



*Legal Counsel.*

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April 4, 2025

**Via Electronic Filing**

Linda C. Bridwell  
Executive Director  
Public Service Commission  
211 Sower Boulevard  
P.O. Box 615  
Frankfort, Kentucky 40601

**Re: *Gary A. Smith v. Bluegrass Water Utility Operating Company, LLC, Case No. 2024-00302***

Dear Executive Director Bridwell:

Enclosed for electronic filing is Bluegrass Water Utility Operating Company, LLC's Motion for Extension of Time and Responses to the Commission Staff's First Request for Information, in the above matter. The certificate of service below certifies that the enclosed was filed electronically today. The filing may be accessed at the Commission's Electronic Filing Center located at <http://psc.ky.gov/efs/efsmain.aspx>.

Thank you, and if you have any questions with respect to this matter, please call me.

Sincerely yours,

DINSMORE & SHOHL LLP

*/s/ Edward T. Depp*

Edward T. Depp

**Certification**

I hereby certify that a copy of this filing has been served electronically on the Kentucky Public Service Commission. Additionally, a true and accurate copy of the foregoing was placed in the U.S. Mail, postage prepaid, on April 4, 2025 to the following:

Gary Smith  
2410 Cincinnati Rd.  
Georgetown, KY 40324

Pursuant to the Commission's July 22, 2021 Order in Case No. 2020-00085, a paper copy of this filing has not been transmitted to the Commission.

/s/ Edward T. Depp  
*Counsel to Bluegrass Water Utility Operating  
Company, LLC*

ETD/jhm

Enclosures

**COMMONWEALTH OF KENTUCKY**  
**BEFORE THE PUBLIC SERVICE COMMISSION**

**In the Matter of:**

<b>GARY A. SMITH</b>	)	
	)	
<b>V.</b>	)	<b>CASE NO. 2024-00302</b>
	)	
<b>BLUEGRASS WATER</b>	)	
<b>UTILITY OPERATING COMPANY, LLC</b>	)	

**BLUEGRASS WATER UTILITY OPERATING COMPANY, LLC’S**  
**MOTION FOR EXTENSION OF TIME TO RESPOND TO**  
**COMMISSION STAFF’S FIRST REQUESTS FOR INFORMATION**

Bluegrass Water Utility Operating Company, LLC (“Bluegrass Water” or the “Company”), by counsel, and pursuant to 807 KAR 5:001 Section 5, hereby moves for an extension of time, until April 4, 2025, to respond to the Commission Staff’s First Requests for Information. As grounds therefore, Bluegrass Water respectfully states as follows.

1. On January 17, 2025, the Commission entered an Order notifying Bluegrass Water that it had been named as a Defendant in a formal complaint filed by Mr. Gary A. Smith, and ordered Bluegrass Water to satisfy the matters complained of or file a written answer to the complaint within ten days.

2. On January 27, 2025, undersigned counsel timely filed an Answer and Motion to Dismiss in this proceeding on behalf of Bluegrass Water by utilizing the Commission’s electronic filing system.

3. On February 5, 2025, the Commission Staff issued its First Requests for Information to Bluegrass Water, requesting a response by March 7, 2025.

4. Undersigned counsel was not served with a copy of the Commission Staff’s First Requests for Information, either through the United States Mail or through notice from the Commission’s electronic filing system. Further, the Service List included on the Commission

Staff's First Requests for Information does not include undersigned counsel as a party to receive service of the Commission Staff's First Request for Information.<sup>1</sup>

5. As a result, Bluegrass Water was unaware the Commission Staff had served Requests for Information in this proceeding until Monday, March 31, 2025, when the issuance of Requests for Information was discovered through a manual review of the Commission's online docket.

6. Upon learning of the issuance of the Requests for Information, Bluegrass Water worked expeditiously to prepare responses to the Commission Staff's First Requests for Information, preparing and filing responses contemporaneously with this Motion, only four days after discovering the Commission Staff's First Requests for Information had been issued.

7. As a result, Bluegrass Water respectfully requests an extension of time through April 4, 2025 in which to file its Responses to the Commission Staff's First Requests for Information, which are filed contemporaneously herewith.

8. This Motion is made in good faith and not for the purposes of delay. Bluegrass Water's request for an extension will not delay this matter, nor will it prejudice any party, including Mr. Smith.<sup>2</sup>

WHEREFORE, Bluegrass respectfully requests that the Commission grant an extension of time until April 4, 2025 to respond to Commission Staff's First Requests for Information, and deem Bluegrass Water's Responses to Commission Staff's First Requests for Information, filed contemporaneously herewith, timely filed.

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<sup>1</sup> See 807 KAR 5:001 § 4(8)(a) ("Unless the commission orders service upon a party and the party's attorney, service shall be made upon the party's attorney if the party is represented by an attorney.").

<sup>2</sup> As of the filing of this Motion, Mr. Smith has not filed responses to the Commission Staff's First Requests for Information, which were due to be filed on March 7, 2025.

Respectfully submitted,

/s/ Edward T. Depp  
Edward T. Depp  
R. Brooks Herrick  
DINSMORE & SHOHL LLP  
101 South Fifth Street  
Suite 2500  
Louisville, KY 40202  
502.540.2300  
502.540.2529 (fax)  
[Tip.depp@dinsmore.com](mailto:Tip.depp@dinsmore.com)  
[Brooks.herrick@dinsmore.com](mailto:Brooks.herrick@dinsmore.com)

*Counsel to Bluegrass Water Operating  
Company, LLC*

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/s/ Edward T. Depp  
*Counsel to Bluegrass Water Utility  
Operating Company, LLC*

**COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION**

**In the Matter of:**

<b>GARY A. SMITH</b>	)	
	)	
<b>V.</b>	)	<b>CASE NO. 2024-00302</b>
	)	
<b>BLUEGRASS WATER</b>	)	
<b>UTILITY OPERATING COMPANY, LLC</b>	)	

**BLUEGRASS WATER UTILITY OPERATING COMPANY, LLC’S  
RESPONSES TO COMMISSION STAFF’S FIRST REQUEST FOR INFORMATION**

Bluegrass Water Utility Operating Company, LLC (“Bluegrass Water” or the “Company”), by counsel, files its responses to Commission Staff’s First Request for Information, issued in the above-captioned case on February 5, 2025.

**FILED:      April 4, 2025**

BLUEGRASS WATER UTILITY OPERATING COMPANY, LLC'S RESPONSES TO  
COMMISSION STAFF'S FIRST REQUEST FOR INFORMATION

REQUEST NO. 1-1: Please refer to the Energy and Environment Cabinet's, Department for Environmental Protection letter dated February 22, 2023, from the Municipal Water Pollution Prevention Program Coordinator, Chris Luffy.

a. Provide the response from Bluegrass Water to the Energy and Environment Cabinet.

b. State whether the Delaplain Disposal's capacity has been increased. If not, state when it will be increased.

c. State what, if any, progress has made in complying with all pertinent regulations, permits, and orders.

d. State whether the Exemption Request submitted for the R and L Carriers Georgetown Development project was granted.

e. State whether any other Exemption Requests were granted in the years 2021 – 2025 for connection to Delaplain Disposal

**RESPONSE: (a) The Energy and Environment Cabinet's February 22, 2023 letter was a denial letter of an exemption request submitted for the R and L Carriers Georgetown Development project.<sup>1</sup> As a result, the denial letter did not require a response. See PSC Exhibit 1-1(a) (Part 1) for a copy of the February 22, 2023 denial letter.**

**Moreover, Bluegrass Water was (and remains) in the process of seeking to upgrade the Delaplain facility to meet effluent limits, which is demonstrated by the June 8, 2023 EEC**

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<sup>1</sup> See Case No. 2022-00104, Bluegrass Water's First Supplemental Response to Staff's Initial Request for Information, available at: [https://psc.ky.gov/psccef/2022-00104/keckert%40mcbrayerfirm.com/03162023112857/031023\\_Delaplain\\_Supp\\_1PSC.pdf](https://psc.ky.gov/psccef/2022-00104/keckert%40mcbrayerfirm.com/03162023112857/031023_Delaplain_Supp_1PSC.pdf).

BLUEGRASS WATER UTILITY OPERATING COMPANY, LLC'S RESPONSES TO  
COMMISSION STAFF'S FIRST REQUEST FOR INFORMATION

**Construction Summary attached as PSC Exhibit 1-1(a) (Part 2), as well as the approvals granted in Case No. 2022-00104.**

(b) **The project to increase capacity and comply with all permitted limits is currently ongoing. The anticipated completion is October 2025. *See also* Case No. 2022-00104.**

(c) **Please see the Response to PSC 1-1(b).**

(d) **The exemption request for R and L Carriers Georgetown Development project was denied in the letter referenced in Response to PSC 1-1(a). *See also* Exhibit PSC 1-1(a) (Part 1).**

(e) **Bluegrass Water is not aware of any exemption requests being granted for Delaplain. The only known new construction connection is Rumpke Waste & Recycling, which started service in May 2021.**

**Witness: Jacob Freeman**





ANDY BESHEAR  
GOVERNOR

REBECCA W. GOODMAN  
SECRETARY

**ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION**

ANTHONY R. HATTON  
COMMISSIONER

300 SOWER BOULEVARD  
FRANKFORT, KENTUCKY 40601  
TELEPHONE: 502-564-2150  
TELEFAX: 502-564-4245

February 22, 2023

Ms. Mandy Sappington  
Delaplain Disposal  
1630 Des Peres Road Ste 140  
Saint Louis MO 63131-1871

RE: Sewer Line Extension Denial in Progress to Prevent Pollution from the Delaplain Disposal  
Permit No. KY0079049  
Scott County, Kentucky  
AI ID: 3901

Dear Ms. Sappington:

The Division of Water (DOW) has determined that Delaplain Disposal is out of compliance according to 401 KAR 5:005 and therefore Delaplain Disposal will remain on the Division of Water's Facility Line Extension Ban List. Compliance records indicate that Delaplain Disposal is receiving more than 100% of their design capacity for the last year. The design capacity for Delaplain Disposal is 0.24 million gallons per day (MGD), Delaplain Disposal's monthly average for the past year is 0.253 MGD.

An Exemption Request has been submitted for the R and L Carriers Georgetown Development project. The request proposes an additional flow of 6,400 gallons per day over the design capacity. What is the justification for the additional flow?

The sewer line extension and tap on ban imposed on Delaplain Disposal will not allow any new sewer line extensions or any new taps on to existing lines without prior approval from this office. This ban will not apply to any preexisting subdivisions. Delaplain Disposal will be removed from the Facility Line Extension Ban List once this office has received sufficient evidence that the twelve month average annual flow for Delaplain Disposal has returned to compliance according to 401 KAR 5:005 Section 9.

A request for exemption to the line extension and tap on ban can be submitted using the Line Extension Ban Exemption Request Form, to Chris Luffy at [Christopher.luffy@ky.gov](mailto:Christopher.luffy@ky.gov) or the above address. The Line Extension Ban Exemption Request Form can be found on the Division of Water's Wastewater Municipal Planning website. All exemption requests submitted must be signed by an authority for the city. These requests are reviewed on a case-by-case basis and approved or denied based on the nature of the request, the condition of the system, and the progress the city has made in complying with all pertinent regulations, permits, and orders.

If you have any questions or would like to discuss this matter, please contact me at (Email) [Christopher.luffy@ky.gov](mailto:Christopher.luffy@ky.gov).

Sincerely,



Chris Luffy  
Municipal Water Pollution Prevention Program  
Coordinator  
Wastewater Municipal Planning Section

cc: Division of Plumbing



**BLUEGRASS WATER**

**Utility Operating Company**

A CSWR Managed Utility

Kentucky Energy and Environment Cabinet  
Water Infrastructure Branch, Engineering Section  
300 Sower Blvd  
Frankfort, KY 40601

To Whom it May Concern,

Bluegrass Water Utility Operating Company, LLC (BWUOC) owns and operates the Delaplain Disposal WWTF in Georgetown, KY. BWUOC applied for a CPCN with the Public Service Commission for two capital upgrade projects in March of 2022. Both projects have recently been approved.

The first project is to add MBBR treatment to the facility. This includes new blowers and controls, aeration piping, and MBBR/IFAS caged assemblies for treatment to insert in the aeration basin. This will roughly double the amount of aeration provided to the plant.

The second project involves an improved solids handling system. This includes addition of tertiary filtration, filter building, and a coagulant feed system.

Both projects have been combined into one drawing set and are currently being advertised for bid. Below is a milestone schedule for the project. The site plan is attached for reference. Full plans and specifications have been permitted through the EEC, approval is attached.

Award Contract – 8/15/2023  
Construction Start – 11/15/2023  
Construction Complete – 5/15/2024

Please reach out if you have any additional questions or clarifications.

Sincerely,

Benjamin Lucas  
Construction Manager

ANDY BESHEAR  
GOVERNOR



REBECCA W. GOODMAN  
SECRETARY

**ENERGY AND ENVIRONMENT CABINET**  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

ANTHONY R. HATTON  
COMMISSIONER

300 SOWER BOULEVARD  
FRANKFORT, KENTUCKY 40601  
TELEPHONE: 502-564-2150  
TELEFAX: 502-564-4245

September 28, 2022

Jacob Freeman  
1650 Des Peres Rd Ste 303  
Saint Louis, MO 63131

Re: Delaplain WWTF Improvements  
Scott County, Kentucky  
Delaplain Disposal  
Activity ID: 3901, APE20220001  
Receiving Treatment Plant KPDES #: KY0079049

Dear Mr. Freeman:

We have reviewed the plans and specifications for the above referenced project. The plan improvements at the WWTP include 3 IFAS Cages (6'x6'x15') with blowers, a building with a 10-Disk Cloth Filter and backwash pump, Alum Feed System, and a Filter Feed Vault. This is to advise that plans and specifications for the above referenced project are APPROVED with respect to sanitary features of design, as of this date with the requirements contained in the attached construction permit.

If we can be of any further assistance or should you wish to discuss this correspondence, please do not hesitate to contact Michael Snyder at 502-782-1235.

Sincerely,

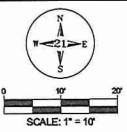
A handwritten signature in black ink, appearing to read "T. Humphries", written over a horizontal line.

Terry Humphries, P.E.  
Supervisor, Engineering Section  
Water Infrastructure Branch  
Division of Water

TH / MS

Enclosures

c: Scott County Health Department  
21 Design Group  
Division of Plumbing



**DRAWING LEGEND**

DESCRIPTION	EXISTING	PROPOSED
Segment	---	---
Setback	---	---
Property Lines	---	---
Metel Electric	---	---
Tran Line	---	---
Sanitary Manhole	○	○
Utility Pole	○	○
Fire Hydrant	○	○
Telephone Box	○	○
Water Valve	○	○
Gas Valve	○	○
Sign	○	○
Grated Inlet	○	○
Catch Basin	○	○
Grated Curb Inlet	○	○
Junction Box	○	○
Flared End Section	○	○

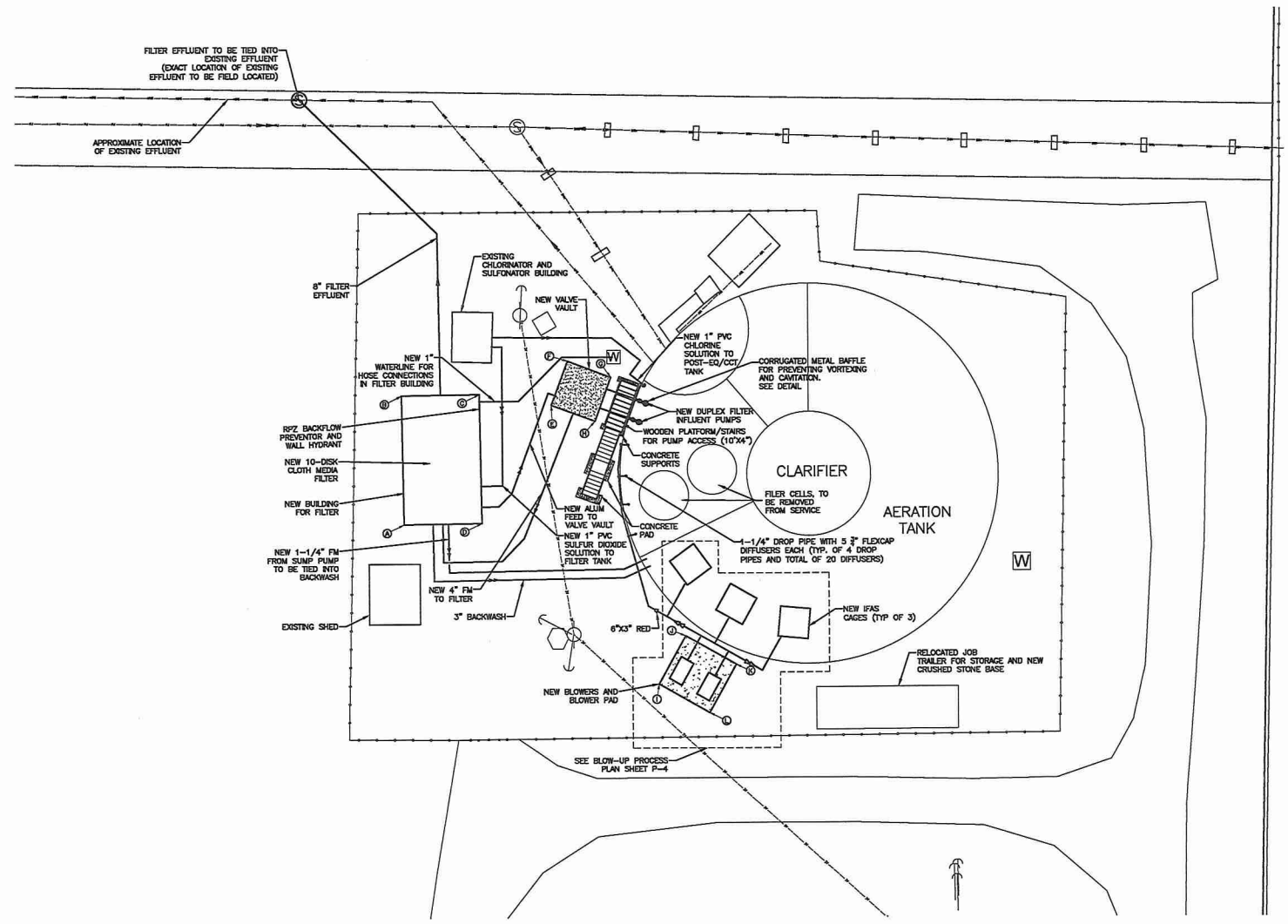
**PAVEMENT LEGEND**

Existing Asphalt	[Pattern]
Existing Concrete	[Pattern]
New Concrete	[Pattern]
New Standard Duty Asphalt	[Pattern]
New Heavy Duty Asphalt	[Pattern]
New Standard Duty Concrete	[Pattern]
New Heavy Duty Concrete	[Pattern]

**PROPOSED STRUCTURE LOCATIONS**

COORDINATE POINT	NORTHING	EASTING
A	250419.805	1502917.277
B	250443.509	1502914.927
C	250445.798	1502932.562
D	250419.804	1502832.942
E	250443.621	1502947.623
F	250452.376	1502956.359
G	250448.139	1502959.023
H	250440.304	1502925.787
I	250397.887	1502968.513
J	250397.173	1502973.908
K	250381.651	1502954.073
L	250381.005	1502978.680

\* NAD83 KENTUCKY STATE PLANES COORDINATES, NORTH ZONE, US FOOT



NOTE:  
 1. SEE HYDRAULIC PROFILE FOR ALL ELEVATIONS.  
 2. SEE DRAWING P4 FOR ALL AIR PIPING DETAILS.

NO.	REVISION	DATE
1	ISSUED FOR PERMIT SET	
2	REVISION	

**21 DESIGN GROUP INC.**  
 1311 MEMPHIS AVE. SUITE 201  
 WASHINGTON, KY 40393

**UTILITY PLAN**  
 DELAWARE WATER IMPROVEMENTS  
 260 W. WALDEN AVE.  
 BOOTS COUNTY, KENTUCKY

ENGINEERING CERTIFICATE OF AUTHORITY NO. 4104  
 ENGINEERING LICENSE  
 BENJAMIN A. RYAN, PE, EC23718



REAL DATE	06/09/23
DRAWN BY	EAR
PROJECT NUMBER	24-29
DATE	07/20/23
DRAWING NO.	C05

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GARY A. SMITH V. BLUEGRASS WATER UTILITY OPERATING COMPANY, LLC  
CASE NO. 2024-00302

BLUEGRASS WATER UTILITY OPERATING COMPANY, LLC'S RESPONSES TO  
COMMISSION STAFF'S FIRST REQUEST FOR INFORMATION

REQUEST NO. 1-2: Provide the most recent inspection of Delaplain Disposal by the  
Energy and Environment Cabinet's Department of Environmental Protection.

**RESPONSE:** Please see Exhibit PSC 1-2.

**Witness:**      **Jacob Freeman**

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

**AI ID:** 3901  
**AI Type:** SANI-Wastewater Collection (2213)  
**AI Name:** Delaplain Disposal  
**AI Address:** 249 W Yusen Dr  
**City:** Georgetown (Scott), **State:** Kentucky **Zip:** 40324  
**County:** Scott **Regional Office:** Frankfort Regional Office  
**Latitude:** 38.286111 **Longitude:** -84.556111  
**Inspection Type:** WW CEI-Minor Non-Mun **Activity #:** CIN20240001  
**Inspection Start Date:** November 19, 2024 **Time:** 10:00 AM **End Date:** November 19, 2024 **Time:** 11:00 AM  
**Site/Permit ID:** KY0079049  
**Lead DEP Investigator:** Jarod Jones

**General Comments:**

Inspector Jarod Jones conducted an inspection of the Delaplaine facility in the presence of facility owners, certified operator(s) and Federal EPA staff.

Plant treatment components appeared serviceable and in operation at the time onsite.

Facility owners are currently engaged in initial processes of upgrading the plant with additional components and increasing rates from customers.

Facility receives influent flow from both the industrial park and the residential area across the interstate.

Facility personnel are actively engaged in addressing issues with influent flow and in the collection system.

The Delaplaine facility does have a history of DMR violations and unreported overflows however the current owners are taking steps to address these issues. DMR monitoring is conducted as required.

**Overall Compliance Status:** No violations observed – impending violation trend observed

---

**Investigation Results**

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**SI:** AIOO3901

**SI Description:**

**Inspector Comment:**

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

**Compliance Status:** C-No Violations observed

**Comment:** The facility holds the proper KPDES permit.

---

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

**Compliance Status:** C-No Violations observed

**Comment:** Modification and/or expansion of the facility is planned as a future construction project to improve plant operation.

---

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

**Compliance Status:** C-No Violations observed

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**Comment:** Facility is being operated under a certified operator.

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

**Compliance Status:** C-No Violations observed

**Comment:** The collections and treatment facility are operated by the same staff.

---

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

**Compliance Status:** C-No Violations observed

**Comment:** Plant records were available on request.

---

**Requirement:** Is the facility required to prepare and implement a groundwater protection plan (GPP) as specified in regulation 401 KAR 5:037? If yes, does the facility have a GPP?. [401 KAR 5:037]

**Compliance Status:** E-Not Evaluated

**Comment:**

---

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

**Compliance Status:** C-No Violations observed

**Comment:** DMRs are being reported at the required intervals.

---

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

**Compliance Status:** C-No Violations observed

**Comment:** DMRs are being reported at the required intervals.

---

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

**Compliance Status:** C-No Violations observed

**Comment:**

---

**Requirement:** Are the calculations for all limitations which require averaging of measurements utilizing an arithmetic mean unless otherwise specified by the Cabinet in the permit? [401 KAR 5:065 Section 2(1)]

**Compliance Status:** C-No Violations observed

**Comment:**

---

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

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

**Comment:** Facility has had at least one instance of an unreported overflow in the past three years.

---

**Requirement:** Is the permittee in compliance with immediate reporting requirements for emergency or accidental releases to the environment according to 401 KAR 5:065 Section 3(5)?. [401 KAR 5:065 Section 3(5)]

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

**Comment:** Facility has had at least one instance of an unreported overflow in the past three years.

---

**Requirement:** Is the facility being properly operated and maintained as specified in regulation 5:065? This includes:

(a) proper operation and maintenance of all facilities, systems of treatment and control, and related appurtenances which are installed or used by the permittee to achieve compliance with permit conditions;

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

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

**Compliance Status:** C-No Violations observed

**Comment:** Plant operation was satisfactory at the time of the inspection.

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

**Compliance Status:** C-No Violations observed

**Comment:** Disinfection units appeared to be maintained.

---

**Requirement:** Does the flow measuring device measure all flow received at the WWTP? For large wastewater facilities (average daily design capacity >50,000 gpd), is flow measured by an indicating, recording, and totalizing flow measuring device? [401 KAR 5:005 Section 12]

**Compliance Status:** C-No Violations observed

**Comment:** Flow measuring is conducted as required.

---

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

**Compliance Status:** C-No Violations observed

**Comment:**

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

**Compliance Status:** C-No Violations observed

**Comment:** Facility perimeter security was satisfactory.

---

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

**Compliance Status:** C-No Violations observed

**Comment:** Road and site access is satisfactory.

---

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

**Compliance Status:** C-No Violations observed

**Comment:**

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

**Compliance Status:** D-Out of Compliance-Violations Documented

**Comment:** DMR review process has been automated.

---

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

**Compliance Status:** C-No Violations observed

**Comment:** Sampling procedures were not observed during the inspection.

---

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

**Compliance Status:** C-No Violations observed

**Comment:** Sampling procedures were not observed during the inspection.

---

**Requirement:** Have samples been analyzed by a lab that has been certified according to 401 KAR 5:320? Are all field parameters collected by a lab or individual that holds a Field Only certification according to 401 KAR 5:320? [401 KAR 5:320]

**Compliance Status:** C-No Violations observed

**Comment:** Facility contracts with a certified lab.

---

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

**Compliance Status:** C-No Violations observed

**Comment:** Plant final effluent was clear and odorless at the time of the inspection.

---

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

**Compliance Status:** C-No Violations observed

**Comment:** No surface water degradation was noted during the time onsite.

---

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

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**Compliance Status:** C-No Violations observed

**Comment:** No significant non-compliance was noted during the inspection.

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**Documentation**

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

**Inspector:**



---

Signed by: Jarod Jones

GARY A. SMITH V. BLUEGRASS WATER UTILITY OPERATING COMPANY, LLC  
CASE NO. 2024-00302

BLUEGRASS WATER UTILITY OPERATING COMPANY, LLC'S RESPONSES TO  
COMMISSION STAFF'S FIRST REQUEST FOR INFORMATION

REQUEST NO. 1-3: Provide the most recent three Discharge Monitoring Reports for  
Delaplain Disposal.

**RESPONSE:** Please see Exhibit PSC 1-3.

**Witness:**      **Jacob Freeman**



1376 Danville Road Loop # 1  
 Nicholasville, Kentucky 40356  
 Phone: (859) 885-3331  
 Lab@hallenvironmental.net

### Certificate of Analysis

CWS Group  
 Delaplain Disposal Co.  
 249 West Ysen Drive  
 Georgetown, KY 40324

Project CWS Group-DELAPLAIN  
 Entered By Lauren Shelley  
 Date Reported 1/8/2025  
 Date Received 1/2/2025  
 Date Approved 1/8/2025

Sample Number 218373-01  
 Sample ID Effluent  
 Description Monthly WW Sampling

Date Sampled 1/2/2025  
 Sampler Tanner Gunn

Test	Result	Units	RL	Method	Date	Initials
<b>WW: Chem.</b>						
CBOD5	3	mg/L	3	SM 5210 B-2016	1/8/2025	WC
TSS	8	mg/L	2	SM 2540 D-2015	1/7/2025	MP
Ammonia	0.18	mg/L	0.02	HACH 10205	1/8/2025	WC
Phosphorus, Total (as P)	0.446	mg/L	0.20	HACH 10210	1/6/2025	MP
Nitrate-Nitrite (as N)	8.72	mg/L	2	HACH 10206	1/6/2025	MP
TKN	1.152	mg/L	0.50	HACH 10242	1/6/2025	MP
Total Nitrogen	9.88	mg/L		Calculated	1/6/2025	MP

Approved By Lauren Shelley  
 Lauren Shelley  
 Lab Analyst



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## Certificate of Analysis


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 249 West Ysen Drive  
 Georgetown, KY 40324

Project CWS Group-DELAPLAIN  
 Entered By Lauren Shelley  
 Date Reported 1/8/2025  
 Date Received 1/2/2025  
 Date Approved 1/8/2025

Sample Number 218373-02  
 Sample ID Effluent  
 Description Monthly WW Sampling

Date Sampled 1/2/2025  
 Sampler Tanner Gunn

Test	Result	Units	RL	Method	Date	Initials
<b>Micro: E.coli Testing</b>						
E.coli	11	MPN/100mL	1	Colilert®	1/3/2025	LS
<b>Micro: Field Sampling</b>						
pH	7.86	S.U.		SM 4500-H+ B-2011	1/2/2025	TG
Dissolved Oxygen	8.13	mg/L		SM 4500-O G-2016	1/2/2025	TG
Temperature	8.0	°C		SM 2550 B-2010	1/2/2025	TG
Total Residual Chlorine	0.01	mg/L	0.01	HACH 8167	1/2/2025	TG
Flow	0.147	MGD		N/A	1/2/2025	TG

  
**Approved By** \_\_\_\_\_  
 Lauren Shelley  
 Lab Analyst

# CHAIN OF CUSTODY

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**HALL ENVIRONMENTAL CONSULTANTS, LLC**

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Fax: (859) 885-4613

[www.hallenvironmentalconsultants.com](http://www.hallenvironmentalconsultants.com)

<b>Company/Client Name:</b> <b>CWS Group Delaplain WWTP</b>	<b>Address:</b> 249 West Ysen Dr Georgetown, KY	<b>Report To:</b> Mr. Chris Carroll Randy Shelley, Eric Lee, Jordan McKinney	<b>Holding Time (Volume) Requirements</b> (100.0-102.5 mL)
	<b>Phone:</b>	<b>E-Mail:</b> <a href="mailto:rshelley@hallenvironmental.net">rshelley@hallenvironmental.net</a> <a href="mailto:jmckiney@hallenvironmental.net">jmckiney@hallenvironmental.net</a>	DW - 30 hrs. HPC - 8 hrs.
	<b>Fax:</b>	<a href="mailto:elee@hallenvironmental.net">elee@hallenvironmental.net</a> <a href="mailto:chris.carroll@clearwatersolutions.com">chris.carroll@clearwatersolutions.com</a>	WW - 8 hrs. SW - 8 hrs.
<b>Notes:</b> <b>Once per Month</b> KY0079049	<b>E-Mail:</b> jbrown@cswrpgroup.com		

Samplers Name (Printed) :		Requested Analyses		Field Readings					Also see sampling requirements below									
Samplers Name (Signature) :									Comments									
Sample Lab # (LAB USE ONLY)	Sample Description	Comp / Grab	Sampled Date	Time (24 hr.)	Matrix Type*	No. of Cntrs	C-BOD	TSS		Ammonia	E. Coli	Nitrogen, Total	Phosphorus, Tot	pH (S.U.)	D.O. (mg/L)	Temp. (°C)	TRC (mg/L)	Flow (MGD)
218373-01	Effluent	Comp	1/2/25	12:55	ww	3	X	X	X		X	X	N/A	N/A	N/A	N/A	N/A	
218373-02	Effluent	Grab	1/2/25	1300	ww	1					X		7.86	8.13	8.0	0.02	0.147	

*Matrix Type: DW (Drinking Water), WW (Wastewater), W (Water), DI (DI Water / Lab Water), STW (Stormwater), GW (Ground Water), RW (Recreational Water), SW (Surface Water)				<b>Sample Requirements:</b>			
Relinquished by: (Signature)		Date:	Time:	Received By: (Signature)		<ul style="list-style-type: none"> <li>• Sample(s) must be taken in an appropriate sized sterile container.</li> <li>• Sample container must have headspace.</li> <li>• Care must be taken not to contaminate the sample(s) or container(s) during storing and sampling.</li> <li>• If sample water is known or suspected to be chlorinated, the sample container must contain adequate sodium thiosulfate to remove the chlorine.</li> <li>• Sample(s) must be filled to the 100mL mark ONLY. Sample(s) that are filled less than 100mL are not acceptable.</li> <li>• Sample(s) must arrive at the laboratory at &lt;10°C unless they have not had time to cool down.</li> </ul>	
Relinquished by: (Signature)		Date:	Time:	Received By: (Signature)		Condition of Sample(s) Received: (LAB USE ONLY) <input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable	
Relinquished by: (Signature)		Date:	Time:	Received By: (Signature)		Reason for Rejection if Unacceptable:	
Relinquished by: (Signature)		Date:	Time:	Received By: (Signature)		Samples Received Via: <input type="checkbox"/> UPS <input type="checkbox"/> FedEx <input type="checkbox"/> Courier <input type="checkbox"/> Other _____	
Relinquished by: (Signature)		Date:	Time:	Received for Lab by: (Signature)		Date:	Temp. (°C) (LAB USE ONLY)
						1/2/25	1400
						2.5	B



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 Nicholasville, Kentucky 40356  
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## Certificate of Analysis

CWS Group  
 Delaplain Disposal Co.  
 249 West Ysen Drive  
 Georgetown, KY 40324

Project CWS Group-DELAPLAIN  
 Entered By Lauren Shelley  
 Date Reported 2/24/2025  
 Date Received 2/13/2025  
 Date Approved

Sample Number 218644-02  
 Sample ID Effluent  
 Description WEEKLY WW Sampling

Date Sampled 2/13/2025  
 Sampler Tanner Gunn

Test	Result	Units	RL	Method	Date	Initials
<b>Micro: E.coli Testing</b>						
E.coli	60000	MPN/100mL	1	Colilert®	2/14/2025	
<b>Micro: Field Sampling</b>						
pH	7.67	S.U.		SM 4500-H+ B-2011	2/13/2025	TG
Dissolved Oxygen	7.51	mg/L		SM 4500-O G-2016	2/13/2025	TG
Temperature	7.0	°C		SM 2550 B-2010	2/13/2025	TG
Total Residual Chlorine	0.01	mg/L	0.01	HACH 8167	2/13/2025	TG
Flow	0.679	MGD		N/A	2/13/2025	TG

Approved By 



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 Nicholasville, Kentucky 40356  
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## Certificate of Analysis

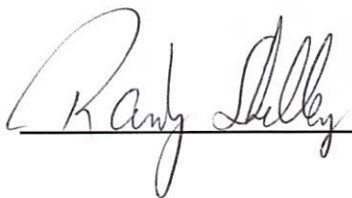
CWS Group  
 Delaplain Disposal Co.  
 249 West Ysen Drive  
 Georgetown, KY 40324

Project CWS Group-DELAPLAIN  
 Entered By Lauren Shelley  
 Date Reported 2/24/2025  
 Date Received 2/13/2025  
 Date Approved

Sample Number 218644-01  
 Sample ID Effluent  
 Description WEEKLY WW Sampling

Date Sampled 2/13/2025  
 Sampler Tanner Gunn

Test	Result	Units	RL	Method	Date	Initials
<b>WW: Chem.</b>						
CBOD5	13	mg/L	3	SM 5210 B-2016	2/22/2025	WC
TSS	25	mg/L	2	SM 2540 D-2015	2/24/2025	WC
Ammonia	1.17	mg/L	0.02	HACH 10205	2/20/2025	WC
Phosphorus, Total (as P)	1.25	mg/L	0.33	HACH 8190	2/19/2025	MP
Nitrate-Nitrite (as N)	BDL	mg/L	2	HACH 10206	2/19/2025	MP
TKN	8.58	mg/L	0.50	HACH 10242	2/19/2025	MP
Total Nitrogen	8.58	mg/L		Calculated	2/19/2025	MP

Approved By  \_\_\_\_\_



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[www.hallenvironmentalconsultants.com](http://www.hallenvironmentalconsultants.com)

<b>Company/Client Name:</b>	<b>Address:</b>	249 West Ysen Dr Georgetown, KY	<b>Report To:</b>	Mr. Chris Carroll Randy Shelley, Eric Lee, Jordan McKinney	<b>Holding Time (Volume) Requirements</b> (100.0-102.5 mL)
<b>CWS Group</b>	<b>Phone:</b>		<b>E-Mail:</b>	<a href="mailto:rshelley@hallenvironmental.net">rshelley@hallenvironmental.net</a> <a href="mailto:jmckiney@hallenvironmental.net">jmckiney@hallenvironmental.net</a>	DW - 30 hrs.    HPC - 8 hrs.
<b>Delaplain WWTP</b>	<b>Fax:</b>			<a href="mailto:elee@hallenvironmental.net">elee@hallenvironmental.net</a> <a href="mailto:chris.carroll@clearwatersolutions.com">chris.carroll@clearwatersolutions.com</a>	WW - 8 hrs.    SW - 8 hrs.
<b>Notes:</b>	Once per Month KY0079049		E-Mail: jbrown@cswwgroup.com		

Samplers Name (Printed) :		Samplers Name (Signature) :		Requested Analyses										Field Readings					Also see sampling requirements below
Tanner Gunn		Tanner Gunn		C-BOD	TSS	Ammonia	E. Coli	Nitrogen, Total	Phosphorus, Tot	pH (S.U.)	D.O. (mg/L)	Temp. (°C)	TRC (mg/L)	Flow (MGD)	Comments				
Sample Lab # (LAB USE ONLY)	Sample Description	Comp / Grab	Sampled Date													Time (24 hr.)	Matrix Type*	No. of Cntrs	
218644-01	Effluent	Comp	2/13/25	9:32	ww	3	X	X	X	X	X	X	N/A	N/A	N/A	N/A	N/A		
218444-02	Effluent	Grab	2/13/25	9:40	ww	1							7.67	7.51	7.0	0.01	0.679		

*Matrix Type: DW (Drinking Water), WW (Wastewater), W (Water), DI (DI Water / Lab Water), STW (Stormwater), GW (Ground Water), RW (Recreational Water), SW (Surface Water)				<b>Sample Requirements:</b> <ul style="list-style-type: none"> <li>Sample(s) must be taken in an appropriate sized sterile container.</li> <li>Care must be taken not to contaminate the sample(s) or container(s) during storing and sampling.</li> <li>If sample water is known or suspected to be chlorinated, the sample container must contain adequate sodium thiosulfate to remove the chlorine.</li> <li>Sample(s) must be filled to the 100mL mark ONLY. Sample(s) that are filled less than 100mL are not acceptable.</li> <li>Sample(s) must arrive at the laboratory at &lt;10°C unless they have not had time to cool down.</li> </ul>											
Relinquished by: (Signature)	Date:	Time:	Received By: (Signature)	Condition of Sample(s) Received: (LAB USE ONLY)				<input type="checkbox"/> Acceptable				<input type="checkbox"/> Unacceptable			
<i>Tanner Gunn</i>	2/13/25	12:39	<i>[Signature]</i>	Reason for Rejection if Unacceptable:				Samples Received Via: <input type="checkbox"/> UPS <input type="checkbox"/> FedEx <input type="checkbox"/> Courier <input type="checkbox"/> Other _____							
Relinquished by: (Signature)	Date:	Time:	Received By: (Signature)	Received for Lab by: (Signature)		Date:	Time:	Temp. (°C) (LAB USE ONLY)	IR Gun Used:						



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### Certificate of Analysis


CWS Group  
 Delaplain Disposal Co.  
 249 West Ysen Drive  
 Georgetown, KY 40324

Project CWS Group-DELAPLAIN  
 Entered By Melanie Preston  
 Date Reported 3/13/2025  
 Date Received 3/6/2025  
 Date Approved 3/13/2025

Sample Number 218780-01  
 Sample ID Effluent  
 Description WEEKLY WW Sampling

Date Sampled 3/6/2025  
 Sampler Tanner Gunn

Test	Result	Units	RL	Method	Date	Initials
<b>WW: Chem.</b>						
CBOD5	24	mg/L	3	SM 5210 B-2016	3/12/2025	WC
TSS	58	mg/L	2	SM 2540 D-2015	3/11/2025	WC
Ammonia	0.53	mg/L	0.02	HACH 10205	3/12/2025	WC
Nitrate-Nitrite (as N)	10.62	mg/L	2	HACH 10206	3/10/2025	
TKN	1.65	mg/L	0.50	HACH 10242	3/10/2025	
Total Nitrogen	12.27	mg/L		Calculated	3/10/2025	MP
Phosphorus, Total (as P)	0.404	mg/L	0.33	HACH 8190	3/12/2025	MP

  
 Approved By \_\_\_\_\_  
 Melanie Preston  
 Laboratory Manager



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 Nicholasville, Kentucky 40356  
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### Certificate of Analysis

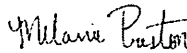
CWS Group  
 Delaplain Disposal Co.  
 249 West Ysen Drive  
 Georgetown, KY 40324

Project CWS Group-DELAPLAIN  
 Entered By Melanie Preston  
 Date Reported 3/13/2025  
 Date Received 3/6/2025  
 Date Approved 3/13/2025

Sample Number 218780-02  
 Sample ID Effluent  
 Description WEEKLY WW Sampling

Date Sampled 3/6/2025  
 Sampler Tanner Gunn

Test	Result	Units	RL	Method	Date	Initials
<b>Micro: E.coli Testing</b>						
E.coli	1203	MPN/100mL	1	Colilert®	3/7/2025	PW
<b>Micro: Field Sampling</b>						
pH	7.86	S.U.		SM 4500-H+ B-2011	3/6/2025	TG
Dissolved Oxygen	9.39	mg/L		SM 4500-O G-2016	3/6/2025	TG
Temperature	7.9	°C		SM 2550 B-2010	3/6/2025	TG
Total Residual Chlorine	0	mg/L	0.01	HACH 8167	3/6/2025	TG
Flow	0.26	MGD		N/A	3/6/2025	TG

  
 Approved By \_\_\_\_\_  
 Melanie Preston  
 Laboratory Manager

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<b>Company/Client Name:</b>	Address: 249 West Ysen Dr Georgetown, KY	Report To: Mr. Chris Carroll Randy Shelley, Eric Lee, Jordan McKinney	Holding Time (Volume Requirements) (100.0-102.5 mL)
<b>CWS Group Delaplain WWTP</b>	Phone:	E-Mail: <a href="mailto:rshelley@hallenvironmental.net">rshelley@hallenvironmental.net</a> <a href="mailto:jmckiney@hallenvironmental.net">jmckiney@hallenvironmental.net</a> <a href="mailto:elee@hallenvironmental.net">elee@hallenvironmental.net</a> <a href="mailto:chris.carroll@clearwatersolutions.com">chris.carroll@clearwatersolutions.com</a>	DW - 30 hrs. HPC - 8 hrs. WW - 8 hrs. SW - 8 hrs.
Notes: <b>Once per Month</b> KY0079049	Fax:	E-Mail: <a href="mailto:jbrown@cswwgroup.com">jbrown@cswwgroup.com</a>	

Samplers Name (Printed):		Samplers Name (Signature):		Requested Analyses										Field Readings					Also see sampling requirements below
Sample Lab # <small>(LAB USE ONLY)</small>	Sample Description	Comp / Grab	Sampled		Matrix Type*	No. of Cntrs	C-BOD	TSS	Ammonia	E. Coli	Nitrogen, Total	Phosphorus, Tot	pH (S.U.)	D.O. (mg/L)	Temp. (°C)	TRC (mg/L)	Flow (MGD)	Comments	
			Date	Time (24 hr.)															
218780	Effluent	Comp	3/6/25	10:05	ww	3	X	X	X		X	X	N/A	N/A	N/A	N/A	N/A		
	Effluent	Grab	3/6/25	10:10	ww	1				X			7.86	9.37	7.9	0.00	0.26		

*Matrix Type: DW (Drinking Water), WW (Wastewater), W (Water), DI (DI Water / Lab Water), STW (Stormwater), GW (Ground Water), RW (Recreational Water), SW (Surface Water)				<b>Sample Requirements:</b>			
Relinquished by: (Signature)		Date:	Time:	Received By: (Signature)		<ul style="list-style-type: none"> <li>• Sample(s) must be taken in an appropriate sized sterile container.</li> <li>• Care must be taken not to contaminate the sample(s) or container(s) during storing and sampling.</li> <li>• If sample water is known or suspected to be chlorinated, the sample container must contain adequate sodium thiosulfate to remove the chlorine.</li> <li>• Sample(s) must arrive at the laboratory at &lt;10°C unless they have not had time to cool down.</li> </ul>	
Relinquished by: (Signature)		Date:	Time:	Received By: (Signature)		<ul style="list-style-type: none"> <li>• Sample container must have headspace.</li> <li>• Sample(s) must be filled to the 100mL mark ONLY. Sample(s) that are filled less than 100mL are not acceptable.</li> </ul>	
Relinquished by: (Signature)		Date:	Time:	Received By: (Signature)		Condition of Sample(s) Received: (LAB USE ONLY) <input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable	
Relinquished by: (Signature)		Date:	Time:	Received By: (Signature)		Reason for Rejection if Unacceptable:	
Relinquished by: (Signature)		Date:	Time:	Received By: (Signature)		Samples Received Via: <input type="checkbox"/> UPS <input type="checkbox"/> FedEx <input type="checkbox"/> Courier <input type="checkbox"/> Other _____	
Relinquished by: (Signature)		Date:	Time:	Received for Lab by: (Signature)		Date:	Time:
				Melamin Boston		3/6/25	10:10

