



STEVEN L. BESHEAR
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SECRETARY

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

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

July 24, 2013

Certified No. 7000 0600 0026 2503 3268
Return Receipt Requested

Mr. Nathan Smith
SSK Communities
467 Erlanger Rd Ste 200
Erlanger, KY 41018

Re: Notice of Violation
AI ID: 2221
AI Name: Ashley Point MHP
Activity ID: ENV20130001
Permit No.
Jefferson County, KY

Dear Mr. Smith:

The Kentucky Department for Environmental Protection (DEP) has issued the enclosed Notice of Violation for violations discovered at your facility on 6/12/13 and 6/21/13. 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,

A handwritten signature in cursive script that reads "Brad Trivette".

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. Nathan Smith
SSK Communities
467 Erlanger Rd Ste 200
Erlanger, KY 41018

AI Name: Ashley Point MHP **AI ID:** 2221 **Activity ID:** ENV20130001

Discovery ID: CIV20130001 **County:** Jefferson

Enforcement Case ID:

Date(s) Violation(s) Observed: 06/21/2013

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

1 Violation Description for Subject Item AIOO0000002221():

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 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:

Pollutants have entered and contributed to the pollution of the waters of the Commonwealth. The sewage was not removed from the stream.

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

Immediately cease all activity, which is contributing or has contributed to the pollution of the waters of the Commonwealth. Within thirty (30) days of the receipt of this notice, the permittee/responsible party shall submit a plan of action and a schedule of implementation to the undersigned describing the necessary measures taken to address the non-compliance. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and or your company to an immediate referral to the Division of Enforcement. [KRS 224.70-110]

2 Violation Description for Subject Item AIOO0000002221():

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

Description of Non Compliance:

The waters of the Commonwealth have been degraded. The sewage was not removed from the stream.

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

Immediately cease all discharges that are aesthetically or otherwise degrading the waters of the Commonwealth. The effluent must be brought into compliance so as to eliminate stream degradation. Within thirty (30) days of the receipt of this notice, the permittee/responsible party shall submit a plan of action and a schedule of implementation to the undersigned describing the necessary measures taken to address the non-compliance. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and or your company to an immediate referral to the Division of Enforcement. [401 KAR 10:031 Section 2]

3 Violation Description for Subject Item AIOO0000002221():

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 responsible party has failed to report the spill or discharge to the Division of Water as required.

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

All future spills/bypasses, which would result in or contribute to the pollution of the waters, must be reported to the Division of Water by the most rapid means available. Failure to comply with the remedial measures or repeated violations of this requirement may subject you and/or your company to an immediate referral to the Division of Enforcement. [401 KAR 5:015 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.

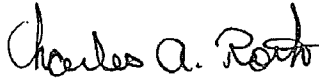
If you have questions or need further information, write or call the undersigned:

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,



Issued By:

Mr. Brad Trivette, Environmental Inspector III
Date: July 24, 2013



Issued By:

Mr. Charles Roth, Environmental Control Supervisor
Date: July 24, 2013

How Delivered: Certified Certified/Registered # 7000 0600 0026 2503 3268

Energy and Environment Cabinet
Kentucky Department for Environmental Protection
Division of Water

Activity: CIV20130001 Investigation

Lead Investigator: Trivette, Brad

Agency Interest/Permit ID: 2221

Agency Interest Name: Ashley Point MHP

Agency Interest Address: 1115 Penile Rd
Louisville, KY 40272

Program: Wastewater

County: Jefferson

Type of Agency Interest: RESIDENCE- Mobile Home Park (nec)

Agency Interest Contact: **Title:** **Phone:**

Purpose: Investigation

Inspection Type: Incident Investigation

Inspection Date: 06/12/2013 **Start Time:** 12:00 AM **End Time:** 12:00 AM

Latitude: 38.12166700 **Longitude:** -85.74388900

Coordinate Collection Method:Decimal Degrees

Incident ID(s): 2363487

General Comments:

Person(s) Interviewed:

Name	Organization
Joe Sanders	Sanders plumbing

Status/Comments:

Comments:

6/13/13: The mobile home park has two pump stations on the property. Both pump stations were having issues with clogged up or failing pumps which resulted in overflows at the different manholes. Both overflows drained into a stream. The streams were blackened with septic waste.

By the time of the investigation on 6-12-13 around 2:00 PM, the overflows had stooped. On 6/14/13, I spoke to the park manager Tammy via telephone. She told me the pump stations had been repaired on the 13th. I instructed her to have the ground limed and the stream cleaned were possible.

6/21/13. Due to another complaint, I returned to the MHP. The manhole at 1814 Abby Ridge Ln. was overflowing. The sewage was entering the stream turning it dark with septic waste. Joe Sanders staff were on site working on the pump station. They were trying to pull one of the two pumps again for repairs.

It appears that residents may be intentionally putting large objects into the sewer lines fouling the pumps. The facility does not have back up pumps to put into service while repairing pumps.

Joe Sanders staff told me they would tell the park manager to call the septic haulers and arrange for stream clean up.

AIOO2221

Requirement	Status	Results or Comments
Have pollutants entered the waters of the Commonwealth? [KRS 224.70-110]. [KRS 224.70-110]	V	Pollutants have entered and contributed to the pollution of the waters of the Commonwealth. The sewage was not removed from the stream.
Have surface waters been aesthetically or otherwise degraded? [401 KAR 10:031 Section 2]. [401 KAR 10:031 Section 2]	V	The waters of the Commonwealth have been degraded. The sewage was not removed from the stream.
Did the facility notify the Division of Water by the most rapid means available whenever, by reason of emergency or accident, a spill or discharge occurs which results in pollution of the waters of the Commonwealth? [401 KAR 5:015 Section 2]	V	The responsible party has failed to report the spill or discharge to the Division of Water as required.

Investigator:

Title:

Date:

- N - N-Not Applicable
- E - E-Not Evaluated
- V - V-Out of Compliance-NOV
- C - C-No Violations observed
- I - I-No Violations obs-but impending viol trends obs
- D - D-Out of Compliance-Violations Documented
- O - O-Out of Comp-LOW non-recurrent Adm. or O&M

Received By:

Title:

Date:

Delivery Method:

August 26, 2013

Mr. Brad Trivette
Division of Water
9116 Leesgate Rd.
Louisville, KY 40222-5084

Re: Notice of Violation Response; AI ID: 2221;
AI Name: Ashley Point MHP; Activity ID:
ENV20130001; Jefferson County, KY

Dear Mr. Trivette:

Please allow this letter to confirm receipt of your letter/notice of violation (NOV), dated July 24, 2013. We believe that that this references a sewer lift station that was repaired in June. All repairs were made, the site was immediately remediated, and was treated with lime. We dispute your characterization that there was any "discharge into any of the waters of the state," that there was any pollution or release, or that there was any violation of any of the requirements of KRS Chapter 224 or 401 K.A.R.

Please be aware that, while we dispute that a discharge ever occurred, the company took immediate and definitive corrective action – the sewer lift was immediately repaired, and inspection was undertaken of the sewer lines on the referenced property, sufficient to ensure address the alleged non-compliance. Furthermore, we do not believe that there was ever any effluent that violated standards – however, any issued that occurred were likewise corrected immediately.

We finally dispute that we did not make the required notification in time – the company's position is that no notification was necessary because no spill or discharged reached waters of the state. However, we will be more cautious in the future, and notify the Division of Water anytime that a lift station or other infrastructure fails regarding our sewers.

In short – we dispute the NOV and ask that it be rescinded, however, even if it is accurate, the company took definitive and immediate steps to remedy and alleged non-compliance. Please contact me if you would like to discuss further.

Sincerely,


Kurtis P Keene
SSK Communities