



Andy Beshear
GOVERNOR

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

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Frankfort, Kentucky 40601
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Rebecca W. Goodman
SECRETARY

Anthony R. Hatton
COMMISSIONER

April 22, 2024

Certified Mail No. 7022 2410 0002 0877 7368
Emailed to: chmartin@lexingtonky.gov

Mr. Charles Martin
LFUCG Division of Water Quality
125 Lisle Industrial Ave
Lexington, KY 40511

Re: AI Name: Lexington West Hickman WWTP
AI No.: 2295
Case No.: DOW-23-3-0214
Activity No.: ERF20230001
Facility ID: KPDES No. KY0021504
Jessamine County

DEMAND FOR CIVIL PENALTY

Dear Mr. Martin:

The Kentucky Department for Environmental Protection has determined that the Lexington-Fayette Urban County Government (LFUCG) violated KRS Chapter 224 and the regulations promulgated pursuant thereto at the West Hickman Wastewater Treatment Plant. Notices of Violation were issued on September 16, 2021; December 5, 2022; April 26, 2023; May 22, 2023; September 5, 2023; November 20, 2023, for the following violations:

- KRS 224.70-110: 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.
- 401 KAR 5:065 Section 2(1): 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. [40 C.F.R. 122.41(e)]

- 401 KAR 10:031 Section 2: Surface waters shall not be aesthetically or otherwise degraded.

LFUCG has addressed the violations to the satisfaction of the Cabinet. No further remedial measures are required.

CIVIL PENALTY

Kentucky Revised Statutes provide that violators shall be liable for a civil penalty not to exceed the sum of twenty-five thousand dollars (\$25,000) for each day during which such violation occurs. The Department will settle for a civil penalty in the amount of **four thousand dollars (\$4,000)**, due within **thirty (30) days** of receipt of this letter for the violations listed above.

GENERAL INFORMATION

The penalty shall be paid by certified check, cashier's check, or money order payable to the **"Kentucky State Treasurer"**. Note **"Case No. DOW-23-3-0214"** on the instrument of payment. All correspondence, reports, cost recovery payments, and penalty payments shall be submitted to the following address:

**ATTN: Tevis Woolery
Division of Enforcement
300 Sower Blvd.
Frankfort, Kentucky 40601**

The Department accepts conformance with the items listed above to satisfy its claims, charges and demands for the violations specified herein. Failure to comply fully with all the terms of this Demand Letter may result in additional enforcement action, which could include the assessment of the maximum civil penalties allowed under Kentucky Revised Statutes. This Demand Letter addresses only those matters specifically referred to in this document, and in no way waives any obligations or liabilities that may result from any other activities.

If you have any questions, please contact Tevis Woolery of my staff at 502-782-6767 or tevis.woolery@ky.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Z. Osterman", with a stylized flourish at the end.

Brian Osterman, Director
Division of Enforcement

ABO/ptw