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February 4, 2010

Via Hand-Delivery

Mr. Jeff R. Derouen
Executive Director
Public Service Commission
211 Sower Boulevard
P. O. Box 615
Frankfort, Kentucky 40602-0615

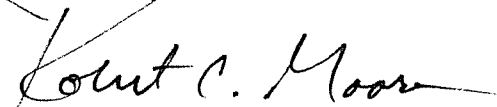
RECEIVED
FEB 05 2010
PUBLIC SERVICE
COMMISSION

Re: Application of Big Bear Wastewater, Inc. for Adjustment in Rates
Case No. 2009-00171

Dear Mr. Derouen:

Please find enclosed for filing in the above referenced case an original and five (5) copies of The Dens Condominium Association's Supplemental Summary of Evidence, Witnesses and Exhibits . Please call me if you have any questions concerning this matter, and thank you for your attention to same.

Respectfully submitted,


Robert C. Moore

RCM/snw
Enclosure

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

FEB 05 2010

PUBLIC SERVICE
COMMISSION

IN THE MATTER OF:

APPLICATION OF BIG BEAR)
WASTEWATER, INC. FOR AN)
ADJUSTMENT OF RATES)
)
)

CASE NO. 2009-00171

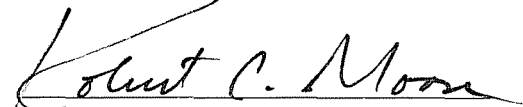
**THE DENS CONDOMINIUM ASSOCIATION’S SUPPLEMENTAL SUMMARY OF
EVIDENCE, WITNESSES AND EXHIBITS**

The Dens Condominium Association, by counsel, hereby files it Supplemental Summary of Evidence, Witnesses and Exhibits.

- 1) In addition to the individuals that it previously identified as witnesses, The Dens may call as witnesses any individual identified or called as a witness by Big Bear Wastewater, Inc. (“Big Bear”), the Public Service Commission and/or the Attorney General.
- 2) In addition to the exhibits that it previously identified, The Dens may introduce as exhibits the Annual Reports of Big Bear filed with the Public Service Commission for 2005 through 2008, which are public records on file at the offices of the Public Service Commission, Big Bear’s Application for a KPDES permit, the Fact Sheet for Big Bear’s Application for a KPDES permit, Big Bear’s KPDES permit and a chart reflecting the annual water usage of The Dens compared to the annual usage of the units owned by Big Bear. (See The Dens’ Exhibit 1). The Dens may also introduce as exhibits the February 11, 2008 Order and the July 30, 2008 Order entered by the Public Service Commission in Case No. 2007-00436, Application of Farmdale Development Corporation For An Adjustment in Rates, which are public records on file at the offices of the Public Service Commission.
- 3) The above mentioned witnesses and exhibits will be used to further establish that (a) Big

Bear cannot meet its burden to prove that its requested approximately fifty percent (50%) increase in expenses is reasonable and necessary, (b) all of Big Bear's units should be counted for an entire year in determining the number of units served by the subject WWTP, and (c) the Staff Report contains several errors in determining Big Bear's total expense and improperly used a "tax gross up factor".

Respectfully Submitted,

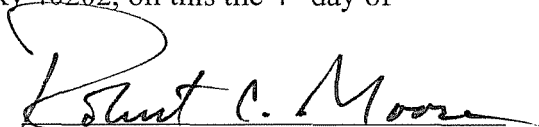


Robert C. Moore
Hazelrigg & Cox, LLP
415 West Main Street, 1st Floor
P.O. Box 676
Frankfort, Kentucky 40602-0676

Counsel for The Dens Condominium
Association

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by hand delivery on Jeff R. Derouen, Executive Director, Public Service Commission, 211 Sower Boulevard, P.O. Box 615, Frankfort, Kentucky 40602-0615 and James R. Goff, Public Service Commission, 211 Sower Boulevard, P. O. Box 615, Frankfort, Kentucky 40602-0615, and by first class mail on David Edward Spenard, Assistant Attorney General, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601-8204, and Deborah T. Eversole, Stoll Keenon Ogden, PLLC, 2000 PNC Plaza, 500 West Jefferson Street, Louisville, Kentucky 40202, on this the 4th day of February, 2010.



Robert C. Moore

KPDES FORM 1

KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM

MAR 31 2008

PERMIT APPLICATION

This is an application to: (check one)

- Apply for a new permit.
- Apply for reissuance of expiring permit.
- Apply for a construction permit.
- Modify an existing permit.

Give reason for modification under Item II.A.

A complete application consists of this form and one of the following:

Form A, Form B, Form C, Form F, or Form SC

For additional information contact:

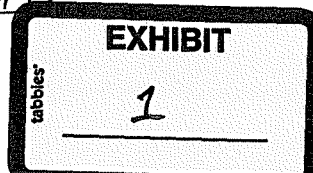
KPDES Branch (502) 564-3410

\$200.00

I. FACILITY LOCATION AND CONTACT INFORMATION		AGENCY USD	0	0	2	5	1	7	8
A. Name of business, municipality, company, etc. requesting permit									
B. Facility Name and Location: <i>Big Bear Wastewater Inc</i>					C. Primary Mailing Address (all facility correspondence will be sent to this address). Include owner mailing address on a separate sheet if different.				
Facility Location Name: <i>@ Big Bear Resorts Inc</i>					Facility Contact Name and Title: Mr. <input type="checkbox"/> Ms. <input checked="" type="checkbox"/> <i>M. Janet Caldermeyer</i>				
Facility Location Address (i.e. street, road, etc., not PO Box): <i>3499 Big Bear Hazy Rd</i>					Mailing Address: <i>Same</i>				
Facility Location City, State, Zip Code: <i>Benton Ky 42025</i>					Mailing City, State, Zip Code:				
					Facility Contact Telephone Number: <i>270 354 6414</i>				

II. FACILITY DESCRIPTION			
A. Provide a brief description of activities, products, etc: <i>Resort Marina, CA & Condo Development Private</i>			
B. Standard Industrial Classification (SIC) Code and Description			
Principal SIC Code & Description:	<i>7011</i>		
Other SIC Codes:			

III. FACILITY LOCATION	
A. Attach a U.S. Geological Survey 7 1/2 minute quadrangle map for the site. (See instructions)	
B. County where facility is located: <i>Marshall</i>	City where facility is located (if applicable): <i>Benton</i>
C. Body of water receiving discharge: <i>Clear Creek Kentucky Lake</i>	
D. Facility Site Latitude (degrees, minutes, seconds): <i>36 53 74.8</i>	Facility Site Longitude (degrees, minutes, seconds): <i>88 11 20.464</i>
E. Method used to obtain latitude & longitude (see instructions): <i>Garmin</i>	
F. Facility Dun and Bradstreet Number (DUNS #) (if applicable): <i>None</i>	



IV. OWNER/OPERATOR INFORMATION	
A. Type of Ownership: <input type="checkbox"/> Publicly Owned <input checked="" type="checkbox"/> Privately Owned <input type="checkbox"/> State Owned <input type="checkbox"/> Both Public and Private Owned <input type="checkbox"/> Federally owned	
B. Operator Contact Information (See instructions)	
Name of Treatment Plant Operator: Richard O. Meier	Telephone Number: 270 3548826
Operator Mailing Address (Street): 3499 Big Bear Hwy	
Operator Mailing Address (City, State, Zip Code): Gentry Ky 42028	
Is the operator also the owner? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Is the operator certified? If yes, list certification class and number below. Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Certification Class:	Certification Number:

V. EXISTING ENVIRONMENTAL PERMITS		
Current NPDES Number: KY 0025178	Issue Date of Current Permit: 3/1/05	Expiration Date of Current Permit: 2/28/09
Number of Times Permit Reissued:	Date of Original Permit Issuance:	Sludge Disposal Permit Number:
Kentucky DOW Operational Permit #:	Kentucky DSMRE Permit Number(s):	

Which of the following additional environmental permit/registration categories will also apply to this facility?

CATEGORY	EXISTING PERMIT WITH NO.	PERMIT NEEDED WITH PLANNED APPLICATION DATE
Air Emission Source		
Solid or Special Waste		
Hazardous Waste - Registration or Permit		

VI. DISCHARGE MONITORING REPORTS (DMRs)

KPDES permit holders are required to submit DMRs to the Division of Water on a regular schedule (as defined by the KPDES permit). Information in this section serves to specifically identify the name and telephone number of the DMR official and the DMR mailing address (if different from the primary mailing address in Section I.C).

A. DMR Official (i.e., the department, office or individual designated as responsible for submitting DMR forms to the Division of Water):	Mc Coy & McCoy
DMR Official Telephone Number:	

B. DMR Mailing Address:	
<ul style="list-style-type: none"> Address the Division of Water will use to mail DMR forms (if different from mailing address in Section I.C), or Contact address if another individual, company, laboratory, etc. completes DMRs for you; e.g., contract laboratory address. 	
DMR Mailing Name: McCoy & McCoy	85 E Noel Ave
DMR Mailing Address:	
DMR Mailing City, State, Zip Code:	Madesville Ky 42431

VII. APPLICATION FILING FEE

KPDES regulations require that a permit applicant pay an application filing fee equal to twenty percent of the permit base fee. Please examine the base and filing fees listed below and in the Form 1 instructions and enclose a check payable to "Kentucky State Treasurer" for the appropriate amount (for permit renewals, please include the KPDES permit number on the check to ensure proper crediting). Descriptions of the base fee amounts are given in the "General Instructions."

Facility Fee Category: <i>6 Small Non Public Owner</i>	Filing Fee Enclosed: <i>1000.00</i>
---	--

VIII. CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

NAME AND OFFICIAL TITLE (type or print): <i>MS Caldemeyer</i>	TELEPHONE NUMBER (area code and number): <i>270 354 6414</i>
Mr. <input type="checkbox"/> Ms. <input checked="" type="checkbox"/> SIGNATURE	DATE: <i>3/28/08</i>

KPDES FORM 1 -- INSTRUCTIONS

Listed below are explanations of select Form 1 questions. If further information is needed concerning any question, please contact Division of Water, KPDES Branch at (502) 564-3410.

I. Facility Location and Contact Information

- A. Use the official or legal name of the business, company, municipality, etc. requesting permit.
- B. The facility name should be the name by which the facility is commonly known and/or uniquely identified. The information given as the facility name and location address should be the actual location of the facility (i.e. road name, highway number, not the P O Box address).
- C. The primary mailing address should be the legal permittee of record and is the address where correspondence regarding the application, permit, etc. for the facility will be sent unless otherwise indicated. The owner mailing address is to be provided on a separate sheet if different from the primary mailing address.

II. Facility Description

- A. Briefly describe the nature of the business and the activities being conducted that require a KPDES permit.
- B. The SIC codes are numbers and descriptions of activities classified by the Executive Office of the President, Office of Management and Budget. These are found in the 1987 Edition of the Standard Industrial Classification (SIC) Manual. List the SIC codes(s) that best describe the products or services provided by the facility in descending order of importance. If an SIC code book is not available, please describe in detail the nature of the business and activities conducted so that an appropriate code can be assigned.

III. Facility Location

- A. Attach a U.S. Geological Survey (USGS), 7 1/2 minute topographic quadrangle map(s) extending at least one mile beyond the property boundary of the discharge source. Depict or mark the facility and each of its intake and discharge structures. Also mark the locations of those wells, springs, surface water bodies, and drinking water wells listed in public records or otherwise known to the applicant within one-quarter mile of the facility property boundary. USGS maps may be obtained from the University of Kentucky, Mines and Minerals Bldg. Room 106, Lexington, Kentucky 40506. Phone: (859) 257-3896.
- B. List the county and, if applicable, city where facility is located.
- C. List the body of water receiving discharge.
- D. List the latitude and longitude for the facility site. The latitude/longitude reading for the site should be taken at the influent to the wastewater treatment plant, if applicable.
- E. List the method used to obtain the latitude and longitude (i.e. topo map coordinates, GPS reading, etc.)
- F. List the facility's Dun and Bradstreet Number if applicable.

IV. Owner/Operator Information

- A. Place a check in the applicable type ownership as listed.
- B. These sections must be completed by **all municipal and sanitary wastewater applicants** and other facilities as applicable.

List the name and address of the person who operates the sewage treatment plant.

Indicate if the operator is also the owner.

The operator must be currently certified with the Division of Water. For information concerning those requirements, contact: Division of Water, Certification Section, at (502) 564-3410.

List the Operator's Certification Class and Certification Number.

- V. List any existing environmental permits which the facility has or will be applying for.

- VI. List the address where Discharge Monitoring Report (DMR) forms are to be mailed.

VII. Application Filing Fee

The payment of a filing fee as listed below must accompany the application for a KPDES Permit. **(Your check must be made payable to "Kentucky State Treasurer." For permit renewals, to ensure your account is properly credited, please include the KPDES permit number on the check.)** This fee will be applied toward the final discharge permit fee. The filing fee is not refundable if the application is withdrawn or the permit is denied. Listed below are the facility categories, associated base fees, and application filing fees. (See the "General Instructions" for definitions of facility categories.)

Facility Category	Base Fee	Application Filing Fee
Major Industry	\$3,200	\$640
Minor Industry	\$2,100	\$420
Non-Process Industry	\$1,000	\$200
Large Non-POTW	\$1,700	\$340
Intermediate Non-POTW	\$1,500	\$300
Small Non-POTW	\$1,000	\$200
Agriculture	\$1,200	\$240
Surface Mining Operation	\$1,200	\$240
501(c)(3)	\$100	\$20

If this application is for a new project, see the General Instructions for the applicable Construction Permit fee.

A permit application cannot be processed unless the application filing fee and (if applicable) construction permit fee is enclosed.

Make your check payable to "Kentucky State Treasurer."

VIII. Certification

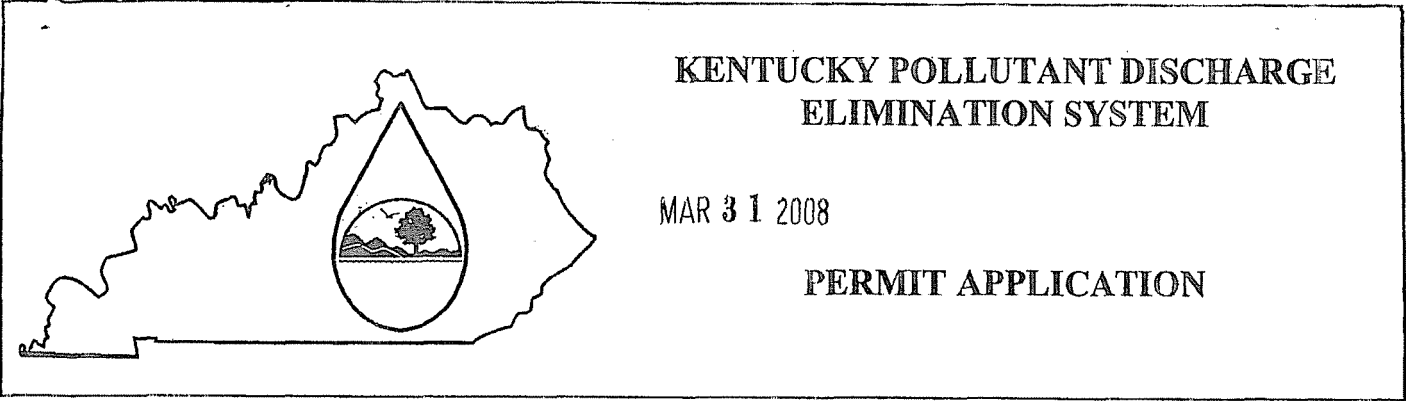
The permit application must be signed as follows:

Corporation: by a principal executive officer of at least the level of vice president.

Partnership or sole proprietorship: by a general partner or the proprietor respectively.

Municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.

KPDES FORM SC



KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM

MAR 31 2008

PERMIT APPLICATION

A complete application consists of this form and Form 1.
For additional information, contact: KPDES Branch, (502) 564-3410.

NAME OF FACILITY: *Big Bear Wastewater Inc*

I. FACILITY DISCHARGE FREQUENCY

AGENCY USE									
------------	--	--	--	--	--	--	--	--	--

A. Do discharge(s) occur all year? Yes No
(Complete Item IX for intermittent discharges.)

B. How many days per week? *7*

II. A. Give the basis of design for sizing of the wastewater facility (see instructions):
of rental units & homes, currently 25 cottages plus 5 resort buildings, 27 Dens Condos & 24 TreeTop Condos

B. If new discharger, indicate anticipated discharge date:

C. Indicate the design capacity of the treatment system: MGD

III. Outfall Location (see instructions)

Outfall (list)	LATITUDE			LONGITUDE			RECEIVING WATER (name)
	Degrees	Minutes	Seconds	Degrees	Minutes	Seconds	
<i>TP</i>	<i>36</i>	<i>53</i>	<i>748</i>	<i>88</i>	<i>11</i>	<i>464</i>	<i>Ky Lake Beal creek</i>

Method used to obtain latitude/longitude (i.e. GPS unit, USGS topographic map coordinates, etc.) *LORAN*

IV. FLOWS, SOURCES OF POLLUTION, AND TREATMENT TECHNOLOGIES (see instructions)
 If wastewater other than domestic or sanitary is listed, complete page 4 in addition to page 1 and 2.

OUTFALL NO. (list)	OPERATION(S) CONTRIBUTING FLOW		TREATMENT	
	Operation (list)	Avg/Design Flow (include units)	List treatment components	List Codes from Table SC-1
1	Resort Domestic Sewage	8000/gal/day	activated sewage	3A 2F 5Q 10 1L

V. Check the type(s) of wastewater discharged.

- Domestic (60% or more sanitary sewage) Oil field waste
 Noncontact cooling water Other (list):

VI. Does all water used at facility (except for human consumption) flow to a treatment plant? Yes No

VII. Discharge to other than surface waters. Check appropriate location:

- Publicly-owned lake or impoundment Name of lake:
 Publicly-owned treatment works (POTW). Name of POTW:
 Land application of Effluent
 Surface injection (Check term and identify on map) lateral field; sinkhole; sinking stream; deep well
 Closed Circuit (Check appropriate term) Holding tank; Mechanical evaporation; Waste impoundment

VIII. Check the metals present in the discharge if applicable and indicate the quantity discharged per year. (Indicate units).

<input type="checkbox"/>	Antimony	None	<input type="checkbox"/>	Copper	None	<input type="checkbox"/>	Silver	None
<input type="checkbox"/>	Arsenic	''	<input type="checkbox"/>	Lead	''	<input type="checkbox"/>	Thallium	''
<input type="checkbox"/>	Beryllium	''	<input type="checkbox"/>	Mercury	''	<input type="checkbox"/>	Zinc	''
<input type="checkbox"/>	Cadmium	''	<input type="checkbox"/>	Nickel	''	<input type="checkbox"/>		
<input type="checkbox"/>	Chromium	''	<input type="checkbox"/>	Selenium	''	<input type="checkbox"/>		

IX. INTERMITTENT DISCHARGES (Complete this section for intermittent discharges.)

A. Number of bypass points: _____ (If bypass points are indicated, information below must be completed for each bypass.)

Check when bypass occurs:	<input type="checkbox"/> Wet Weather	<input type="checkbox"/> Dry Weather
Give the number of bypass incidents	_____ per year	_____ per year
Give average duration of bypass	_____ hours	_____ hours
Give average volume per incident	_____ 1,000 gallons	_____ 1,000 gallons
Give reason why bypass occurs:	_____	

B. Number of Overflow Points: _____ (If discharge is from an overflow point, the information below must be completed.)

Check when overflow occurs:	<input type="checkbox"/> Wet Weather	<input type="checkbox"/> Dry Weather
Give the number of overflow incidents:	_____ per year	_____ per year
Give average duration of overflow:	_____ hours	_____ hours
Give average volume per incident:	_____ 1,000 gallons	_____ 1,000 gallons

C. Number of seasonal discharge points _____

Give the number of times discharge occurs per year	_____
Give the average volume per discharge occurrence	_____ (1,000 gallons)
Give the average duration of each discharge	_____ (days)
List month(s) when the discharge occurs	_____

X. AREA SERVED (see instructions)

NAME	ACTUAL POPULATION SERVED
<i>Bra Bear Ranch Inc</i>	<i>25 cottages & 5 buildings, 15 Full</i>
<i>Treetops Condo Assoc</i>	<i>6 buildings - 24 units</i>
	<i>7 buildings 27 units</i>
TOTAL POPULATION SERVED	<i>88</i>

Pumpout Station
hookup
CA Ballin

(PLEASE COMPLETE THIS PAGE IF OTHER THAN DOMESTIC WASTEWATER IS DISCHARGED)

XI. COOLING WATER ADDITIVES AND THEIR COMPOSITIONS		
Additive	Composition	Concentration (mg/l)

XII. EFFLUENT CHARACTERISTICS			
A. Indicate results of analysis for pollutants listed below.			
POLLUTANT/PARAMETER	MAX DAILY VALUE	AVG DAILY VALUE	NUMBER OF SAMPLES
BOD ₅			
TOTAL SUSPENDED SOLIDS			
FECAL COLIFORM			
TOTAL RESIDUAL CHLORINE			
OIL AND GREASE			
CHEMICAL OXYGEN DEMAND			
TOTAL ORGANIC CARBON			
AMMONIA			
DISCHARGE FLOW			
pH			
TEMPERATURE (WINTER)			
TEMPERATURE (SUMMER)			

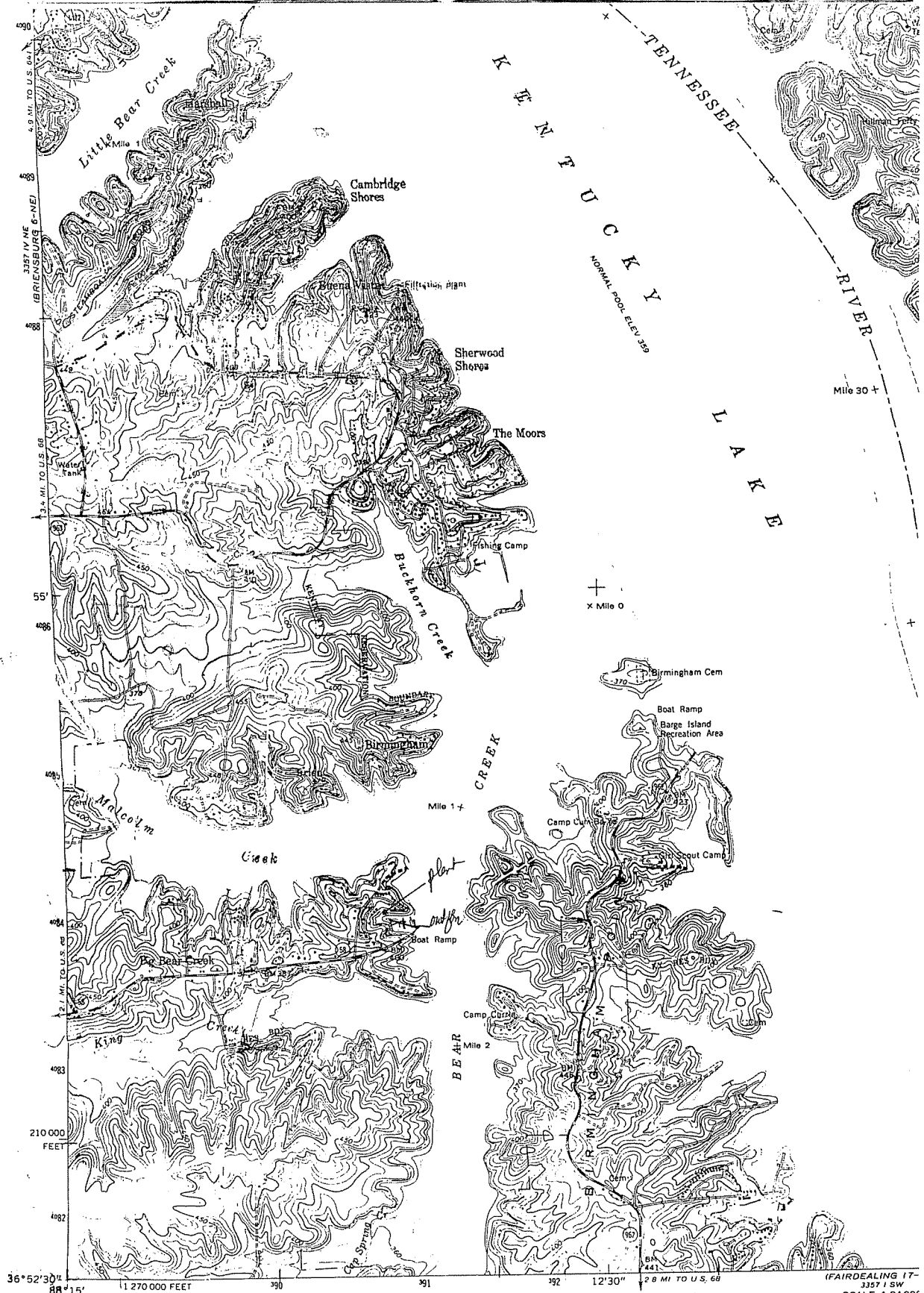
See collected

B. Frequency and duration of flow:

XIII. CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

NAME AND OFFICIAL TITLE (type or print): <i>M Janet Calderwood</i>	TELEPHONE NUMBER (area code and number): <i>270 354 6436</i>
SIGNATURE <i>[Signature]</i>	DATE <i>3/26/08</i>



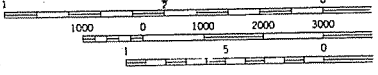
Mapped by the Tennessee Valley Authority
 Edited and published by the Geological Survey
 Revised by the Geological Survey in cooperation
 with Kentucky Geological Survey
 Control by USGS, NOS/NOAA, USIE, and TVA
 Topography by plane-table surveys 1938 and
 photogrammetric methods from aerial photographs taken 1938
 Revised from aerial photographs taken 1966. Field checked 1967

Polyconic projection 10,000 foot grid ticks based on
 Kentucky coordinate system, south zone
 1000-meter Universal Transverse Mercator grid ticks
 zone 18, shown in blue 1927 North American Datum
 To black on the predicted North American Datum 1983
 move the projection lines 5 meters south and
 4 meters east as shown by dashed corner ticks

Areas covered by dashed light-blue pattern are
 subject to controlled inundation

Fine red dashed lines indicate selected fence and field
 lines where generally visible on aerial photographs. This
 information is unchecked

UTM GRID AND 1987 MAGNETIC NORTH
 DECLINATION AT CENTER OF SHEET



CONTOUR INTERVAL
 NATIONAL GEODETIC VERTICAL

THIS MAP COMPLIES WITH NATIONAL MAP
 FOR SALE BY U.S. GEOLOGICAL SURVEY,
 DENVER, COLORADO 80225, OR RE:
 KENTUCKY GEOLOGICAL SURVEY, LEXI
 KENTUCKY DEPARTMENT OF COMMERCE, I
 AND U.S. TENNESSEE VALLI
 CHATTANOOGA, TENN. 37401 OR KI
 A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND S

HARDIN 6-25
 3357 IV SE



STEVEN L. BESHEAR
GOVERNOR

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF WATER
200 FAIR OAKS LANE
FRANKFORT, KENTUCKY 40601
www.kentucky.gov

LEONARD K. PETERS
SECRETARY

FACT SHEET

**KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM
PERMIT TO DISCHARGE TREATED WASTEWATER
INTO WATERS OF THE COMMONWEALTH**

KPDES No.: KY0025178 Permit Writer: William Shane Date: March 27, 2009
AI No.: 2923

1. **SYNOPSIS OF APPLICATION**

a. Name and Address of Applicant

Big Bear Resorts Inc
3499 Big Bear Highway
Benton, Kentucky 42025

b. Facility Location

Big Bear Wastewater Inc
3499 Big Bear Highway
Benton, Marshall County, Kentucky

c. Description of Applicant's Operation

Vacation resort with condos, cottages, and a marina

d. Design Capacity

0.035 MGD

e. Description of Existing Pollution Abatement Facilities

Activated Sludge, Landfill, Mixing, Grinding (Comminutors), Disinfection (Chlorine)

f. Permitting Action

This is a reissuance of a minor KPDES permit for a wastewater treatment plant serving a vacation resort with condos, cottages, and a marina.

2. RECEIVING WATER

a. Name/Mile Point

Facility discharges to Kentucky Lake at mile point (lake).

b. Stream Segment Use Classification

Pursuant to 401 KAR 5:026, Section 5, Kentucky Lake carries the following classifications: Warmwater Aquatic Habitat, Primary and Secondary Contact Recreation, Domestic Water Supply

c. Stream Segment Categorization

Pursuant to 401 KAR 5:030, Section 1 Kentucky Lake is categorized as High Quality Waters.

d. Stream Low Flow Condition

The 7-day, 10-year low flow and harmonic mean conditions of Kentucky Lake are (lake) and (lake) cfs, respectively.

3. REPORTED DISCHARGE AND PROPOSED LIMITS

Serial Number 001 - Sanitary Wastewater (Design Flow = 0.035 MGD)

Effluent Characteristics	Reported Discharge		Proposed Limits		Applicable Water Quality Criteria and/or Effluent Guidelines
	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	
Flow (MGD)					401 KAR 5:065, Section 2(8)
May 1 - October 31	0.011	0.021	Report	Report	
November 1 - April 30	0.0048	0.012	Report	Report	
CBOD ₅ (mg/l) May 1 - October 31	2.689	9.0	10	15	401 KAR 5:031, Section 4 401 KAR 5:045, Sections 3 and 5
BOD ₅ (mg/l) November 1 - April 30	2.103	3.0	30	45	401 KAR 5:031, Section 4 401 KAR 5:045, Sections 3 and 5
TSS (mg/l)					
May 1 - October 31	3.517	12.0	30	45	401 KAR 5:031, Section 4
November 1 - April 30	3.138	15.0	30	45	401 KAR 5:045, Sections 2 and 3
Fecal Coliform (N/100 ml)	120.2	600	Removing from permit		401 KAR 5:080, Section 1(2)(c)2
<i>Escherichia Coli</i> (N/100 ml)	NR	NR	130	240	401 KAR 5:031, Section 7 401 KAR 5:045, Section 4 401 KAR 5:080, Section 1(2)(c)2
Ammonia Nitrogen (as mg/l N)					
May 1 - October 31	1.071	3.0	4.0	6.0	401 KAR 5:031, Section 4
November 1 - April 30	1.186	4.0	20	30	401 KAR 5:045, Sections 3 and 5
Dissolved Oxygen (mg/l) (minimum)					
May 1 - October 31	7.052	8.0	Not less than 7.0		401 KAR 5:031, Section 4
November 1 - April 30	5.56	8.0	Not less than 2.0		401 KAR 5:045, Sections 3 and 5
pH (standard units)	7.265	8.3	6.0 (min)	9.0 (max)	401 KAR 5:031, Section 4 401 KAR 5:045, Section 4

3. REPORTED DISCHARGE AND PROPOSED LIMITS - SANITARY FACILITY

Serial Number 001 - Sanitary Wastewater (Design Flow = 0.035 MGD)

Effluent Characteristics	Reported Discharge		Proposed Limits		Applicable Water Quality Criteria and/or Effluent Guidelines
	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	
Total Residual Chlorine (mg/l)	0.04	0.2	0.011	0.019	401 KAR 5:031, Section 4(k)

The data contained under the reported discharge columns is not from the renewal application, but rather from the analysis of the DMR data that has been reported during the term of the previous permit.

The abbreviation BOD₅ means Biochemical Oxygen Demand (5-day).

The abbreviation CBOD₅ means Carbonaceous Biochemical Oxygen Demand (5-day).

The abbreviation TSS means Total Suspended Solids.

The abbreviation NR means not reported on the Discharge Monitoring Report (DMR).

The effluent limitations for BOD₅/CBOD₅ and TSS are Monthly (30 day) and Weekly (7 day) Averages.

The effluent limitations for *Escherichia Coli* are thirty (30) day and seven (7) day Geometric Means.

4. METHODOLOGY USED IN DETERMINING LIMITATIONS

a. Serial Number

Outfall 001 Sanitary Wastewater (Design Flow = 0.035 MGD)

b. Effluent Characteristics

Flow, BOD₅/CBOD₅, TSS, Fecal Coliform Bacteria, *Escherichia Coli*, pH, Ammonia Nitrogen, Dissolved Oxygen, Total Residual Chlorine (TRC), Total Phosphorus, and Total Nitrogen.

c. Pertinent Factors

No Pertinent Factors

d. Monitoring Requirements

Flow monitoring shall be conducted instantaneously once per month.

BOD₅/CBOD₅, TSS, Ammonia Nitrogen, shall be monitored once per month by 24 hour composite sampling.

Escherichia Coli, pH, Dissolved Oxygen and Total Residual Chlorine shall be monitored once per month by grab sample.

e. Justification of Conditions

The Kentucky regulations cited below have been duly promulgated pursuant to the requirements of Chapter 224 of the Kentucky Revised Statutes.

Escherichia Coli and Fecal Coliform Bacteria

The limits for *Escherichia Coli* are consistent with the requirements of 401 KAR 5:031, Section 7, 401 KAR 5:045 Section 4 and 401 KAR 5:080, Section 1(2)(c) 2. The removal of Fecal Coliform Bacteria is consistent with the requirements of 401 KAR 5:080k Section 1 (2) (c)2. Although Fecal Coliform Bacteria has been used as an indicator of fecal contamination, it does contain other species that are not necessarily fecal in origin. EPA recommends *Escherichia Coli*, which is specific to fecal material from warm-blooded animals, as the best indicator of health risk from contact with recreational waters. Therefore, it is the "Best Professional Judgment "BPJ" of the Division of Water that *Escherichia Coli* replace Fecal Coliform Bacteria on this permit.

Flow

The monitoring requirements for this parameter are consistent with the requirements of 401 KAR 5:065, Section 2(8).

CBOD₅, Ammonia Nitrogen, and Dissolved Oxygen

The limits for these parameters are consistent with the requirements of 401 KAR 5:031, Section 4, and 401 KAR 5:045, Sections 3 and 5. Section 4 of 5:031 establishes water quality criteria for the protection of Kentucky's waters. Section 5 of 5:045 requires biochemically degradable wastewaters to receive treatment in excess of secondary treatment if the Cabinet determines that the receiving water would not satisfy applicable water quality standards as a result of a facility discharge or discharges from multiple facilities

BOD₅ and Total Suspended Solids

The limits for these parameters are consistent with the requirements of 401 KAR 5:031, Section 4 and 5:045, Sections 2 and 3. Section 4 of 5:031 establishes water quality criteria for the protection of Kentucky's waters. Sections 2 and 3 of 5:045 require biochemically degradable wastewaters to receive secondary treatment.

pH

The limits for these parameters are consistent with the requirements of 401 KAR 5:031, Section 4 and 5:045, Section 4. Section 4 of 5:031 establishes water quality criteria for the protection of Kentucky's waters. Section 4 of 5:045 establishes the acceptable levels of these parameters for biochemically degradable wastewaters.

Total Residual Chlorine

The limits for these parameters are consistent with the requirements of 401 KAR 5:031, Section 4.

5. ANTI-DEGRADATION

The conditions of 401 KAR 5:029, Section 1 have been satisfied by this permit action. Since this permit action involves reissuance of an existing permit, and does not propose an expanded discharge, a review under 401 KAR 5:030 Section 1 is not applicable.

6. PROPOSED COMPLIANCE SCHEDULE FOR ATTAINING EFFLUENT LIMITATIONS

The permittee will comply with all effluent limitations by the effective date of the permit.

7. PROPOSED SPECIAL CONDITIONS WHICH WILL HAVE A SIGNIFICANT IMPACT ON THE DISCHARGE

Disposal of Non-Domestic Wastes

The pass through or non-treatment by the wastewater treatment plant of chemicals or compounds which may injure, be chronically or acutely toxic to or produce adverse physiological or behavioral responses in humans, animals, fish and other aquatic life is not desirable. Materials such as acids, caustics, herbicides, household chemicals or cleansers, insecticides, lawn chemicals, non-biodegradable products, paints, pesticides, pharmaceuticals, and petroleum based products may not be treatable by the wastewater treatment plant and should not be introduced and other environmentally sound methods for disposal should be utilized. The permittee should educate users of its system that introduction of such chemicals or compounds could result in an adverse environmental impact and provide the users with alternative disposal measures. This requirement is consistent with the requirements of 401 KAR 5:065, Section 1(5) and 401 KAR 5:080, Section 1(c)(2)c.

Certified Operators

Pursuant to 401 KAR 5:010, Section 2(1) wastewater systems shall be operated under the supervision of a certified operator who holds a Kentucky Certificate equivalent to the class of system being supervised. All other operators employed by the system shall hold a Kentucky Certificate or shall be in the process of obtaining a Kentucky Certificate.

Pursuant to 401 KAR 5:010, Section 8 wastewater systems shall be classified as follows:

- Class I: Systems with a design capacity of less than or equal to 50,000 gpd
- Class II: Systems with a design capacity of more than 50,000 gpd but less than or equal to 2.0 MGD
- Class III: Systems with a design capacity of more than 2.0 MGD but less than or equal to 7.5 MGD
- Class IV: Systems with a design capacity of more than 7.5 MGD

Section 2(2) of 401 KAR 5:010 require the certified operator to be reasonably available if not physically present while the system is operating.

Section 2(3) of 401 KAR 5:010 require the Kentucky Certificate shall be displayed on the wall of wastewater system office.

Outfall Signage

As a member of ORSANCO (Ohio River Valley Sanitation Commission) the Commonwealth of Kentucky through the Division of Water implements a requirement that the permittee post a permanent marker at each discharge point to the Ohio River. It is the Best Professional Judgment of the Division of Water, 401 KAR 5:080, Section 1(2)(c)2, that all permittees post a marker at all discharge locations and/or monitoring points. The ORSANCO requirements for the marker specify it to be at least 2 feet by 2 feet in size and a minimum of 3 feet above ground level with the Permittee Name and KPDES permit and outfall numbers in 2 inch letters. For internal monitoring points the marker shall be of sufficient size to include the outfall number in 2 inch letters and is to be posted as near as possible to the actual sampling location.

8. PERMIT DURATION

Five (5) years. This facility is in the Tennessee River Basin Management Unit as per the Kentucky Watershed Management Framework.

9. PERMIT INFORMATION

The application, draft permit, fact sheet, public notice, comments received, and additional information is available from the Division of Water at 200 Fair Oaks Lane, Frankfort, Kentucky 40601.

10. REFERENCES AND CITED DOCUMENTS

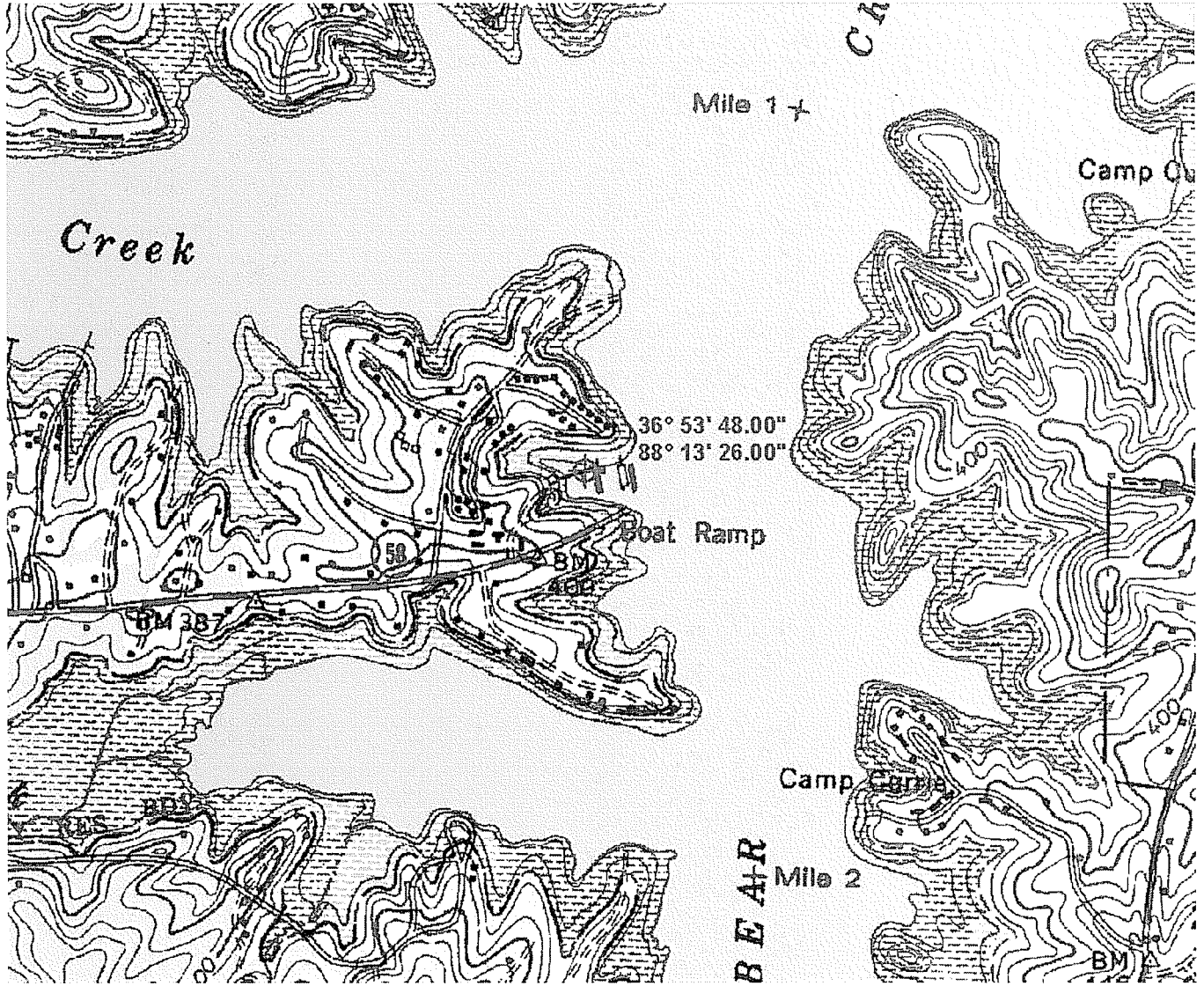
All material and documents referenced or cited in this fact sheet are a part of the permit information as described above and are readily available at the Division of Water Central Office. Information regarding these materials may be obtained from the person listed below.

11. CONTACT

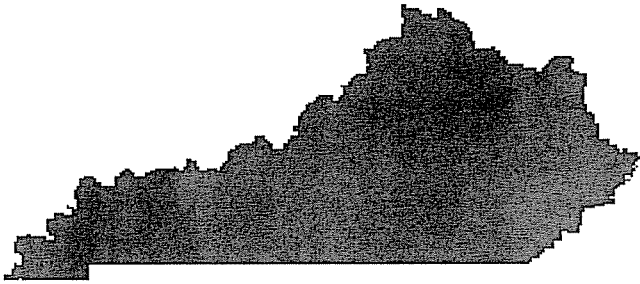
For further information on the draft permit or comment process, contact the individual identified on the Public Notice or the Permit Writer - William Shane at (502) 564-8158, extension 4893, or email William.Shane@ky.gov.

12. PUBLIC NOTICE INFORMATION

Please refer to the attached Public Notice for details regarding the procedures for a final decision, deadline for comments and other information required by 401 KAR 5:075, Section 4(2)(e).



KPDES



KENTUCKY POLLUTANT
DISCHARGE ELIMINATION
SYSTEM

PERMIT

PERMIT NO.: KY0025178
AI NO.: 2923

AUTHORIZATION TO DISCHARGE UNDER THE
KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM

Pursuant to Authority in KRS 224,

Big Bear Resorts Inc
3499 Big Bear Highway
Benton, Kentucky 42025

is authorized to discharge from a facility located at

Big Bear Wastewater Inc
3499 Big Bear Highway
Benton, Marshall County, Kentucky

to receiving waters named

Kentucky Lake at mile point (lake)

in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts I, II, III, and IV hereof. The permit consists of this cover sheet, and Part I 2 pages, Part II 6 pages, and Part III 1 page.

This permit shall become effective on May 1, 2009.

This permit and the authorization to discharge shall expire at midnight, April 30, 2014.

A handwritten signature in black ink, appearing to read "S. L. Gruzesky".

March 27, 2009
Date Signed

Sandra L. Gruzesky, Director
Division of Water

A1. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning on the effective date of this permit and lasting through the term of this permit, the permittee is authorized to discharge from Outfall serial number: 001 - Sanitary Wastewater (Design Flow = 0.035 MGD)

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
	(lbs/day)		Other Units (Specify)		Measurement Frequency	Sample Type
	Monthly Avg.	Daily Max.	Monthly Avg.	Daily Max.		
Flow (MGD)	Report	Report	N/A	N/A	1/Month	Instantaneous
CBOD ₅ (mg/l) May 1 - October 31	2.92	4.38	10	15	1/Month	24 Hr Composite
BOD ₅ (mg/l) November 1 - April 30	3.0	4.5	30	45	1/Month	24 Hr Composite
TSS (mg/l)						
May 1 - October 31	8.76	13.14	30	45	1/Month	24 Hr Composite
November 1 - April 30	3.0	4.5	30	45	1/Month	24 Hr Composite
Ammonia Nitrogen (as mg/l N)						
May 1 - October 31	1.17	1.75	4.0	6.0	1/Month	24 Hr Composite
November 1 - April 30	2	3	20	30	1/Month	24 Hr Composite
<i>Escherichia Coli</i> (N/100 ml)	N/A	N/A	130	240	1/Month	Grab
Dissolved Oxygen (mg/l) (minimum)						
May 1 - October 31	N/A	N/A	Not less than 7.0		1/Month	Grab
November 1 - April 30	N/A	N/A	Not less than 2.0		1/Month	Grab
pH (standard units)	N/A	N/A	6.0 (min)	9.0 (max)	1/Month	Grab
Total Residual Chlorine (mg/l)	N/A	N/A	0.011	0.019	1/Month	Grab

The abbreviation BOD₅ means Biochemical Oxygen Demand (5-day).
The abbreviation CBOD₅ means Carbonaceous Biochemical Oxygen Demand (5-day).
The abbreviation TSS means Total Suspended Solids.
The abbreviation N/A means Not Applicable.
The effluent limitations for BOD₅/CBOD₅ and TSS are Monthly (30 day) and Weekly (7 day) Averages.
The effluent limitations for *Escherichia Coli* are thirty (30) day and seven (7) day Geometric Means.
There shall be no discharge of floating solids or visible foam or sheen in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location:
nearest accessible point prior to discharge to or mixing with the receiving waters or waste streams from other outfalls.

PART I
Page I-2
Permit No.: KY0025178
AI No.: 2923

B. SCHEDULE OF COMPLIANCE

The permittee shall achieve compliance with all requirements on the effective date of this permit.

STANDARD CONDITIONS FOR KPDES PERMIT

This permit has been issued under the provisions of KRS Chapter 224 and regulations promulgated pursuant thereto. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits or licenses required by this Cabinet and other state, federal, and local agencies.

It is the responsibility of the permittee to demonstrate compliance with permit parameter limitations by utilization of sufficiently sensitive analytical methods.

The following KPDES permit conditions apply to all discharges authorized by this permit pursuant to 401 KAR 5:065, Section 1.

(1) Duty to comply.

(a) General requirement.

The permittee shall comply with all conditions of this permit. Any permit noncompliance shall constitute a violation of KRS Chapter 224, among which shall be the following remedies: enforcement action, permit revocation, revocation and reissuance, or modification; or denial of a permit renewal application.

(b) Specific duties.

1. The permittee shall comply with effluent standards or prohibitions established under 40 CFR Part 129 as of July 1, 2001, as adopted without change, within the time provided in the federal regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

2. Any person who violates a permit condition as set forth in the KPDES administrative regulations shall be subject to penalties under KRS 224.99-010(1) and (4).

(2) Duty to reapply.

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall apply for and obtain a new permit as required in 401 KAR 5:060, Section 1.

(3) Need to halt or reduce activity not a defense.

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(4) Duty to mitigate.

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

(5) Proper operation and maintenance.

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control and related appurtenances which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also shall include adequate laboratory controls, and appropriate quality assurance procedures. This provision shall require the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only if the operation is necessary to achieve compliance with the conditions of the permit.

(6) Permit actions.

The permit may be modified, revoked and reissued, or revoked for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or revocation, or a notification of planned changes or anticipated noncompliance, shall not stay any permit condition.

(7) Property rights.

This permit shall not convey any property rights of any kind, or any exclusive privilege.

(8) Duty to provide information.

The permittee shall furnish to the cabinet, within a reasonable time, any information which the cabinet may request to determine whether cause exists for modifying, revoking and reissuing, or revoking this permit, or to determine compliance with this permit. The permittee shall also furnish to the cabinet, upon request, copies of records required to be kept by this permit.

(9) Inspection and entry.

The permittee shall allow the cabinet, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

(a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records pertinent to the KPDES program are or may be kept;

(b) Have access to and copy, at reasonable times, any records that are required to be kept under the conditions of this permit;

(c) Inspect at reasonable times any facilities, equipment, including monitoring and control equipment, practices, or operations regulated or required under this permit; and

(d) Sample or monitor at reasonable times, for the purposes of assuring KPDES program compliance or as otherwise authorized by KRS Chapter 224, any substances or parameters at any location.

(10) Monitoring and records.

(a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

(b) The permittee shall retain records of all monitoring information, including 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 a period of at least three (3) years from the date of the sample, measurement, report, or application. This period may be extended by request of the cabinet at any time.

(c) Records of monitoring information shall include:

1. The date, exact place, and time of sampling or measurements;
2. The individuals who performed the sampling or measurements;
3. The dates analyses were performed;
4. The individuals who performed the analyses;
5. The analytical techniques or methods used; and
6. The results of the analyses.

(d) Monitoring shall be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in the permit.

(e) Any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under the permit shall, upon conviction, be subject to penalties under KRS 224.99-010(4).

(11) Signatory requirement.

All applications, reports, or information submitted to the cabinet shall be signed and certified as indicated in 401 KAR 5:060, Section 9. Any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be subject to penalties under KRS 224.99-010(4).

(12) Reporting requirements.

(a) Planned changes.

The permittee shall give notice to the cabinet as soon as possible of any planned physical alteration or additions to the permitted facility. Notice shall be required only if:

1. The alteration or addition to a permitted facility may meet one (1) of the criteria for determining whether a facility is a new source in 401 KAR 5:080, Section 5; or
2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification only applies to pollutants which are subject either to effluent limitations in the permit, or to notification requirements under 401 KAR 5:080, Section 5.

(b) Anticipated noncompliance.

The permittee shall give advance notice to the cabinet of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

(c) Transfers.

The permit shall not be transferable to any person except after notice to the cabinet. The cabinet may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate other requirements as may be necessary under KRS Chapter 224.

(d) Monitoring reports.

Monitoring results shall be reported at the intervals specified in the permit. Monitoring results shall be reported as follows:

1. Monitoring results shall be reported on a Discharge Monitoring Report (DMR).
2. 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, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
3. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the cabinet in the permit.

(e) Compliance schedules.

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date.

(f) Twenty-four (24) hour reporting.

The permittee shall follow the provisions of 401 KAR 5:015 and shall orally report any noncompliance which may endanger health or the environment, within twenty-four (24) hours from the time the permittee becomes aware of the circumstances. This report shall be in addition to and not in lieu of any other reporting requirement applicable to the noncompliance. A written submission shall also be provided within five (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 recurrence of the noncompliance. The cabinet may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours. The following shall be included as events which shall be reported within twenty-four (24) hours:

1. Any unanticipated bypass which exceeds any effluent limitation in the permit, as indicated in subsection (13) of this section.
2. Any upset which exceeds any effluent limitation in the permit.
3. Violation of a maximum daily discharge limitation for any of the pollutants listed by the cabinet in the permit to be reported within twenty-four (24) hours, as indicated in Section 2(7) of this administrative regulation.

(g) Other noncompliance.

The permittee shall report all instances of noncompliance not reported under paragraphs (d), (e), and (f) of this subsection, when monitoring reports are submitted. The reports shall contain the information listed in paragraph (f) of this subsection.

(h) Other information.

Where the permittee becomes aware that it failed to submit any relevant fact in a permit application, or submitted incorrect information in a permit application or in any report to the cabinet, it shall promptly submit these facts or information.

(13) Occurrence of a bypass.

(a) Bypass not exceeding limitations.

The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. This type of bypass shall not be subject to the provisions of paragraphs (b) and (c) of this subsection.

(b) Notice.

1. Anticipated bypass.

If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of the bypass. Compliance with this requirement constitutes compliance with 401 KAR 5:015, Section 1.

2. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in subsection (12)(f) of this section, twenty-four (24) hour notice. Compliance with this requirement constitutes compliance with 401 KAR 5:015, Section 4.

(c) Prohibition of a bypass.

1. Bypassing shall be prohibited, and the cabinet may take enforcement action against a permittee for bypass, unless:

a. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition shall not be satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

c. The permittee submitted notices as required under paragraph (b) of this subsection.

2. The cabinet may approve an anticipated bypass, after considering its adverse effects, if the cabinet determines that it will meet the three (3) conditions listed in subparagraph 1a, b, and c of this paragraph.

(14) Occurrence of an upset.

(a) Effect of an upset.

An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based permit effluent limitations if the requirements of paragraph (b) of this subsection are met.

(b) Conditions necessary for a demonstration of an upset.

A permittee who wishes to establish the affirmative defense of upset shall demonstrate through properly signed, contemporaneous operating logs, or other relevant evidence that:

1. An upset occurred and that the permittee can identify the causes of the upset;
2. The permitted facility was at the time being properly operated;
3. The permittee submitted notice of the upset as required in subsection (12)(f) of this section; and
4. The permittee complied with any remedial measures required under subsection (4) of this section.

(c) Burden of proof.

In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset shall have the burden of proof.

(15) Additional conditions applicable to specified categories of KPDES permits.

The following conditions, in addition to others set forth in this administrative regulation, shall apply to all KPDES permits within the categories specified below:

(a) Existing manufacturing, commercial, mining, and silvicultural dischargers.

In addition to the reporting requirements under subsections (12), (13), and (14) of this section, any existing manufacturing, commercial, mining, and silvicultural discharger shall notify the cabinet as soon as it knows or has reason to know:

1. That any activity has occurred or will occur which would result in the discharge on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels:"

a. 100 micrograms per liter (100 µg/l);

b. 200 micrograms per liter (200 µg/l) for acrolein and acrylonitrile; 500 micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one (1) milligram per liter (1 mg/l) for antimony;

c. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 401 KAR 5:060, Section 2(7);

d. The level established by the cabinet in accordance with Section 2(6) of this administrative regulation.

2. That any activity has occurred or will occur which would result in any discharge, on a nonroutine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels:"

a. 500 micrograms per liter (500 µg/l);

b. One (1) milligram per liter (1 mg/l) for antimony;

c. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 401 KAR 5:060, Section 2(7); or

d. The level established by the cabinet in accordance with Section 2(6) of this administrative regulation.

(b) POTWs.

1. POTWs shall provide adequate notice to the cabinet of the following:

a. Any new introduction of pollutants into that POTW from an indirect discharger which would be subject to the KPDES administrative regulations if it were directly discharging those pollutants; or

b. Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.

2. For purposes of this paragraph, adequate notice shall include information on the quality and quantity of effluent introduced into the POTWs and any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

PART III

OTHER REQUIREMENTS

A. Reporting of Monitoring Results

Monitoring results obtained during each monitoring period must be reported on a preprinted Discharge Monitoring Report (DMR) Form that will be mailed to you. The completed DMR for each monitoring period must be sent to the Division of Water at the address listed below (with a copy to the appropriate Regional Office) postmarked no later than the 28th day of the month following the monitoring period for which monitoring results were obtained.

Division of Water
Paducah Regional Office
130 Eagle Nest Drive
Paducah, Kentucky 42003
ATTN: Supervisor

Division of Water
Surface Water Permits Branch
Permit Support Section
200 Fair Oaks Lane
Frankfort, Kentucky 40601

B. Reopener Clause

This permit shall be modified, or alternatively revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under 401 KAR 5:050 through 5:086, if the effluent standard or limitation so issued or approved:

1. Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
2. Controls any pollutant not limited in the permit.

The permit as modified or reissued under this paragraph shall also contain any other requirements of KRS Chapter 224 when applicable.

C. Disposal of Non-Domestic Wastes

The pass through or non-treatment by the wastewater treatment plant of chemicals or compounds which may injure, be chronically or acutely toxic to or produce adverse physiological or behavioral responses in humans, animals, fish and other aquatic life is not desirable. Materials such as acids, caustics, herbicides, household chemicals or cleansers, insecticides, lawn chemicals, non-biodegradable products, paints, pesticides, pharmaceuticals, and petroleum based products may not be treatable by the wastewater treatment plant and should not be introduced and other environmentally sound methods for disposal should be utilized. The permittee should educate users of its system that introduction of such chemicals or compounds could result in an adverse environmental impact and provide the users with alternative disposal measures.

D. Certified Operators

This wastewater system shall be operated under the supervision of a Class I Kentucky Certified Operator who shall be reasonably available at all times. All other operators employed by the system shall hold a Kentucky Certificate or shall be in the process of obtaining a Kentucky Certificate. The certificates of each operator shall be prominently displayed on the wall of the system office.

E. Outfall Signage

The permittee shall post a permanent marker at all discharge locations and/or monitoring points. The marker shall be at least 2 feet by 2 feet in size and a minimum of 3 feet above ground level with the Permittee Name and KPDES permit and outfall numbers in 2 inch letters. For internal monitoring points the marker shall be of sufficient size to include the outfall number in 2 inch letters and shall be posted as near as possible to the actual sampling location.

Annual Dens Water Usage vs Big Bear Wastewater Total Gallons Received

The Dens Annual Water Usage vs Big Bear Wastewater Treatment Plant Gallons Received									
	2008	2007	2006	2005	2004	2003	2002	2001	2000
The Dens Condo Association Water Usage	513,500	357,100	684,100	281,700	328,300	342,100	277,700	262,800	312,800
Big Bear Wastewater Gallons Received	2,494,968	2,494,968	3,150,000	2,737,000	2,737,648	3,609,710	3,200,739	3,304,115	4,116,440
Dens Percentage Water Used/BBWTP	20.58%	14.31%	21.72%	10.29%	11.99%	9.48%	8.68%	7.95%	7.60%
Running Percentage 5-Year Periods	15.90%	13.53%	12.40%	9.57%	8.98%				