air Quality
Attn: Ashton Quiogue
8020 Veteran's Memorial DR. Ste 110
Florence, KY 41042
ashton.quiogue@ky.gov

**RE: NOV Discovery ID: CIV20240001:
Darlington Creek HOA Subd. Air Quality Violation**

To: Division for Air Quality,

This letter is being sent to you in response to the air quality violation issued on 01/22/2024. After an investigation, we have determined the following course of action to improve the air quality of Darlington Creek HOA Subd in Alexandria, KY.

Discovery ID: CIV20240001 Odor Complaint
Deficiency: Violation of air quality.
Inquiry:

1. "Odors were detected at the 7:1 dilution threshold off of the wastewater treatment plant property."

Bluegrass Water UOC Response:

The operator has adjusted the airflow to a longer run time with a shorter time in between cycles. Operator will have sludge removed by sludge hauler in small quantities on a weekly basis, so as not to upset the balance in the treatment facility. Operators will also increase the number of weekly tests for process control to ensure proper treatment of waste.

Long term Corrective Action: Include the addition of digester/decanting tanks to improve plant efficiency and to better control ammonia treatment.

Please contact me regarding any questions.



Joe Johnson
EHS Compliance Coordinator

Airview WWTP
Mandy Sappington
1630 Des Peres Rd Ste 140

Saint Louis, MO 631311871

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

NOTICE OF VIOLATION

To: Airview WWTP
Mandy Sappington
1630 Des Peres Rd Ste 140

Saint Louis, MO 631311871

AI Name: Airview WWTP **AI ID:** 1643 **Activity ID:** ENV20240001
County: Hardin
Enforcement Case ID:
Date(s) Violation(s) Observed: 02/12/2024

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

- 1** Violation Description for Subject Item AIOO0000001643():
No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:

Failing to comply with 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0045390, 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 November 2023.

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:

Marlon A. Bascombe

Marlon Bascombe, Environmental Control Manager
Date: February 21, 2024



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
psc.ky.gov

Kent A. Chandler
Chairman

Angie Hatton
Vice Chairman

Mary Pat Regan
Commissioner

May 9, 2024

Bluegrass Water Utility Operating company, LLC
Josiah Cox
Central States Water Resources
1630 Des Peres Road, Suite 140
Des Peres, MO 63131

Re: Periodic Wastewater Inspection
Bluegrass Water Utility Operating Company, LLC – McGruder Village Wastewater
System
McCracken County, KY

Dear Mr. Cox:

The Kentucky Public Service Commission (Commission) has exclusive jurisdiction over regulation of utility rates and services in the Commonwealth of Kentucky pursuant to KRS 278.040. KRS 278.250 grants the Commission authority to investigate the condition of a utility subject to its jurisdiction. The Division of Inspections regulates the safety and requirements of jurisdictional wastewater utilities pursuant to 807 KAR Chapter 005.

Commission Staff performed a periodic inspection of Bluegrass Water Utility Operating Company, LLC – McGruder Village wastewater system on March 18 & 19, 2024, reviewing utility operations and management practices pursuant to Commission regulations. Commission Staff prepared an Inspection report dated April 18, 2024. Please find enclosed a copy of the Inspection Report.

Commission Staff performed a periodic inspection of Bluegrass Water Utility Operating Company, LLC – McGruder Village wastewater system on March 18 & 19, 2024, reviewing operations and management practices pursuant to Commission regulations. Commission Staff prepared an Inspection Report dated April 18, 2024. Please find enclosed a copy of the Inspection Report. The Inspection Report cited Bluegrass Water Utility Operating Company, LLC – McGruder Village wastewater system for three (3) violations of wastewater utility regulations:

1. 807 KAR 5:071, Section 7(1) – Design, Construction, and Operation. The facility has only one blower/motor unit. A backup blower/motor unit or immediate access to one is needed in case of emergency as per 807 KAR 5:071, Section 7(1).
2. 807 KAR 5:071, Section 7(1) – Design, Construction, and Operation – A section of the fence surrounding the treatment facility has a gap between the ground and the bottom of the fence large enough for unauthorized persons and animals to enter. This is contrary to 807 KAR 5:071, Section 7(1).
3. 807 KAR 5:071, Section 7(1) – Design, Construction, and Operation - General cleanup in and around the plant is needed as per 807 KAR 5:071, Section 7(1).

For the three (3) deficiencies listed above, Bluegrass Water Utility Operating Company, LLC – McGruder Village wastewater system will need to provide Commission Staff with a detailed explanation regarding each deficiency. Bluegrass Water will need to address each deficiency in the letter and state why the deficiency occurred, what is being done to correct the deficiency, and what action is being taken to prevent the deficiency from occurring in the future.

Bluegrass Water's response will be used by Commission Staff in determining whether a penalty will be assessed and, if so, the amount of the penalty to be assessed against Bluegrass Water. Bluegrass Water will have the ability to contest any proposed penalty at a hearing in front of the Commission where the Commission will make a final determination if Bluegrass Water so desires.

Bluegrass Water's response regarding the deficiencies should be submitted within thirty (30) days of the date of this letter via email to PSCED@ky.gov or mail to:

**Kentucky Public Service Commission
211 Sower Boulevard
Frankfort, Kentucky 40602**

If Bluegrass Water does not respond within thirty (30) days of the date of this letter, the Commission will institute an administrative proceeding against Bluegrass Water. The Administrative Proceeding will include a formal hearing in front of the Commission during which Bluegrass Water will have an opportunity to show cause as to why Bluegrass Water should not be subject to penalties under KRS 278.990 for the violations cited herein.

If you have any questions regarding this matter, please contact Brian Rice, Division of Inspections, at Brian.Rice@ky.gov or 502-330-5986.

Sincerely,



Michael C. Nantz
Director, Division of Inspections

Enclosure(s): Jon Brown, EHS Compliance Inspector
Joe Johnson, EHS Compliance Coordinator

Kentucky Public Service Commission

Periodic Compliance Inspection

Utility: Bluegrass Water Utility Operating Company, LLC – Magruder Village

Utility's Principal office location: 1630 Des Peres Road, Suite 140 St Louis, MO 63131

Wastewater Treatment Facility Location: 4625 Magruder Village, Kevil, KY 42053

Utility representative during inspection: Jon Brown, Joe Johnson, Todd Teas, and Freddie O'Bryan

Counties served: McCracken

Customers: 16

Investigator: Brian L. Rice

Date(s) of inspection: March 18 & 19, 2024

Date(s) of last inspection: March 7, 2023

Deficiencies noted during the last inspection: First inspection of this treatment facility.

Have deficiencies been corrected since last inspection?

Yes

No

N/A

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

General Questions

Treatment Facility:

Yes

No

N/A

Collection System:

Yes

No

N/A

Utility Information

Total number of Employees: 0

Number of Office Employees: 0

Note: The Company is comprised of contracted operations, billing, and customer service.

Does the utility have its own maintenance staff?

Yes

No

N/A

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

Operation and Maintenance is contracted out to Clearwater Solutions.

Kentucky Public Service Commission

Periodic Compliance Inspection

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 4: Reports

Has the utility filed its gross annual operating revenue report?

Yes No N/A

Section 7: Billings, Meter Readings, and Information.

Is the Billing and Collection handled by the Utility?

Yes No N/A

If no, then who? Billing and Collection is handled by 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 No N/A

Class of service: Yes No N/A

Present and last preceding meter readings: Yes No N/A

Date of the present reading: Yes No N/A

Number of units consumed: Yes No N/A

Net amount for service rendered: Yes No N/A

All taxes: Yes No N/A

Adjustments, if applicable: Yes No N/A

The gross amount of the bill: Yes No N/A

The date after which a penalty may apply to the gross amount: Yes No N/A

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

Yes No N/A

Note: Yes, the tariff (including the rate schedule) is found on the Company website. Additionally, no readings/units/etc. are included due to the nature of the flat rates charged.

Also furnished by one (1) of the following methods, by:

Printing it on the bill: Yes No N/A

Kentucky Public Service Commission

Periodic Compliance Inspection

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

Note: Due to the nature of the bills, the flat rate found on the bill is the rate schedule associated with the service areas. Additionally, the bills have multiple options for contacting the Utility if they have any billing inquiries including questions regarding the rate schedule.

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

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

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: The Company does not maintain a local office, but this information is available via the Company's website. In the Order associated with Docket 2019-00104, the Commission approved Bluegrass' operations without a local office.

Does the utility provide the customer with the mailing address, Web site address, and telephone number of the commission?

Yes No N/A

Kentucky Public Service Commission

Periodic Compliance Inspection

Note: The Company does not maintain a local office but has a representative available to answer customer questions and provide the Commissions mailing address, website address and telephone number and provides this information on the utility's website.

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: The Company does not maintain a local office, but has a representative available to answer customer questions, resolve disputes, and negotiate partial payment plans thru telephone only. In the Order associated with Docket 2019-00104, the Commission approved Bluegrass' operations without a local office.

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) day per week?

Yes No N/A

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

Note: The number is available on the website and customer bills.

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Periodic Compliance Inspection

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: The Company does not maintain a local office, but this information is available via the Company's website. In the Order associated with Docket 2019-00104, the Commission approved Bluegrass' operations without a local office. Records are kept electronically and can be made available upon reasonable notice at reasonable hours.

Section 20: Access to Property

Do employees of the utility (whose duties require him 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

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: In the Order associated with Docket 2019-00104, the Commission approved Bluegrass' methodology of utilizing the Kentucky Infrastructure Authority to comply with mapping requirements. The Company does maintain maps electronically that can be filed upon request with the Commission. Additionally, the Company utilizes the Kentucky Infrastructure Authority for maps that can show layers including districts.

Is the map or maps available in electronic format as a PDF file or as a digital geographic database?

Yes No N/A

Is the following data available on the map or maps?

Operating districts Yes No N/A

Rate districts: Yes No N/A

Communities served: Yes No N/A

Kentucky Public Service Commission

Periodic Compliance Inspection

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

In the Order associated with Docket 2019-00104, the Commission approved Bluegrass' operations without a local office. Records are kept electronically and can be made available upon reasonable notice at reasonable hours.

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

Note: Bluegrass Water contracts with Clearwater Solutions to operate and maintain the wastewater treatment facility. Clearwater Solutions has a safety program.

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: Bluegrass Water has no employees.

Instruct employees in safe methods of performing their work.

Yes No N/A

Note: Bluegrass Water has no employees.

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Periodic Compliance Inspection

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

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.

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Periodic Compliance Inspection

- (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

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. Case No. 2019-00104.

Kentucky Public Service Commission

Periodic Compliance Inspection

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: The Company does not maintain a local office, but this information is available via the Company's website. In the Order associated with Docket 2019-00104, the Commission approved Bluegrass' operations without a local office. Records are kept electronically and can be made available upon reasonable notice at reasonable hours.

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: The Company does not maintain a local office, but this information is available via the Company's website. In the Order associated with Docket 2019-00104, the Commission approved Bluegrass' operations without a local office. Records are kept electronically and can be made available upon reasonable notice at reasonable hours.

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

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.

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(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 responsibilities.

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

Note: See attachment – Agree Order

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

Kentucky Public Service Commission

Periodic Compliance Inspection

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 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

PROVIDE DOCUMENTATION DURING INSPECTION IF ANY.

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 regarding 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

Kentucky Public Service Commission

Periodic Compliance Inspection

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 daily. 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 daily? Yes No N/A

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

On October 20, 2023, Commission approved the acquisition and transfer of ownership and control of assets of Magruder Village wastewater facility to Bluegrass Water in case no. 2023-00218.

This is the first inspection of Magruder Village wastewater treatment facility.

The following deficiencies were identified during the inspection:

1. 807 KAR 5:071, Section 7(1) – Design, Construction, and Operation. The facility has only one blower/motor unit. A backup blower/motor unit or immediate access to one is needed in case of emergency as per 807 KAR 5:071, Section 7(1).
2. 807 KAR 5:071, Section 7(1) – Design, Construction, and Operation – A section of the fence surrounding the treatment facility has a gap between the ground and the bottom of the fence large enough for unauthorized persons and animals to enter. This is contrary to 807 KAR 5:071, Section 7(1).
3. 807 KAR 5:071, Section 7(1) – Design, Construction, and Operation – The plant area needs a general cleanup.

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: April 25, 2024



Brian L. Rice
Utility Inspector
Kentucky Public Service Commission

Attachment: A – Agreed Order
B – Pictures

Attachment A

Agreed Order

Filed 2/19/2024 OAH

COMMONWEALTH OF KENTUCKY
ENERGY AND ENVIRONMENT CABINET
DIVISION OF ENFORCEMENT
CASE NO. DOW 24-3-0001

IN RE: Bluegrass Water Utility Operating Company, LLC
Magruder Village Water Corporation
4625 Magruder Village
Kevil, KY 42053
AI No. 44397
Activity ID No. ERF20240001

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 1650 Des Peres Road, Suite 303, St. Louis, Missouri 63131.
3. The Magruder Village Water Corporation Wastewater Treatment Plant (hereinafter "Magruder Village Water WWTP" or "facility"), is located at 4625 Magruder Village, Kevil, Kentucky 42053. The facility has a design capacity of 0.0086 million gallons per day and discharges to an unnamed tributary of Bayou Creek.
4. The facility was recently acquired in January 2024 by BWUOC. The facility's discharges are permitted under Kentucky Pollutant Discharge Elimination Systems (hereinafter

“KPDES”) permit number KY0083577, issued by the Cabinet’s Division of Water (hereinafter “DOW”).

5. On or about October 20, 2023, the Kentucky Public Service Commission issued an order in case number 2023-00218 approving the joint application to transfer the facility to BWUOC subject to certain conditions, which the entry of an agreed order with the Cabinet requiring the repair and/or upgrading of the Magruder Village Water WWTP.

6. BWUOC has contracted with a third-party firm to produce an engineering memorandum detailing the status of and repairs needed at the facility (Exhibit A). Upon Commission approval, 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.

7. Upon the successful transfer pursuant to the Commission's order, 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 the facility, the parties hereby consent to the entry of this Agreed Order and agree as follows:

REMEDIAL MEASURES

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

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

10. 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).

11. 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 19 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 19 of this Agreed Order.

12. 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. However, in the event that such numeric permit parameter violation results in immediate and irreparable harm to human health or the environment, the Cabinet may issue an Abate and Alleviate Order or seek a temporary injunction from a court. Should BWUOC fail to comply with the terms and conditions of this Agreed Order or if conditions warrant immediate relief as specified above, the Cabinet may seek formal enforcement action that would have otherwise been held in abeyance.

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

14. 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

15. This Agreed Order shall be of no force and effect unless BWUOC assumes

ownership and operations of the facility.

16. 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.

17. 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.

18. 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.

19. The Agreed Order may not be amended except by a written order of the Cabinet's Secretary or her 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.

20. 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.

21. 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.

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

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

24. 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

25. 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

15/02/2024

Date

APPROVAL RECOMMENDED BY:



Brian Osterman, Director
Division of Enforcement

2/19/24

Date

Sarah E. Noble for jn

Joseph A. Newberg, General Counsel
Office of Legal Services

02.19.24

Date

ORDER

Wherefore, the foregoing Agreed Order is entered as the final Order of the Energy and Environment Cabinet this 19th day of February, 2024.

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 19th day of February, 2024.

Bluegrass Water Utility Operating Company, LLC
1650 Des Peres Road, Suite 303
St. Louis, MO 63131

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

Brian Osterman, Director
Division of Enforcement
300 Sower Blvd.
Frankfort, Kentucky 40601

Joseph A. Newberg, General Counsel
Office of General Counsel
Energy and Environment Cabinet
300 Sower Blvd.
Frankfort, Kentucky 40601



DOCKET COORDINATOR

Distribution:
DOW

Exhibit A

Magruder Village – Wastewater (KY-0083577)

Woodville, KY

Engineering Memorandum

Date: April 18, 2023

Introduction

The Magruder Village Wastewater Treatment Facility is in McCracken County, KY approximately one mile east of Woodville. The facility serves a 20-home subdivision within a 50-acre service area. The site is owned by Magruder Village Water Corporation and operates under KYPDES number KY-0083577.

Existing Flow Loadings and Projections

There is no available data for wastewater flow, however, the existing facility has a design capacity of 7,500 gpd with an average daily flow of 8,600 gpd according to the KPDES permit. The subdivision is fully built out, per the owner. Based on the total number of residential connections, the average daily flow for the Magruder Village wastewater facility is estimated to be approximately 6,000-7,500 gpd on average. We believe the extended aeration package plant has adequate capacity to handle existing flows based on its dimensions but will require structural repairs, process upgrades and operational improvements to consistently meet its KPDES effluent limits.

Permit Limitations and Historical Compliance

A review was performed of EPA's Echo compliance website which lists violations of wastewater treatment plants across the country. In the last 12 quarters, the Magruder Village Wastewater Treatment Facility has had multiple violations due to exceedances of monthly effluent limitations, including BOD, chlorine, E. coli, ammonia nitrogen, DO, and TSS.

A summary of the permitted final effluent limitations for the discharge from Magruder Village Wastewater Treatment Facility to an unnamed tributary to Bayou Creek is shown below:

- CBOD₅ – 30/20 mg/L (Weekly Average/Monthly Average)
- TSS – 45/30 mg/L (Weekly Average/Monthly Average)
- E. coli – 240/130 #/100mL (7-day Geometric Mean/30-day Geometric Mean)
- Ammonia as NH₃-N (May 1 – Oct 31) – 6.0/4.0 mg/L (Weekly Average/Monthly Average)
- Ammonia as NH₃-N (Nov 1 – Apr 30) – 15.0/10.0 mg/L (Weekly Average/Monthly Average)
- Total Residual Chlorine – 0.19/0.011 mg/L (Weekly Average/Monthly Average)

Wastewater Treatment Facility Existing Conditions

The existing wastewater treatment system consists of a package extended aeration activated sludge treatment facility. The facility lies in a 1,000 ft² fenced in area on the eastern border of the park.

Per the permit, discharge from the wastewater treatment plant will flow into a tributary to Bayou Creek.

The facility includes the following features:

- An influent septic tank with an unknown volume
- Approximately 12,700 Gal. of aeration volume (22'-0" x 11'-0" x 7'-0" depth steel tank)
- Approximately 1,250 Gal. of digester volume (3'-0" x 8'-0" x 7'-0" depth steel tank)
- (1) 11'-0" x 6'-0" x 7'-0" depth steel secondary clarifier tank (66 S.F.)
- Duplex 3 HP Roots 24 U-RAI Rotary Lobe Blower to supply air to the aeration basin and the clarifier airlifts, (only 1 is operational currently)
- The site is equipped with three phase power.

Functionality of the Existing System

The functionality of the existing plant is similar to other extended aeration activated sludge systems. Sewage flows by gravity from the western end of the service area to a septic tank located next to the treatment facility for preliminary BOD and TSS removal upstream from the extended aeration process. There are mobile homes in the service area, but each is equipped with their own septic tank and is independent of the collection system associated with the treatment plant. From the septic tank, primary treated wastewater flows by gravity into the aeration basin. The aeration basin influent invert is equipped with a bar screen intended for the removal of rags, plastics, and stringy material that are not retained in the septic tank. The spacing between bars on the screen is not effective as installed and should be replaced. Considering the current expected average daily flow, the aeration basin is relatively oversized, which can cause difficulty in terms of maintaining optimal treatment conditions necessary for proper treatment, such as MLSS concentration and Food to Microorganism Ratio. In addition, the sludge age is likely higher than the ideal range for an extended aeration plant. These conditions can cause settleability issues that stem from bulking sludge, and the starvation of healthy floc forming bacteria.

HRT in the aeration basin at the average expected daily flow (7,500 gpd) is approximately 40 hours, which is higher than typical design parameters for extended aeration plants. Based on the existence of a septic tank at the upstream portion of the process that is likely removing a large portion of the organic content from the waste stream through anaerobic digestion, the plant is likely seeing much lower BOD and TSS influent concentrations than typical. Based on the size of the plant, expected BOD influent loading, and assuming the septic tank is removing approximately 50% of incoming BOD from the raw sewage waste stream, the MLSS concentration in the extended aeration plant should be maintained at approximately 1,000 mg/L. The RAS and WAS rates will need to be adjusted to reflect this.

It appears that the aeration basin is being fed air through two separate headers leading to two separate shear tubes that split the width of the tank evenly, approximately 10-15 feet apart along the length of the aeration basin. The shear tube closest to the secondary clarifier was the only operable one at the

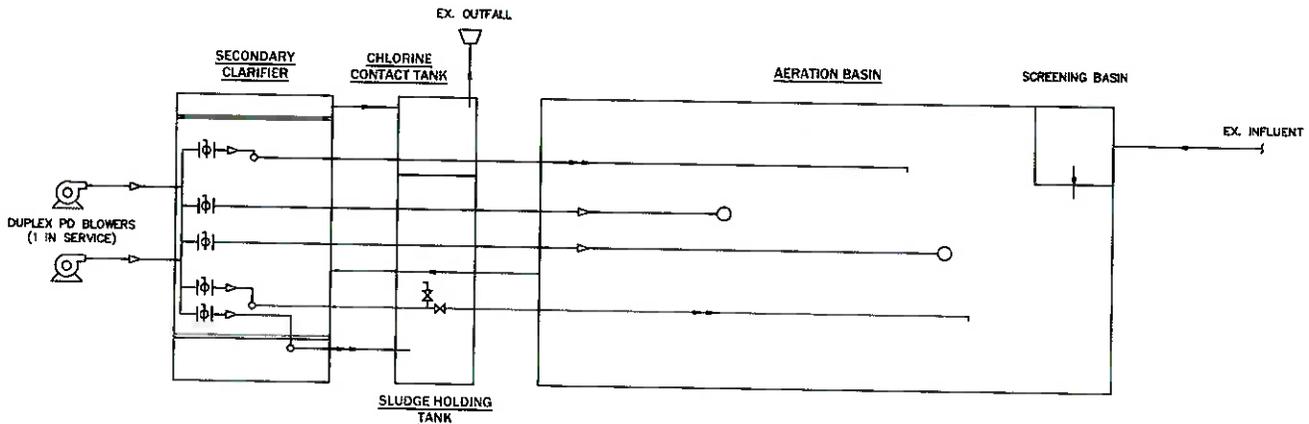
time of the site visit. Based on the relatively shallow tank depth (only 7'-0"), the use of shear tubes is likely more efficient than a typical aeration grid layout involving fine or coarse bubble diffusers alone. However, the existing shear tubes are not distributed properly throughout the length of the tank. At least one additional tube will be necessary based on the oxygen demand for BOD, nitrification, mixing, and to implement a more acceptable layout that will allow the distribution of air throughout the entire tank. The existing shear tubes and diffusers should be replaced, and a third should be installed approximately halfway between the two existing locations to achieve adequate mixing conditions. The existence of a poor mixing environment could be resulting in anaerobic treatment in the unmixed portions of the tank, lowering the pH through souring caused by a lack of mixing within the anaerobic environment and inhibiting the plants ability to nitrify to the necessary extent.

The size of the secondary clarifier is also large relative to the design capacity of the plant, which based on the existence of some floating sludge in the clarifier, it could possibly mean denitrification is occurring in the sludge blanket. This can be caused if the solids retention time is too high and will cause problems such as high constituent concentrations in the effluent, while also harming the ability for disinfection to properly occur by increasing disinfectant demand. In the process of denitrification, the nitrate that is formed via the oxidation of ammonia is reduced to gaseous nitrogen by facultative anaerobes which thrive in anoxic conditions. Denitrification can occur in the secondary clarifier if retention time is too high, allowing nitrogen gas to form and causing sludge to rise over the clarifier weir. This issue can be minimized if dissolved oxygen concentrations are maintained in the aeration basin within a range where simultaneous nitrification and denitrification can occur in the aeration basin (0.3 – 1.5 mg/L), and if RAS rates are increased to minimize SRT. The existence of denitrification in the aeration basin would also recover some alkalinity lost in the process of nitrification.

In addition to the issues associated with biological treatment, the plant is assigned stringent limits for total residual chlorine but there are no tablet feeders or pumps installed for dosing chlorination or dechlorination tablets. Based on the difficulty of effectively achieving the assigned TRC limits, we recommend installing a peroxyacetic acid disinfection dosing system while continuing to utilize the existing chlorine contact tank.

In addition to unoptimized process parameters, many difficulties surrounding the operation of the current plant are likely due to its age. The owner and operator of the treatment facility do not know when it was constructed but believe it could have been finished in the 1960s or 1970s. Much of the system is rusted due to its old age and will need to be repaired or possibly even replaced. The grates placed over the tanks to provide maintenance access are unsafe and should not be used under any circumstances. All air headers, sludge return lines and wastewater process pipes are in poor condition and will need to be replaced, as well as the blowers and blower control panels.

A process flow diagram for the existing process is illustrated below:



MAGRUDER VILLAGE EXISTING PFD

Initial Triage Improvements Proposed

- A testing period should be completed to determine BOD, TKN, and TSS concentrations in the raw sewage influent, as well as the extended aeration plant influent downstream from the septic tank.
- An investigation should be performed to determine if the existing steel tank should be replaced, or if the tank can continue to be used following repair. Steel grating over the treatment components will need to be replaced if the existing tank is repaired, and a handrail will need to be installed around it for safety reasons.
- An investigation should be performed to determine total storage volume in the existing septic tank, as well as to monitor inventory of the sludge within. Solids may need to be pumped out of the septic tank pending the investigation.
- Installation of new fencing surrounding the site.
- Install a new electrical distribution panel and a manual transfer switch to allow for the use of a portable generator for use in emergency situations.
- Installation of an ultrasonic level transducer and V-Notch Weir for flow measurement in the chlorine contact tank if practical, as well as a remote monitoring system to record flow data prior to additional system improvements.
- The existing blower shed will need to be renovated.

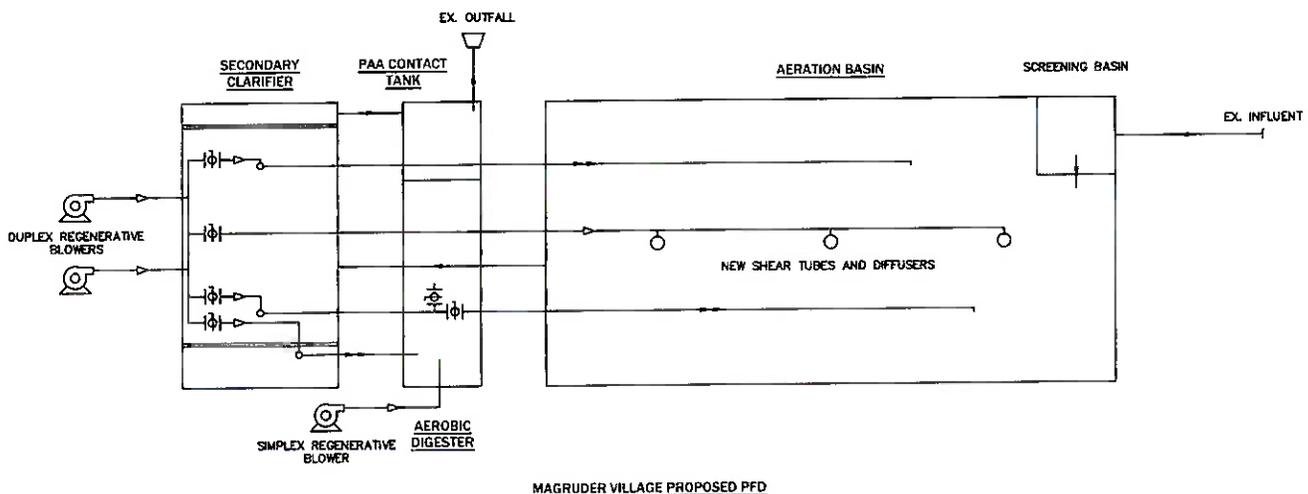
Initial Wastewater Treatment Facility Recommended Improvements

- Install new duplex blower system for extended aeration (including WAS/RAS & Scum Airlifts).
- Install new simplex blower system for the digester.
- New control panels with VFDs should be installed for blowers, allowing them to be throttled downwards or upwards as necessary to increase energy efficiency. This will help to reduce

operational costs over time. And will allow optimization of dissolved oxygen concentration in the aeration basin to assist in achieving simultaneous nitrification and denitrification.

- Install a new bar screen upstream from the aeration basin.
- All process air, sludge, wastewater piping and valving should be replaced and upsized if necessary pending aeration calculations.
- Existing shear tubes and diffusers will need to be replaced, and an additional one installed in between.
- Install new peroxyacetic acid disinfection system to feed the existing contact tank including redundant peristaltic pumps, a dual walled container, and all other necessary appurtenances. Dosage can be paced based on a 4-20 mA signal transmitted from the level transducer.
- We recommend the addition of new density current baffle in the clarifier to inhibit the release of floating solids into the effluent.

The process flow diagram for the proposed process is shown below.



Wastewater Collection System Understanding

The collection system consists solely of gravity sewer. The mobile homes in the subdivision are equipped with their own septic tanks that are separate from the collection system.

Wastewater Collection System Recommended Improvements

- GIS shapefiles should be developed for future maintenance. System mapping at the fingertips of the operators will enhance the level of service and timing of responses to emergency and customer issues.
- Install flow monitoring, perform smoke testing, perform video inspection at selected locations, evaluate systems and create GIS based maintenance priority list to help understand and reduce the effect of I and I on the system.

Civil Engineering
 GIS Mapping
 Potable Water
 Wastewater Treatment



Civil Site Design
 Construction Support
 Transportation
 Wastewater Collection

NARUC Capital Cost Estimate

MAGRUDER VILLAGE WWTF NARUC COST ESTIMATE SPREADSHEET

| Item | NARUC Category | EXPENSES | FIXED ASSETS | TOTAL |
|---|--------------------------------|------------|------------------|------------------|
| Initial Improvements | | | | |
| Install New Manual Transfer Switch with a Quick Connect and Electric Distribution Panel | Sewer - General Plant | \$0 | \$25,000 | \$25,000 |
| Miscellaneous Electrical Cleanup | Sewer - General Plant | \$0 | \$10,000 | \$10,000 |
| Install Mission Monitoring (Plant) | Sewer - General Plant | \$0 | \$15,000 | \$15,000 |
| Replace Site Fencing | Sewer - General Plant | \$0 | \$5,000 | \$5,000 |
| Blower Shed Maintenance | Sewer - General Plant | \$0 | \$20,000 | \$20,000 |
| Pump out Septic Tank | Sewer - Treatment and Disposal | \$0 | \$10,000 | \$10,000 |
| Level Transducer and V-Notch Weir Installation | Sewer - Treatment and Disposal | \$0 | \$20,000 | \$20,000 |
| Steel Grating Installation | Sewer - Treatment and Disposal | \$0 | \$20,000 | \$20,000 |
| Existing Steel Tank Repair (Option) | Sewer - Treatment and Disposal | \$0 | \$75,000 | \$75,000 |
| <i>* Replacing the steel tank would add approximately \$25,000 to the total</i> | | | | |
| Secondary Improvements | | | | |
| Extended Aeration Duplex Regenerative Blower System and Control Panel with VFD | Sewer - Treatment and Disposal | \$0 | \$10,000 | \$10,000 |
| Aerobic Digester Simplex Regenerative Blower and Control Panel with VFD | Sewer - Treatment and Disposal | \$0 | \$10,000 | \$10,000 |
| Replace Wastewater Process Piping and Valving | Sewer - Treatment and Disposal | \$0 | \$20,000 | \$20,000 |
| Replace Air Headers, Shear Tubes and Diffusers | Sewer - Treatment and Disposal | \$0 | \$20,000 | \$30,000 |
| Clarifier Weir and Density Current Baffle | Sewer - Treatment and Disposal | \$0 | \$12,000 | \$12,000 |
| Install Peracetic Acid Disinfection System | Sewer - Treatment and Disposal | \$0 | \$25,000 | \$25,000 |
| TOTAL (INCLUDING TANK REPAIR OPTION) | | \$0 | \$297,000 | \$297,000 |

Photographs



View of Existing Wastewater Treatment Facility



Secondary Clarifier and Air Header from Blower Shed



Digester Tank



Aeration Basin



Secondary Clarifier with Return Lines

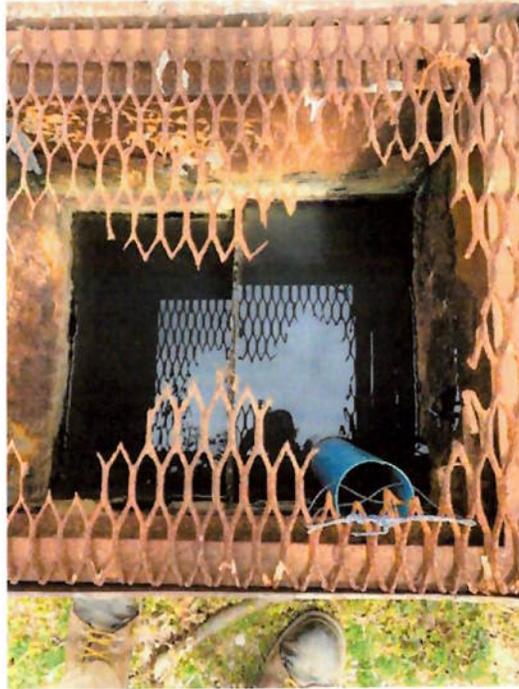




Blower Shed



View Inside Blower Shed



Disinfection Basin with Baffle Wall



Influent Screening Basin

Attachment B

Pictures



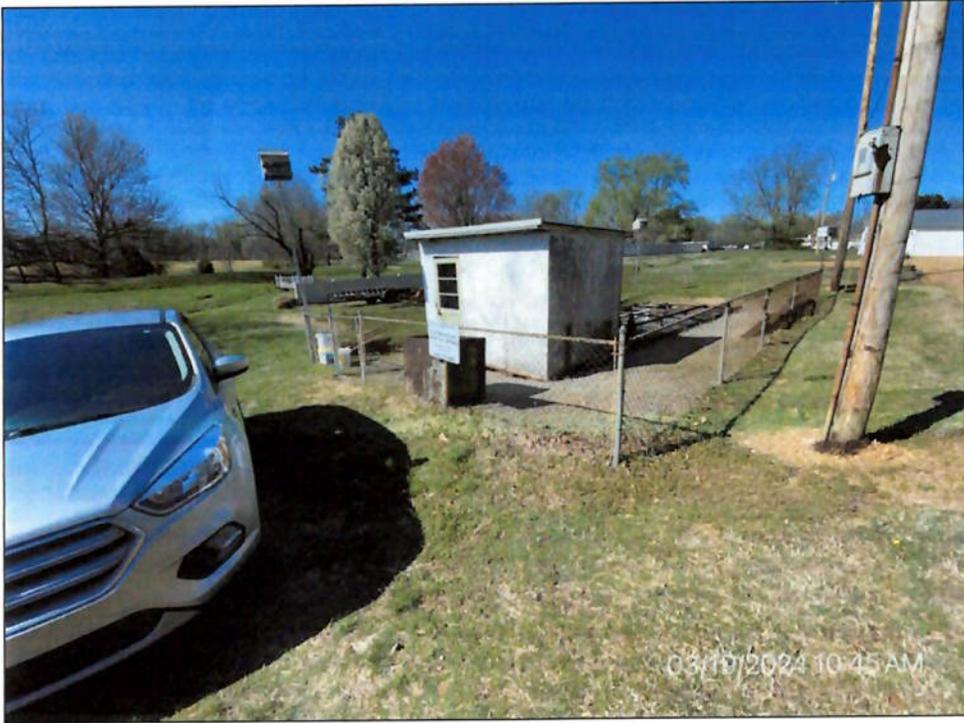
McGruder Village WWTP





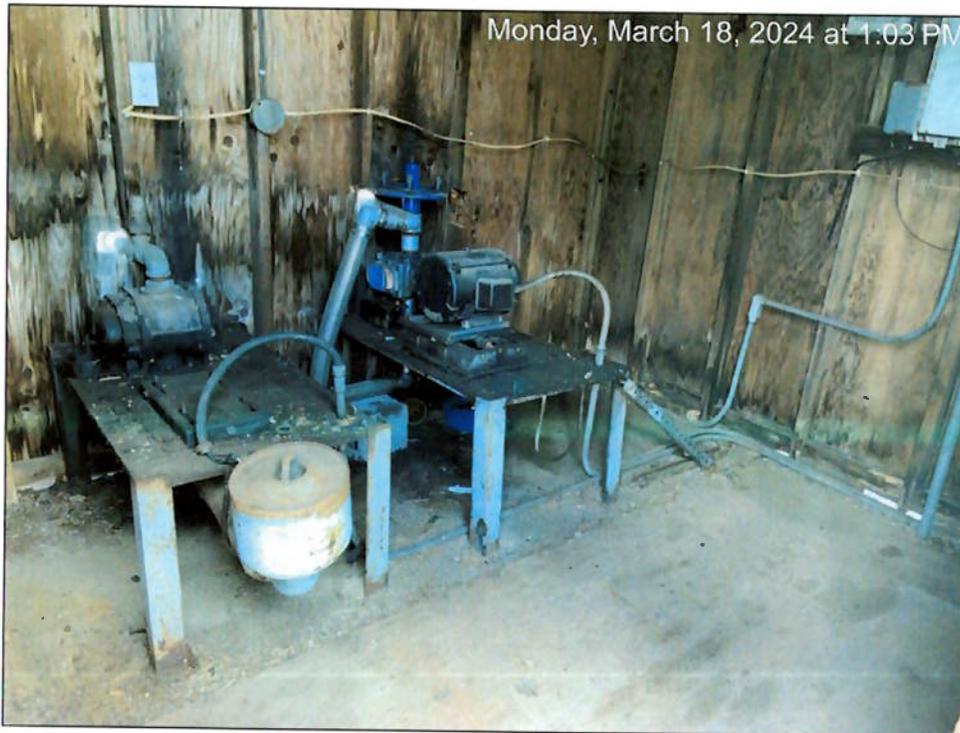
Gap between the ground and the bottom of the fence





McGruder Village WWTP





Only one blower/motor unit





General Cleanup in and around the plant.





Aeration basin



Persimmon Ridge Subd & WWTP
Mandy Sappington
1630 Des Peres Rd Ste 140

Saint Louis, MO 631311871

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

NOTICE OF VIOLATION

To: Persimmon Ridge Subd & WWTP
Mandy Sappington
1630 Des Peres Rd Ste 140

Saint Louis, MO 631311871

AI Name: Persimmon Ridge Subd & WWTP **AI ID:** 3955 **Activity ID:** ENV20240001

County: Shelby

Enforcement Case ID:

Date(s) Violation(s) Observed: 02/12/2024

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

1 Violation Description for Subject Item AIOO0000003955():

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

Description of Non Compliance:

Failing to comply with 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0090956, monitoring point 001-1, for CBOD. The permitted limit for CBOD is concentration max. monthly avg., less than or equal to 10 mg/L. The facility reported the following: concentration max. monthly avg. 14 mg/L for December 2023.

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:

Marlon A. Bascombe

Marlon Bascombe, Environmental Control Manager

Date: March 20, 2024



June 7th, 2024

Commonwealth of
Kentucky PSC.
Attn: Michael C. Nantz
211 Sower Blvd.
Frankfort, KY 40602

**RE: Bluegrass Water UOC, LLC
MaGruder Village WWTP
McCracken County, KY**

To: Public Service Commission,

This letter is being sent to you in response to the issued PWI completed May 9th, 2024, and to update you on the progress of action taken to resolve these issues.

Notice of Deficiency for MaGruder Village WWTP

Deficiency: Multiple

Inquiry:

1. *807 KAR 5:071, Section 7(1) - Design, Construction, and Operation. The facility has only one blower/motor unit. A backup blower/motor unit or immediate access to one is needed in case of emergency as per 807 KAR 5:071, Section 7(1).*
2. *807 KAR 5:071, Section 7(1)- Design, Construction, and Operation -A section of the fence surrounding the treatment facility has a gap between the ground and the bottom of the fence large enough for unauthorized persons and animals to enter. This is contrary to 807 KAR 5:071, Section 7(1).*
3. *807 KAR 5:071, Section 7(1) - Design, Construction, and Operation - General cleanup in and around the plant is needed as per 807 KAR 5:071, Section 7(1).*

Bluegrass Water UOC Response:

1. Clearwater Solutions (Operations) currently has multiple mobile pumps that can be used as a “Back-up” in case of emergency.
2. Due to the new acquisition of the facility, multiple capital improvements will be implemented to ensure the standards set by the set are satisfied. One aspect of those improvements will be completely new fencing.
3. General site cleanliness and upkeep have been relayed to the Operations team at Clearwater Solutions. All efforts to keep a clean facility and job-site will be made.

Best Regards,

A handwritten signature in black ink that reads "Joe Johnson".

Joe Johnson
EHS Compliance Coordinator

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

NOTICE OF VIOLATION

To: LH WWTP
Mandy Sappington
1630 Des Peres Rd Ste 140

Saint Louis, MO 631311871

AI Name: LH WWTP **AI ID:** 163895 **Activity ID:** ENV20240001

County: Scott

Enforcement Case ID:

Date(s) Violation(s) Observed: 02/12/2024

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 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0081591, monitoring point 001-I, 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. 36.5 mg/L; and concentration max. weekly avg. 60 mg/L for November 2023.

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:

Marlon A. Bascombe

Marlon Bascombe, Environmental Control Manager

Date: March 25, 2024

LH WWTP
Mandy Sappington
1630 Des Peres Rd Ste 140

Saint Louis, MO 631311871

Fox Run WWTP
Mandy Sappington
1630 Des Peres Rd Ste 140

Saint Louis, MO 631311871

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

NOTICE OF VIOLATION

To: Fox Run WWTP
Mandy Sappington
1630 Des Peres Rd Ste 140

Saint Louis, MO 631311871

AI Name: Fox Run WWTP **AI ID:** 1388 **Activity ID:** ENV20240002

County: Franklin

Enforcement Case ID:

Date(s) Violation(s) Observed: 05/14/2024

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 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0086967, 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. 5.1 mg/L for January 2024.

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: Marlon A. Bascombe
Marlon Bascombe, Environmental Control Manager
Date: June 12, 2024

Great Oaks WWTP
Mandy Sappington
1630 Des Peres Rd Ste 140

Saint Louis, MO 631311871

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

NOTICE OF VIOLATION

To: Great Oaks WWTP
Mandy Sappington
1630 Des Peres Rd Ste 140

Saint Louis, MO 631311871

AI Name: Great Oaks WWTP **AI ID:** 3041 **Activity ID:** ENV20240001
County: McCracken
Enforcement Case ID:
Date(s) Violation(s) Observed: 05/14/2024

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 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), 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. The facility reported the following: concentration monthly avg. 12 mg/L for January 2024.

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 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0080845, monitoring point 001-1, for Total Suspended Solids. The permitted limit for Total Suspended Solids is concentration 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. 53 mg/L; and concentration max. weekly avg. 92 mg/L for January 2024.

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: Marlon A. Bascombe
Marlon Bascombe, Environmental Control Manager
Date: June 12, 2024

River Bluffs WWTP
Mandy Sappington
1630 Des Peres Rd Ste 140

Saint Louis, MO 631311871

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

NOTICE OF VIOLATION

To: River Bluffs WWTP
Mandy Sappington
1630 Des Peres Rd Ste 140

Saint Louis, MO 631311871

AI Name: River Bluffs WWTP **AI ID:** 3367 **Activity ID:** ENV20240001
County: Oldham
Enforcement Case ID:
Date(s) Violation(s) Observed: 05/14/2024

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 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), 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 10 mg/L; and concentration daily max., less than or equal to 15 mg/L. The facility reported the following: concentration monthly avg. 22.1 mg/L; and concentration daily max. 22.1 mg/L for January 2024.

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 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), 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; and concentration 7-day geometric, less than or equal to 240 MPN/100 mL. The facility reported the following: concentration 30-day geometric avg. 270 MPN/100 mL; and concentration 7-day geometric 270 MPN/100 mL for January 2024.

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 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 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), 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 10 mg/L; and concentration daily max., less than or equal to 15 mg/L. The facility reported the following: concentration monthly avg. 34.8 mg/L; and concentration daily max. 34.8 mg/L for February 2024.

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 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 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), 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; and concentration 7-day geometric, less than or equal to 240 MPN/100 mL. The facility reported the following: concentration 30-day geometric avg. 60000 MPN/100 mL; and concentration 7-day geometric 60000 MPN/100 mL for March 2024.

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 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 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), 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; and concentration 7-day geometric, less than or equal to 240 MPN/100 mL. The facility reported the following: concentration 30-day geometric avg. 14322 MPN/100 mL; and concentration 7-day geometric 14322 MPN/100 mL for February 2024.

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 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 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), 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 10 mg/L; and concentration daily max., less than or equal to 15 mg/L. The facility reported the following: concentration monthly avg. 19.7 mg/L; and concentration daily max. 19.7 mg/L for March 2024.

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 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 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0043150, 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. 175 mg/L; and concentration max. weekly avg. 175 mg/L for February 2024.

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 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 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0043150, monitoring point 001-1, for CBOD. The permitted limit for CBOD is concentration monthly avg., less than or equal to 30 mg/L. The facility reported the following: concentration monthly avg. 35 mg/L for February 2024.

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:

Marlon A. Bascombe

Marlon Bascombe, Environmental Control Manager
Date: June 26, 2024



Andy Beshear
GOVERNOR

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

LOUISVILLE REGIONAL OFFICE
9116 LEESGATE ROAD
LOUISVILLE, KY, 40222-5004

Rebecca W. Goodman
SECRETARY

Anthony R. Hatton
COMMISSIONER

July 15, 2024

Bluegrass Water Utility Operating Company LLC
1630 Des Peres Rd
Des Peres, MO 63131

RE: Kingswood WWTP -- 455
Permit No.: KY0101419
Bullitt County, Kentucky
Activity ID: CIN20240001

Dear Bluegrass Water Utility Operating Company LLC:

Attached for your information and records is a copy of the WW Routine-Min Nmun Inspection performed at Kingswood WWTP on June 11, 2024.

The facility was issued a "Violations Documented" for floc observed in the effluent and failure to report a release to the environment within the 24 hours upon discovery over Memorial Day weekend. See report for additional comments.

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

Sincerely,

 Recoverable Signature

Sarah Duker
Environmental Inspector
Louisville Regional Office
Division of Water

SMD
Enclosure: Inspection Report

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

AI ID: 455 **AI Type:** SANI-Wastewater Treatment & Collection (2213)
AI Name: Kingswood WWTP
AI Address: Kings Church Rd
City: Taylorsville, **State:** Kentucky **Zip:** 40071
County: Bullitt **Regional Office:** Louisville Regional Office
Latitude: 38.090101 **Longitude:** -85.490572

Site Contact: James Smith **Title:** Operator **Phone #:** 270-559-5252

Inspection Type: WW Routine-Min Nmun **Activity #:** CIN20240001
Inspection Start Date: June 11, 2024 **Time:** 10:30 AM **End Date:** June 11, 2024 **Time:** 11:00 AM
Site/Permit ID: KY0101419

Lead DEP Investigator: Sarah Duker
Persons Interviewed: James Smith

General Comments: A WW Routine Inspection was conducted on 6/11/2024 by KY Division of Water (DOW) inspector Sarah Duker to inspect the permitted facility, Kingswood WWTP and if permittee is in compliance with issued permit KY0101419 requirements. DOW was accompanied by operator James Smith at the time of inspection.

James Smith is the main operator for this facility. He is a licensed Operator WW I # 73056 exp 6/30/2025 and had his operations card on him at the time of inspection.

At the time of inspection, the facility appeared to be operating properly. However, the clarifier was noted to have some pin floc going over the weir and also observed in the final effluent. The facility had a sign at the outfall with the permit and outfall number. Other than the floc observed coming out of the effluent pipe, no other degradation to the waters was observed at the time of inspection.

A review of NetDMRs from June 2021-June 2024 showed violations in Dec 2021(E.coli Exceedance), January 2022(Nitrogen Exceedance), April 2022(TSS Exceedance), October 2022(E.coli Exceedance), March 2023(Low DOW), August 2023(TSS Exceedance), November 2023(E.coli Exceedance), and April 2024(Low DO; TSS and BOD Exceedances) and May 2024 (BOD Exceedance). The facility often adds comments to NetDMR when a violation is reported.

The facility failed to report a release to the environment within the 24 hours upon discovery over Memorial Day weekend. At the time of inspection, DOW discussed the reporting requirements with the operator. DOW followed up in an email with instructions on how to set up an eNotification account for electronic reporting in the future.

Overall Compliance Status: Out of Comp- Viol documented

Investigation Results

SI: AIOO455
SI Description:

Inspector Comment: There was some floc observed going over the weir and discharging at the outfall.

The facility failed to notify DOW of a release within the 24-hour time period following a release that occurred over the Memorial Day weekend.

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

Compliance Status: C-No Violations observed

Comment: KY0101419 - Kingswood WWTF. Permit is set to expire August 31, 2024. Facility has already applied for a permit renewal.

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

Compliance Status: C-No Violations observed

Comment: The facility is being operated by James Smith who holds a WW Operator's License I # 73056 that is set to expire 6/30/2025. Mr. Smith had his WW Operator's card on him at the time of inspection.

Requirement: Is the collection system under the primary responsibility of an individual who holds an active collection system certification at the level appropriate for the size of the treatment facility receiving the waste? [401 KAR 5:010 Section 2]. [401 KAR 5:010 Section 2]

Compliance Status: N-Not Applicable

Comment: The permit does not require a collections license for this plant.

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

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

Comment: The facility appeared to be mostly operating properly at the time of inspections. There was some floc observed going over the weir in the clarifier and there was floc also observed at the discharge pipe of the plant to the nearby stream.

The flow meter was last calibrated on 5/15/2024 and the flow at the time of inspection was 28.55 gal/min.

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

Compliance Status: C-No Violations observed

Comment: The facility utilizes UV disinfection. The disinfection units appeared to be operating properly at the time of inspection.

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

Compliance Status: D-Out of Compliance-Violations Documented

Comment: A review of NetDMRs from June 2021-June 2024 showed violations in Dec 2021(E.coli Exceedance), January 2022(Nitrogen Exceedance), April 2022(TSS Exceedance), October 2022(E.coli Exceedance), March 2023(Low DOW), August 2023(TSS Exceedance), November 2023(E.coli Exceedance), and April 2024(Low DO; TSS and BOD Exceedances) and May 2024 (BOD Exceedance).

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

Compliance Status: D-Out of Compliance-Violations Documented

Comment: Pin floc was observed going over the crests of the weir and at the outfall pipe at the time of inspection.

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: D-Out of Compliance-Violations Documented

Comment: The facility had an overflow in the system over the Memorial Day weekend that was not reported to DOW within 24 hours of discovery.

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)]. [401 KAR 5:065 Section 3(5)]

Compliance Status: C-No Violations observed

Comment: The facility is aware of the requirements to report all emergency spills and/or accidental discharges, IMMEDIATELY to the Cabinet by the most rapid means available. Reports can be made to the Division of Water through the 24-hour reporting number or contacting the regional office personnel.

The Kentucky Department for Environmental Protection's Environmental Response Team's 24-hour emergency number is (502) 564-2380 or (800) 928-2380. The DOW Louisville Regional Office can be reached at 502-429-7122.

Documentation

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

Inspector:

 Recoverable Signature

Sarah Duker

Signed by: Sarah Duker

Date: 7/15/2024

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

Delivery Method: Email

Lake Columbia WWTP
Mandy Sappington
1630 Des Peres Rd Ste 140

Saint Louis, MO 631311871

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

NOTICE OF VIOLATION

To: Lake Columbia WWTP
Mandy Sappington
1630 Des Peres Rd Ste 140

Saint Louis, MO 631311871

AI Name: Lake Columbia WWTP **AI ID:** 458 **Activity ID:** ENV20240002
County: Bullitt
Enforcement Case ID:
Date(s) Violation(s) Observed: 05/14/2024

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

- 1** Violation Description for Subject Item AIOO0000000458():
No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:

Failing to comply with 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), 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; and concentration max. weekly avg., less than or equal to 45 mg/L. The facility reported the following: concentration monthly avg. 249 mg/L; and concentration max. weekly avg. 249 mg/L for January 2024.

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

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

- 2** Violation Description for Subject Item AIOO0000000458():
No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:

Failing to comply with 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0077674, monitoring point 001-1, for CBOD. The permitted limit for CBOD is concentration monthly avg., less than or equal to 30 mg/L. The facility reported the following: concentration monthly avg. 37 mg/L for January 2024.

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: Marlon A. Bascombe
Marlon Bascombe, Environmental Control Manager
Date: July 3, 2024