

DOW-25-3-0161
COMMONWEALTH OF KENTUCKY ENERGY
AND ENVIRONMENT CABINET DIVISION OF
ENFORCEMENT
CASE NO. DOW-25-3-0161

IN RE: Lexington-Fayette Urban County Government 125
Lisle Industrial Avenue, Suite 180
Lexington, Kentucky, 40511
Agency Interest No. 2295
Activity ID No. ERF20250001

AGREED ORDER

* * * * *

WHEREAS, the parties to this Agreed Order, the Energy and Environment Cabinet (hereinafter “Cabinet”) and the Lexington-Fayette Urban County Government (hereinafter “Responsible Party”), state:

STATEMENTS OF FACT

1. The Cabinet is charged with the statutory duty of enforcing KRS Chapter 224 and the regulations promulgated pursuant thereto.
2. The Responsible Party owns and operates a publicly owned treatment works and associated collection system, “West Hickman WWTP” located at 645 West Hickman Plant Road in Jessamine County Kentucky (hereinafter “Facility”). The Facility has a design capacity of 33.8 million gallons per day (hereinafter “MGD”), with an average flow of 20.0 MGD.
3. The Responsible Party holds Kentucky Pollutant Discharge Elimination Systems (hereinafter “KPDES”) Permit No. KY0021504, issued by the Cabinet’s Division of Water (hereinafter “DOW”) for domestic sanitary wastewater.
4. On August 12, 2024, May 14, 2025, August 13, 2025, and November 12, 2025, the Cabinet’s authorized representatives in the Division of Enforcement, Compliance and Operations Branch, identified alleged violations of KRS Chapter 224 and regulations promulgated pursuant thereto at the Facility. The Cabinet issued the Responsible Party Notices of Violation (hereinafter “NOVs”) for violations associated with KPDES permit parameter exceedances, on August 26, 2024, June 10, 2025, September 27, 2025, and December 3, 2025. The violations cited include failure to meet the permit parameter requirements, most notably for Total Phosphorus and Fecal Coliform Bacteria. The NOVs are attached hereto as Exhibit A to this Agreed Order.

5. Representatives of the Responsible Party participated in a teleconference with the Cabinet's Division of Enforcement (hereinafter "DENF") on November 18, 2025. During the teleconference, the Responsible Party neither admitted nor denied the violations alleged in paragraph four (4). The Responsible Party agreed to the entry of this Agreed Order to resolve the allegations.

NOW THEREFORE, in the interest of settling all civil claims and controversies involving the violations alleged above in paragraph four (4), the parties hereby consent to the entry of this Agreed Order and agree as follows:

REMEDIAL MEASURES

6. Within thirty (30) days following the execution of this Agreed Order, the Responsible Party shall submit to DENF for review and acceptance, a written Corrective Actions Plan (hereinafter "CAP") to bring the Facility into compliance with its KPDES permits. The CAP shall include, but not be limited to the following:
 - A. An explanation of why the cited violations occurred;
 - B. A list of proposed corrective actions to return the Facility back into compliance that will be taken during the duration of the CAP;
 - C. Any actions taken pertaining to proper maintenance of its outfalls, proper sampling, proper record keeping and reporting, and maintaining compliance with effluent limitations.
 - D. A final compliance date by which compliance with the terms and conditions of the permit is achieved.
7. Upon review of the CAP, the Cabinet may, in whole or in part, (1) accept or (2) provide comments to the Responsible Party identifying the deficiencies. Upon receipt of Cabinet comments, the Responsible Party shall have thirty (30) days to revise and resubmit the CAP for review and acceptance. Upon resubmittal, the Cabinet may, in whole or in part, (1) accept or (2) disapprove and provide comments to the Responsible Party identifying the deficiencies. Upon such resubmittal, if the CAP is disapproved, the Cabinet may deem the Responsible Party to be out of compliance with this Agreed Order for failure to timely submit the CAP.
8. The Responsible Party may request an amendment of the accepted CAP by writing the Director of the Division of Enforcement at 300 Sower Blvd., Frankfort, Kentucky 40601 and stating the

reasons for the request. If granted, the amended CAP shall not affect any provision of this Agreed Order unless expressly provided in the amended CAP. This does not require an amendment request pursuant to paragraph twenty-five (25) of this Agreed Order.

9. Upon Cabinet acceptance of the CAP, an amended CAP, or any accepted part thereof (provided that the accepted part is not dependent upon implementation of any part not yet accepted), shall be deemed incorporated into this Agreed Order as an enforceable requirement of this Agreed Order.

10. At the end of the first calendar quarter following the execution of this Agreed Order, the Responsible Party shall submit quarterly progress reports for each three (3) month period no later than the thirtieth (30th) day of the month following the end of the quarter to the Cabinet that describes its progress in complying with this Agreed Order. The quarterly report shall include, at a minimum:

- A. A detailed description of projects and activities conducted and completed during the past reporting period to comply with the requirements of this Agreed Order;
- B. The anticipated activities that will be performed in the upcoming three-month period to comply with the requirements of this Agreed Order; and
- C. Any additional information necessary to demonstrate that the Responsible Party is adequately implementing its CAP.

11. By the final compliance date specified in the Cabinet approved CAP, the Responsible Party shall be in compliance with KRS 224, and the regulations promulgated pursuant thereto, KPDES Permit No. KY0021504 and this Agreed Order.

12. All submittals required by the terms of this Agreed Order shall be sent to:

Division of Enforcement Attention:
Director
300 Sower Boulevard, 3rd Floor
Frankfort, Kentucky 40601

CIVIL PENALTY

13. The Responsible Party has been assessed a civil penalty in the amount of five thousand dollars (\$5,000), to resolve the violations described in Exhibit A. The civil penalty shall be tendered in a single payment and payable within thirty (30) days following the execution of this Agreed Order.

14. Payment of the civil penalty shall be by cashier's check, certified check, or money order, made

DOW-25-3-0161

payable to “**Kentucky State Treasurer**” and sent to the attention of the Director, Division of Enforcement, Department for Environmental Protection, 300 Sower Boulevard, Frankfort, Kentucky 40601; note “**Case Number DOW-25-3-0161**” on the instrument of payment. Payment of the civil penalty may also be made electronically, if available, by accessing the Office of Administrative Hearings through its website found at <https://dep.gateway.ky.gov/Hero/PaymentCaseSearch>.

STIPULATED PENALTIES

15. The Responsible Party may be assessed a stipulated penalty in an amount not to exceed five hundred dollars (\$500) per day, for failure to timely submit the CAP as described in paragraph six (6) above.

16. The Responsible Party may be assessed a stipulated penalty in an amount not to exceed five hundred dollars (\$500) per day for failure to timely complete each action identified in the accepted CAP or amended CAP.

17. The Responsible Party may be assessed a stipulated penalty in an amount not to exceed five hundred dollars (\$500) for failure to timely submit each quarterly progress report as described in paragraph ten (10) above.

18. Following the execution of this Agreed Order by the Cabinet’s Secretary (or her designee) until the termination of this Agreed Order, the Cabinet may assess stipulated penalties up to five hundred dollars (\$500) for each instance where:

- A. The violation of the effluent limits for any Group I parameter (as defined by 40 CFR 123.45, Appendix A) is more than 40% above the permitted limit at least twice within two consecutive quarters;
- B. The violation of the effluent limits for any Group II parameter (as defined by 40 CFR 123.45, Appendix A) is more than 20% above the permitted limit at least twice within two consecutive quarters; or

C. The discharge exceeds the effluent limits for any parameter at least four (4) times within two consecutive quarters.

19. Payment of stipulated penalties shall be tendered by the Responsible Party to the Cabinet within thirty (30) days of receipt of written notification from DENF. These penalties are in addition to, and not in lieu of, any other penalty that could be assessed. The Cabinet may at its discretion, waive stipulated penalties that would otherwise be due.

20. If the Responsible Party believes the request for payment of stipulated penalties is erroneous or contrary to law, the Responsible Party may request a hearing pursuant to KRS 224.10-420(2) in the Office of Administrative Hearings. The request for hearing does not excuse timely payment of the penalty. If an order is entered pursuant to KRS 224.10-440 that excuses payment, the Cabinet will refund the payment. Failure to make timely payment shall constitute an additional violation.

21. Payment of any stipulated penalties shall be by cashier's check, certified check, or money order, made payable to "**Kentucky State Treasurer**" and sent to the attention of the Director, Division of Enforcement, Department for Environmental Protection, 300 Sower Boulevard, 3rd Floor, Frankfort, Kentucky 40601; note "**Case Number DOW-25-3-0161**" on the instrument of payment.

MISCELLANEOUS PROVISIONS

22. This Agreed Order addresses only the violations specifically alleged in Exhibit A. Other than those matters resolved by entry of this Agreed Order nothing contained herein shall be construed to waive or to limit any remedy or cause of action by the Cabinet based on statutes or regulations under its jurisdiction and the Responsible Party reserves its defenses thereto. The Cabinet expressly reserves its right at any time to issue administrative orders and to take any other action it deems necessary that is not inconsistent with this Agreed Order, including the right to order all necessary remedial measures, assess penalties for violations, or recover all response costs incurred, and the Responsible Party reserves its defenses thereto.

23. This Agreed Order shall not prevent the Cabinet from issuing, reissuing, renewing, modifying, revoking, suspending, denying, terminating, or reopening any permit to the Responsible Party. The Responsible Party reserves its defenses thereto, except that the Responsible Party shall not use this

Agreed Order as a defense.

24. The Responsible Party waives its right to any hearing on the matters contained herein. However, failure by the Responsible Party to comply strictly with any or all of the terms of this Agreed Order shall be grounds for the Cabinet to seek enforcement of this Agreed Order in Franklin Circuit Court and to pursue any other appropriate administrative or judicial action under KRS Chapter 224, and the regulations promulgated pursuant thereto.

25. The agreed Order may not be amended except by a written order of the Cabinet's Secretary or her designee. The Responsible Party may request an amendment by writing the Director of the Division of Enforcement at 300 Sower Boulevard, 3rd Floor, Frankfort, Kentucky 40601 stating the reasons for the request. If granted, the amended Agreed Order shall not affect any provision of this Agreed Order unless expressly provided in the amended Agreed Order.

26. The Cabinet does not, by its consent to the entry of this Agreed Order, warrant or aver in any manner that the Responsible Party's complete compliance with this Agreed Order will result in compliance with the provisions of KRS Chapter 224, and the regulations promulgated pursuant thereto. Notwithstanding the Cabinet's review and approval of any plans formulated pursuant to this Agreed Order, the Responsible Party shall remain solely responsible for compliance with the terms of KRS Chapter 224, and the regulations promulgated pursuant thereto, this Agreed Order and any permit and compliance schedule requirements.

27. The Responsible Party shall give notice of this Agreed Order to any purchaser, lessee or successor in interest prior to the transfer of ownership and/or operation of any part of its now-existing Facility occurring prior to termination of this Agreed Order, shall notify the Cabinet that such notice has been given, and shall follow all statutory and regulatory requirements for a transfer. Whether or not a transfer takes place, the Responsible Party shall remain fully responsible for payment of all civil penalties and response costs and for performance of all remedial measures identified in this Agreed Order.

28. The Cabinet agrees to allow the performance of the above-listed remedial measures and payment of civil penalties by the Responsible Party to satisfy the Responsible Party's obligations to the Cabinet generated by the violations alleged in Exhibit A.

29. The Cabinet and the Responsible Party agree that the remedial measures agreed to herein

are facility-specific and designed to comply with the statutes and regulations cited herein. This Agreed Order applies specifically and exclusively to the unique Facility referenced herein and is inapplicable to any other facility.

30. This Agreed Order shall be of no force and effect unless and until it is entered by the Secretary, or her designee as evidenced by their signature thereon. If this Agreed Order contains any date by which the Responsible Party is to take any action or cease any activity, and the Secretary enters the Agreed Order after that date, then the Responsible Party is nonetheless obligated to have taken the action or ceased the activity by the date contained in this Agreed Order.

TERMINATION

31. This Agreed Order shall terminate upon the Responsible Party's completion of all requirements described in this Agreed Order. The Responsible Party may submit written notice to the Cabinet when it believes all requirements have been performed. The Cabinet will notify the Responsible Party in writing of whether it intends to agree with or object to termination. The Cabinet reserves its right to enforce this Agreed Order, and the Responsible Party reserves its right to file a petition for hearing pursuant to KRS 224.10-420(2) contesting the Cabinet's determination.

AGREED TO BY:

Linda Gorton, Mayor
Lexington Fayette County Government

Date

APPROVAL RECOMMENDED BY:

Jarrold Bell, Director
Division of Enforcement

Date

Sarah E. Noble, General Counsel
Office of Legal Services

Date

ORDER

Wherefore, the foregoing Agreed Order is entered as the final Order of the Energy and Environment Cabinet this _____ day of _____, 202_.

ENERGY AND ENVIRONMENT CABINET

John S. Lyons, Deputy Secretary
Authorized Designee, Rebecca W. Goodman, Secretary Energy &
Environment Cabinet

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing **AGREED ORDER** was mailed, postage prepaid, to the following this _____ day of _____, 202__.

Lexington West Hickman WWTP
Mr. Charles H Martin
125 Lisle Industrial Ave Ste 180
Lexington, KY 40511

And by electronic mail, to:

Jarrold Bell, Director Division
of Enforcement
300 Sower Boulevard, 3rd Floor
Frankfort, Kentucky 40601

Sarah E. Noble, General Counsel
Office of Legal Services
300 Sower Boulevard, 3rd Floor
Frankfort, Kentucky 40601

DOCKET COORDINATOR

Exhibit A

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

NOTICE OF VIOLATION

To: Lexington West Hickman WWTP
Mr. Charles H Martin
125 Lisle Industrial Ave Ste 180

Lexington, KY 40511

AI Name: Lexington West Hickman WWTP **AI ID:** 2295 **Activity ID:** ENV20240001

County: Jessamine

Enforcement Case ID:

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

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

1 Violation Description for Subject Item AIOO0000002295():

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

Description of Non Compliance:

Failing to comply with 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0021504, monitoring point 001-3, for Total Phosphorus (as P). The permitted limit for Total Phosphorus (as P) is concentration monthly avg., less than or equal to 1 mg/L; and concentration daily max., less than or equal to 2 mg/L. The facility reported the following: concentration monthly avg. 1.1 mg/L; and concentration daily max. 2.3 mg/L for May 2024.

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

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

2 Violation Description for Subject Item AIOO0000002295():

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

Description of Non Compliance:

Failing to comply with 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0021504, monitoring point 001-3, for Total Phosphorus (as P). The permitted limit for Total Phosphorus (as P) is concentration monthly avg., less than or equal to 1 mg/L; and concentration daily max., less than or equal to 2 mg/L. The facility reported the following: concentration monthly avg. 1.51 mg/L; and concentration daily max. 4.11 mg/L for June 2024.

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

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

AI: Lexington West Hickman WWTP -- 2295

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

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

Department for Environmental Protection
Division of Enforcement
300 Sower Blvd
Frankfort, KY 40601
502-782-6860 (8:00 AM – 4:30 PM)

Issued By:

Marlon A. Bascombe

Marlon Bascombe, Environmental Control Manager

Date: August 26, 2024

Lexington West Hickman WWTP
Mr. Charles H Martin
125 Lisle Industrial Ave Ste 180

Lexington, KY 40511

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

NOTICE OF VIOLATION

To: Lexington West Hickman WWTP
Mr. Charles H Martin
125 Lisle Industrial Ave Ste 180

Lexington, KY 40511

AI Name: Lexington West Hickman WWTP **AI ID:** 2295 **Activity ID:** ENV20250001

County: Jessamine

Enforcement Case ID:

Date(s) Violation(s) Observed: 05/14/2025

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

1 Violation Description for Subject Item AIOO0000002295():

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

Description of Non Compliance:

Failing to comply with 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0021504, monitoring point 001-3, for Fecal Coliform Bacteria. The permitted limit for Fecal Coliform Bacteria is concentration 30-day geometric avg., less than or equal to 200 MPN/100 mL; and concentration 7-day geometric, less than or equal to 400 MPN/100 mL. The facility reported the following: concentration 30-day geometric avg. 233 MPN/100 mL; and concentration 7-day geometric 3445 MPN/100 mL for February 2025.

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

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

2 Violation Description for Subject Item AIOO0000002295():

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

Description of Non Compliance:

Failing to comply with 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0021504, monitoring point 001-3, for Fecal Coliform Bacteria. The permitted limit for Fecal Coliform Bacteria is concentration 7-day geometric, less than or equal to 400 MPN/100 mL. The facility reported the following: concentration 7-day geometric 708 MPN/100 mL for April 2025.

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

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

AI: Lexington West Hickman WWTP -- 2295

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

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

Department for Environmental Protection
Division of Enforcement
300 Sower Blvd
Frankfort, KY 40601
502-782-6860 (8:00 AM – 4:30 PM)
Michelle.Rice@ky.gov

Issued By: Marlon A. Bascombe
Marlon Bascombe, Environmental Control Manager
Date: June 10, 2025

Lexington West Hickman WWTP
Charles H Martin
125 Lisle Industrial Ave Ste 180

Lexington, KY 40511

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

NOTICE OF VIOLATION

To: Lexington West Hickman WWTP
Charles H Martin
125 Lisle Industrial Ave Ste 180

Lexington, KY 40511

AI Name: Lexington West Hickman WWTP **AI ID:** 2295 **Activity ID:** ENV20250002

County: Jessamine

Enforcement Case ID:

Date(s) Violation(s) Observed: 08/13/2025

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

1 Violation Description for Subject Item AIOO0000002295():

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

Description of Non Compliance:

Failing to comply with 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0021504, monitoring point 001-3, for Total Phosphorus (as P). The permitted limit for Total Phosphorus (as P) is concentration monthly avg., less than or equal to 1 mg/L. The facility reported the following: concentration monthly avg. 1.06 mg/L for May 2025.

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

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

2 Violation Description for Subject Item AIOO0000002295():

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

Description of Non Compliance:

Failing to comply with 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0021504, monitoring point 001-3, for Total Phosphorus (as P). The permitted limit for Total Phosphorus (as P) is concentration monthly avg., less than or equal to 1 mg/L; and concentration daily max., less than or equal to 2 mg/L. The facility reported the following: concentration monthly avg. 1.02 mg/L; and concentration daily max. 3.73 mg/L for June 2025.

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

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

AI: Lexington West Hickman WWTP -- 2295

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

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

Department for Environmental Protection
Division of Enforcement
300 Sower Blvd
Frankfort, KY 40601
502-782-6860 (8:00 AM – 4:30 PM)
Michelle.Rice@ky.gov

Issued By: Marlon A. Bascombe
Marlon Bascombe, Environmental Control Manager
Date: August 27, 2025

Lexington West Hickman WWTP
Charles H Martin
125 Lisle Industrial Ave Ste 180

Lexington, KY 40511

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

NOTICE OF VIOLATION

To: Lexington West Hickman WWTP
Charles H Martin
125 Lisle Industrial Ave Ste 180

Lexington, KY 40511

AI Name: Lexington West Hickman WWTP **AI ID:** 2295 **Activity ID:** ENV20250003

County: Jessamine

Enforcement Case ID:

Date(s) Violation(s) Observed: 11/12/2025

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

1 Violation Description for Subject Item AIOO0000002295():

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

Description of Non Compliance:

Failing to comply with 401 KAR 5:065, Section 2(1), which cites to 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0021504, monitoring point 001-3, for Total Phosphorus (as P). The permitted limit for Total Phosphorus (as P) is concentration daily max., less than or equal to 2 mg/L. The facility reported the following: concentration daily max. 2.31 mg/L for August 2025.

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

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

AI: Lexington West Hickman WWTP -- 2295

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

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

Department for Environmental Protection
Division of Enforcement
300 Sower Blvd
Frankfort, KY 40601
502-782-6860 (8:00 AM – 4:30 PM)
Michelle.Rice@ky.gov

Issued By: Marlon A. Bascombe
Marlon Bascombe, Environmental Control Manager
Date: December 3, 2025

