

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

NOV 16 2009

**PUBLIC SERVICE
COMMISSION**

In the Matter of:

AN INVESTIGATION INTO THE CONDITION AND)
MANAGEMENT OF BIG VALLEY SANITATION, INC.) CASE NO. 2009-00378
AND WOODLAND ACRES SANITATION, INC.)
SEWAGE TREATMENT FACILITIES)

STATEMENT OF THE ISSUES

Comes now the Energy and Environment Cabinet, and for its statement of the issues in the above-styled action, states the following:

1. Between June 2005 and August 2008, the Division of Water (hereinafter, "DOW") conducted thirteen (13) inspections of the wastewater treatment plants (hereinafter, "WWTPs") at both the Big Valley Mobile Home Park and the Woodland Acres Mobile Home Park.

2. These inspections resulted in the issuance of five (5) Notices of Violation (hereinafter, "NOV's") and one (1) Letter of Warning. The violations included, *inter alia*, improper operation and maintenance, failure to report spills or discharges, failure to submit discharge monitoring reports, and degradation of the waters of the Commonwealth. See attached Administrative Complaint filed with the Office of Administrative Hearings on September 16, 2009.

3. John Ford, the owner and operator of the above-referenced WWTPs, died on October 9, 2008. Since his death, DOW has inspected these facilities three times each. These inspections uncovered numerous violations such as water degradation, lack

of a certified operator, failure to submit discharge monitoring reports, improper operation and maintenance, and failure to report spills and overflows.

4. Both of the WWTP's at issue had been operated under the corporate names of Big Valley Sanitation, Inc. and Woodland Acres Sanitation, Inc., respectively. Woodland Acres Sanitation, Inc. was organized in 1984, while Big Valley Sanitation, Inc. was organized in 1999.

5. Neither of those corporate entities currently exist as they were both administratively dissolved on November 1, 2008.

6. Neither John Ford, before his death, nor any of his heirs, successors, or assigns, nor any of the remaining directors or incorporators of the two aforementioned corporations have maintained or operated the WWTPs in accordance with accepted good engineering practice or 807 KAR 5:071 Section 7(1).¹

7. Any interest in the WWTPs that the heirs, successors, and assigns of John Ford and the remaining corporate officers, incorporators, and directors of the corporations may have, have been abandoned by them.

8. The Cabinet submits the following issues as relevant to the Commission's consideration in this proceeding:

- a. The proper operation and maintenance of the WWTPs.
- b. Prevention of water degradation.
- c. The fact that the Cabinet has contacted John Baughman who is willing to act as a receiver for these facilities.
- d. The fact that Joe Murphy, a plumber from Bullitt County, is interested

¹ The Bullitt County Sanitation District has been operating the WWTPs in accordance with accepted good engineering practices, or 807 KAR 5:071 Section 7(1).

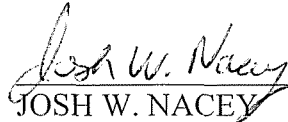
in owning the Woodland Acres WWTP.

e. The fact that the Bullitt County Sanitation District has been maintaining these facilities since Ford's death.

9. Regarding the procedural schedule, the Cabinet does not think that discovery is necessary. The Cabinet requests that a hearing in this matter be held as soon as possible.

Respectfully Submitted,

ENERGY AND ENVIRONMENT
CABINET



JOSH W. NACEY
Office of General Counsel
200 Fair Oaks Lane, 1st Fl
Frankfort, Kentucky 40601
Telephone No. (502) 564-3410
Facsimile No. (502) 564-9003

COUNSEL FOR CABINET

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of November, 2009, a true and accurate copy of the foregoing NOTICE OF ENTRY OF APPEARANCE was mailed, postage prepaid, or faxed, to the following:

Hon. Jerry Wuetcher
Executive Director's Office
Public Service Commission
P.O. Box 615
211 Sower Boulevard
Frankfort, KY 40602-0615

Hon. Robert J. Bohnert
Counsel for the Estate of John Ford
1500 Kentucky Home Life Building
Louisville, KY 40202

COMMONWEALTH OF KENTUCKY
ENERGY AND ENVIRONMENT CABINET
FILE NOs. DOW-33389
DOW-33390

FILED
SEP 16 2009
Office of Administrative Hearings

ENERGY AND ENVIRONMENT CABINET

PLAINTIFF

VS.

ADMINISTRATIVE COMPLAINT

ESTATE OF JOHN L. FORD,
d/b/a Big Valley Utilities, Inc.
d/b/a Woodland Acres Sanitation, Inc., and
CHARLES GRIBBONS, as Executor of the Estate, and
WANDA L. FORD, as heir to the Estate

DEFENDANTS

SERVE VIA CERTIFIED MAIL:

Charles Gibbons
Executor of the Estate of John L. Ford
7726 Heights Dr.
Louisville, KY 40291

Wanda Ford
303 Overdale Dr.
Louisville, KY 40229

* * * * *

1. The Plaintiff, Energy and Environment Cabinet (hereinafter "Cabinet"), is charged with the statutory duty of protecting public health and the environment pursuant to KRS Chapter 224 and the regulations promulgated pursuant thereto.

2. Mr. John L. Ford (hereinafter "Ford") was the owner and operator of the Big Valley Mobile Home Park (hereinafter "Big Valley") located in Bullitt County, Kentucky. The wastewater system for Big Valley is serviced by a package plant (hereinafter "the Big Valley facility").

3. The cabinet issued Kentucky Pollutant Discharge Elimination System (KPDES) Permit No. KY0072168 to Ford for the discharge of treated wastewater from the Big Valley

facility to Bluelick Creek on June 1, 2001. That permit expired on April 30, 2006. The KPDES permit was re-issued on September 1, 2007 and will expire on August 31, 2012.

4. Ford was also the owner and operator of the Woodland Acres Mobile Home Park (hereinafter "Woodland Acres"). The wastewater system for Woodland Acres is serviced by a package plant.

5. The cabinet issued Kentucky Pollutant Discharge Elimination System (KPDES) Permit No. KY0091600 to Ford for the discharge of treated wastewater from the Woodland Acres facility to an unnamed tributary at mile point 0.10 to Mud Run Creek at mile point 2.22.

6. Ford died in October 2008. His estate, administered by Mr. Charles Gribbons, owns the above mentioned mobile home parks. Accordingly, Ford's estate is the Defendant in this action. KRS 396.011.

BIG VALLEY MOBILE HOME PARK

7. On or about January 10, 2006, an authorized representative from the Cabinet's Division of Water (hereinafter, "DOW") conducted a records review concerning Big Valley's KPDES permit. The representative identified the following violation:

- a. 401 KAR 5:060 Section 1(5): Failure to reapply for a KPDES permit at least 180 days before the expiration of the existing permit.

8. On or about January, 10, 2006, a representative for DOW issued a Notice of Violation (hereinafter "NOV") to Ford for the violation described in paragraph 7 above. A copy of the NOV is attached hereto and incorporated herein as Plaintiff's Exhibit 1.

9. On or about July 7, 2006, an authorized representative from DOW conducted an inspection of the Big Valley facility and observed, among other things, the following conditions: raw sewage in the stream caused by pump station failure, a cracked chlorine contact tank, and the

absence of chlorine tablets in the tablet chlorinator. These conditions constituted the following violations:

- a. 401 KAR 5:015 Section 2: Failure to report a spill or discharge;
- b. 401 KAR 5:065 Section 1(5): Failure to properly operate and maintain facility in compliance with conditions of KPDES permit;
- c. 401 KAR 5:031 Section 2 (now recodified as 401 KAR 10:031): Degradation of the waters of the Commonwealth;
- d. 401 KAR 5:005 Section 11(1): Failure to properly operate and maintain the disinfection unit.

10. On or about September 19, 2006, an authorized representative from DOW conducted an inspection of the Big Valley facility and observed, among other things, the following conditions: blackened rocks in the stream below the outfall, inoperable aerators, and a leak in the chlorine contact tank's pipe.

11. On or about October 2, 2006, a representative for DOW issued a NOV to Ford for the violations described in paragraph 10, above. A copy of the NOV is attached hereto and incorporated herein as Plaintiff's Exhibit 2. The NOV cited the following violations:

- a. 401 KAR 5:005 Section 1: Operating a facility without a KPDES permit;
- b. 401 KAR 5:015 Section 2: Failure to report a spill or discharge;
- c. 401 KAR 5:065 Section 1(12)(d): Failure to submit Discharge Monitoring Reports (two (2) violations thereof);
- d. 401 KAR 5:065 Section 1(12)(f): Failure to report pump station failure that resulted in sewage bypass;
- e. 401 KAR 5:065 Section 1(5): Failure to properly operate and maintain

facility in compliance with conditions of KPDES permit;

- f. 401 KAR 5:005 Section 11(1): Failure to properly operate and maintain the disinfection unit.
- g. 401 KAR 5:065 Section 1(1)(a): Failure to comply with KPDES permit conditions (four (4) violations thereof);
- h. 401 KAR 5:031 Section 2 (now recodified as 401 KAR 10:031):
Degradation of the waters of the Commonwealth;

12. On or about May 10, 2007, due to a complaint that the aerators at the Big Valley facility were not operating, an authorized representative from DOW conducted another inspection of the facility. While at the facility, the inspector, among other things, reviewed Big Valley's discharge monitoring reports (hereinafter "DMR's"). The inspector observed that the Big Valley facility had exceeded its KPDES permit limits with regard to fecal coliform, ammonia, biological oxygen demand, and dissolved oxygen. This failure to comply with the KPDES permit limits constituted a violation of 401 KAR 5:065 Section 1(1)(a).

13. On or about August 9, 2007, an authorized representative from DOW conducted another inspection of the Big Valley facility. The inspector observed that, although the stream was not showing any signs of degradation, the facility continued to exceed its KPDES permit limits for biological oxygen demand. This failure to comply with the KPDES permit limits constituted a violation of 401 KAR 5:065 Section 1(1)(a).

14. On or about May 16, 2008, as a result of a citizen's complaint, an authorized representative from DOW conducted an investigation of an overflowing manhole located in Big Valley. The inspector observed that the manhole was overflowing onto the street and adjacent roadside ditches. Further inspection revealed that the manhole was unlined at the bottom and

that rock and silt had clogged the sewer line. Big Valley did not report this overflow. The failure to report such a bypass is a violation of 401 KAR 5:065 Section 1(12)(f).

15. On or about May 23, 2008, a representative for DOW issued a Letter of Warning (hereinafter "LOW") to Ford for the violation described in paragraph 14 above. A copy of the LOW is attached hereto and incorporated herein as Plaintiff's Exhibit 3.

16. On or about August 13, 2008, an authorized representative from DOW conducted an inspection of the Big Valley facility. The inspector observed, among other things, a sewage overflow caused by a pump failure, darkened streamwater for approximately thirty (30) feet below the overflow's entry, and that the Big Valley facility had exceeded its KPDES permit limits for nitrogen, total suspended solids, and biological oxygen demand.

17. On or about October 30, 2008, DOW issued a NOV to Ford for the violations described in paragraph 16 above. A copy of the NOV is attached hereto and incorporated herein as Plaintiff's Exhibit 4. The NOV cited the following violations:

- a. 401 KAR 5:015 Section 2: Failure to report a spill or discharge;
- b. 401 KAR 5:065 Section 1(12)(f): Failure to report a sewage bypass;
- c. 401 KAR 5:065 Section 1(1)(a): Failure to operate facility in compliance with conditions of KPDES permit;
- d. 401 KAR 5:031 Section 2 (now recodified as 401 KAR 10:031):
Degradation of the waters of the Commonwealth.

18. On or about February 25, 2009, an authorized representative of DOW conducted another inspection of the Big Valley facility and observed that two separate overflows were underway. One overflow was seeping out of the ground about 70 feet from the pump station and into the stream. The other overflow was running into an empty lot upstream from the pump

station. The inspector also observed, among other things, that the Big Valley facility had no certified operator to maintain the plant and that no DMR's had been submitted since September 2008. These conditions constituted the following violations:

- a. 401 KAR 5:015 Section 2: Failure to report a spill or discharge;
- b. 401 KAR 5:010 Section 2(1): No certified operator at facility;
- c. 401 KAR 5:065 Section 1(12)(d): Failure to submit Discharge Monitoring Reports (two (2) violations thereof);
- d. 401 KAR 5:065 Section 1(12)(f): Failure to report a sewage overflow;
- e. 401 KAR 5:065 Section 1(5): Failure to properly operate and maintain facility in compliance with conditions of KPDES permit;
- f. 401 KAR 5:005 Section 10(7): Failure to maintain adequate fencing;
- g. 401 KAR 5:065 Section 1(1)(a): Failure to operate facility within conditions of KPDES permit (two violations thereof).

19. On or about May 26, 2009, an authorized representative from DOW conducted another inspection of the Big Valley facility and observed that raw sewage was overflowing into the stream in at least two locations. This was due to the fact that the pump station was full of raw septic sewage. The inspector also observed that only one aerator was working and that the facility still did not have a certified operator. These conditions constituted the following violations:

- a. 401 KAR 5:015 Section 2: Failure to report a spill or discharge;
- b. 401 KAR 5:010 Section 2(1): No certified operator at facility;
- c. 401 KAR 5:065 Section 1(5): Failure to properly operate and maintain facility in compliance with conditions of KPDES permit;

- d. 401 KAR 10:031 Section 2: Degradation of the waters of the Commonwealth.

20. On or about August 17, 2009, an authorized representative from DOW conducted another inspection of the Big Valley facility and observed, among other things, that the plant still had no certified operator, that the pump station was inoperable, that samples had not been taken, and that portions of the fence around the lagoon had been knocked down. These conditions constituted the following violations:

- a. 401 KAR 5:010 Section 2(1): No certified operator at facility;
- b. 401 KAR 5:065 Section 1(5): Failure to properly operate and maintain facility in compliance with conditions of KPDES permit;
- c. 401 KAR 5:065 Section 1(1)(a): Failure to collect samples according to KPDES permit requirements.
- d. 401 KAR 5:005 Section 10(7): Failure to maintain adequate fencing;
- e. 401 KAR 5:065 Section 1(12)(d): Failure to submit Discharge Monitoring Reports.

WOODLAND ACRES MOBILE HOME PARK

21. On or about June 7, 2005, an authorized representative from DOW conducted an inspection of Woodland Acres and observed, among other things, a large quantity of sludge in the stream, a scum layer on the clarifier, debris behind the weir, and an empty tablet chlorinator. Additionally, a review of the DMR's indicated excessive levels of nitrogen, fecal colliform, and biological oxygen demand. These conditions constituted the following violations::

- a. 401 KAR 5:015 Section 2: Failure to report a spill or discharge;
- b. 401 KAR 5:065 Section 1(5): Failure to properly operate and maintain

facility in compliance with conditions of KPDES permit;

- c. 401 KAR 5:005 Section 11(1): Failure to properly operate and maintain the disinfection unit;
- d. 401 KAR 5:065 Section 1(1)(a): Failure to operate facility within limits of KPDES permit;
- e. 401 KAR 5:031 Section 2 (now recodified as 401 KAR 10:031): Degradation of the waters of the Commonwealth;

22. On or about July 15, 2005, a representative for DOW issued a NOV to Ford for the violations described in paragraph 21, above. A copy of the NOV is attached hereto and incorporated herein as Plaintiff's Exhibit 5.

23. On or about August 19, 2008, an authorized representative from DOW conducted an inspection of the Woodland Acres facility and observed that the stream was black and full of sludge. Additionally, the aeration basin was dark and the settling basin was covered with thick, dark scum. The facility was discovered to be lacking a certified operator and the DMR's showed excessive levels of dissolved oxygen, total suspended solids, and biological oxygen demand. These conditions constituted the following violations:

- a. 401 KAR 5:015 Section 2: Failure to report a spill or discharge;
- b. 401 KAR 5:065 Section 1(12)(d): Failure to submit Discharge Monitoring Reports (two (2) violations thereof);
- c. 401 KAR 5:065 Section 1(12)(f): Failure to report a sewage overflow;
- d. 401 KAR 5:065 Section 1(5): Failure to properly operate and maintain facility in compliance with conditions of KPDES permit;
- e. 401 KAR 5:065 Section 1(1)(a): Failure to operate facility within

conditions of KPDES permit;

f. 401 KAR 5:031 Section 2 (now recodified as 401 KAR 10:031):

Degradation of the waters of the Commonwealth;

24. On or about October 30, 2008, an NOV was issued to Ford for the violations described in paragraph 23, above. A copy of the NOV is attached hereto and incorporated herein as Plaintiff's Exhibit 6.

25. On or about February 25, 2009, an authorized representative from DOW conducted another inspection of the Woodland Acres facility and observed that the sludge return line was not picking up sludge in the clarifier and that the aeration basin had approximately three (3) feet of septic sludge on the bottom. The inspector also noted that the facility had no certified operator nor had any DMR's been submitted since August 2008. Additionally, the inspector noticed that the facility had not collected the required samples. These conditions constituted the following violations:

- a. 401 KAR 5:010 Section 2(1): No certified operator at facility;
- b. 401 KAR 5:065 Section 1(12)(d): Failure to submit Discharge Monitoring Reports (two (2) violations thereof);
- c. 401 KAR 5:065 Section 1(5): Failure to properly operate and maintain facility in compliance with conditions of KPDES permit;
- d. 401 KAR 5:065 Section 1(1)(a): Failure to collect samples as required by KPDES permit (three (3) violations thereof).

26. On or about May 22, 2009, an authorized representative from DOW conducted an inspection of the Woodland Acres facility and observed that the stream was completely black because all of the waste at the Woodland Acres facility was bypassing any treatment. The sewer

plant did not have any disinfection. A strong odor was present and the fecal samples were, according to the inspector, "too numerous to count." The facility continued to be operated without a certified operator. Furthermore, there remained a lack of DMR submittals and sample collections. These conditions constituted the following violations:

- a. 401 KAR 5:015 Section 2: Failure to report a spill or discharge;
- b. 401 KAR 5:010 Section 1: No certified operator at facility;
- c. 401 KAR 5:065 Section 1(12)(d): Failure to submit Discharge Monitoring Reports;
- d. 401 KAR 5:065 Section 1(5): Failure to properly operate and maintain facility in compliance with conditions of KPDES permit;
- e. 401 KAR 5:005 Section 11(1): Failure to properly operate and maintain the disinfection unit;
- f. 401 KAR 10:031 Section 2: Degradation of the waters of the Commonwealth;
- g. 401 KAR 5:065 Section 1(1)(a): Failure to collect samples as required by KPDES permit;
- h. KRS 224.70-110: Pollution of the waters of the Commonwealth;

27. On or about June 10, 2009, a follow-up inspection was conducted at the Woodland Acres facility and the inspector observed that the conditions described in paragraph 27, above were unchanged.

28. On or about June 12, 2009, DOW issued a NOV for the violations described in paragraph 27, above. Due to Ford's death, the NOV was sent to Mr. Sam Hardy who, according to the Secretary of State's office, was an incorporator of Woodland Acres Sanitation, Inc. A

copy of the NOV is attached hereto and incorporated herein as Plaintiff's Exhibit 7.

WHEREFORE, the Cabinet demands the following relief:

1. That the Defendant be ordered to pay a civil penalty of twenty-five thousand dollars (\$25,000) per day per violation for the violations indentified in paragraphs 7, 9, 10, 11 12, 13, 14, 17 to 21, 23, 25, 26 and 27 above pursuant to KRS 224.99-010(1); and,

2. That the Defendant be ordered to comply with the following remedial measures:

- a. Big Valley and Woodland Acres shall not degrade the waters of the Commonwealth;
- b. Big Valley and Woodland Acres shall submit all DMR's to the DOW Louisville Regional Office, postmarked on or before the 28th day of the month following the monitoring period;
- c. Big Valley and Woodland Acres shall provide proper operation and maintenance of all components of the wastewater treatment plant;
- d. Big Valley and Woodland Acres shall each submit a Groundwater Protection Plan to the Division of Water Groundwater Protection Plan Program for review and approval by date certain;
- e. Big Valley and Woodland Acres shall immediately report all bypasses and system upsets, and those conditions which may result in permit noncompliance, to the Louisville Regional Office, Division of Water (DOW), or if after normal business hours, to the 24-hour environmental emergency line at (502) 564-2380 or 1-800-928-2380;
- f. Big Valley and Woodland Acres shall submit a written report to the Cabinet following all bypasses and/or spills within five days of any such

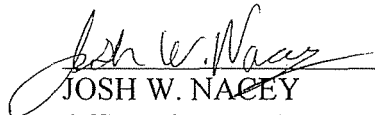
event;

- g. Big Valley and Woodland Acres shall monitor the receiving stream at and below the outfall;
- h. Big Valley and Woodland Acres shall, in the event of a loss of solids, and in conjunction with the required 24-hour reporting, immediately conduct a cleanup of the affected area;
- i. Big Valley and Woodland Acres shall submit to the Division of Enforcement a summary of how the operator will provide proper oversight at each facility;
- j. Big Valley and Woodland Acres shall submit to the Louisville Regional Office, and the Division of Enforcement, a written summary of the actions taken and planned to ensure compliance with all KPDES permit conditions and applicable Kentucky Administrative Regulations;
- k. Big Valley and Woodland Acres shall become and remain in compliance with all KPDES Permit No.KY0091600 limits and conditions.

3. That the Cabinet be awarded all other relief to which it is entitled.

Respectfully submitted,

ENERGY AND
ENVIRONMENT CABINET


JOSH W. NACEY

Office of General Counsel
200 Fair Oaks Lane, 1st Fl
Frankfort, Kentucky 40601
Telephone No. (502) 564-3410
Facsimile No. (502) 564-9003

COUNSEL FOR PLAINTIFF



ERNIE FLETCHER
GOVERNOR

ENVIRONMENTAL AND PUBLIC PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF ENFORCEMENT
14 REILLY ROAD
FRANKFORT, KENTUCKY 40601-1190
www.kentucky.gov

LAJUANA S. WILCHER
SECRETARY

January 17, 2006

Certified No. 7004 2890 0001 2528 2330
Return Receipt Requested

Big Valley MHP
Attn: John Ford
303 Overdale Dr
Louisville, KY 40229

Re: Notice of Violation
AI ID: 4287
AI Name: Big Valley MHP
Activity ID: ENV20060001
Facility No. KPDES KY0072168
Bullitt County, KY

Dear Sir:

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.

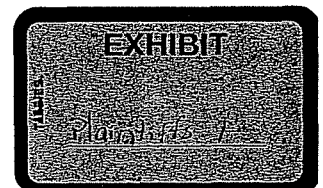
Failure to comply with all remedial measures could result in enforcement action and the assessment of penalties. Your cooperation and attention to this matter is appreciated. If you have any questions, please contact Ms. Maxine Goebel of my staff at (502) 564-2150 at extension 580.

Sincerely,

Mark J. Cleland, M.P.A., R.E.H.S.
Environmental Enforcement Specialist III
Division of Enforcement

C: Div of Enforcement Files
Vickie Prather - KPDES

Enclosure



COMMONWEALTH OF KENTUCKY
ENVIRONMENTAL & PUBLIC PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
Division of Enforcement

NOTICE OF VIOLATION

To:
Big Valley MHP
Attn: John Ford
303 Overdale Dr
Louisville, KY 40229

AI Name: Big Valley MHP AI ID: 4287 Activity ID: ENV20060001
County: Bullitt
Enforcement Case ID:
Facility Number: KPDES KY0072168
Date(s) Violation(s) Observed: 01/10/2006

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

1 Violation Description for Subject Item GINS0000000001(KPDES Individual):

Duty to reapply: Any permittee with a currently effective permit shall submit permit application for renewal: Due 180 calendar days before permit expiration date of the existing permit, unless permission for a later date has been granted by the cabinet. The cabinet shall not grant permission for applications to be submitted later than the expiration date of the existing permit. [401 KAR 5:060 Section 1(5)]

Description of Non Compliance:

Failure to reapply for a Kentucky Pollutant Discharge Elimination System (KPDES) permit for wastewater discharge at least 180 days before the expiration of the existing permit.

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

Big Valley MHP shall submit an administratively complete application: Due 2/13/2006. Complete the enclosed Kentucky Pollutant Discharge Elimination System (KPDES) permit application forms. The KPDES permit forms have been enclosed. Submit a "No Discharge Certification" if the system has been inactivated. [401 KAR 5:060]

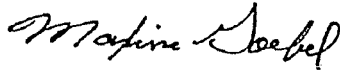
ALL DOCUMENTATION MUST BE SUBMITTED TO ANN WORKMAN

Department for Environmental Protection
Division of Water
KPDES Branch
14 Reilly Road
Frankfort, KY 40601

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
14 Reilly Road
Frankfort, KY 40601
502-564-2150 ext 580 (7:30 AM - 4:00 PM)
Maxine Goebel, Environmental Enforcement Specialist II



Issued By:

Maxine Goebel, Environmental Enforcement Specialist II
Date: January 17, 2006



Issued By:

Mark J. Cleland, M.P.A., R.E.H.S., Environmental Enforcement Specialist III
Date: January 17, 2006

How Delivered: Certified/Registered # 7004 2890 0001 2528 2330



ERNIE FLETCHER
GOVERNOR

ENVIRONMENTAL AND PUBLIC PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

TERESA J. HILL
SECRETARY

Division of Water
9116 Leesgate Rd
Louisville, KY 40222-5084
www.kentucky.gov

October 2, 2006

Certified No. 7003 3110 0002 2219 3003
Return Receipt Requested

Mr. John Ford
303 Overdale Dr
Louisville, KY 40229

Re: Notice of Violation
AI ID: 4287
AI Name: Big Valley MHP
Activity ID: ENV20060002
Permit No. KY0072168
Bullitt County, KY

Dear Mr. John Ford:

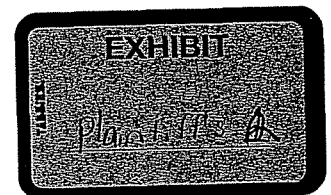
The Kentucky Department for Environmental Protection (DEP) has issued the enclosed Notice of Violation (NOV) for violations discovered at your facility. Please review this Compliance Evaluation Inspection and Notice of Violation carefully to ensure that all remedial measures are completed by the specified deadlines. In addition, with regard to all violations listed on the NOV, attend a Regional Office Conference at the Division of Water, Louisville Regional Office on Oct. 17 at 10:00 AM.

Failure to comply with all remedial measures could result in enforcement action and the assessment of penalties. Your cooperation and attention to this matter is appreciated. If you have any questions, please contact me at 502-429-7122.

Sincerely,

Mr. Brad Trivette,
Environmental Inspector III
Division of Water

Enclosure



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

NOTICE OF VIOLATION

To: Mr. John Ford
303 Overdale Dr
<NO DATA FOUND>
Louisville, KY 40229

AI Name: Big Valley MHP AI ID: 4287 Activity ID: ENV20060002

County: Bullitt

Enforcement Case ID:

Date(s) Violation(s) Observed: 09/19/2006

Permit # KY0072168

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

1 Violation Description for Subject Item GINS0000000001(KPDES Individual):

No person shall construct, modify, or operate a facility without having received a permit from the cabinet. A construction or modification permit is not required for maintenance replacement for components of an existing facility or for changes which do not affect the treatment processes of the facility, but is required for replacement of an entire wastewater treatment plant. The operational permit provisions of Section 27 of this administrative regulation shall be satisfied by those facilities which have a valid KPDES permit issued pursuant to 401 KAR 5:050 to 5:080. [401 KAR 5:005 Section 1]

Description of Non Compliance:

The permit expired in April 2006.

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

Have the facility properly permitted with a current KPDES permit. [401 KAR 5:005 Section 1]

2 Violation Description for Subject Item GINS0000000001(KPDES Individual):

Whenever, by reason of emergency or accident, a spill or discharge occurs which results in pollution of the waters of the Commonwealth, the Division of Water shall be notified by the most rapid means available. [401 KAR 5:015 Section 2]

Description of Non Compliance:

The facility had a pump station failure on 7/7/06 that caused raw sewage to over flow into the stream. The incident was first discovered by DOW personnel. No notification was made by John Ford.

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

Immediately report all bypasses and system failures to the Division of Water. [401 KAR 5:015 Section 2]

3 Violation Description for Subject Item GINS0000000001(KPDES Individual):

Reporting Requirements - Monitoring Reports: Monitoring results shall be reported at the intervals specified in the permit. [401 KAR 5:065 Section 1(12)(d)]

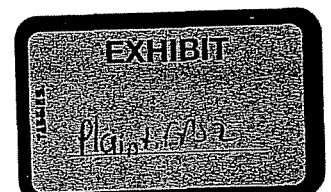
Description of Non Compliance:

Discharge monitoring reports are not being submitted as of Aug. 2005.

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

Report the required sample data the Division of Water on the Discharge Monitoring Reports in the time intervals required by the KPDES permit. [401 KAR 5:065 Section 1(12)(d)]

4 Violation Description for Subject Item GINS0000000001(KPDES Individual):



Reporting Requirements - Monitoring Reports: Monitoring results shall be reported on a Discharge Monitoring Report (DMR). [401 KAR 5:065 Section 1(12)(d)1]

Description of Non Compliance:

Discharge monitoring reports are not being submitted as of Aug. 2005

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

Report the required sample data the Division of Water on the Discharge Monitoring Reports in the time intervals required by the KPDES permit. [401 KAR 5:065 Section 1(12)(d)]

5 Violation Description for Subject Item GINS000000001(KPDES Individual):

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 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. [401 KAR 5:065 Section 1(12)(f)]

Description of Non Compliance:

The facility had a pump station failure on 7/7/06 that caused raw sewage to over flow into the stream. The incident was first discovered by DOW personnel. No notification was made by John Ford.

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

Orally report any noncompliance that may endanger health or the environment within 24 hrs. [401 KAR 5:065 Section 1(12)(f)]

6 Violation Description for Subject Item GINS000000001(KPDES Individual):

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

Description of Non Compliance:

The aerators on the lagoon have been off for an undetermined amount of time. The chlorinator has a leak in the pipe that is allowing some of the waste to leak out before chlorination. No samples have been taken of the effluent for several years. All of the submitted DMR's since 2003 are marked No discharge. The operator has no ideal if the plant is meeting its permit limits. The samples taken on 9/19/06 by Beckmar Labs showed the facility to be out of compliance with permit limits. The following parameters exceeded permit limits: Fecal coliform, BOD, Ammonia, and Dissolved Oxygen.

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

Develop and implement proper operations and maintenance procedures to meet with all applicable regulations, permit limits and conditions. [401 KAR 5:065 Section 1(5)]

7 Violation Description for Subject Item GINS000000001(KPDES Individual):

All wastewater treatment plants shall have a disinfection process which meets the following requirements: An ultraviolet disinfection system designed to treat the anticipated peak hourly flow; a chlorination system with a flow or demand proportional feed system. The chlorine contact tank shall have a minimum detention time of thirty (30) minutes based on the average flow, or fifteen (15) minutes based on the peak hourly flow, whichever requires the larger tank size. Wastewater treatment plants shall also have a dechlorination system with a flow or demand proportional feed system if necessary to meet the effluent limits; or a chlorination system with a manually controlled feed system and a flow equalization basin designed to eliminate the diurnal flow variations. [401 KAR 5:005 Section 11(1)]

Description of Non Compliance:

The pipe leading to the chlorinator has a leak. Some of the effluent is leaking out prior to chlorination. The

fecal sample taken on 9/19/06 was >1,200 col/100ml.

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

Install and properly operate a chlorinator that meets applicable regulatory requirements. [401 KAR 5:005 Section 11(1)]

8 Violation Description for Subject Item GINS000000001(KPDES Individual):

Standard Permit Conditions: The permittee is also advised that all KPDES permit conditions in KPDES Regulation 401 KAR 5:065, Section 1 will apply to all discharges authorized by this 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. [401 KAR 5:065 Section 1(1)(a)]

Description of Non Compliance:

The samples taken on 9/19/06 by Beckmar Labs showed the facility to be out of compliance with permit limits. The following parameters exceeded permit limits: fecal coliform, BOD, Ammonia, and Dissolved Oxygen.

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

Operate the facility so that it meets all of the permit limits and conditions. [401 KAR 5:065 Section 1(1)(a)]

9 Violation Description for Subject Item GINS000000001(KPDES Individual):

There shall be no discharge that causes the surface waters of the Commonwealth to be aesthetically or otherwise degraded by substances that: (a) settle to form objectionable deposits; (b) float as debris, scum, oil, or other matter to form a nuisance; (c) produce objectionable color, odor, taste, turbidity; (d) injure, are chronically or acutely toxic to or produce adverse physiological or behavioral responses in humans, animals, fish and other aquatic life. [401 KAR 5:031 Section 2]

Description of Non Compliance:

The stream below the outfall appears to be distressed. There was a grayish sewer fungus growing on rocks. The stream bottom was blackened for several feet below the outfall. There was also some blackened bio solids on the stream bed at the outfall. John Ford had cleaned the contact tank out for the first time in years the day before. This may have been some of the material that was inadvertently washed out during the cleaning. I did not see any accumulated sewer sludge in the stream. The effluent that is coming from the lagoon is fairly clear and appears to be free of solids on this day. The samples taken on 9/19/06 by Beckmar Labs showed the facility to be out of compliance with permit limits. The following parameters exceeded permit limits: Fecal Coliform, BOD, Ammonia, and Dissolved Oxygen.

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

Immediately stop causing degradation to the Waters of the Commonwealth of Kentucky. [401 KAR 5:031 Section 2]

1 Violation Description for Subject Item GINS000000001(KPDES Individual):

0

Standard Permit Conditions: The permittee is also advised that all KPDES permit conditions in KPDES Regulation 401 KAR 5:065, Section 1 will apply to all discharges authorized by this 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. [401 KAR 5:065 Section 1(1)(a)]

Description of Non Compliance:

No samples being taken.

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

Follow all applicable regulations and permit requirements for effluent sampling and analysis. [401 KAR 5:065 Section 1(1)(a)]

1 Violation Description for Subject Item GINS000000001(KPDES Individual):

1

Standard Permit Conditions: The permittee is also advised that all KPDES permit conditions in KPDES Regulation 401 KAR 5:065, Section 1 will apply to all discharges authorized by this 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. [401 KAR 5:065 Section 1(1)(a)]

Description of Non Compliance:

No samples being taken.

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

Follow all applicable regulations and permit requirements for effluent sampling and analysis. [401 KAR 5:065 Section 1(1)(a)]

1 Violation Description for Subject Item GINS000000001(KPDES Individual):

2

Samples taken in compliance with the monitoring requirements shall be taken at the following location(s): nearest accessible point after final treatment, but prior to actual discharge or mixing with receiving waters. [401 KAR 5:065 Section 1(1)(a)]

Description of Non Compliance:

No samples being taken.

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

Follow all applicable regulations and permit requirements for effluent sampling and analysis. [401 KAR 5:065 Section 1(1)(a)]

With regard to all violations listed above, attend a Regional Office Conference at the Division of Water, Louisville Regional Office on Oct. 17 at 10:00 AM.

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

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

Division of Water
Louisville Regional Office
9116 Leesgate Rd
Louisville, KY 40222-5084
502-429-7122

Mr. Brad Trivette, Environmental Inspector III

Brad Trivette

Issued By:

Mr. Brad Trivette, Environmental Inspector III
Date: October 2, 2006

Michael A. Mudd

Issued By:

Mr. Mike Mudd, Environmental Control Supervisor
Date: October 2, 2006

How Delivered: Certified mail Tracking # 7003 3110 0002 2219 3033



STEVEN L. BESHEAR
GOVERNOR

ROBERT D. VANCE
SECRETARY

ENVIRONMENTAL AND PUBLIC PROTECTION CABINET

DEPARTMENT FOR ENVIRONMENTAL PROTECTION

Division of Water
9116 Leesgate Rd
Louisville, KY 40222-5084
www.kentucky.gov

May 23, 2008

Certified No. 70000600002625032940
Return Receipt Requested

Mr. John Ford
303 Overdale Dr
Louisville, KY 40229

Re: Letter of Warning
AI ID: 4287
AI Name: Big Valley MHP
Activity ID: ELW20080001
Permit No. KY0072168
Bullitt County, KY

Dear Mr. John Ford:

The Kentucky Department for Environmental Protection (DEP) has issued the enclosed Letter of Warning for violations discovered at your facility. Please review this Letter of Warning 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 502 425-4543.

Sincerely,

Mr. Clark Dorman,
Environmental Inspector III
Division of Water

Enclosure



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

LETTER OF WARNING

To: Mr. John Ford
303 Overdale Dr
Louisville, KY 40229

AI Name: Big Valley MHP AI ID: 4287 Activity ID: ELW20080001
County: Bullitt
Enforcement Case ID:
Date(s) Violation(s) Observed: 05/22/2008

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

- 1 Violation Description for Subject Item GINS0000000001(KPDES Individual):**
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 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. [401 KAR 5:065 Section 1(12)(f)]

Description of Non Compliance:

The overflow was not reported by the WWTP operator and was discovered via a citizen complaint.

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


The permittee shall follow the provisions of 401 KAR 5:015 and shall report all future overflows/bypasses/spills to the Division within 24 hours of becoming aware of the overflow/bypass/spill. [401 KAR 5:065 Section 1 (12) (f)]

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

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

Division of Water
Louisville Regional Office
9116 Leesgate Rd
Louisville, KY 40222-5084
502 425-4543 (8:00 AM - 4:30 PM)
Mr. Clark Dorman, Environmental Inspector III

Issued By:



Mr. Clark Dorman, Environmental Inspector III
Date: May 23, 2008

Issued By: Charles A. Roth
Mr. Charles Roth, Environmental Control Supervisor
Date: May 23, 2008

How Delivered: Certified Mail Certified/Registered # 70000600002625032940



STEVEN L. BESHEAR
GOVERNOR

LEONARD K. PETERS
SECRETARY

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

Division of Water
9116 Leesgate Rd
Louisville, KY 40222-5084
www.kentucky.gov

October 30, 2008

Certified No. 7099 3400 0004 4959 0728
Return Receipt Requested

Mr. John Ford
303 Overdale Dr
Louisville, KY 40229

Re: Notice of Violation
AI ID: 4287
AI Name: Big Valley MHP
Activity ID: ENV20080001
Permit No. KY0072168
Bullitt County, KY

Dear Mr. John Ford:

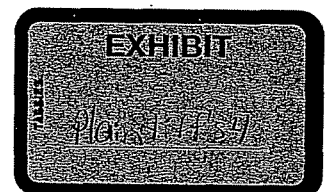
The Kentucky Department for Environmental Protection (DEP) has issued the enclosed Notice of Violation for violations discovered at your facility. Please review this Notice of Violation carefully to ensure that all remedial measures are completed by the specified deadlines. Attend a Regional Office Conference at the Louisville Regional Office Division of Water. The conference will be held on Nov. 25 2008 at 10:00 AM.

Your cooperation and attention to this matter is appreciated. If you have any questions, please contact me at 502-429-7122.

Sincerely,

Mr. Brad Trivette,
Environmental Inspector III
Division of Water

Enclosure



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

NOTICE OF VIOLATION

To: Mr. John Ford
303 Overdale Dr
Louisville, KY 40229

AI Name: Big Valley MHP AI ID: 4287 Activity ID: ENV20080001
County: Bullitt
Enforcement Case ID:
Date(s) Violation(s) Observed: 08/13/2008

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

1 Violation Description for Subject Item GINS0000000001(KPDES Individual):

Whenever, by reason of emergency or accident, a spill or discharge occurs which results in pollution of the waters of the Commonwealth, the Division of Water shall be notified by the most rapid means available. [401 KAR 5:015 Section 2]

Description of Non Compliance:

There was a pump failure in the lift station and it was causing an overflow to occur from the old line that stops about 30 feet from the stream.

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

Immediately report all spills or bypasses to the Division of Water. Attend a Regional Office Conference at the Louisville Regional Office Division of Water. The conference will be held on Nov. 25 2008 at 10:00 AM. [401 KAR 5:015 Section 2]

2 Violation Description for Subject Item GINS0000000001(KPDES Individual):

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 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. [401 KAR 5:065 Section 1(12)(f)]

Description of Non Compliance:

There was a pump failure in the lift station and it was causing an overflow to occur from the old line that stops about 30 feet from the stream.

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

Immediately report all spills or bypasses to the Division of Water. Attend a Regional Office Conference at the Louisville Regional Office Division of Water. The conference will be held on Nov. 25 2008 at 10:00 AM. [401 KAR 5:065 Section 1(12)(f)]

3 Violation Description for Subject Item GINS0000000001(KPDES Individual):

Standard Permit Conditions: The permittee is also advised that all KPDES permit conditions in KPDES Regulation 401 KAR 5:065, Section 1 will apply to all discharges authorized by this 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. [401 KAR 5:065 Section 1(1)(a)]

Description of Non Compliance:

DMR violations. Nov 2007- June 2008. Nov 2007- NH3, Mar. 2008- TSS, Apr. 2008- BOD, May 2008- NH3, June 2008 NH3.

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

Operate the sewer plant and system in a manner that will meet with the KPDES permit limits. Attend a Regional Office Conference at the Louisville Regional Office Division of Water. The conference will be held on Nov. 25 2008 at 10:00 AM. [401 KAR 5:065 Section 1(1)(a)]

4 Violation Description for Subject Item GINS0000000001(KPDES Individual):

There shall be no discharge that causes the surface waters of the Commonwealth to be aesthetically or otherwise degraded by substances that: (a) settle to form objectionable deposits; (b) float as debris, scum, oil, or other matter to form a nuisance; (c) produce objectionable color, odor, taste, turbidity; (d) injure, are chronically or acutely toxic to or produce adverse physiological or behavioral responses in humans, animals, fish and other aquatic life. [401 KAR 5:031 Section 2]

Description of Non Compliance:

The overflow from the pump station failure is causing blackish septic waste to enter the stream. The stream is darkened for about 30 feet below the overflow's entry.

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

Immediately stop causing degradation to the waters of the Commonwealth of Kentucky. Attend a Regional Office Conference at the Louisville Regional Office Division of Water. The conference will be held on Nov. 25 2008 at 10:00 A.M. [401 KAR 5:031 Section 2]

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

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

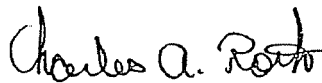
Division of Water
Louisville Regional Office
9116 Leesgate Rd
Louisville, KY 40222-5084
502-429-7122 (8:00 AM – 4:30 PM)
Mr. Brad Trivette, Environmental Inspector III



Issued By:

Mr. Brad Trivette, Environmental Inspector III

Date: October 30, 2008



Issued By:

Mr. Charlie Roth, Environmental Control Supervisor

Date: October 30, 2008

How Delivered: Certified

Certified/Registered # 7099 3400 0004 4959 0728

COMMONWEALTH OF KENTUCKY
ENVIRONMENTAL & PUBLIC PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
Division of Water

NOTICE OF VIOLATION

To: John Ford, President
Woodland Acres Sanitation Inc
303 Overdale Drive
Louisville, KY 40229

AI Name: Woodland Acres Sanitation Inc AI ID: 479 Activity ID: ENV20050001
County: Bullitt KY0091600
Enforcement Case ID:
Date(s) Violation(s) Observed: 06/07/2005

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

1 Violation Description for Subject Item GINS0000000001 (KPDES Individual):

Whenever, by reason of emergency or accident, a spill or discharge occurs which results in pollution of the waters of the Commonwealth, the Division of Water shall be notified by the most rapid means available. 401 KAR 5:015 Section 2

Description of Non Compliance:

The stream had a large quantity of sludge in it. No notification made to DOW.

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

Immediately report all system upsets, spills and discharges which result in the pollution to the Waters of The Commonwealth of Kentucky. 401 KAR 5:015 Section 2

2 Violation Description for Subject Item GINS0000000001 (KPDES Individual):

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

Description of Non Compliance:

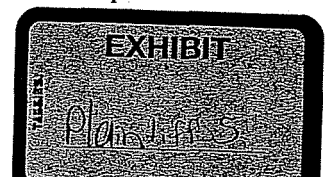
The digester air is off. The clarifier has a thick sum layer and there was a lot of debris just behind the weir. There was a moderate amount of solids in the weir. The tablet chlorinator appears to be empty. The effluent in the contact tank is cloudy. The stream has a large quantity of sludge in it.

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

Use the Best Operations and Maintenance practices to ensure proper operations of the facility and compliance with all applicable Kentucky Administrative Regulations. 401 KAR 5:065 Section 1(5)

3 Violation Description for Subject Item GINS0000000001 (KPDES Individual):

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



hourly flow, whichever requires the larger tank size. Wastewater treatment plants shall also have a dechlorination system with a flow or demand proportional feed system if necessary to meet the effluent limits; or a chlorination system with a manually controlled feed system and a flow equalization basin designed to eliminate the diurnal flow variations. 401 KAR 5:005 Section 11(1)

Description of Non Compliance:

The tablet chlorinator was empty.

There was >1,200 fecal violation in Dec 2004.

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

Properly maintain the tablet chlorinator and keep it adequately loaded with tablets. 401 KAR 5:005 Section 11(1)

4 Violation Description for Subject Item GINS000000001 (KPDES Individual):

Standard Permit Conditions: The permittee is also advised that all KPDES permit conditions in KPDES Regulation 401 KAR 5:065, Section 1 will apply to all discharges authorized by this 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. 401 KAR 5:065 Section 1(1)(a)

Description of Non Compliance:

Permit violations reported on the DMR: (DEC 2004- May 2005). Apr 05- NH3, Mar 05- NH3, Feb 05- NH3, BOD, Jan 05- NH3, Dec 04-NH3, BOD, Fecal

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

Meet the KPDES permit limits and conditions. 401 KAR 5:065 Section 1(1)(a)

5 Violation Description for Subject Item GINS000000001 (KPDES Individual):

There shall be no discharge that causes the surface waters of the Commonwealth to be aesthetically or otherwise degraded by substances that: (a) settle to form objectionable deposits; (b) float as debris, scum, oil, or other matter to form a nuisance; (c) produce objectionable color, odor, taste, turbidity; (d) injure, are chronically or acutely toxic to or produce adverse physiological or behavioral responses in humans, animals, fish and other aquatic life. [401 KAR 5:031 Section 2]

Description of Non Compliance:

There is sludge in the stream. Observed for nearly 75 feet down stream of the outfall. The water in the stream is very gray.

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

Stop causing degradation to the waters of the Commonwealth of Kentucky. Immediately remove all sewage sludge solids from the stream. Submit the stream cleaning receipts to the Louisville Regional Office by July 22, 2005. Attend a Regional Office Conference on Aug. 11, 2005 at 10:00 AM. The conference will held at the Louisville Regional Office. 401 KAR 5:031 Section 2

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

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

Division of Water
Louisville Regional Office
9116 Leesgate Rd
Louisville, KY 402225084
502-429-7122 (8:00 AM - 4:30 PM)
Brad Trivette, Environmental Inspector III

Brad Trivette

Issued By: _____
Mr. Brad Trivette, Environmental Inspector III

Date: July 15, 2005

Issued By: _____

How Delivered. Certified Certified/Registered # 7003 3110 0002 2219 2838



STEVEN L. BESHEAR
GOVERNOR

LEONARD K. PETERS
SECRETARY

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

Division of Water
9116 Leesgate Rd
Louisville, KY 40222-5084
www.kentucky.gov

October 30, 2008

Certified No. 7099 3400 0004 4959 0667
Return Receipt Requested

John L Ford
303 Overdale Dr
Louisville, KY 40229

Re: Notice of Violation
AI ID: 479
AI Name: Woodland Acres Sanitation Inc
Activity ID: ENV20080001
Permit No. KY0091600
Bullitt County, KY

Dear John L Ford:

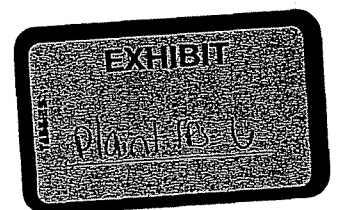
The Kentucky Department for Environmental Protection (DEP) has issued the enclosed Notice of Violation for violations discovered at your facility. Please review this Notice of Violation carefully to ensure that all remedial measures are completed by the specified deadlines. Attend a Regional Office Conference at the Louisville Regional Office Division of Water. The conference will be Nov. 25, 2008 at 10:00 A.M.

Your cooperation and attention to this matter is appreciated. If you have any questions, please contact me at 502-429-7122.

Sincerely,

Mr. Brad Trivette,
Environmental Inspector III
Division of Water

Enclosure



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

NOTICE OF VIOLATION

To: John L Ford
303 Overdale Dr
Louisville, KY 40229

AI Name: Woodland Acres Sanitation Inc AI ID: 479 Activity ID: ENV20080001
County: Bullitt
Enforcement Case ID:
Date(s) Violation(s) Observed: 8/19/2008

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

- 1 Violation Description for Subject Item GINS0000000001(KPDES Individual):**
Whenever, by reason of emergency or accident, a spill or discharge occurs which results in pollution of the waters of the Commonwealth, the Division of Water shall be notified by the most rapid means available.
[401 KAR 5:015 Section 2]

Description of Non Compliance:

The stream was full of sludge at the time of the inspection.

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

Report all spills and bypasses to the Division of Water within 24 hours. Attend a Regional Office Conference at the Louisville Regional Office, Division of Water. The conference will be held on Nov. 25, 2008 at 10:00AM. [401 KAR 5:015 Section 2]

- 2 Violation Description for Subject Item GINS0000000001(KPDES Individual):**
Reporting Requirements - Monitoring Reports: Monitoring results shall be reported at the intervals specified in the permit. [401 KAR 5:065 Section 1(12)(d)]

Description of Non Compliance:

NO DMRs were submitted for June through Dec. 2007. No DMR's were submitted for April to Aug. 2008.

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

Submit monitoring results to the Division of Water in a timely manner. Attend a Regional Office Conference at the Louisville Regional Office, Division of Water. The conference will be held on Nov. 25, 2008 at 10:00AM. [401 KAR 5:065 Section 1(12)(d)]

- 3 Violation Description for Subject Item GINS0000000001(KPDES Individual):**
Reporting Requirements - Monitoring Reports :Monitoring results shall be reported on a Discharge Monitoring Report (DMR). [401 KAR 5:065 Section 1(12)(d)1]

Description of Non Compliance:

NO DMRs were submitted for June through Dec. 2007. No DMR's were submitted for April to Aug. 2008.

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

Submit monitoring results to the Division of Water in a timely manner. Attend a Regional Office Conference at the Louisville Regional Office, Division of Water. The conference will be held on Nov. 25, 2008 at 10:00AM. [401 KAR 5:065 Section 1(12)(d)1]

4 Violation Description for Subject Item GINS0000000001(KPDES Individual):

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 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. [401 KAR 5:065 Section 1(12)(f)]

Description of Non Compliance:

The stream was full of sludge at the time of the inspection.

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

Report all spills and bypasses to the Division of Water within 24 hours. Attend a Regional Office Conference at the Louisville Regional Office, Division of Water. The conference will be held on Nov. 25, 2008 at 10:00AM. [401 KAR 5:065 Section 1(12)(f)]

5 Violation Description for Subject Item GINS0000000001(KPDES Individual):

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

Description of Non Compliance:

Aeration basin is dark. The settling basin is covered with thick dark scum and has many floating dark septic sludge clumps. The stream was full of sludge at the time of the inspection.

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

Properly operate the waste water plant to achieve compliance with KPDES permit and all other applicable regulations. Attend a Regional Office Conference at the Louisville Regional Office, Division of Water. The conference will be held on Nov. 25, 2008 at 10:00AM. [401 KAR 5:065 Section 1(5)]

6 Violation Description for Subject Item GINS0000000001(KPDES Individual):

Standard Permit Conditions: The permittee is also advised that all KPDES permit conditions in KPDES Regulation 401 KAR 5:065, Section 1 will apply to all discharges authorized by this 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. [401 KAR 5:065 Section 1(1)(a)]

Description of Non Compliance:

DMR violations 2007: Feb- Fecal, BOD; Mar.- BOD ,TSS; Apr.- TSS, BOD; May-DO; 2008; Jan.- BOD

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

Properly operate the waste water plant to achieve compliance with KPDES permit and all other applicable regulations. Attend a Regional Office Conference at the Louisville Regional Office, Division of Water. The conference will be held on Nov. 25, 2008 at 10:00AM. [401 KAR 5:065 Section 1(1)(a)]

7 Violation Description for Subject Item GINS0000000001(KPDES Individual):

There shall be no discharge that causes the surface waters of the Commonwealth to be aesthetically or otherwise degraded by substances that: (a) settle to form objectionable deposits; (b) float as debris, scum, oil, or other matter to form a nuisance; (c) produce objectionable color, odor, taste, turbidity; (d) injure, are chronically or acutely toxic to or produce adverse physiological or behavioral responses in humans, animals, fish and other aquatic life. [401 KAR 5:031 Section 2]

Description of Non Compliance:

The stream was black and full of sludge at the time of the inspection. The effluent was very cloudy today.

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

Immediately stop causing degradation to the Waters of the Commonwealth of Kentucky. Clean the sludge from the stream. Attend a Regional Office Conference at the Louisville Regional Office Division of Water. The conference will be Nov. 25, 2008 at 10:00 A.M. [401 KAR 5:031 Section 2]

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

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

Division of Water
Louisville Regional Office
9116 Leesgate Rd
Louisville, KY 40222-5084
502-429-7122 (8:00 AM – 4:30 PM)
Mr. Brad Trivette, Environmental Inspector III

Brad Trivette

Issued By: _____
Mr. Brad Trivette, Environmental Inspector III

Date: October 30, 2008

Charles A. Roth

Issued By: _____
Mr. Charlie Roth, Environmental Control Supervisor

Date: October 30, 2008

How Delivered: Certified Certified/Registered # 7099 3400 0004 4959 0667



STEVEN L. BESHEAR
GOVERNOR

LEONARD K. PETERS
SECRETARY

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

Division of Water
9116 Leesgate Rd
Louisville, KY 40222-5084
www.kentucky.gov

June 12, 2009

Certified No. 7006 0100 0002 6727 2631
Return Receipt Requested

Mr. Sam Hardy
P.O. Box 428
Shepherdsville, KY 40165

Re: Notice of Violation
AI ID: 479
AI Name: Woodland Acres Sanitation Inc
Activity ID: ENV20090001
Permit No. KY0091600
Bullitt County, KY

Dear Mr. Hardy:

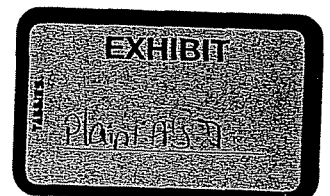
The Kentucky Department for Environmental Protection (DEP) has issued the enclosed Notice of Violation for violations discovered at the Woodland Acres Wastewater Treatment Plant. This notification is being sent to you as property owner of this facility. You will be contacted by the Division of Enforcement regarding the scheduling of an Administrative Conference involving all associated parties to determine actions required to return this facility to compliance with Division of Water statutes and regulations and KPDES permit conditions. 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 502-429-7122

Sincerely,

Mr. Brad Trivette,
Environmental Inspector III
Division of Water

Enclosure
C: Mr. Charles Gibbons, Administrator John Ford Estate



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

NOTICE OF VIOLATION

To: Mr. Sam Hardy
P.O. Box 428
Shepherdsville, KY 40165

AI Name: Woodland Acres Sanitation Inc **AI ID:** 479 **Activity ID:** ENV20090001
County: Bullitt
Enforcement Case ID:
Date(s) Violation(s) Observed: 5/22/09 & 6/10/2009

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

1 Violation Description for Subject Item AIOO00000004790:

Whenever, by reason of emergency or accident, a spill or discharge occurs which results in pollution of the waters of the Commonwealth, the Division of Water shall be notified by the most rapid means available. [401 KAR 5:015 Section 2]

Description of Non Compliance:

All of the waste is bypassing any treatment. The sewer plant is without air and disinfection. All of the waste is septic and black. The stream was completely black on May 22, 2009. It rained hard earlier today and flushed the stream with muddy water. The plants effluent is still causing a visible black plum where it enters the stream.

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

Immediately report all system upset and bypasses of treatment. Attend an Administrative Conference to be scheduled by the Division of Enforcement. [401 KAR 5:015 Section 2]

2 Violation Description for Subject Item AIOO00000004790:

Each wastewater system shall be operated under the supervision of an individual holding a Kentucky operator's certificate for at least the class of system supervised. [401 KAR 5:010 Section 1]

Description of Non Compliance:

There is no operator at this time.

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

Secure the services of a certified operator to operate the plant. Attend an Administrative Conference to be scheduled by the Division of Enforcement. [401 KAR 5:010 Section 1]

3 Violation Description for Subject Item AIOO00000004790:

Reporting Requirements - Monitoring Reports: Monitoring results shall be reported on a Discharge Monitoring Report (DMR). [401 KAR 5:065 Section 1(12)(d)]

Description of Non Compliance:

DMR's are not being submitted.

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

Submit the required monitoring results to the Division of Water on the Discharge Monitoring Report forms. Attend an Administrative Conference to be scheduled by the Division of Enforcement. [401 KAR 5:065 Section 1(12)(d)]

4 Violation Description for Subject Item AIOO0000004790:

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

Description of Non Compliance:

All of the waste is bypassing any treatment. The sewer plant is without air and disinfection. All of the waste is septic and black. The stream was completely black on May 22, 2009. It rained hard earlier today and flushed the stream with muddy water. The plants effluent is still causing a visible black plum where it enters the stream. There is a very strong odor from the septic sewage in the plant.

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

Make certain the facility is properly operated and maintained. Attend an Administrative Conference to be scheduled by the Division of Enforcement. [401 KAR 5:065 Section 1(5)]

5 Violation Description for Subject Item AIOO0000004790:

All wastewater treatment plants shall have a disinfection process which meets the following requirements: An ultraviolet disinfection system designed to treat the anticipated peak hourly flow; a chlorination system with a flow or demand proportional feed system. The chlorine contact tank shall have a minimum detention time of thirty (30) minutes based on the average flow, or fifteen (15) minutes based on the peak hourly flow, whichever requires the larger tank size. Wastewater treatment plants shall also have a dechlorination system with a flow or demand proportional feed system if necessary to meet the effluent limits; or a chlorination system with a manually controlled feed system and a flow equalization basin designed to eliminate the diurnal flow variations. [401 KAR 5:005 Section 11(1)]

Description of Non Compliance:

The tablet chlorinator was empty. The fecal samples taken were TNC (to numerous to count) at the plants effluent. In stream fecal samples were also TNC.

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

Maintain an effective disinfection system that meets permit limits. Attend an Administrative Conference to be scheduled by the Division of Enforcement. [401 KAR 5:005 Section 11(1)]

6 Violation Description for Subject Item AIOO0000004790:

There shall be no discharge that causes the surface waters of the Commonwealth to be aesthetically or otherwise degraded by substances that: (a) settle to form objectionable deposits; (b) float as debris, scum, oil, or other matter to form a nuisance; (c) produce objectionable color, odor, taste, turbidity; (d) injure, are chronically or acutely toxic to or produce adverse physiological or behavioral responses in humans, animals, fish and other aquatic life. [401 KAR 10:031 Section 2]

Description of Non Compliance:

On 5-22-09, the stream was black and there were visible solids in the stream. On 6-10-09, there is still a visible black plum of waste where the effluent enters the muddy fast moving stream. The feacl coliform sample take at the plant's effluent was to numerous to count.

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

Immediately stop causing degradation to the Waters of the Commonwealth of Kentucky. Attend an Administrative Conference to be scheduled by the Division of Enforcement. [401 KAR 10:031 Section 2, KRS 224.70-110]

7 Violation Description for Subject Item AIOO0000004790:

Standard Permit Conditions: The permittee is also advised that all KPDES permit conditions in KPDES

Regulation 401 KAR 5:065, Section I will apply to all discharges authorized by this 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. [401 KAR 5:065 Section 1(1)(a)]

Description of Non Compliance:

Samples are not being taken at this facility.

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

Immediately begin taking the monthly sampling as required by the permit. Attend an Administrative Conference to be scheduled by the Division of Enforcement. [401 KAR 5:065 Section 1(1)(a)]

8 Violation Description for Subject Item AIOO0000004790:

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:

The untreated waste water from the facility is causing stream degradation.

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

Immediately stop causing degradation to the Waters of the Commonwealth of Kentucky. Attend an Administrative Conference to be scheduled by the Division of Enforcement. [401 KAR 10:031 Section 2, 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.

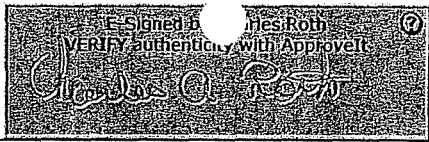
If you have questions or need further information, write or call the undersigned:

Division of Water
Louisville Regional Office
9116 Leesgate Rd
Louisville, KY 40222-5084
502-429-7122 (8:00 AM – 4:30 PM)
Mr. Brad Trivette, Environmental Inspector III



Issued By:

Mr. Brad Trivette, Environmental Inspector III
Date: June 12, 2009



Issued By:

Mr. Charlie Roth, Environmental Control Supervisor
Date: June 12, 2009

How Delivered: Certified

Certified/Registered # 7006 0100 0002 6727 2631

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of November, 2009, a true and accurate copy of the foregoing NOTICE OF ENTRY OF APPEARANCE was mailed, postage prepaid, or faxed, to the following:

Hon. Jerry Wuetcher
Executive Director's Office
Public Service Commission
P.O. Box 615
211 Sower Boulevard
Frankfort, KY 40602-0615

Hon. Robert J. Bohnert
Counsel for the Estate of John Ford
1500 Kentucky Home Life Building
Louisville, KY 40202