

**FILED**  
December 12, 2024  
INDIANA UTILITY  
REGULATORY COMMISSION

**STATE OF INDIANA**

**INDIANA UTILITY REGULATORY COMMISSION**

**APPLICATION OF PLEASANTVIEW )  
UTILITIES, INC. FOR A NEW SCHEDULE )  
OF RATES AND CHARGES FOR ) CAUSE NO. 46122-U  
WASTEWATER SERVICE )**

**PUBLIC'S EXHIBIT NO. 4**

**TESTIMONY OF SCOTT A. BELL**

**ON BEHALF OF**

**THE INDIANA OFFICE OF UTILITY CONSUMER COUNSELOR**

**December 12, 2024**

**TESTIMONY OF OUCC WITNESS SCOTT A. BELL**  
**CAUSE NO. 46122-U**  
**PLEASANTVIEW UTILITIES, INC.**

**I. INTRODUCTION**

1 **Q: Please state your name and business address.**

2 A: My name is Scott A. Bell, and my business address is 115 West Washington Street, Suite  
3 1500 South, Indianapolis, Indiana 46204.

4 **Q: By whom are you employed and in what capacity?**

5 A: I am employed by the Indiana Office of Utility Consumer Counselor ("OUCC") as the  
6 Director of the Water/Wastewater Division. My qualifications and experience are set forth  
7 in Appendix A.

8 **Q: What relief does Pleasantview Utilities, Inc. seek in this case?**

9 A: Pleasantview Utilities, Inc.<sup>1</sup> ("Pleasantview" or "Applicant") seeks approval of a 55.57%  
10 increase to its rates for sewage disposal service to generate \$45,359 of additional revenues.<sup>2</sup>

11 **Q: What is the purpose of your testimony?**

12 A: I discuss aspects of Pleasantview's operations focusing on its noncompliance with National  
13 Pollutant Discharge Elimination System ("NPDES") Permit No. IN0044776.<sup>3</sup> I provide  
14 evidence that Pleasantview has consistently *not* been in compliance with its NPDES Permit  
15 for nearly twenty years. I explain that due to this ongoing non-compliance, the United

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<sup>1</sup> According to the Articles of Incorporation obtained from the Indiana Secretary of State's Office, the corporate name for the utility is Pleasant View Utilities, Inc., not Pleasantview Utilities, Inc. However, the OUCC will refer to the utility as "Pleasantview Utilities, Inc." or "Pleasantview" to be consistent with USEPA, IDEM, and Indiana Utility Regulatory Commission documents.

<sup>2</sup> Pleasantview Utilities, Inc. Small Utility Rate Application, Schedule 1 Revenue Requirements

<sup>3</sup> The current NPDES Permit (No. IN0044776) became effective on November 1, 2021 and expires on October 31, 2026. Pleasantview's NPDES Permit contains limits on the pollutants it can discharge, monitoring and reporting requirements, and other provisions to ensure that the discharge does not harm water quality or people's health.

1 States Environmental Protection Agency (“USEPA” or “EPA”) assessed a \$23,250 civil  
2 penalty to Pleasantview in 2022. I explain that Pleasantview has been subject to numerous  
3 formal and informal enforcement actions over the past ten years. I explain that  
4 Pleasantview is currently operating under an active formal enforcement action from EPA.  
5 I discuss how, in Cause No. 44351-U, Pleasantview’s management inaccurately reported  
6 it had completed all of the wastewater treatment plant improvements required to implement  
7 Phase II rates, following which the Indiana Utility Regulatory Commission  
8 (“Commission”) required Pleasantview to reduce its rates and issue a refund to customers.

9 Based on the long history of non-compliance, I conclude that Pleasantview’s owner  
10 is unable or is not willing to make the necessary investments and/or improvements to bring  
11 the utility into compliance with its NPDES Permit. Due to Pleasantview’s continued failure  
12 to remedy severe deficiencies with its wastewater treatment and collection system, its  
13 continued violation of its NPDES Permit requirements, and its failure to comply with  
14 EPA’s January 28, 2022 Administrative Order on Consent, I recommend the Commission  
15 initiate a review, pursuant to Ind. Code ch. 8-1-30, into the operations of the wastewater  
16 utility to determine whether a receiver should be appointed.

17 **Q: What have you done to prepare your testimony?**

18 A: I reviewed the Small Utility Rate Application that Pleasantview filed in this case for its  
19 wastewater operation. I reviewed the OUCC’s Report and the Commission’s Order in  
20 Cause No. 44351-U, Pleasantview’s last rate order. I reviewed several documents from the  
21 Commission and Pleasantview regarding the implementation of Phase 2 rates for Cause  
22 No. 44351-U and the subsequent reduction of rates due to lack of evidence to support the  
23 construction costs and completion of wastewater treatment facilities. I reviewed numerous

1 documents from the Indiana Department of Environmental Management (“IDEM”) and  
2 EPA regarding Pleasantview’s continued non-compliance with its NPDES Permit over the  
3 past twenty years. I reviewed EPA’s Consent Agreement and Final Order, where  
4 Pleasantview agreed to pay a \$23,250 civil penalty for Count 1: Unlawful Discharge  
5 (Bypass) of Pollutants into an Unnamed Tributary to Williams Creek and for Count No. 2:  
6 Effluent Limit Violations. Along with other OUCC staff, on November 21, 2024, I met  
7 with Mr. Matthew Sherck, owner of Pleasantview, and conducted an on-site review of the  
8 wastewater facilities. I reviewed Pleasantview’s responses to OUCC discovery. Finally, I  
9 compiled the attachments listed in Appendix B, which consist of documents I reviewed to  
10 investigate the facts and form my opinions.

11 **Q: If your testimony does not address a specific topic, issue, or item, should it be**  
12 **construed to mean you agree with Applicant’s proposal?**

13 A: No. My silence on any issue should not be construed as an endorsement. Also, my silence  
14 in response to any actions or adjustments stated or implied by Applicant should not be  
15 construed as an endorsement.

## 16 **II. BACKGROUND INFORMATION**

17 **Q: Please describe Pleasantview’s wastewater utility history and basic characteristics.**

18 A: Pleasantview is an investor-owned utility that provides wastewater utility services to  
19 approximately 200 residential customers in Fayette County, Indiana. Pleasantview has  
20 been owned and operated by Mr. Matthew Sherck for approximately 20 years.  
21 Pleasantview has presumably been authorized by the Commission to provide sewage  
22 disposal service through a Certificate of Territorial Authority (“CTA”).<sup>4</sup> It is unknown

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<sup>4</sup> The date and cause number approving a CTA for Pleasantview is unknown.

1 when the utility initiated service to customers, but the initial NPDES Permit (No. IN  
2 0044776) became effective on November 1, 1975, approximately 49 years ago.

3 **Q: Please describe Pleasantview's wastewater treatment and collection facilities.**

4 A: According to its current NPDES Permit, Pleasantview currently operates "a Class I, 0.06  
5 MGD extended aeration treatment facility consisting of a manual bar screen, an  
6 equalization tank, a secondary clarifier, two (2) polishing ponds, chlorine disinfection, an  
7 effluent flow meter, and post aeration."<sup>5</sup> Sludge is to be held in an aerated holding tank and  
8 is either land applied or landfilled. While an equalization tank is described in  
9 Pleasantview's current NPDES permit, the OUCC's on-site review revealed that  
10 Pleasantview does not in fact have an equalization tank. By design Pleasantview's  
11 collection system is entirely separate sanitary sewers with no overflow or bypass points.  
12 The collections system was constructed mostly of clay tile with concrete and brick  
13 manholes. The collection system, which is assumed to be over 49 years old, is entirely  
14 gravity system. There are no lift stations.

15 **Q: Please describe the results of Pleasantview's last rate case (Cause No. 44351-U).**

16 A: In Cause No. 44351-U, Pleasantview sought a two-phase rate increase of 107.73% (74.13%  
17 for Phase 1 and 19.29% for Phase 2). The Commission granted a two-phase increase of  
18 87.74%, consisting of a 57.35% Phase I increase and a 19.31% Phase II increase.<sup>6</sup> Phase II  
19 rates were to "become effective upon completion of the wastewater plant improvements  
20 and notification to the Commission that the improvements are in service."<sup>7</sup> Pleasantview

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<sup>5</sup> IDEM NPDES Permit No. IN0044776, issued on May 26, 2021, page 2 of 32.

<sup>6</sup> Commission Order in Cause No. 44351-U, p. 14.

<sup>7</sup> *Id.*

1 implemented the Phase II rates after its owner reported to the Commission that the capital  
2 improvements had been completed. However, the Commission later discovered that a  
3 significant portion of the capital improvements Pleasantview's owner reported had been  
4 completed were in fact not completed. Pleasantview was required to reduce its rates and  
5 issue refunds to its customers.

### 6 **III. NON-COMPLIANCE WITH NPDES PERMIT**

#### 7 **Evidence of NPDES Permit non-compliance from EPA:**

8 **Q: Does EPA document utility compliance with NPDES Permits and report the**  
9 **compliance status online?**

10 **A:** Yes. I was able to review Pleasantview's NPDES Permit compliance history from EPA's  
11 Enforcement and Compliance History Online ("ECHO") website. I printed a Detailed  
12 Facility Report, including an Enforcement and Compliance Summary for Pleasantview,  
13 which I have included as OUCC Attachment SAB-1. The Detailed Facility Report for  
14 Pleasantview indicates that there were three (3) "Formal Enforcement Actions" and sixteen  
15 (16) "Informal Enforcement Actions" over the past ten years. One of the Formal  
16 Enforcement Action resulted in a \$23,250 civil penalty for Pleasantview. Another Formal  
17 Enforcement Action, initiated in 2019 has been closed, but it was replaced (superseded) by  
18 another active Formal Enforcement Action initiated in 2022.

19 **Q: Has Pleasantview had a long history of recurring significant non-compliance with its**  
20 **NPDES Permit?**

21 **A:** Yes. Pleasantview's history of non-compliance with its NPDES Permit dates back to 2007  
22 when Pleasantview entered into an Agreed Order with IDEM (Case No. 2005-14957-W)  
23 and agreed to pay a \$4,000 civil penalty. (See OUCC Attachment SAB-2.) The 2007  
24 Agreed Order indicated IDEM had conducted an inspection on August 17, 2005. The

1 Agreed Order noted unsatisfactory conditions, evidencing Pleasantview's "failure to  
2 maintain in good working order and/or efficiently operate all waste collection, control,  
3 treatment and disposal facilities in violation of 327 IAC 5-2-8(1), Part II.A.1 of the  
4 [NPDES] Permit, 327 IAC 5-2-8(8), and Part II.B.1 of the [NPDES] Permit," which  
5 include the following:

- 6 • Rancid grease and sewage debris was observed below the headworks  
7 Sanitary Sewer Overflow (SSO) outfall;
- 8 • Black sludge deposits were pooled in an area just below an unlawful bypass-  
9 pipe that was installed to bypass secondary effluent directly into the  
10 receiving stream during high flows (without first flowing through the  
11 polishing ponds designed to settle out solids);
- 12 • Evidence of a recent discharge of raw sewage at the headworks SSO outfall  
13 was observed;
- 14 • Package plant was off-line (not in service);
- 15 • No means are available to facilitate the wasting of sludge- all sludge goes  
16 ultimately either to the polishing ponds (both ponds now full of old sludge),  
17 or to the receiving stream (through unlawful bypass pipe);
- 18 • Float-type flow-meter is in urgent need of calibration, and the V-notch weir  
19 is partially submerged, causing flow measurement to be inaccurate;
- 20 • No functional chlorine contact tank exists.

21 **Q: What did the 2007 Agreed Order require Pleasantview to do?**

22 A: Among other things, the 2007 Agreed Order required Pleasantview to complete a  
23 Compliance Plan for IDEM approval.

24 **Q: Did Pleasantview comply with the 2007 Agreed Order?**

25 A: No. Because Pleasantview had not complied with the requirements of the 2007 Agreed  
26 Order, in 2012 IDEM filed a "Verified Petition for Civil Enforcement" in the Fayette County  
27 Circuit Court and received a Judgment ordering Pleasantview to comply with the 2007  
28 Agreed Order. (See OUCC Attachment SAB-3.)

29 **Q: Did Pleasantview subsequently propose to make improvements to its wastewater  
30 treatment plant?**

31 A: Yes. In 2014 Pleasantview received Construction Permit Approval No. 20779 for

1 construction of wastewater treatment plant (“WWTP”) improvements designed by  
2 Hometown Engineering, LLC and certified by Ms. Ethel L. Morgan, P.E. Although some  
3 of the approved WWTP improvements designed by Hometown Engineering have been  
4 completed,<sup>8</sup> Pleasantview continues to violate its NPDES Permit to this day.

5 **Q: Has EPA inspected Pleasantview’s facilities since 2014?**

6 A: Yes. EPA conducted an NPDES compliance inspection at Pleasantview’s wastewater  
7 treatment plant on February 25, 2019. On March 6, 2019, EPA sent Mr. Sherck  
8 (Pleasantview) its NPDES Compliance Inspection Report, which identified maintenance-  
9 related issues and evidence of a recent sewage overflow at the WWTP. (See OUCC  
10 Attachment SAB-4.)

11 **Q: What did EPA do next?**

12 A: On April 29, 2019, EPA issued an Administrative Order on Consent (“AOC”) Under  
13 Section 309(a) of the Clean Water Act, 33 U.S.C. § 1319(a) in the Matter of: Pleasantview  
14 Utilities Wastewater Treatment Plant NPDES Number IN0044776. (See OUCC  
15 Attachment SAB-5.) The Findings of Fact and Law in EPA’s Administrative Order on  
16 Consent set forth a history of failures and violations from 2014 through 2018 and identified  
17 new violations and failures:

- 18 • IDEM conducted NPDES compliance inspections at the Facility and  
19 issued follow-up violation letters and notices of noncompliance to the  
20 Respondent over the last five years, including:
  - 21 • April 2014: Violation Letter - reporting violations;
  - 22 • October 2014: Violation Letter - unsatisfactory rating for  
23 reporting, maintenance, self-reported effluent limit violations,  
24 and bypasses;
  - 25 • May 2015: Violation Letter - unsatisfactory rating for  
26 monitoring, reporting, self-reported effluent violations, and  
27 bypasses;

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<sup>8</sup> Based on the OUCC’s review of Applicant’s asset records and an on-site inspection of the WWTP.



- 1                   • July 2017: Noncompliance Letter - unsatisfactory rating for  
2                   sludge disposal, operations and maintenance, and self-reported  
3                   effluent limit violations; and  
4                   • April 2018: Noncompliance Letter - unsatisfactory rating for  
5                   self-reported effluent limit violations.  
6                   • Through evaluation of discharge monitoring reports ("DMRs")  
7                   submitted to IDEM. EPA identified 148 occasions from 2014 through  
8                   December 2018, where Respondent discharged pollutants from Outfall  
9                   001 that exceeded the applicable effluent limits in the Permit, in  
10                  violation of Part 1.A of the Permit and Section 301(a) of the CWA, 33  
11                  U.S.C. § 1311(a). See Attachment A-Table of Effluent Limit Violations.  
12                  • On February 25, 2019, EPA inspected the Facility to evaluate  
13                  compliance with the CWA. EPA inspectors identified areas of concern,  
14                  including:  
15                      • Maintenance-related issues contributing to effluent limit  
16                      exceedances such as insufficient frequency of maintenance;  
17                      chronic duckweed control on polishing ponds; insufficient  
18                      chlorine supply for disinfection treatment; uncovered chlorine  
19                      contact tank and flow meter vault, allowing debris and solids to  
20                      enter the effluent waste stream; debris and growth in the clarifier  
21                      effluent trough; erosion of earth and the presence of sanitary  
22                      waste debris around the effluent outfall: and lack of alarm  
23                      capability to automatically alert the operator or Respondent of  
24                      treatment system failures.  
25                      • Evidence of a recent sewage overflow at the Facility, including  
26                      toilet paper on the ground. The path of the overflow debris was  
27                      observed from a junction box manhole to a polishing pond,  
28                      bypassing the treatment plant headworks, aeration treatment,  
29                      and clarifier.  
30                  • The Respondent has violated Part I.A of the Permit by discharging  
31                  pollutants, into waters of the United States, in excess of the limitations  
32                  established in its Permit.  
33                  • The Respondent failed to at all times maintain in good working order  
34                  and efficiently operate all equipment and systems for the collection and  
35                  treatment of process wastewater as necessary to achieve compliance  
36                  with terms and conditions of Part II.B.1.a. of the Permit.  
37                  • The Respondent has violated Part II.B.2 of the Permit by allowing a  
38                  prohibited bypass on or about February 20, 2019, and failing to submit  
39                  timely notices as required under Part II.B.2.d of the Permit.  
40                  • Each violation of the conditions of the Permit or regulations described  
41                  above is a violation of Section 301 of the Act, 33 U.S.C. § 1311.<sup>9</sup>

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<sup>9</sup> EPA's April 29, 2019 Administrative Order on Consent Under Section 309(a) of the Clean Water Act, 33 U.S.C. § 1319(a) in the Matter of: Pleasantview Utilities Wastewater Treatment Plant NPDES Number IN0044776. Pages 4-6.

1 **Q: Did the EPA Administrative Order on Consent incorporate specific compliance**  
2 **requirements that Pleasantview agreed to complete?**

3 A: Yes. EPA's Administrative Order on Consent incorporated Pleasantview's agreement to  
4 develop standard operating procedures for reporting and notification, submit a corrective  
5 action plan, install and activate a system to provide monitoring at Pleasantview's facility,  
6 and submit an operations and maintenance plan:

- 7
- 8 • Within 30 days of the effective date of this Order, the Respondent must  
9 develop standard operating procedures for reporting and notification to  
10 address failures to provide timely reports and notifications for bypasses  
11 and overflows to IDEM, pursuant to the Permit.
  - 12 • Within 90 days of the effective date of this Order, the Respondent must  
13 submit to EPA, for review and approval, a corrective action plan,  
14 including detailed implementation schedule and cost information, to  
15 address all effluent limit exceedances and conditions and capacity issues  
16 contributing to overflows and bypasses. All work identified in the  
17 corrective action plan must be completed as soon as possible and not  
18 later than 180 days from the effective date of this Order.
  - 19 • Within 90 days of the effective date of this Order, the Respondent must  
20 install and activate a system to provide monitoring at the Facility, and  
21 alert Respondent and operators of overflow, bypass, and other  
22 conditions potentially contributing to Permit violations.
  - 23 • Within 90 days of the effective date of this Order, Respondent must  
24 develop and submit to EPA for review and approval an Operations and  
25 Maintenance ("O&M") Plan covering the operation of the Facility. The  
26 O&M Plan shall be designed to meet the requirement to at all times  
27 maintain in good working order and efficiently operate all equipment  
28 and systems for the collection and treatment of process wastewater as  
29 necessary to achieve compliance with terms and conditions of Part  
30 II.B.1.a. of the Permit. The O&M Plan shall contain the following  
31 elements:
    - 32 ○ Schedule and procedures for regular inspection, management,  
33 cleaning, and maintenance of all components of the treatment  
34 train at the Facility;
    - 35 ○ Schedule and procedures for regular inspection, mailagement,  
36 cleaning, and maintenance of all components of the sewage  
37 collection and conveyance system: and
    - 38 ○ Schedule and procedures for regular inspection, management,  
39 and disposal of sludge, including maintenance and cleaning of  
the clarifier effluent trough and any other areas in the treatment

1 train at the Facility.<sup>10</sup>

2 In addition to the foregoing, Pleasantview agreed to provide quarterly status reports until  
3 termination of the order:

- 4 • The Respondent must submit a status report to EPA within 30 days of  
5 the end of each calendar-year quarter (i.e., by January 31, April 30, July  
6 31, and October 31), until this Order is terminated. The first status report  
7 will be due within 30 days of completion of the first full quarter after  
8 the effective date of this Order. Each status report shall include: (a) a  
9 description of the actions which have been taken toward achieving  
10 compliance with this Order during the previous quarter; (b) an  
11 assessment of the effectiveness of such actions in preventing effluent  
12 violations; (c) a summary of all effluent violations that occurred during  
13 the previous quarter; (d) an analysis of the cause of each such effluent  
14 violation; and (e) a description of the Respondent's plan to address and  
15 prevent such violations from occurring in the future.<sup>11</sup>

16 **Q: Did Pleasantview subsequently submit a status report?**

17 A: Yes. On October 25, 2019, Pleasantview provided a status report to EPA asserting that  
18 Pleasantview has worked to complete the requirements of the AOC and that the plant was  
19 then being operated according to the O&M Plan. (See OUCC Attachment SAB-6.)  
20 Pleasantview's October 25, 2019 Status Report requested the AOC be considered  
21 complete:

- 22 • "Pleasantview Utilities has worked to complete the requirements of the  
23 agreed order. The Mission Communications Monitoring System has  
24 been installed. The system is monitoring flow, temperature, rainfall,  
25 power, air pressure and overflows. If any parameters read out of limit,  
26 an email, text message and phone call are made by the system to me and  
27 the operator. The system also supplies a weekly report."  
28 • "The plant is now being operated according to the O&M Plan. During  
29 this period improvements at the plant include fixing air leaks, adding air  
30 system diffuser drops and removing trash and debris around the plant."  
31 • "Due to these updates and changes, I request that the agreed order be

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<sup>10</sup> EPA's April 29, 2019 Administrative Order on Consent Under Section 309(a) of the Clean Water Act, 33 U.S.C. § 1319(a) in the Matter of: Pleasantview Utilities Wastewater Treatment Plant NPDES Number IN0044776. Pages 6-7.

<sup>11</sup> Id. p. 8

1                   considered completed.”<sup>12</sup>

2   **Q:   How did EPA respond to Pleasantview’s October 25, 2019 status report?**

3   A:   On November 5, 2019, Patrick F. Kuefler, Chief, Water Enforcement and Compliance  
4       Assurance Branch, USEPA, wrote a letter regarding the “Final Administrative Order on  
5       Consent Regarding Clean Water Act Violations at the Pleasant View Utilities Wastewater  
6       Treatment Plant in Connerville, Indiana.” (See OUCC Attachment SAB-7.) The letter  
7       indicated Pleasantview’s corrective action plan failed to address all effluent limit  
8       exceedances as required:

- 9           • Matt Sherck, President of Pleasant View, provided an October 25, 2019  
10          Status Report that included a request for USEPA to consider the USEPA  
11          FAO completed.
- 12          • EPA reviewed discharge monitoring reports (“DMRs”) for the Facility  
13          through August 2019. Based on EPA's review, the Facility continues to  
14          discharge effluent in exceedance of effluent limits for dissolved oxygen  
15          and nitrogen, ammonia total [as N]. As a result, the corrective action  
16          plan has failed to address all effluent limit exceedances as required in  
17          the Order.
- 18          • EPA reviewed your October 25, 2019 Status Report and noted that the  
19          submission failed to meet the requirements of Paragraph 54 b-e,  
20          underlined below:
  - 21                  • Pursuant to Paragraph 54 of the Order, you must “*submit*  
22                  *a status report to EPA within 30 days of the end of each*  
23                  *calendar-year quarter (i.e. by January 31, April 30, July*  
24                  *31, and October 31), until this Order is terminated. Each*  
25                  *status report shall include: (a) a description of the actions*  
26                  *which have been taken toward achieving compliance with*  
27                  *this Order during the previous quarter; (b) an assessment*  
28                  *of the effectiveness of such actions in preventing effluent*  
29                  *violations; (c) a summary of all effluent violations that*  
30                  *occurred during the previous quarter; (d) an analysis of*  
31                  *the cause of each such effluent violation; and (e) a*  
32                  *description of the Respondent's plan to address and*  
33                  *prevent such violations from occurring in the future.”*

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<sup>12</sup> Pleasantview’s October 24, 2019 Status Report to the EPA.

1 Mr. Kuefler's November 5, 2019, letter concluded Pleasantview should take further action  
2 in the form of a status report and corrective action plan:

- 3 • Pursuant to Paragraph 76 of the Order, EPA concludes that further  
4 actions are required to comply with the requirements of this Order.  
5 Within 15 days of receipt of this letter, submit a revised Status Report,  
6 making sure to address all the elements within Paragraph 54 of the  
7 Order, as discussed above. Within 30 days of receipt of this letter,  
8 submit a revised corrective action plan to address all effluent violations,  
9 pursuant to Paragraph 48, including a detailed implementation schedule.

10 **Q: Did Pleasantview submit a status report to EPA?**

11 A: Pleasantview submitted a status report to EPA on October 30, 2020. That report indicated  
12 Pleasantview continues to operate according to the O&M Plan. (See OUCC Attachment  
13 SAB-8.)

14 **Q: Did EPA respond to Pleasantview's October 30, 2020 status report?**

15 A: Yes. On November 11, 2020, EPA wrote a letter to Pleasantview Utilities regarding the  
16 Final Administrative Order on Consent Regarding Clean Water Act Violations at the  
17 Pleasant View Utilities Wastewater Treatment Plant in Connersville, Indiana. (See OUCC  
18 Attachment SAB-9.) The EPA's November 11, 2020 letter indicated Pleasantview's  
19 operator stated that the plant was meeting effluent requirements but noted Pleasantview's  
20 discharge monitoring reports indicated numerous times in August through October 2020  
21 when Pleasantview exceeded its permitted effluent limitations:

- 22 • The U.S. Environmental Protection Agency received your October 30, 2020  
23 Status Report for Pleasantview Utilities Wastewater Treatment Plant  
24 ("Facility"). In the Status Report you mention the "[o]perator stated that  
25 plant is meeting effluent requirements" and "[c]oming into fall we should  
26 not have a problem with DO and residual chlorine." EPA reviewed your  
27 discharge monitoring reports ("DMRs") submitted for the period August -  
28 October 2020 and identified numerous permit effluent limit exceedances,  
29 including dissolved oxygen (August, September and October), residual  
30 chlorine (August), ammonia total [as N] (September and October), and total  
31 suspended solids (October).

- 1           • Based on the ongoing noncompliance at the Facility and the Status Report  
2 deficiencies identified below, EPA has determined that you have not  
3 satisfied the requirements of the Order.
- 4           • Based on EPA's review, the Facility continues to discharge effluent in  
5 exceedance of effluent limits for dissolved oxygen, residual chlorine,  
6 ammonia total [as N], and total suspended solids. As a result, the corrective  
7 action plan has failed to address all effluent limit exceedances as required  
8 in the Order.
- 9           • EPA reviewed your October 20, 2020 Status Report and noted that the  
10 submission failed to meet the requirements of Paragraph 54 b-e, underlined  
11 below:
- 12           ○ *Pursuant to Paragraph 54 of the Order, you must "submit a*  
13 *status report to EPA within 30 days of the end of each*  
14 *calendar-year quarter (i.e. by January 31, April 30, July 31,*  
15 *and October 31), until this Order is terminated. Each status*  
16 *report shall include: (a) a description of the actions which*  
17 *have been taken toward achieving compliance with this Order*  
18 *during the previous quarter; (b) an assessment of the*  
19 *effectiveness of such actions in preventing effluent violations;*  
20 *(c) a summary of all effluent violations that occurred during*  
21 *the previous quarter; (d) an analysis of the cause of each such*  
22 *effluent violation; and (e) a description of the Respondent's*  
23 *plan to address and prevent such violations from occurring in*  
24 *the future."*

25 EPA concluded in its November 11, 2020 letter that Pleasantview should take further action  
26 in the form of a status report and corrective action plan:

- 27           • Pursuant to Paragraph 76 of the Order, EPA concludes that further actions  
28 are required to comply with the requirements of this Order. Within 15 days  
29 of receipt of this letter, submit a revised Status Report, making sure to  
30 address all the elements within Paragraph 54 of the Order, as discussed  
31 above. Within 30 days of receipt of this letter, submit a revised corrective  
32 action plan to address all effluent violations, pursuant to Paragraph 48,  
33 including a detailed implementation schedule.

34 **Q: Did Pleasantview submit another status report?**

35 A: Yes. On November 23, 2020, Pleasantview Utilities, Inc. submitted a Revised Status  
36 Report to EPA (2 pages, including an invoice from Josh Landstrom) asserting that  
37 Pleasantview had taken actions to reduce violations. (See OUCC Attachment SAB-10.)

- 1           • “Pleasantview Utilities continues to operated (sic) according to the O&M  
2 Plan. Reports show permit effluent violations. In an effort to redude (sic)  
3 these violation we have rebuilt the main blower and replaced the electric  
4 motor that drives it. This will improve efficiency at the plant. By repairing  
5 and replacing the blower and the motor, Disolved (sic) oxygen levels should  
6 increase and the plant should also operate more efficiently to remove  
7 ammonia. A copy of the invoice is attached. Residual chlorine violations  
8 will be addressed when chlorinating by adding more air in chlorination  
9 contact tank and using de-chlor.”

10 **Q: Did EPA initiate another Formal Enforcement Action in 2022?**

11 A: Yes. On January 28, 2022, EPA issued an Administrative Order on Consent (“AOC”)  
12 Under Section 309(a) of the Clean Water Act, 33 U.S.C. § 1319(a) in the Matter of:  
13 Pleasantview Utilities Wastewater Treatment Plant NPDES Number IN0044776. (See  
14 OUCC Attachment SAB-11.) This EPA AOC superseded EPA’s April 29, 2019 AOC,  
15 which terminated upon the effective date of the January 28, 2022 AOC. The Findings  
16 section in EPA’s AOC documented the following violations of Pleasantview’s NPDES  
17 Permit:

- 18           • Through evaluation of discharge monitoring reports (“DMRs”)  
19 submitted to IDEM, EPA identified 156 occasions from December 2016  
20 through December 2021, where Respondent discharged pollutants from  
21 Outfall 001 that exceeded the applicable effluent limits in the Permit, in  
22 violation of Part I.A of the Permit and Section 301(a) of the CWA, 33  
23 U.S.C. § 1311(a).  
24           • The Respondent has violated Part I.A of the Permit by discharging  
25 pollutants, into waters of the United States, in excess of the limitations  
26 established in its Permit.  
27           • The Respondent failed to at all times maintain in good working order  
28 and efficiently operate all equipment and systems for the collection and  
29 treatment of process wastewater as necessary to achieve compliance  
30 with terms and conditions of Part II.B.1.a of the Permit.  
31           • Respondent has violated Part II.B.2 of the Permit by allowing a  
32 prohibited bypass on or about February 20, 2019, and failing to submit  
33 timely notices as required under Part II.B.2.d of the Permit.  
34           • Each violation of the conditions of the Permit or regulations described  
35 above is a violation of Section 301 of the Clean Water Act, 33 U.S.C. §  
36 1311.

1 **Q: What did EPA's January 28, 2022 Agreement on Consent require of Pleasantview?**

2 A: EPA ordered, and it was agreed to by Mr. Sherck, that Pleasantview complete a  
3 Compliance Program, detailed in Sections 28 through 44 of the January 28, 2022 AOC.  
4 Included in the Compliance Program is the requirement that Pleasantview submit a  
5 Corrective Action Plan ("CAP") for EPA review and approval, describing the specific  
6 actions to be taken to address treatment needs and correct the effluent limitation violations.  
7 Pleasantview is required to include a schedule to complete all work necessary to correct  
8 the violations within 180 days of EPA's approval of the CAP.

9 **Q: Did Pleasantview and EPA also enter into a Consent Agreement and Final Order due**  
10 **to the violations of the NPDES Permit?**

11 A: Yes. On February 8, 2022, in a Proceeding to Assess a Class II Civil Penalty under Section  
12 309(g) of the Clean Water Act, 33 U.S.C. § 1319(g), Complainant - the United States  
13 Environmental Protection Agency ("EPA") Region 5 and Respondent - Pleasantview  
14 Utilities, Inc. (for the Pleasantview Utilities Wastewater Treatment Plant) entered into a  
15 Consent Agreement and Final Order ("CAFO"). (See OUCC Attachment SAB-12.)  
16 Pleasantview was assessed a civil penalty of \$23,250 for unlawful discharge and effluent  
17 violations:

- 18 • Count 1: Unlawful Discharge (Bypass) of Pollutants into an Unnamed  
19 Tributary of Williams Creek.
  - 20 ▪ On February 19-20, 2019, Outfall No. 001 discharged partially treated  
21 sanitary sewage into Williams Creek.
  - 22 ▪ On February 25, 2019, EPA inspected the facility to evaluate  
23 compliance with the CWA. During the inspection, EPA inspectors  
24 observed evidence of a treatment bypass of the treatment plant  
25 headworks, aeration treatment, and clarifier.
- 26 • Count 2: Effluent Limit Violations.
  - 27 ▪ Through evaluation of discharge monitoring reports ("DMRs")  
28 submitted to IDEM, EPA identified 148 occasions from August 31,  
29 2016 through May 31, 2021, where Respondent discharged pollutants



1 from Outfall 001 that exceeded the applicable effluent limits in the  
2 Permit, in violation of Part I.A of the Permit and Section 301(a) of the  
3 CWA, 33 U.S.C. § 1311(a).

4 **Q: Did Pleasantview pay the civil penalty to EPA?**

5 A: Yes. However, it is unclear how Pleasantview's owner obtained the funds to pay the  
6 \$23,250 civil penalty. A civil penalty due to environmental violations is not a utility  
7 expense that may be recovered from ratepayers.

8 **Q: Has Pleasantview recently submitted a status report to EPA as required by EPA's**  
9 **January 28, 2022 AOC?**

10 A: Yes. On October 29, 2024, Pleasantview Utilities, Inc. submitted a revised status report to  
11 EPA (2 pages, including an invoice from Josh Landstrom) asserting that Pleasantview has  
12 hired a new operator and made plant improvements. (See OUCC Attachment SAB-13.)

- 13
- 14 • "Pleasantview Utilities continues to operate to meet requirements of  
15 agreed order and to meet effluent requirements if IDEM. A new operator  
16 has been hired at the treatment plant. The new operator is Michael  
17 Stuckey with MS Waters. MS Waters is improving the plant by making  
18 sure the plant is operating efficiently. They are working closely with  
19 myself and hired contractors to improve plant operations. Updates  
20 include additional aeration lines, extended sludge return lines and extra  
21 maintenance. The contact tank was cleaned to allow better aeration and  
22 chlorination. Regular maintenance and visits keep the plant operating to  
23 meet permit requirements."
  - 24 • "We are currently in process of doing a rate increase with the IURC. We  
25 have included extra funds in the revenue requirements for extra labor at  
26 the treatment plant to increase operations."
  - 27 • "In an effort to keep from going over our ammonia requirements we  
28 have contracted with an engineer, Stephen Fralish, we believe that if we  
29 modify the permit to add aeration to the polishing ponds, this will  
30 eliminate our ammonia violations. Because of his schedule, he stated  
that January would be the earliest he could get started."

31 **Q: Has EPA responded to Pleasantview's October 29, 2024 revised status report?**

32 A: I reviewed IDEM's Virtual File Cabinet but was unable to locate an EPA response to  
33 Pleasantview's revised status report or determine whether a response had been made.

1 **Q: Has Pleasantview completed the Compliance Program, detailed in Sections 28**  
2 **through 44 of the January 28, 2022 AOC?**

3 A: I found no evidence on IDEM's Virtual File Cabinet or EPA's ECHO website indicating  
4 that Pleasantview completed the Compliance Program, detailed in Sections 28 through 44  
5 of the January 28, 2022 AOC.

6 **Q: Is Pleasantview currently in compliance with its NPDES Permit according to EPA?**

7 A: No. On October 21, 2024, Ms. Ellie DeMilt, Life Scientist, USEPA Region 5, responded  
8 to an OUCC inquiry indicating that Pleasantview's facility remains in "Significant Non-  
9 Compliance" with its NPDES Permit. (See OUCC Attachment SAB-14.)

10 • Thank you for your email. Information about Pleasantview's overall  
11 compliance is made available to the public at EPA's website,  
12 Enforcement and Compliance History Online (ECHO). Here is the link:  
13 <https://echo.epa.gov/>. The facility, Pleasantview Utilities, was issued  
14 the CAFO you referenced in March of 2022 along with an  
15 Administrative Order on Consent in January of 2022, which required  
16 them come into compliance within the year. As of June, the facility  
17 remains in Significant Non-Compliance with its National Pollutant  
18 Discharge Elimination System permit requirements, as seen on ECHO.  
19 Accordingly, the case remains open. EPA continues to review  
20 Pleasantview's compliance status. Please feel free to contact me with  
21 further questions.

22 **Q: Is EPA's January 28, 2022 Administrative Order on Consent still active?**

23 A: Yes. As Ms. DeMilt stated in her October 31, 2024 email above, Pleasantview remains in  
24 significant non-compliance with its NPDES Permit requirements and the case remains  
25 open. Also, on May 2, 2024, IDEM sent an Inspection Summary / Noncompliance Letter  
26 to Mr. Sherck stating that "The facility is under Final Administrative Order on Consent  
27 signed by U.S. EPA with an effective date of January 28, 2022."

1 **Evidence of NPDES Permit non-compliance from IDEM**

2 **Q: For how many Informal Enforcement Actions has Pleasantview been the subject?**

3 A: Over the past ten years, Pleasantview has been the subject of sixteen (16) Informal  
4 Enforcement Actions including Inspection Summary / Noncompliance Letters that include  
5 a copy of the NPDES Wastewater Facility Inspection Report which documents the  
6 inspection findings:

NPDES Permit Violations since 2015

No.	Inspection Date	Type of IDEM Inspection or Review	Type of Violation Described
1	07/26/24	Compliance status review	NPDES Permit Violations
2	04/29/24	Compliance Evaluation Inspection	NPDES Permit Violations
3	08/17/23	Reconnaissance Inspection	NPDES Permit Violations
4	08/09/22	Reconnaissance Inspection	NPDES Permit Violations
5	03/02/22	Compliance Evaluation Inspection	NPDES Permit Violations
6	09/13/21	Compliance status review	NPDES Permit Violations
7	08/25/21	Complaint Investigation	NPDES Permit Violations
8	05/14/21	Noncompliance Letter	NPDES Permit Violations
9	01/15/21	Compliance status review	NPDES Permit Violations
10	06/05/20	Compliance Evaluation Inspection	NPDES Permit Violations
11	04/30/20	Compliance status review	NPDES Permit Violations
12	02/25/19	Reconnaissance Inspection	NPDES Permit Violations
13	04/05/18	Compliance Evaluation Inspection	NPDES Permit Violations
14	06/26/17	Compliance Evaluation Inspection	NPDES Permit Violations
15	09/17/15	Compliance Evaluation Inspection	NPDES Permit Violations
16	04/14/15	Reconnaissance Inspection	NPDES Permit Violations

7 **Q: Please describe the NPDES Permit violations documented in the Noncompliance**  
8 **Letter dated July 26, 2024.**

9 A: The IDEM Noncompliance Letter states that “your facility exceeded its limits for

1        **Oxygen/dissolved** for the month of April, **TSS** for the month of April,  
2        **Nitrogen/Ammonia** for the months of April and May, **Chlorine** for the month of April,  
3        and **E. coli** for the month of April.”<sup>13</sup> (See OUCC Attachment SAB-15)

4        **Q: Please describe the NPDES Permit violations and concerns documented in the IDEM**  
5        **Noncompliance Letter dated May 2, 2024 and the NPDES Wastewater Facility**  
6        **Inspection Report dated April 29, 2024.**

7        A: The Noncompliance Letter indicated Pleasantview’s facility is under Final Administrative  
8        Order on Consent signed by EPA with an effective date of January 28, 2022. The  
9        Noncompliance Letter explained that this order was supposed to compel Pleasantview to  
10       bring its wastewater treatment plant (“WWTP”) into compliance. As evidenced by the  
11       ninety (90) effluent limit violations as well as other violations documented in the  
12       Noncompliance Letter, the plant is not in compliance. I listed below some of the NPDES  
13       Permit violations and concerns addressed in both the Noncompliance Letter and the  
14       NPDES Wastewater Facility Inspection Report. I included the Noncompliance Letter and  
15       attached NPDES Wastewater Facility Inspection Report as OUCC Attachment SAB-16.

- 16       • The facility is under Final Administrative Order on Consent signed by U.S.  
17       EPA with an effective date of January 28, 2022. This order was supposed  
18       to compel the permittee to bring this WWTP into compliance. As evidenced  
19       by the excessive effluent limit violations as well as other violations  
20       documented, the plant is not in compliance.
- 21       • The Collection system evaluation generated an unsatisfactory rating.
  - 22       ○ The highly variable flow at the WWTP demonstrates an issue with I/I  
23       in the collection system. This is a violation of Part II. B. 1 of the permit  
24       which requires all facilities to be maintained in good working order at  
25       all times and operated as efficiently as possible and in a manner which  
26       will minimize upsets and discharges of excessive pollutants. This  
27       includes the facility's collection system
- 28       • Facility/Site was rated as unsatisfactory.
  - 29       ○ The WWTP is in poor condition with corrosion obvious in several areas.

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<sup>13</sup> July 26, 2024 IDEM Non-compliance letter to Matt Sherck, Owner, Pleasantview Utilities, p. 1. (OUCC Attachment SAB-15)

1 This is a violation of 327 IAC 5-22-10 which requires the owner or  
2 governing body of a wastewater treatment plant to be responsible for  
3 providing adequate funding and oversight to ensure the proper  
4 operation, maintenance, management and supervision of said plant.  
5 Specifically, if the permittee plans to continue to operate this WWTP  
6 they must put a plan in place for replacement of the equipment.

- 7 • Operation was rated as unsatisfactory. Part II. B. 1 of the permit requires all  
8 waste collection, control, treatment, and disposal facilities to be operated as  
9 efficiently as possible and in a manner which will minimize upsets and  
10 discharges of excessive pollutants. At the time of the inspection the chlorine  
11 contact tank was full of duckweed and sludge. The surface of the clarifier is  
12 was covered in floating sludge and debris. The polishing ponds appeared to  
13 have an excessive amount of solids present. All of these are most likely  
14 contributing to the excessive number of effluent limit violations reported.  
15 Effluent limit violations were reported in 11 of the last 12 months reviewed.
- 16 • The Self Monitoring Program was rated as unsatisfactory. Based on the  
17 onsite documentation, inspector was unable to determine if the permittee  
18 was flow proportioning the effluent composite samples. This is a violation  
19 of Part I. B. 4. b. (4) of the permit, which defines the 24-hour flow  
20 proportioned composite sample.
- 21 • Flow Measurement was rated as unsatisfactory
- 22 • The Laboratory evaluation generated an unsatisfactory rating. At the time  
23 of the inspection, it was determined the chlorine bench sheet was  
24 inadequate. This is a violation of Part I. B. 6 of the NPDES permit which  
25 requires the permittee to record specific information as described, for each  
26 measurement or sample taken pursuant to the requirements of this permit.
- 27 • The Records/Reports evaluation generated an unsatisfactory rating.
- 28 • The Effluent Limits Compliance area was rated unsatisfactory due to the  
29 ninety (90) self-reported violations of the limits detailed in NPDES Permit  
30 for the period April 2023 – March 2024.
- 31 • The Other: Bypass of Treatment area was evaluated as unsatisfactory. Part  
32 II. B. 2 of the permit prohibits bypass of treatment. At the time of the  
33 inspection, the discharge pipe from the polishing pond had been modified.  
34 This modification caused flow to be released through the old outfall. This  
35 flow was bypassing disinfection and post aeration as well as flow  
36 measurement. This appears to have been occurring for several days.

37 **Q: Please describe the NPDES Permit violations and concerns documented in the IDEM**  
38 **Noncompliance Letter dated August 21, 2023 and the NPDES Wastewater Facility**  
39 **Inspection Report dated August 17, 2023.**

40 **A:** The Noncompliance Letter indicated Pleasantview's operation was rated as unsatisfactory  
41 and effluent limit violations had been reported each of the last 6 months. The "Laboratory"

1 evaluation and the "Records/Reports" evaluation both generated an unsatisfactory rating.  
2 Also, the Effluent Limits Compliance area was rated unsatisfactory due to self-reported  
3 violations of the limits detailed in Part I.A. of the NPDES Permit. The letter concluded that  
4 Pleasantview was "required to immediately take all necessary measures to comply with the  
5 terms and conditions of your NPDES Permit, specifically those violations identified  
6 above." (See OUCC Attachment SAB-17.)

7 **Q: Please describe the NPDES Permit violations and concerns documented in the IDEM**  
8 **Noncompliance Letter dated March 4, 2022 and the NPDES Wastewater Facility**  
9 **Inspection Report dated March 2, 2022.**

10 A: The Noncompliance Letter indicated Pleasantview's WWTP was in poor condition with  
11 corrosion obvious in several areas. This condition is a violation of 327 IAC 5-22-10 which  
12 requires the owner or governing body of a wastewater treatment plant to be responsible for  
13 providing adequate funding and oversight to ensure the proper operation, maintenance,  
14 management and supervision of the plant. The utility operations were rated as  
15 unsatisfactory "as demonstrated by excessive effluent limit violations, the WWTP is not  
16 efficiently operated." The utility's maintenance was rated as unsatisfactory due to an  
17 inadequate preventive maintenance program, which is a violation of Part II.B.1 of the  
18 Permit. The Self Monitoring Program was rated as unsatisfactory for not monitoring final  
19 effluent at the frequency required by the permit, which is a violation of Part I.A.1 of the  
20 Permit. The Laboratory evaluation and Records/Reports evaluation both generated an  
21 unsatisfactory rating. Finally, the Effluent Limits Compliance area was rated as  
22 unsatisfactory due to self-reported violations of the limits detailed in Part I.A. of the  
23 NPDES Permit. IDEM's review of the DMRs revealed the following: 31 Dissolved Oxygen  
24 violations, one pH violation, 22 Ammonia violations, two Chlorine Contact Tank

1 violations, seven Chlorine Effluent violations, three TSS violations, and four TSS %  
2 Removal violations. (See OUCC Attachment SAB-18.)

3 **Q: Please describe the NPDES Permit violations and concerns documented in the IDEM**  
4 **Noncompliance Letter dated September 13, 2021.**

5 A: In its September 13, 2021 letter, IDEM indicated that Pleasantview's Discharge Monitor  
6 Report ("DMR") and its Monthly Report of Operation ("MRO") for July 2021 have not  
7 been submitted, which is a violation of the NPDES Permit. The letter also stated that late  
8 submittal of monthly DMRs and MROs has been a recurring violation for Pleasantview  
9 Utilities, and its certified operator, Fred Josh Landstrom. IDEM reviewed the compliance  
10 status for timely submittal of monthly reports for the period January 2020 through July  
11 2021. The review indicated that five months were submitted late. (See OUCC Attachment  
12 SAB-19.)

13 **Q: Please describe the NPDES Permit violations and concerns documented in the IDEM**  
14 **Noncompliance Letter dated September 1, 2021 and the NPDES Wastewater Facility**  
15 **Inspection Report dated August 25, 2021.**

16 A: The letter describes a complaint regarding a "strong odor from the WWTP for a couple of  
17 weeks." Pleasantview's owner explained that the air headers came loose and there was "no  
18 proper aeration for some time." The IDEM inspector observed septic conditions in the  
19 WWTP, with dark septic discharge leaving the WWTP and a "pool of black discharge was  
20 evident in the receiving stream." The Receiving Water Appearance evaluation was rated  
21 as unsatisfactory "due to black color evident in the receiving stream," which is a violation  
22 of Part I.A.2 of the Permit. The Operation evaluation was rated unsatisfactory because "at  
23 the time of inspection all treatment units were dark and discolored indicating septic  
24 conditions." (See OUCC Attachment SAB-20.)

1 **Q: Please describe the NPDES Permit violations and concerns documented in the IDEM**  
2 **Noncompliance Letter dated June 10, 2020 and the NPDES Wastewater Facility**  
3 **Inspection Report dated June 5, 2020.**

4 A: The letter indicated that the Compliance Schedules evaluation generated an unsatisfactory  
5 rating. The letter indicated the Pleasantview had entered into an Administrative Order on  
6 Consent with EPA and that the utility is still in non-compliance with effluent limit  
7 violations. The Operation evaluation was rated unsatisfactory due to excessive ammonia  
8 and dissolved oxygen ("DO") violations. Maintenance was rated unsatisfactory due to an  
9 inadequate preventive maintenance program, which is a violation of Part II.B.1 of the  
10 Permit. The Records/Reports evaluation generated an unsatisfactory rating. The Effluent  
11 Limits Compliance was rated unsatisfactory due to self-reported violations of limits  
12 detailed in Part I.A. of the NPDES Permit. DMRs revealed 61 DO violations, 35 Ammonia  
13 violations, and two chlorine contact tank violations. (See OUCC Attachment SAB-21.)

14 **Q: Please describe the NPDES Permit violations and concerns documented in the IDEM**  
15 **Noncompliance Letter dated March 11, 2019 and the NPDES Wastewater Facility**  
16 **Inspection Report dated February 25, 2019.**

17 A: The Collection System evaluation generated an unsatisfactory rating. The letter indicated  
18 that a rain event caused an overflow at the WWTP and that a large amount of sanitary  
19 debris was evident near the influent junction box and leading toward the polishing ponds.  
20 The letter also indicated raw wastewater apparently bypassed the bar screen, aeration, and  
21 clarifier, running directly into the polishing pond. The bypass had not been reported at the  
22 time of the inspection. The Facility/Site evaluation was rated unsatisfactory due to piles of  
23 sanitary debris being evident throughout the plant grounds. The Operation evaluation was  
24 rated unsatisfactory due to inadequate certified operator on-site attendance. The condition  
25 of the WWTP and the grounds indicate that the operator does not perform routine cleaning



1 as often as needed. The letter noted that clarifier walls and weirs had excessive sludge  
2 present and that the clarifier surface had excessive sludge. Finally, the Records/Reports  
3 evaluation generated an unsatisfactory rating. It appeared overflows of the collection  
4 system had not been reported to IDEM as required. (*See* OUCC Attachment SAB-22.)

5 **Q: Please describe the NPDES Permit violations and concerns documented in the IDEM**  
6 **Noncompliance Letter dated April 9, 2018 and the NPDES Wastewater Facility**  
7 **Inspection Report dated April 5, 2018.**

8 A: The letter indicated that the Effluent Limits Compliance area was rated unsatisfactory due  
9 to self-reported violation of the limits detailed in Part I.A. of the NPDES Permit. IDEM's  
10 review of DMRs revealed 17 DO violations, five TSS% removal violations, two TSS  
11 violations, two effluent chlorine violations, five chlorine contact tank violations, and 11  
12 ammonia violations. (*See* OUCC Attachment SAB-23.)

13 **Q: Please describe the NPDES Permit violations and concerns documented in the IDEM**  
14 **Noncompliance Letter dated July 11, 2017 and the NPDES Wastewater Facility**  
15 **Inspection Report dated June 26, 2017.**

16 A: The Compliance Schedules evaluation generated an unsatisfactory rating because  
17 Pleasantview had not met the Compliance Plan in association with the existing Agreed  
18 Order (Case No. 2012-080774-W). The Sludge Disposal evaluation was rated as  
19 unsatisfactory. At the time of the inspection, there was an excessive buildup of solids in  
20 the first polishing pond, and the inspector was unable to determine when solids were last  
21 removed from the WWTP due to lack of records. The Operation evaluation was rated as  
22 unsatisfactory due to the clarifier having excessive solids buildup behind the influent baffle  
23 and the chlorine contact tank had a solids buildup. The letter also indicated that a recent  
24 washout of the WWTP due to increased flow with a series of rain events has sent an  
25 excessive amount of solids to the first polishing pond. The Maintenance evaluation was

1 rated as unsatisfactory due to the facility experiencing excessive inflow and infiltration  
2 (“I/I”) in the collection system. The letter indicated that a plant washout occurred in early  
3 May and again later in May. This is a violation of Part II,B.1 of the permit. The Effluent  
4 Limits Compliance evaluation was rated unsatisfactory due to self-reported violations of  
5 the limits detailed in Part I.A. of the NPDES Permit. An IDEM review of DMRs revealed  
6 41 DO, four ammonia, eight effluent chlorine, three chlorine contact tank, one E. coli, and  
7 one TSS % removal violations. (*See* OUCC Attachment SAB-24.)

8 **Q: Please describe the NPDES Permit violations and concerns documented in the IDEM**  
9 **Noncompliance Letter dated September 27, 2015 and the NPDES Wastewater Facility**  
10 **Inspection Report dated September 17, 2015.**

11 A: The Operation evaluation was rated as unsatisfactory. At the time of inspection, the solids  
12 inventory under aeration was very high and the digester was full. The polishing ponds  
13 contained an excessive amount of sludge. There also was not sufficient air for aeration or  
14 proper mixing of the mixed liquor. The Self Monitoring Program was rated unsatisfactory  
15 for not monitoring final effluent at the frequency required by the Permit, which is a  
16 violation of Part I.A.1 of the Permit. Also, at the time of inspection it was determined that  
17 the facility was not documenting proper flow proportioning of the effluent composite  
18 samples, which is a violation of Part I.B.4.b.(4) of the Permit. The Laboratory evaluation  
19 and Records/Reports evaluation generated an unsatisfactory rating. Finally, the Effluent  
20 Limits Compliance area was rated unsatisfactory due to self-reported violations of the  
21 limits detailed in Part I.A. of the NPDES Permit. IDEM’s review of DMRs revealed eight  
22 DO violations, two ammonia violations, two effluent chlorine violations, and one chlorine  
23 contact tank violation. In addition, reports for July 2014 to March 2015 were reviewed  
24 during an inspection in April 2015. These reports indicated violations of DO, ammonia,

1 and E. coli limits. (See OUCC Attachment SAB-25.)

2 **Q: Please describe the NPDES Permit violations and concerns documented in the IDEM**  
3 **Noncompliance Letter dated May 20, 2015 and the NPDES Wastewater Facility**  
4 **Inspection Report dated April 14, 2015.**

5 A: The letter indicated that the Laboratory evaluation generated an unsatisfactory rating. Part  
6 I. B. 5 of the Permit states, in part, the analytical and sampling methods used shall conform  
7 to the current version of 40 CFR, Part 136, unless otherwise specified. At the time of the  
8 inspection, it was determined samples for pH were being analyzed as much as 2 hours, 45  
9 minutes after the sample was collected. Samples for pH must be analyzed within 15  
10 minutes of collection. The Records/Reports evaluation generated an unsatisfactory rating  
11 because the February 2015 DMR had incorrect information for the daily average minimum  
12 dissolved oxygen reading. Finally, the Effluent Limits Compliance area was rated  
13 unsatisfactory due to self-reported violations of the limits detailed in Part I.A. of the  
14 NPDES Permit. IDEM review of DMRs revealed three E. coli violations, 32 Ammonia  
15 violations, and 27 Dissolved Oxygen violations. (See OUCC Attachment SAB-26.)

#### IV. NON-COMPLIANCE WITH COMMISSION ORDER IN CAUSE NO. 44351-U

16 **Q: Did the Commission approve an Order in Cause No. 44351-U, that provided for the**  
17 **inclusion of an additional \$127,500 of Utility Plant in Service in Phase II rates to**  
18 **enable the recovery of the cost of making improvements to the WWTP?**

19 A: Yes. Pleasantview hired Hometown Engineering to assess the needs and estimate the cost  
20 of plant improvements. Hometown Engineering determined that \$127,500 was necessary  
21 to complete the plant improvements and comply with IDEM's 2007 Agreed Order. The  
22 Commission found Pleasantview's "proposed wastewater treatment plant improvements  
23 are prudent, cost effective, and necessary to comply with IDEM's Agreed Order."<sup>14</sup>

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<sup>14</sup> Commission Order in Cause No. 44351-U, p. 13 (See OUCC Attachment SAB-27)

1 **Q: When were the Phase II rates to be implemented by Pleasantview?**

2 A: According to the Commission's Order, the Phase II rates "shall become effective upon  
3 completion of the wastewater plant improvements and notification to the Commission that  
4 the improvements are in service and filing of updated tariffs."<sup>15</sup>

5 **Q: Did Pleasantview's owner, Mr. Sherck, notify the Commission that the wastewater  
6 treatment plants, needed to implement Phase II rates, were complete?**

7 A: Yes. In a letter dated May 27, 2015, Mr. Sherck stated "Updates, as designed by engineer  
8 have been made/installed at the sewage treatment plants to allow for Phase II rates." Based  
9 on that representation that all the improvements had been completed, the tariff for the Phase  
10 II rates were approved by the Commission. (*See* OUCC Attachment SAB-28)

11 **Q: Did Commission staff determine that Mr. Sherck's statement regarding the  
12 completion of the wastewater treatment plant improvements was not correct?**

13 A: Yes. On October 2, 2019 E. Curtis Gassert, Water/Wastewater Division Director, wrote  
14 Mr. Sherck indicating that Mr. Sherck's statement provided on May 27, 2015, regarding  
15 the completion of the projects necessary for the implementation of Phase II rates, was not  
16 accurate. A copy of Mr. Gassert's letter is included as OUCC Attachment SAB-29. Mr.  
17 Gassert's letter included the following statement about the accuracy of Mr. Sherck  
18 statements and the quality of the supporting documentation for the projects:

19           Unfortunately, it appears that the statement you provided on May 27, 2015, is  
20           not accurate, based on the information you recently provided. The accounting  
21           for the projects is poorly done. All project costs were recorded as expenses  
22           rather than capitalized as assets on the balance sheet. This accounting is not  
23           consistent with the Uniform System of Accounts or accounting principles.  
24           Many of the "invoices" provided appear to be documents created by the  
25           utility in Quick Notes rather than vendor invoices. Also, it is difficult to  
26           understand how many of the expenses you grouped together for each project  
27           actually relate to that project. For instance, the support provided for the  
28           equalization basin include a dump truck and a manhole inspection and

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<sup>15</sup> Commission Order in Cause No. 44351-U, p. 16 (*See* OUCC Attachment SAB-27)

1 inventory performed by M.E. Simpson. These items do not correspond to the  
2 equalization basin.

3 Based on the OUCC's on-site inspection of the WWTP, Mr. Sherck never constructed the  
4 proposed \$50,000 equalization basin.<sup>16</sup>

5 **Q: Did the Commission seek additional information and cost support for the \$127,500 of**  
6 **plant improvements?**

7 A: Yes. It appears that through multiple correspondences and a meeting held with Mr. Sherck,  
8 the Commission sought additional cost support for the \$127,500 of plant improvements.  
9 Based on a January 13, 2020 letter to Pleasantview from Mr. Gassert, Pleasantview could  
10 only support \$75,010 of plant additions associated with the Phase II rates. (See OUCC  
11 Attachment SAB-30.) As a result, the Commission reduced Pleasantview's rates and  
12 required Pleasantview to refund each customer \$187.76, for a total refund of \$36,801.89.

#### V. RECOMMENDATIONS

13 **Q: What are your recommendations?**

14 A: Due to Pleasantview's continued failure to remedy severe deficiencies with its wastewater  
15 treatment and collection system, its continued violation of its NPDES Permit requirements,  
16 and its failure to comply with EPA's January 28, 2022 Administrative Order on Consent,  
17 I recommend the Commission initiate a review, pursuant to Ind. Code ch. 8-1-30, into the  
18 operations of the wastewater utility to determine whether there are severe deficiencies that  
19 the utility has failed to remedy and whether a receiver should be appointed.

20 **Q: Does this conclude your testimony?**

21 A: Yes.

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<sup>16</sup> The \$50,000 cost of the equalization basin was provided in the Commission Order in Cause No. 44351-U, p. 8 (See Attachment SAB-27)

**APPENDIX A**

1 **Q: Please describe your educational background and experience.**

2 A: I have a Bachelor of Science degree in Industrial Management, with a minor in Industrial  
3 Engineering from Purdue University. I began working for the Indiana Utility Regulatory  
4 Commission ("Commission") in 1988 as a Staff Engineer. In 1990, I transferred to the  
5 OUCC at the time of the reorganization of the Commission and the OUCC. In 1999, I was  
6 promoted to the position of Assistant Director and in 2005 I was promoted to the position  
7 of Director of the Water / Wastewater Division. During my term as Director, I have served  
8 on the Water Shortage Task Force, created by SEA 369 in the 2006 General Assembly and  
9 the Water Resources Task Force, created by HEA 1224 in the 2009 General Assembly. I  
10 am a member of the American Water Works Association ("AWWA") and have attended  
11 numerous utility related seminars and workshops including the Western Utility Rate  
12 Seminar sponsored by the National Association of Regulatory Utility Commissioners  
13 ("NARUC"). I also completed additional coursework regarding water and wastewater  
14 treatment at Indiana University-Purdue University at Indianapolis ("IUPUI").

15 **Q: Have you previously testified before the Commission?**

16 A: Yes. I have testified in many causes relating to telecommunications, natural gas, electric,  
17 water, and wastewater utilities. During the past twenty-four (24) years, I have testified  
18 exclusively on water and wastewater utility issues. Some of those issues included the  
19 reasonableness of cost-of-service studies, rate design, fair value, Replacement Cost New  
20 Less Depreciation ("RCNLD") studies, engineering-related operation and maintenance  
21 expenses, environmental compliance, capital improvement projects, non-revenue water  
22 and water conservation.

**APPENDIX B**

- 1 Attachment SAB-1: Detailed Facility Report for Pleasantview from EPA's ECHO website.
- 2 Attachment SAB-2: IDEM Agreed Order (Case No. 2005-14957-W) approved April 13, 2007.
- 3 Attachment SAB-3: Judgement Against Pleasant View Utilities, Inc., Fayette County Circuit  
4 Court, Cause No. 21C01-1204-PL-322, ordered May 22, 2012.
- 5 Attachment SAB-4: EPA's NPDES Compliance Inspection Report for Pleasantview, dated  
6 February 28, 2019.
- 7 Attachment SAB-5: EPA's Administrative Order on Consent Under Section 309(a) of the Clean  
8 Water Act, 33 U.S.C. § 1319(a) in the Matter of: Pleasantview Utilities  
9 Wastewater Treatment Plant NPDES Number IN0044776, dated April 29,  
10 2019.
- 11 Attachment SAB-6: Pleasantview's status report to EPA dated October 25, 2019.
- 12 Attachment SAB-7: EPA's November 5, 2019 response to Pleasantview's October 25, 2019  
13 status report.
- 14 Attachment SAB-8: Pleasantview's status report to EPA dated October 30, 2020.
- 15 Attachment SAB-9: EPA's November 11, 2020 response to Pleasantview's October 30, 2020  
16 status report.
- 17 Attachment SAB-10: Pleasantview's revised status report to EPA dated November 23, 2020.
- 18 Attachment SAB-11: EPA's Administrative Order on Consent ("AOC") Under Section 309(a) of  
19 the Clean Water Act, 33 U.S.C. § 1319(a) in the Matter of: Pleasantview  
20 Utilities Wastewater Treatment Plant NPDES Number IN0044776. January  
21 28, 2022
- 22 Attachment SAB-12: EPA Consent Agreement and Final Order in a Proceeding to Assess a Class  
23 II Civil Penalty under Section 309(g) of the Clean Water Act, 33 U.S.C. §  
24 1319(g), dated February 8, 2022.
- 25 Attachment SAB-13: Pleasantview's revised status report to EPA dated October 29, 2024.
- 26 Attachment SAB-14: Email from Ms. Ellie DeMilt, Life Scientist, USEPA Region 5, dated  
27 October 21, 2024, regarding Pleasantview's compliance with its NPDES  
28 Permit.

**APPENDIX B**

- 1 Attachment SAB-15: IDEM Noncompliance Letter dated July 26, 2024.
- 2 Attachment SAB-16: IDEM Noncompliance Letter dated May 2, 2024 and the NPDES  
3 Wastewater Facility Inspection Report dated April 29, 2024.
- 4 Attachment SAB-17: IDEM Noncompliance Letter dated August 21, 2023 and the NPDES  
5 Wastewater Facility Inspection Report dated August 17, 2023.
- 6 Attachment SAB-18: IDEM Noncompliance Letter dated March 4, 2022 and the NPDES  
7 Wastewater Facility Inspection Report dated March 2, 2022.
- 8 Attachment SAB-19: IDEM Noncompliance Letter dated September 13, 2021.
- 9 Attachment SAB-20: IDEM Noncompliance Letter dated September 1, 2021 and the NPDES  
10 Wastewater Facility Inspection Report dated August 25, 2021.
- 11 Attachment SAB-21: IDEM Noncompliance Letter dated June 10, 2020 and the NPDES  
12 Wastewater Facility Inspection Report dated June 5, 2020.
- 13 Attachment SAB-22: IDEM Noncompliance Letter dated March 11, 2019 and the NPDES  
14 Wastewater Facility Inspection Report dated February 25, 2019.
- 15 Attachment SAB-23: IDEM Noncompliance Letter dated April 9, 2018 and the NPDES  
16 Wastewater Facility Inspection Report dated April 5, 2018.
- 17 Attachment SAB-24: IDEM Noncompliance Letter dated July 11, 2017 and the NPDES  
18 Wastewater Facility Inspection Report dated June 26, 2017.
- 19 Attachment SAB-25: IDEM Noncompliance Letter dated September 27, 2015 and the NPDES  
20 Wastewater Facility Inspection Report dated September 17, 2015.
- 21 Attachment SAB-26: IDEM Noncompliance Letter dated May 20, 2015 and the NPDES  
22 Wastewater Facility Inspection Report dated April 14, 2015.
- 23 Attachment SAB-27: Commission Order in Cause No. 44351-U, dated March 26, 2014.
- 24 Attachment SAB-28: Mr. Sherck's letter to the Commission regarding Phase 2 rates, dated May  
25 27, 2015.
- 26 Attachment SAB-29: Commission Letter to Mr. Sherck dated October 2, 2019.
- 27 Attachment SAB-30: Commission Letter to Mr. Sherck dated January 13, 2020.



**AFFIRMATION**

I affirm the representations I made in the foregoing testimony are true to the best of my knowledge, information, and belief.



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By: Scott A. Bell, Division Director  
Cause No. 46122-U

Office of Utility Consumer Counselor (OUCC)

Date: December 12, 2024



# Detailed Facility Report

## Facility Summary

**PLEASANTVIEW UTILITIES, INC.-TREATMENT PLANT**

**3812 WEST GALAXY DRIVE, CONNERSVILLE, IN 47331**

**FRS (Facility Registry Service) ID:** 110050289371

**EPA Region:** 05

**Latitude:** 39.631111

**Longitude:** -85.200333

**Locational Data Source:** NPDES

**Industries:** --

**Indian Country:** N

## Enforcement and Compliance Summary

Statute	CWA
Compliance Monitoring Activities (5 years)	7
Date of Last Compliance Monitoring Activity	04/29/2024
Compliance Status	Significant/Category I Noncompliance
Qtrs in Noncompliance (of 12)	11
Qtrs with Significant Violation	8
Informal Enforcement Actions (5 years)	11
Formal Enforcement Actions (5 years)	2
Penalties from Formal Enforcement Actions (5 years)	\$23,250
EPA Cases (5 years)	--
Penalties from EPA Cases (5 years)	--

## Regulatory Information

**Clean Air Act (CAA):** No Information

**Clean Water Act (CWA):** Non-Major, Permit Effective (IN0044776)

**Resource Conservation and Recovery Act (RCRA):** No Information

**Safe Drinking Water Act (SDWA):** No Information

## Other Regulatory Reports

**Air Emissions Inventory (EIS):** No Information

**Greenhouse Gas Emissions (eGGRT):** No Information

**Toxic Releases (TRI):** No Information

**Compliance and Emissions Data Reporting Interface (CEDRI):** No Information

Go To Enforcement/Compliance Details

Known Data Problems <<https://epa.gov/resources/echo-data/known-data-problems>>

## Facility/System Characteristics

### Facility/System Characteristics

System	Statute	Identifier	Universe	Status	Areas	Permit Expiration Date	Indian Country	Latitude	Longitude
FRS		110050289371					N	39.631111	-85.200333
ICIS-NPDES	CWA	IN0044776	Non-Major: NPDES Individual Permit	Effective		10/31/2026	N	39.631556	-85.200833

## Facility Address

System	Statute	Identifier	Facility Name	Facility Address	Facility County
FRS		110050289371	PLEASANTVIEW UTILITIES, INC.-TREATMENT PLANT	3812 WEST GALAXY DRIVE, CONNERSVILLE, IN 47331	Fayette County

System	Statute	Identifier	Facility Name	Facility Address	Facility County
ICIS-NPDES	CWA	IN0044776	PLEASANTVIEW UTILITIES WWTP	3812 W GALAXY DR, CONNERSVILLE, IN 47331	Fayette County

### Facility SIC (Standard Industrial Classification) Codes

System	Identifier	SIC Code	SIC Description
ICIS-NPDES	IN0044776	4952	Sewerage Systems
ICIS-NPDES	IN0044776	6552	Subdividers And Developers

### Facility NAICS (North American Industry Classification System) Codes

System	Identifier	NAICS Code	NAICS Description
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No data records returned

### Facility Industrial Effluent Guidelines

Identifier	Effluent Guideline (40 CFR Part)	Effluent Guideline Description
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No data records returned

### Facility Tribe Information

Reservation Name	Tribe Name	EPA Tribal ID	Distance to Tribe (miles)
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No data records returned

## Enforcement and Compliance

### Compliance Monitoring History Last 10 Years

Statute	Source ID	System	Activity Type	Compliance Monitoring Type	Lead Agency	Date	Finding (if applicable)
CWA	IN0044776	ICIS-NPDES	Inspection/Evaluation	Base Program - Evaluation	State	04/29/2024	
CWA	IN0044776	ICIS-NPDES	Inspection/Evaluation	Base Program - Reconnaissance without Sampling	State	08/17/2023	
CWA	IN0044776	ICIS-NPDES	Inspection/Evaluation	Base Program - Reconnaissance without Sampling	State	08/09/2022	
CWA	IN0044776	ICIS-NPDES	Inspection/Evaluation	Base Program - Evaluation	State	03/02/2022	
CWA	IN0044776	ICIS-NPDES	Inspection/Evaluation	Base Program - Focused	EPA	03/02/2022	
CWA	IN0044776	ICIS-NPDES	Inspection/Evaluation	Base Program - Evaluation	State	08/25/2021	
CWA	IN0044776	ICIS-NPDES	Inspection/Evaluation	Base Program - Evaluation	State	06/05/2020	
CWA	IN0044776	ICIS (NPDES)	Information Request	Formal	EPA	03/22/2019	
CWA	IN0044776	ICIS-NPDES	Inspection/Evaluation	Base Program - Evaluation	EPA	02/25/2019	
CWA	IN0044776	ICIS-NPDES	Inspection/Evaluation	Base Program - Reconnaissance without Sampling	State	02/25/2019	
CWA	IN0044776	ICIS-NPDES	Inspection/Evaluation	Base Program - Evaluation	State	04/05/2018	
CWA	IN0044776	ICIS-NPDES	Inspection/Evaluation	Base Program - Evaluation	State	06/26/2017	
CWA	IN0044776	ICIS-NPDES	Inspection/Evaluation	Base Program - Reconnaissance without Sampling	State	08/10/2016	
CWA	IN0044776	ICIS-NPDES	Inspection/Evaluation	Base Program - Evaluation	State	09/17/2015	
CWA	IN0044776	ICIS-NPDES	Inspection/Evaluation	Base Program - Reconnaissance without Sampling	State	04/14/2015	

Entries in italics are not included in ECHO's Compliance Monitoring Activity counts because they are not compliance monitoring strategy activities or because they are not counted as inspections within EPA's Annual Results


<<https://www.epa.gov/compliance/compliance-monitoring-programs>> activities or because they are not counted as inspections within EPA's Annual Results









<<https://www.epa.gov/enforcement/enforcement-data-and-results>>.

### Compliance Summary Data

Statute	Source ID	Current SNC (Significant Noncompliance)/HPV (High Priority Violation)	Current As Of	Qtrs with NC (Noncompliance) (of 12)	Data Last Refreshed
CWA	IN0044776	Yes	06/30/2024	11	12/06/2024

### Three-Year Compliance History by Quarter

Statute	Program/Pollutant/Violation Type	QTR 1	QTR 2	QTR 3	QTR 4	QTR 5	QTR 6	QTR 7	QTR 8
	CWA (Source ID: IN0044776)	07/01-09/30/21	10/01-12/31/21	01/01-03/31/22	04/01-06/30/22	07/01-09/30/22	10/01-12/31/22	01/01-03/31/23	04/01-06/30/23
	Facility-Level Status	Significant/Category I Noncompliance	Significant/Category I Noncompliance	No Violation Identified	Violation Identified	No Violation Identified	Violation Identified	Significant/Category I Noncompliance	Significant/Category I Noncompliance
	Quarterly Noncompliance Report History	Compliance/Permit Schedule - Violations	Compliance/Permit Schedule - Violations	Resolved - Pending	Reportable Noncompliance	Resolved - Pending	Reportable Noncompliance	Compliance/Permit Schedule - Violations	Compliance/Permit Schedule - Violations
	Pollutant	Disch Point	Mon Loc	Freq					
CWA	Chlorine, total residual <effluent-charts#in0044776/50060>  < <a href="https://epa.gov/effluent-charts#in0044776/50060">https://epa.gov/effluent-charts#in0044776/50060</a> >	001 - A	Effluent Gross	Mthly	15%	142%			

Statute	Program/Pollutant/Violation Type	QTR 1	QTR 2	QTR 3	QTR 4	QTR 5	QTR 6	QTR 7	QTR 8		
CWA	Chlorine, total residual <effluent-charts#in0044776/50060>  <https://epa.gov/effluent-charts#in0044776/50060>	001 - A	Effluent Gross	NMth	233%	1067%			100%		
CWA	Chlorine, total residual <effluent-charts#in0044776/50060>  <https://epa.gov/effluent-charts#in0044776/50060>	001 - A	End of Chlorine Contact Chamber	Neither	4%		64%				
CWA	E. coli, colony forming units [CFU] <effluent-charts#in0044776/51041>  <https://epa.gov/effluent-charts#in0044776/51041>	001 - A	Effluent Gross	NMth							
CWA	Nitrogen, ammonia total [as N] <effluent-charts#in0044776/00610>  <https://epa.gov/effluent-charts#in0044776/00610>	001 - A	Effluent Gross	Mthly		53%	179%	57%	63%	50%	67%
CWA	Nitrogen, ammonia total [as N] <effluent-charts#in0044776/00610>  <https://epa.gov/effluent-charts#in0044776/00610>	001 - A	Effluent Gross	NMth		62%	378%	59%	96%	109%	103%
CWA	Oxygen, dissolved [DO] <effluent-charts#in0044776/00300>  <https://epa.gov/effluent-charts#in0044776/00300>	001 - A	Effluent Gross	Neither	37%					3%	
CWA	Solids, suspended percent removal <effluent-charts#in0044776/81011>  <https://epa.gov/effluent-charts#in0044776/81011>	001 - A	Percent Removal	Neither	125%						
CWA	Solids, total suspended <effluent-charts#in0044776/00530>  <https://epa.gov/effluent-charts#in0044776/00530>	001 - A	Effluent Gross	Mthly	0%						



Statute	Program/Pollutant/Violation Type		QTR 1	QTR 2	QTR 3	QTR 4	QTR 5	QTR 6	QTR 7	QTR 8
CWA	Achieve Final Compliance With All Obligations Under This order	05-2019-0340	11/04/2019	→	01/28/2022					
CWA	Achieve Final Compliance With All Obligations Under This order	05-2022-0310						12/28/2022	→	→
<b>Late or Missing Discharge Monitoring Report (DMR) Measurements</b>										
Counts of Late DMR Measurements					17	1				

### Informal Enforcement Actions Last 10 Years

Statute	System	Source ID	Type of Action	Lead Agency	Date
CWA	ICIS-NPDES	IN0044776	Base Program - Notice of Noncompliance Issued	State	07/26/2024
CWA	ICIS-NPDES	IN0044776	Base Program - Notice of Noncompliance Issued	State	04/29/2024
CWA	ICIS-NPDES	IN0044776	Base Program - Notice of Noncompliance Issued	State	08/17/2023
CWA	ICIS-NPDES	IN0044776	Base Program - Notice of Noncompliance Issued	State	08/09/2022
CWA	ICIS-NPDES	IN0044776	Base Program - Notice of Noncompliance Issued	State	03/02/2022
CWA	ICIS-NPDES	IN0044776	Base Program - Notice of Noncompliance Issued	State	09/13/2021
CWA	ICIS-NPDES	IN0044776	Base Program - Notice of Noncompliance Issued	State	08/25/2021
CWA	ICIS-NPDES	IN0044776	Base Program - Notice of Noncompliance Issued	State	05/14/2021
CWA	ICIS-NPDES	IN0044776	Base Program - Notice of Noncompliance Issued	State	01/15/2021
CWA	ICIS-NPDES	IN0044776	Base Program - Notice of Noncompliance Issued	State	06/05/2020
CWA	ICIS-NPDES	IN0044776	Base Program - Notice of Noncompliance Issued	State	04/30/2020
CWA	ICIS-NPDES	IN0044776	Base Program - Notice of Noncompliance Issued	State	02/25/2019
CWA	ICIS-NPDES	IN0044776	Base Program - Notice of Noncompliance Issued	State	04/05/2018
CWA	ICIS-NPDES	IN0044776	Base Program - Notice of Noncompliance Issued	State	06/26/2017
CWA	ICIS-NPDES	IN0044776	Base Program - Notice of Noncompliance Issued	State	09/17/2015
CWA	ICIS-NPDES	IN0044776	Base Program - Notice of Noncompliance Issued	State	04/14/2015

Entries in italics are not counted as "informal enforcement actions" in EPA policies pertaining to enforcement response tools.

### Formal Enforcement Actions Last 10 Years

Statute	System	Law/Section	Source ID	Type of Action	Case No.	Lead Agency	Case Name	Issued/Filed Date	Settlements/Actions	Settlement/Action Date	Federal Penalty Assessed	State/Local Penalty Assessed	Penalty Amount Collected	SEP Value	Comp Action Cost
CWA	ICIS-NPDES	301/402	NPDES/IN0044776	Administrative - Formal	05-2022-0311	EPA	Pleasantview Utilities Inc	03/09/2022	1	03/09/2022	\$23,250	\$0	\$23,250	\$0	\$0
CWA	ICIS-NPDES	301/402	NPDES/IN0044776	Administrative - Formal	05-2022-0310	EPA	PLEASANTVIEW UTILITIES WWTP AOC	01/28/2022	1	01/28/2022	\$0	\$0	--	\$0	\$1,065,000
CWA	ICIS-NPDES	301/402	NPDES/IN0044776	Administrative - Formal	05-2019-0340	EPA	Pleasantview Utilities WWTP	04/30/2019	1	04/30/2019	\$0	\$0	--	\$0	\$490,000

### Environmental Conditions

#### Watersheds

12-Digit WBD (Watershed Boundary Dataset) HUC (RAD (Reach Address Database))	WBD (Watershed Boundary Dataset) Subwatershed Name (RAD (Reach Address Database))	State Water Body Name (ICIS (Integrated Compliance Information System))	Beach Closures Within Last Year	Beach Closures Within Last Two Years	Pollutants Potentially Related to Impairment	Watershed with ESA (Endangered Species Act)-listed Aquatic Species?
050800030403	Little Williams Creek-Williams Creek	OR/MIAMI/W WHITEWATER/WILLIAMS/TRIB	No	No	--	No

#### Assessed Waters From Latest State Submission (ATTAINS)

State	Report Cycle	Assessment Unit ID	Assessment Unit Name	Water Condition	Cause Groups Impaired	Drinking Water Use	Ecological Use	Fish Consumption Use	Recreation Use	Other Use
IN	2024	ING0343_T1022	WILLIAMS CREEK - UNNAMED TRIBUTARY	Unknown	--	--	Not Assessed	Not Assessed	Not Assessed	--

#### Air Quality Nonattainment Areas

Pollutant	Within Nonattainment Status Area?	Nonattainment Status Applicable Standard(s)	Within Maintenance Status Area?	Maintenance Status Applicable Standard(s)
-----------	-----------------------------------	---	---------------------------------	---

No data records returned

Pollutants

## Toxics Release Inventory History of Reported Chemicals Released or Transferred in Pounds per Year at Site

TRI Facility ID	Year	Air Emissions	Surface Water Discharges	Off-Site Transfers to POTWs (Publicly Owned Treatment Works)	Underground Injections	Disposal to Land	Total On-Site Releases	Total Off-Site Transfers
-----------------	------	---------------	--------------------------	--	------------------------	------------------	------------------------	--------------------------

No data records returned

## Toxics Release Inventory Total Releases and Transfers in Pounds by Chemical and Year

Chemical Name

No data records returned

## CWA (Clean Water Act) Discharge Monitoring Report (DMR) Pollutant Loadings

DMR and TRI Multi-Year Loading Report

NPDES ID	Description	2019	2020	2021	2022	2023
IN0044776	DMR Pollutant Loadings (lb/year)	1,039	1,384	1,906	1,676	1,467
IN0044776	DMR Pollutant Loadings - Load Over Limit (lb/year)	31.96	32.49	49.19	77.63	23.80
IN0044776	DMR Conventional Loadings (lb/year)	--	--	--	887	--
IN0044776	DMR Conventional Loadings - Load Over Limit (lb/year)	--	--	--	0	--
IN0044776	DMR Toxic-Weighted Loadings (lb-eq/year)	0.8175	1.27	2.91	1.34	1.18
IN0044776	DMR Toxic-Weighted Loadings - Load Over Limit (lb-eq/year)	0.0355	0.0361	0.5385	0.0862	0.0264

Community

## Environmental Justice

This section shows indexes from EJScreen, EPA's screening tool for environmental justice (EJ) concerns. EPA uses these indexes to identify geographic areas that may warrant further consideration or analysis for potential EJ concerns. Use of these indexes does not designate an area as an "EJ community" or "EJ facility." EJScreen provides screening level indicators, not a determination of the existence or absence of EJ concerns. For more information, see the EJScreen home page.

### EJScreen Indexes Shown

Index Type	Supplemental (default)
------------	------------------------

### Related Reports

EJScreen Community Report

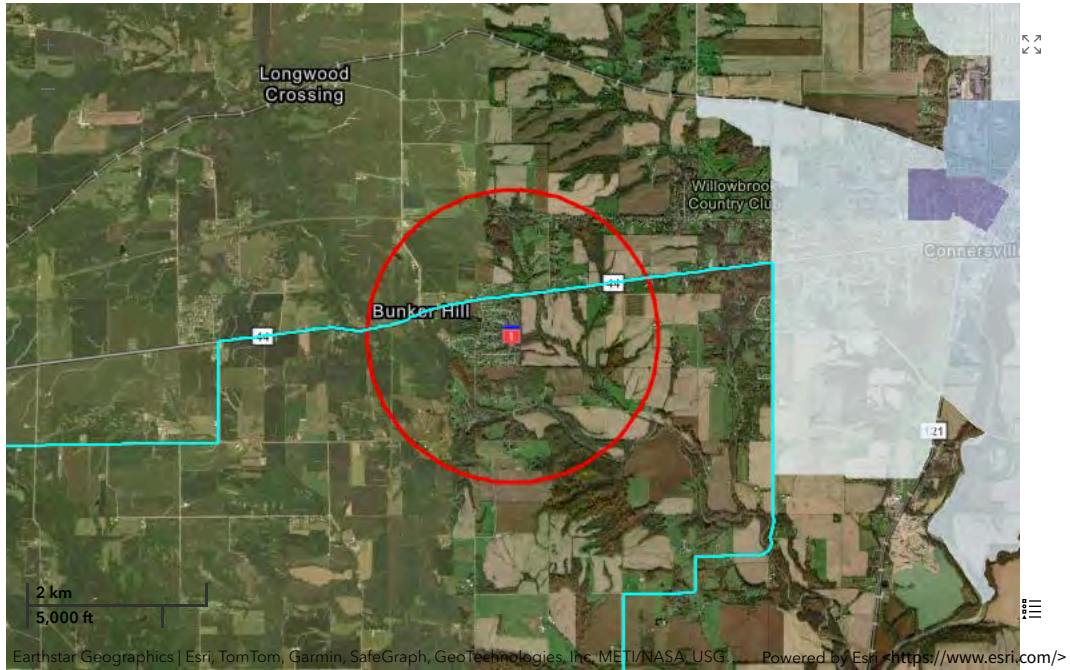
### Download Data

Census Block Group ID: 180419546001	US (Percentile)			State (Percentile)		
	Facility Census Block Group	1-mile Avg	1-mile Max	Facility Census Block Group	1-mile Avg	1-mile Max
Supplemental Indexes						
Count of Indexes At or Above 90th Percentile	0	--	0	0	--	0
Particulate Matter 2.5	58	--	68	33	--	47
Ozone	52	--	65	49	--	68
Diesel Particulate Matter	28	--	39	5	--	13
Air Toxics Cancer Risk	26	--	33	0	--	--
Air Toxics Respiratory Hazard Index	16	--	20	0	--	--
Toxic Releases to Air	52	--	66	22	--	36
Traffic Proximity	26	--	26	32	--	32
Lead Paint	49	--	71	38	--	65
Risk Management Plan (RMP) Facility Proximity	59	--	72	48	--	66
Hazardous Waste Proximity	44	--	53	47	--	55
Superfund Proximity	14	--	16	0	--	--
Underground Storage Tanks (UST)	29	--	38	22	--	33
Wastewater Discharge	27	--	27	25	--	25

Map Display Based on:  US  State

Display Map Layer

Facility 1-mile Radius  Facility Census Block Group



## Demographic Profile of Surrounding Area (1-Mile Radius)

This section provides demographic information regarding the community surrounding the facility. ECHO compliance data alone are not sufficient to determine whether violations at a particular facility had negative impacts on public health or the environment. Statistics are based upon the 2021 American Community Survey (ACS) 5-year Summary and are accurate to the extent that the facility latitude and longitude listed below are correct. Census boundaries and demographic data for U.S. Territories are based on the "2020 Island Areas Demographic Profiles" from the U.S. Census Bureau. EPA's spatial processing methodology considers the overlap between the selected radii and ACS census block groups in determining the demographics surrounding the facility. For more detail about this methodology, see the DFR Data Dictionary <<https://epa.gov/help/reports/dfr-data-dictionary#demographic>>.

General Statistics (ACS (American Community Survey))	
Total Persons	211
Population Density	68/sq.mi.
Housing Units in Area	76
Percent People of Color	1%
Households in Area	74
Households on Public Assistance	0
Persons With Low Income	58
Percent With Low Income	27%

Geography	
Radius of Selected Area	1 mi.
Center Latitude	39.631111
Center Longitude	-85.200333
Land Area	100%
Water Area	0%

Income Breakdown (ACS (American Community Survey)) - Households (%)	
Less than \$15,000	2 (2.7%)
\$15,000 - \$25,000	5 (6.76%)
\$25,000 - \$50,000	19 (25.68%)
\$50,000 - \$75,000	13 (17.57%)
Greater than \$75,000	35 (47.3%)

Age Breakdown (ACS (American Community Survey)) - Persons (%)	
Children 5 years and younger	11 (5%)
Minors 17 years and younger	48 (23%)
Adults 18 years and older	164 (78%)
Seniors 65 years and older	33 (16%)

Race Breakdown (ACS (American Community Survey)) - Persons (%)	
White	209 (99%)
African-American	0 (0%)
Hispanic-Origin	0 (0%)
Asian	0 (0%)
Hawaiian/Pacific Islander	0 (0%)
American Indian	0 (0%)
Other/Multiracial	1 (0%)

Education Level (Persons 25 & older) (ACS (American Community Survey)) - Persons (%)	
Less than 9th Grade	2 (1.31%)
9th through 12th Grade	7 (4.58%)
High School Diploma	85 (55.56%)
Some College/2-year	27 (17.65%)
B.S./B.A. (Bachelor of Science/Bachelor of Arts) or More	20 (13.07%)







INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We make Indiana a cleaner, healthier place to live.*

EFILE

Mitchell E. Daniels, Jr.  
Governor

April 16, 2007

100 North Senate Avenue  
Mail Code 60-02  
Indianapolis, Indiana 46204-2251  
(317) 232-8603  
(800) 451-6027  
www.idem.in.gov

Thomas W. Easterly  
Commissioner

**VIA CERTIFIED MAIL** 7000 0600 0027 2038 4579

John W. Bodwell, P.C.  
Baker and Bodwell  
A Professional Corporation  
Attorneys At Law  
621 Central Avenue, Suite One  
Connersville, IN 47331

Re: Adoption of Agreed Order  
Commissioner, Indiana Department  
of Environmental Management  
v.  
Pleasant View Utilities, Inc.,  
Case No.2005-14957-W

Dear Mr. Bodwell:

This is to inform you that the Agreed Order in the above-referenced case has been approved and adopted by the Indiana Department of Environmental Management. A copy of the Agreed Order is enclosed.

Your client is no doubt familiar with the terms of compliance contained in the Agreed Order. The time frames for compliance are effective upon your receipt of this correspondence. Please note that the civil penalty payment has been received. If you have any questions, please contact Dave Knox at 317/233-5975.

Sincerely,

Lori Kyle Endris  
Chief  
Office of Enforcement

Enclosure

cc: Fayette County Health Department (w/enclosure)  
Matthew Scherck (w/enclosure)  
<http://www.state.in.us/idem> (enclosure only)



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
*We make Indiana a cleaner, healthier place to live.*

Mitchell E. Daniels, Jr.  
Governor

Thomas W. Easterly  
Commissioner

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Indianapolis, Indiana 46204-2251  
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STATE OF INDIANA     )  
                                  ) SS: BEFORE THE INDIANA DEPARTMENT OF  
COUNTY OF MARION    )

COMMISSIONER OF THE DEPARTMENT  
OF ENVIRONMENTAL MANAGEMENT,     )

Complainant,     )

v.     )

CASE NO. 2005-14957-W

PLEASANT VIEW UTILITIES, INC.     )

Respondent.     )

**AGREED ORDER**

The Complainant and the Respondent desire to settle and compromise this action without hearing or adjudication of any issue of fact or law, and consent to the entry of the following Findings of Fact and Order.

**I. FINDINGS OF FACT**

1. Complainant is the Commissioner (Complainant) of the Indiana Department of Environmental Management (IDEM), a department of the State of Indiana created by IC 13-13-1-1.
2. The Pleasant View Utilities, Inc. (Respondent), owns and operates a Class I, 0.0667 MGD extended aeration wastewater treatment facility. The facility, Pleasant View Utilities Wastewater Treatment Plant (WWTP), is authorized by National Pollutants Discharge Elimination System (NPDES) Permit No. IN 0044776 (Permit) to discharge treated effluent from the WWTP to receiving waters consisting of an unnamed tributary of Williams Creek in accordance with stated effluent limitations, monitoring requirements, and other conditions. The semipublic facility is located at 3813 West Galaxy Drive, Connersville, in Fayette County, Indiana (Site).
3. IDEM has jurisdiction over the parties and subject matter of this action.

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4. Pursuant to IC 13-30-3-3, IDEM issued a Notice of Violation via Certified Mail to:

Mr. Matthew Sherck, President  
Pleasant View Utilities, Inc.  
3705 West Serenity Parkway  
Connersville, IN 47331

5. Pursuant to 327 IAC 5-2-8(1) and Part II.A.1 of the Permit, the Respondent is required to comply with all terms and conditions of the Permit.
6. Pursuant to IC 13-18-11-11 and Part II.A.14 of the Permit, the Respondent is required to have the WWTP under the direct supervision of an operator that holds a valid certification.
7. IDEM conducted an inspection of the Site on August 17, 2005, and observed that the certification of the person designated as the operator had expired on June 30, 2005. Thus, commencing on July 1, 2005, the Respondent has failed to maintain its WWTP under the direct supervision of an operator with a valid certification, in violation of 327 IAC 5-2-8(1), Part II.A.1 of the Permit, IC 13-18-11, and Part II.A.14 of the Permit.
8. Pursuant to 327 IAC 3-2-1, no person shall cause or allow the construction, installation, or modification of any water pollution treatment/control facility or sanitary sewer, without a valid construction permit issued by the commissioner.
9. Pursuant to 327 IAC 3-2-2, construction shall not commence until all necessary state approvals and permits are obtained.
10. IDEM conducted an inspection of the Site on August 17, 2005, and observed that a bypass line was constructed at the Site to allow excess secondary effluent to flow directly to the receiving stream (without first flowing through the polishing ponds designed to settle out solids) during wet-weather, high-flow periods. This construction was done prior to obtaining a valid construction permit issued by the commissioner, in violation of 327 IAC 3-2-1 and 327 IAC 3-2-2.
11. Pursuant to 327 IAC 5-2-8(8) and Part II.B.1 of the Permit, the Respondent is required to maintain in good working order and efficiently operate all waste collection, control, treatment, and disposal facilities.
12. IDEM conducted an inspection of the Site on August 17, 2005, and observed the following unsatisfactory conditions, which evidence the Respondent's failure to maintain in good working order and/or efficiently operate all waste collection, control, treatment, and disposal facilities, in violation of 327 IAC 5-2-8(1), Part II.A.1 of the Permit, 327 IAC 5-2-8(8), and Part II.B.1 of the Permit:
- a) Rancid grease and sewage debris was observed below the headworks Sanitary Sewer Overflow (SSO) outfall;

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- b) Black sludge deposits were pooled in an area just below an unlawful bypass pipe that was installed to bypass secondary effluent directly into the receiving stream during high flows (without first flowing through the polishing ponds designed to settle out solids);
  - c) Evidence of a recent discharge of raw sewage at the headworks SSO outfall was observed;
  - d) Package plant was off-line (not in service);
  - e) No means are available to facilitate the wasting of sludge- all sludge goes ultimately either to the polishing ponds (both ponds now full of old sludge), or to the receiving stream (through unlawful bypass pipe);
  - f) Float-type flow-meter is in urgent need of calibration, and the V-notch weir is partially submerged, causing flow measurement to be inaccurate;
  - g) No functional chlorine contact tank exists.
13. IDEM conducted an inspection of the Site on February 9, 2004, and observed the following unsatisfactory conditions, which evidence the Respondent's failure to maintain in good working order and/or efficiently operate all waste collection, control, treatment, and disposal facilities, in violation of 327 IAC 5-2-8(1), Part II.A.1 of the Permit, 327 IAC 5-2-8(8), and Part II.B.1 of the Permit:
- a) Infiltration/inflow (I/I) into sanitary sewers remains a problem, causing loss of biosolids to polishing ponds and bypassing of raw sewage during rain events;
  - b) No means are available to facilitate wasting of sludge- all sludge goes ultimately either to the polishing ponds or to the receiving stream (through unlawful bypass pipe);
  - c) No functional chlorine contact tank exists;
  - d) No sampling log was available on Site.
14. Pursuant to Part I.B.6 of the Permit, the Respondent is required to record, for each measurement or sample taken pursuant to the requirements of the Permit, the following information:
- a. The exact place, date, and time of sampling;
  - b. The person(s) who performed the sampling or measurements;
  - c. The dates the analyses were performed;
  - d. The person(s) who performed the analyses;
  - e. The analytical techniques or methods used; and
  - f. The results of all required analyses and measurements.
15. Pursuant to Part I.B.8 of the Permit, the Respondent is required to maintain, at the Site, copies of all records and information resulting from the monitoring activities required by the Permit.
16. IDEM conducted an inspection of the Site on February 9, 2004, and observed that the Respondent failed to record or maintain the sampling and analysis information required

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pursuant to Part I.B.6 of the Permit, in violation of 327 IAC 5-2-8(1), Part II.A.1 of the Permit, Part I.B.6 of the Permit, and Part I.B.8 of the Permit.

17. Pursuant to Part I.A.1 of the Permit, the Respondent is required to meet flow monitoring requirements and effluent limitations for various parameters including, Carbonaceous Biochemical Oxygen Demand, five day (CBOD5), Total Suspended Solids (TSS), Ammonia Nitrogen (NH3-N), pH, Dissolved Oxygen (DO), and Total Chlorine Residual (TRC).
18. IDEM records for the period between September 2003 and June 2006 indicate that the Respondent failed to meet effluent limitations for the following: pH for the month of January 2004; TSS for the month of August 2005; NH3-N for the months of September and October 2003, April, May, and July through October 2004, May through November 2005; and April and May 2006; and TRC for the month of April 2004. Respondent's failure to meet effluent limitations is in violation of 327 IAC 5-2-8(1), Part I.A.1, and Part II.A.1 of the Permit.
19. Pursuant to 327 IAC 5-2-8(11) and Part II.B.2 of the Permit, bypass is prohibited, and the commissioner may take enforcement action against a permit holder for bypass unless the bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; there were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime; and the permit holder submits the required notifications.
20. IDEM conducted an inspection of the Site on August 17, 2005, and observed that bypassing had occurred, without the conditions set forth in 327 IAC 5-2-8(11) and Part II.B.2 of the Permit being satisfied, in violation of 327 IAC 5-2-8(11) and Part II.B.2 of the Permit.

Additionally, IDEM records indicate that the Respondent reported thirty (30) overflow events in 2003, eight (8) overflow events in 2004, and twenty-six (26) overflow events in 2005. With respect to these overflow events, the Respondent failed to demonstrate that the conditions set forth in 327 IAC 5-2-8(11) and Part II.B.2 of the Permit were satisfied, and therefore, these bypasses violated 327 IAC 5-2-8(11) and Part II.B.2 of the Permit.

21. Pursuant to IC 13-18-4-5, it is unlawful for any person to throw, run, drain, or otherwise dispose into any of the streams or waters of Indiana; or cause, permit, or suffer to be thrown, run, drained, allowed to seep, or otherwise disposed into any waters; any organic or inorganic matter that causes or contributes to a polluted condition of any waters, as determined by a rule of the board adopted under IC 13-18-4-1 and IC 13-18-4-3.

During the bypasses noted above, the Respondent ran, drained, or disposed of wastewater, an organic matter, into waters of the state, including an unnamed tributary to Williams Creek, in a manner that violated 327 IAC 5-2-8(1), 327 IAC 5-2-8(8), and/or 327 IAC 5-2-8(11), and therefore violated IC 13-18-4-5.

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22. Pursuant to IC 13-30-2-1, no person may discharge, emit, cause, allow, or threaten to discharge, emit, cause, or allow any contaminant or waste including any noxious odor, either alone or in combination with contaminants from other sources, into the environment or into any publicly owned treatment works in any form which causes or would cause pollution that violates or would violate rules, standards, or discharge or emission requirements adopted by the appropriate board under the environmental management laws.

During the bypasses noted above, the Respondent discharged, emitted, or caused or allowed the discharge or emission of wastewater, a contaminant or waste, into the environment in a form that caused pollution in violation of 327 IAC 5-2-8(1), 327 IAC 5-2-8(8) and/or 327 IAC 5-2-8(11), and therefore violated IC 13-20-2-1.

23. On or about November 1, 1999, IDEM issued a Notice of Violation ("NOV") to Respondent for various violations of the Indiana Code, Indiana Administrative Code, and the Permit, resulting from the operation of and discharges from the WWTP. The NOV was not resolved through an Agreed Order. Thus, on or about June 16, 2000, IDEM issued a unilateral Notice and Order of the Commissioner ("Commissioner's Order") to Respondent. Respondent appealed the Commissioner's Order by filing a petition for administrative review with the Indiana Office of Environmental Adjudication. The appeal is designated as OEA Cause No. 00-W-E-2542.
24. On or about September 15, 2006, IDEM issued a Notice of Violation ("NOV") to Respondent for various violations of the Indiana Code, Indiana Administrative Code, and the Permit, resulting from the operation of and discharges from the WWTP. The NOV was not resolved through an Agreed Order. Thus, on or about January 22, 2007, IDEM issued a unilateral Notice and Order of the Commissioner ("Commissioner's Order") to Respondent. Respondent appealed the Commissioner's Order by filing a petition for administrative review with the Indiana Office of Environmental Adjudication. The appeal is designated as OEA Cause No. 07-W-E-3876.
25. This Agreed Order replaces and supercedes both of the Commissioner's Orders.
26. In recognition of the settlement reached, Respondent waives any right to administrative and judicial review of this Agreed Order.

## II. Order

1. This Agreed Order shall be effective (Effective Date) when it is approved by the Complainant or his delegate and has been received by the Respondent. This Agreed Order shall have no force or effect until the Effective Date.
2. In the event of any partially treated or untreated discharge from any portion of the Respondent's treatment plant or collection system, including any process tank, lift station or manhole, occurs, the Respondent shall:
  - a. take all reasonable actions to cease the discharge as soon as possible;

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- b. properly clean the affected area;
  - c. remove and properly dispose of sewage and debris from the affected area;
  - d. report the discharge event as follows:
    - i. Within twenty-four (24) hours of the Respondent becoming aware of the discharge, the Respondent shall provide facsimile notification of the event to IDEM, at 317/232-8637 or 317/232-8406;
    - ii. Within five days of the Respondent becoming aware of the discharge, the Respondent shall submit written notification of the event to IDEM. The notification shall include the following information: the cause of the discharge; the duration of the discharge, including exact dates and times, and if the discharge has not ceased, the anticipated time it is expected to continue; the remedial actions that have been or that will be taken to cease the discharge; and the actions that have been or that will be taken to prevent reoccurrence of the discharge.
  - e. document all actions taken to cease the discharge and to remediate the affected areas, retain copies of the documentation, and allow IDEM representatives to inspect and copy these records upon request.
3. Within thirty (30) days of the Effective Date, the Respondent shall develop and submit to IDEM for approval a "Compliance Plan" which identifies actions that Respondent will take to achieve and maintain compliance with its NPDES Permit, specifically including the actions the Respondent will take to:
- a. install and maintain proper disinfection/dechlorination system;
  - b. eliminate all sanitary sewer overflow points;
  - c. implement proper method of sludge disposal; and plan to do so;
  - d. implement mapping of sewers, flow study, repairs to sewers;
  - d. upgrade, expand, and/or replace wastewater treatment plant, or alternatively, connect to the Connersville publicly owned treatment works;
  - e. submit a construction permit application, including plans and specifications, for any work requiring prior construction approval.

The Compliance Plan shall include an implementation and completion schedule, including specific milestone dates.

4. The Respondent shall, within six months of completion of the Compliance Plan required by Paragraph 3 above (Performance Period), demonstrate five consecutive months of compliance (Compliance Demonstration) with the effluent limitations, bypassing prohibition, sludge disposal, and operator certification requirements contained in its NPDES Permit. During the Performance Period, the Respondent shall be subject to stipulated penalties, as specified below, for violations of the effluent limitations, bypassing prohibition, sludge disposal, and operator certification requirements contained in its



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NPDES Permit. In the event that Respondent fails to make the Compliance Demonstration, Respondent shall, within sixty days of becoming aware that the Compliance Demonstration cannot be achieved, develop and submit to IDEM, for approval, an "Additional Action Plan" which identifies the additional actions that Respondent will take to achieve and maintain compliance with the effluent limitations contained in its NPDES Permit. The Additional Action Plan, if required, shall include an implementation and completion schedule, including specific milestone dates.

5. The plans required by Paragraphs 3 and 4 above are subject to IDEM approval. In the event IDEM determines that any plan submitted by Respondent is deficient or otherwise unacceptable, Respondent shall revise and resubmit the plan to IDEM in accordance with IDEM's notice. After three submissions of such plan by Respondent, IDEM may modify and approve any such plan and Respondent must implement the plan as modified by IDEM.

The Respondent, upon receipt of written notification from IDEM, shall immediately implement the approved plan and adhere to the milestone dates therein. The approved Compliance Plan and Additional Action Plan shall be incorporated into the Agreed Order and shall be deemed an enforceable part thereof. Failure by the Respondent to submit any plan by the specified date, or to meet any of the milestones in the approved plan will subject the Respondent to stipulated penalties as described below. Failure to achieve compliance at the conclusion of work under an Additional Action Plan will subject Respondent to additional enforcement action.

6. Beginning on the Effective Date of this Order and continuing until completion of the CP required pursuant to Order Paragraph No. 3 above, the Respondent shall operate its existing wastewater collection and treatment system as efficiently and effectively as possible, under the direction of a properly certified operator.
7. All application submittals for construction of wastewater treatment plant and sanitary sewer system upgrade and expansion required by this Agreed Order, unless notified otherwise in writing, shall be sent to:

Don Worley, IDEM, OWQ Facility Construction Section  
Mail Code 65-40  
100 North Senate Avenue  
Indianapolis, Indiana 46206-6015

All other submittals required by this Agreed Order, and copy of the construction permit application transmittal letter shall be sent to:

Dave Knox, IDEM, Office of Enforcement  
Mail Code 60-02  
100 North Senate Avenue  
Indianapolis, Indiana 46206-6015

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8. Respondent shall inspect all known potential bypass, overflow, and outfall points present in the wastewater collection and treatment systems as often as necessary, including, but not limited to, during and after precipitation events, in order to determine whether discharges from these locations occur. Respondent shall document its inspections by recording the following:
- a. the date and time of the inspection;
  - b. the name of the person(s) conducting the inspection;
  - c. the weather conditions at the time of the inspection, particularly noting the following:
    - i. the date that the most recent precipitation event began;
    - ii. the time that the most recent precipitation event began; and
    - iii. except for inspections conducted during precipitation events, the time that the precipitation event ended, and the volume of the precipitation event;
  - e. the particular outfall being inspected;
  - f. the appearance of the outfall, and the surrounding area, specifically noting whether a discharge event from the outfall occurred, is occurring, or is about to occur; and
  - g. the remedial measures taken in the event that a discharge from the outfall is found to have occurred, to be occurring, or about to occur.

The Respondent shall retain copies of the required documentation and shall allow IDEM representatives to review and copy these records upon request.

9. In the event the terms and conditions of the following paragraphs are violated, Complainant may assess and Respondent shall pay a stipulated penalty in the following amount:

Order Paragraph Number	Violation	Penalty Amount
2	Failure to take all reasonable actions to cease any bypassing from its wastewater treatment plant, or discharge from the collection system, as soon as possible; properly clean the affected area; remove and properly dispose of sewage and debris from the affected area; or report the discharge event, as required	\$500 per violation
3, 5	Failure to submit or modify the CP as required, or Additional Action Plan, if required, within the given time period.	\$500 per each week, or part thereof late
4	Failure to comply with any requirement contained in the NPDES Permit, during the Performance Period.	\$500 per violation per day
5	Failure to meet any milestone date set forth in the approved CP.	\$500 per each week late

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6	Failure to operate the wastewater treatment plant and collection system as efficiently as possible and/or under direct supervision of properly certified operator	\$500 per each day or part thereof
8	Failure to inspect potential bypass points, document inspection, retain copies of inspections, or allow IDEM to review and copy these records upon request	\$250 per violation

10. Stipulated penalties shall be due and payable within 30 days after Respondent receives written notice that the Complainant has determined a stipulated penalty is due. Assessment and payment of stipulated penalties shall not preclude the Complainant from seeking any additional relief against the Respondent for violation of this Agreed Order. In lieu of assessment of the stipulated penalty given above, the Complainant may seek any other remedies or sanctions available by virtue of Respondent's violation of this Agreed Order, or Indiana law, including but not limited to civil penalties pursuant to IC 13-30-4.
11. Within seven (7) days of the Effective Date of this Agreed Order, Respondent shall withdraw its appeals of the Commissioner's Orders designated as OEA Cause No. 00-W-E-2542, and OEA Cause No. 07-W-E-3076.
12. The Respondent is assessed a Civil Penalty of Four Thousand Dollars (\$4,000). Said penalty amount shall be due and payable to the Environmental Management Special Fund within 30 days of the Effective Date of this Agreed Order.
13. Civil and stipulated penalties are payable by check to the Environmental Management Special Fund. Checks shall include the Case Number of this action and shall be mailed to:  

Cashier's Office- Mail Code 50-02  
IDEM  
100 N. Senate Avenue  
Indianapolis, Indiana 46204-2251.
14. In the event that the civil penalty required by Paragraph 12 is not paid within 30 days of the Effective Date, the Respondent shall pay interest on the unpaid balance at the rate established by IC 24-4.6-1-101. The interest shall continue to accrue until the civil penalty is paid in full.
15. This Agreed Order shall apply to and be binding upon the Respondent, its officers, directors, principals, agents, successors, subsidiaries, and assigns. The signatories to this Agreed Order certify that they are fully authorized to execute this Agreed Order and legally bind the parties they represent. No change in ownership, corporate, or partnership status of the Respondent shall in any way alter its status or responsibilities under this Agreed Order.
16. In the event that any terms of this Agreed Order are found to be invalid, the remaining terms shall remain in full force and effect and shall be construed and enforced as if the Agreed Order did not contain the invalid terms.

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17. The Respondent shall provide a copy of this Agreed Order, if in force, to any subsequent owners of successors before ownership rights are transferred. Respondent shall by contract require that all contractors, firms, and other persons acting for it comply with the terms of this Agreed Order.
18. This Agreed Order is not and shall not be interpreted to be a Permit, or a modification of an existing Permit, nor shall it in any way relieve the Respondent of its obligation to comply with the requirements of its applicable Permit or with any other applicable federal or state law or regulation.
19. The Complainant does not, by its approval of this Agreed Order, warrant or aver in any manner that the Respondent's compliance with any aspect of this Agreed Order will result in compliance with the provisions of the Clean Water Act, its Permit, federal, or state law.
20. This Agreed Order shall remain in effect until the Respondent has complied with all terms and conditions of Order Paragraphs 2 through 14 of this Agreed Order, and Complainant has issued a close-out letter.
21. This Agreed Order replaces and supercedes both the June 16, 2000 Commissioner's Order and the January 22, 2007 Commissioner's Order.

**REMAINDER OF PAGE LEFT BLANK INTENTIONALLY**

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TECHNICAL RECOMMENDATION:  
Department of Environmental Management

By: Mark W. Stanifer  
Mark W. Stanifer, Chief  
Water Enforcement Section  
Office of Enforcement

Date: 3-8-2007

RESPONDENT:  
Pleasantview Utilities

By: Matthew Sherck  
Matthew Sherck, President  
Pleasant View Utilities, Inc.

Date: 4-9-2007

COUNSEL FOR COMPLAINANT:  
Department of Environmental Management

By: Justin Barrett  
Justin Barrett  
Deputy Attorney General

Date: 3-12-07

By: \_\_\_\_\_

Date: \_\_\_\_\_

APPROVED AND ADOPTED BY THE INDIANA DEPARTMENT OF ENVIRONMENTAL  
MANAGEMENT THIS 13th DAY OF April, 2007

Robert B. Keene  
Robert B. Keene  
Assistant Commissioner  
Office of Legal Counsel and Enforcement



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT **EFILE**  
*We make Indiana a cleaner, healthier place to live.*

Mitchell E. Daniels, Jr.  
Governor

September 15, 2006

100 North Senate Avenue  
Indianapolis, Indiana 46204-2251  
(317) 232-8603  
(800) 451-6027  
www.in.gov/idem

Thomas W. Easterly  
Commissioner

NOTICE OF VIOLATION

Via Certified Mail# 7002 0510 0004 0398 1257 7002 0510 0004 0398 1240

To: Mr. Matthew Sherck, President  
Pleasant View Utilities, Inc.  
3705 West Serenity Parkway  
Connersville, IN 47331

Mr. Jack Clark, Registered Agent  
Pleasant View Utilities, Inc.  
360 South Gray Road  
Connersville, IN 47331

Case No. 2005-14957-W

Based on an investigation, the Indiana Department of Environmental Management (IDEM) has reason to believe that Pleasant View Utilities, Inc. (Respondent) has violated environmental statutes, rules, and provisions of National Pollutant Discharge Elimination System (NPDES) permit No. IN0044776 (Permit). The violations are based on the following:

1. Respondent owns and operates the Pleasant View Utilities Wastewater Treatment Plant (WWTP), located at 3812 West Galaxy Drive in Connersville, in Fayette County, Indiana (Site). Respondent is authorized by the Permit to discharge treated effluent from the WWTP to an unnamed tributary of Williams Creek, subject to effluent limitations, monitoring requirements and other conditions.
2. Pursuant to 327 IAC 5-2-8(1) and Part II.A.1 of the Permit, the Respondent is required to comply with all terms and conditions of the Permit.
3. Pursuant to IC 13-18-11-11 and Part II.A.14 of the Permit, the Respondent is required to have the WWTP under the direct supervision of an operator that holds a valid certification.
4. IDEM conducted an inspection of the Site on August 17, 2005, and observed that the certification of the person designated as the operator had expired on June 30, 2005. Thus, commencing on July 1, 2005, the Respondent has failed to maintain its WWTP under the direct supervision of an operator with a valid certification, in violation of 327 IAC 5-2-8(1), Part II.A.1 of the Permit, IC 13-18-11, and Part II.A.14 of the Permit.
5. Pursuant to 327 IAC 3-2-1, no person shall cause or allow the construction, installation, or modification of any water pollution treatment/control facility or sanitary sewer, without a valid construction permit issued by the commissioner.

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6. Pursuant to 327 IAC 3-2-2, construction shall not commence until all necessary state approvals and permits are obtained.
7. IDEM conducted an inspection of the Site on August 17, 2005, and observed that a bypass line was constructed at the Site to allow excess secondary effluent to flow directly to the receiving stream (without first flowing through the polishing ponds designed to settle out solids) during wet-weather, high-flow periods. This construction was done prior to obtaining a valid construction permit issued by the commissioner, in violation of 327 IAC 3-2-1 and 327 IAC 3-2-2.
8. Pursuant to 327 IAC 5-2-8(8) and Part II.B.1 of the Permit, the Respondent is required to maintain in good working order and efficiently operate all waste collection, control, treatment, and disposal facilities.
9. IDEM conducted an inspection of the Site on August 17, 2005, and observed the following unsatisfactory conditions, which evidence the Respondent's failure to maintain in good working order and/or efficiently operate all waste collection, control, treatment, and disposal facilities, in violation of 327 IAC 5-2-8(1), Part II.A.1 of the Permit, 327 IAC 5-2-8(8), and Part II.B.1 of the Permit:
  - a) Rancid grease and sewage debris was observed below the headworks Sanitary Sewer Overflow (SSO) outfall;
  - b) Black sludge deposits were pooled in an area just below an unlawful bypass pipe that was installed to bypass secondary effluent directly into the receiving stream during high flows (without first flowing through the polishing ponds designed to settle out solids);
  - c) Evidence of a recent discharge of raw sewage at the headworks SSO outfall was observed;
  - d) Package plant was off-line (not in service);
  - e) No means are available to facilitate the wasting of sludge- all sludge goes ultimately either to the polishing ponds (both ponds now full of old sludge), or to the receiving stream (through unlawful bypass pipe);
  - f) Float-type flow-meter is in urgent need of calibration, and the V-notch weir is partially submerged, causing flow measurement to be inaccurate;
  - g) No functional chlorine contact tank exists.
10. IDEM conducted an inspection of the Site on February 9, 2004, and observed the following unsatisfactory conditions, which evidence the Respondent's failure to maintain in good working order and/or efficiently operate all waste collection, control, treatment, and disposal facilities, in violation of 327 IAC 5-2-8(1), Part II.A.1 of the Permit, 327 IAC 5-2-8(8), and Part II.B.1 of the Permit:
  - a) Infiltration/inflow (I/I) into sanitary sewers remains a problem, causing loss of biosolids to polishing ponds and bypassing of raw sewage during rain events;
  - b) No means are available to facilitate wasting of sludge- all sludge goes ultimately either to the polishing ponds or to the receiving stream (through unlawful bypass pipe);

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- c) No functional chlorine contact tank exists;
  - d) No sampling log was available on Site.
11. Pursuant to Part I.B.6 of the Permit, the Respondent is required to record, for each measurement or sample taken pursuant to the requirements of the Permit, the following information:
- a. The exact place, date, and time of sampling;
  - b. The person(s) who performed the sampling or measurements;
  - c. The dates the analyses were performed;
  - d. The person(s) who performed the analyses;
  - e. The analytical techniques or methods used; and
  - f. The results of all required analyses and measurements.
12. Pursuant to Part I.B.8 of the Permit, the Respondent is required to maintain, at the Site, copies of all records and information resulting from the monitoring activities required by the Permit.
13. IDEM conducted an inspection of the Site on February 9, 2004, and observed that the Respondent failed to record or maintain the sampling and analysis information required pursuant to Part I.B.6 of the Permit, in violation of 327 IAC 5-2-8(1), Part II.A.1 of the Permit, Part I.B.6 of the Permit, and Part I.B.8 of the Permit.
14. Pursuant to Part I.A.1 of the Permit, the Respondent is required to meet flow monitoring requirements and effluent limitations for various parameters including, Carbonaceous Biochemical Oxygen Demand, five day (CBOD5), Total Suspended Solids (TSS), Ammonia Nitrogen (NH3-N), pH, Dissolved Oxygen (DO), and Total Chlorine Residual (TRC).
15. IDEM records for the period between September 2003 and June 2006 indicate that the Respondent failed to meet effluent limitations for the following: pH for the month of January 2004; TSS for the month of August 2005; NH3-N for the months of September and October 2003, April, May, and July through October 2004, May through November 2005; and April and May 2006; and TRC for the month of April 2004. Respondent's failure to meet effluent limitations is in violation of 327 IAC 5-2-8(1), Part I.A.1, and Part II.A.1 of the Permit.
16. Pursuant to 327 IAC 5-2-8(11) and Part II.B.2 of the Permit, bypass is prohibited, and the commissioner may take enforcement action against a permit holder for bypass unless the bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; there were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime; and the permit holder submits the required notifications.
17. IDEM conducted an inspection of the Site on August 17, 2005, and observed that bypassing had occurred, without the conditions set forth in 327 IAC 5-2-8(11) and Part



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II.B.2 of the Permit being satisfied, in violation of 327 IAC 5-2-8(11) and Part II.B.2 of the Permit.

Additionally, IDEM records indicate that the Respondent reported thirty (30) overflow events in 2003, eight (8) overflow events in 2004, and twenty-six (26) overflow events in 2005. With respect to these overflow events, the Respondent failed to demonstrate that the conditions set forth in 327 IAC 5-2-8(11) and Part II.B.2 of the Permit were satisfied, and therefore, these bypasses violated 327 IAC 5-2-8(11) and Part II.B.2 of the Permit.

18. Pursuant to IC 13-18-4-5, it is unlawful for any person to throw, run, drain, or otherwise dispose into any of the streams or waters of Indiana; or cause, permit, or suffer to be thrown, run, drained, allowed to seep, or otherwise disposed into any waters; any organic or inorganic matter that causes or contributes to a polluted condition of any waters, as determined by a rule of the board adopted under IC 13-18-4-1 and IC 13-18-4-3.

During the bypasses noted above, the Respondent ran, drained, or disposed of wastewater, an organic matter, into waters of the state, including an unnamed tributary to Williams Creek, in a manner that violated 327 IAC 5-2-8(1), 327 IAC 5-2-8(8), and/or 327 IAC 5-2-8(11), and therefore violated IC 13-18-4-5.

19. Pursuant to IC 13-30-2-1, no person may discharge, emit, cause, allow, or threaten to discharge, emit, cause, or allow any contaminant or waste including any noxious odor, either alone or in combination with contaminants from other sources, into the environment or into any publicly owned treatment works in any form which causes or would cause pollution that violates or would violate rules, standards, or discharge or emission requirements adopted by the appropriate board under the environmental management laws.

During the bypasses noted above, the Respondent discharged, emitted, or caused or allowed the discharge or emission of wastewater, a contaminant or waste, into the environment in a form that caused pollution in violation of 327 IAC 5-2-8(1), 327 IAC 5-2-8(8) and/or 327 IAC 5-2-8(11), and therefore violated IC 13-30-2-1.

In accordance with IC 13-30-3-3, the Commissioner is required to notify an alleged violator in writing that a violation may exist and offer an opportunity to enter into an Agreed Order providing for the actions required to correct the violations and for the payment of a civil penalty. The Commissioner is not required to extend this offer for more than 60 days.

Entering into an Agreed Order will prevent the issuance of a Notice and Order of the Commissioner under IC 13-30-3-4, or the filing of a civil court action under IC 13-14-2-6. IDEM encourages settlement by Agreed Order, thereby saving time and resources. Timely settlement by Agreed Order may result in a reduced civil penalty. Settlement discussions will also allow the opportunity to present any mitigating factors that may be relevant to the violations. In addition, as provided in IC 13-30-3-3, an alleged violator may enter into an Agreed Order without admitting that the violation occurred.

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If settlement is not reached within 60 days of receipt of this Notice of Violation, the Commissioner may issue a Notice and Order containing the actions that must be taken to achieve compliance, the required time frames, and an appropriate civil penalty. Pursuant to IC 13-30-4-1, the Commissioner may assess penalties of up to \$25,000 per day for each violation.

Please contact Dave Knox at 317/233-5975 within 15 days after receipt of this Notice regarding your intent to settle this matter. If you are willing to resolve this matter as provided for in the enclosed Agreed Order, please sign and return it to the Office of Enforcement at the above address within the sixty (60) day settlement period.

For the Commissioner:

Date: September 13, 2006



Matthew T. Klein  
Assistant Commissioner  
Compliance and Enforcement

Enclosure

cc: Fayette County Health Department (w/o enclosure)

STATE OF INDIANA )  
 ) SS:  
COUNTY OF FAYETTE )

IN THE FAYETTE CIRCUIT COURT  
CAUSE NO. 21C01-1204-PL-322

COMMISSIONER, INDIANA DEPARTMENT )  
OF ENVIRONMENTAL MANAGEMENT )

Petitioner, )

v. )

PLEASANT VIEW UTILITIES, INC., )

Respondent. )

**FILED**

**MAY 22 2012**

*Michael J. Smith*  
CLERK OF FAYETTE CIRCUIT COURT

**JUDGMENT AGAINST PLEASANT VIEW UTILITIES, INC.**

The Indiana Department of Environmental Management (“IDEM”) filed its “Verified Petition for Civil Enforcement” on April 20, 2012. On April 27, 2012, IDEM filed its Motion for Court Order Enforcing the Agreed Order. For good cause shown therein, this Court enters the following Judgment against Pleasant View Utilities, Inc. (the “Respondent”).

**Findings of Fact**

1. Respondent owns and operates the Pleasant View Utilities Waste Water Treatment Plant (“Pleasant View”) located at 3812 West Galaxy Drive, Connersville, Indiana, Fayette County, (the “Site”).
2. Respondent is authorized by its National Pollutant Discharge Elimination System (“NPDES”) permit No. IN0044776 (“Permit”) to discharge treated effluent from Pleasant View to an unnamed tributary of Williams Creek, subject to effluent limitations, monitoring requirements, and other conditions.
3. On or about September 15, 2006, IDEM issued a Notice of Violation (“NOV”) and proposed Agreed Order pursuant to IND. CODE 13-30-3-3 to the Respondent for the water

*JMS*

violations at the Site discovered during IDEM inspections on February 9, 2004 and August 17, 2005.

4. After a significant amount of time elapsed in which the parties were not able to enter into an Agreed Order, on or about January 11, 2007, IDEM issued a Notice and Order of the Commissioner of the Department of Environmental Management ("Commissioner's Order") to Respondent for failure to comply various applicable water rules and regulations.

5. On February 9, 2007, Respondent, through its attorney John W. Bodwell, filed for administrative review of the Commissioner's Order pursuant to Administrative Orders and Procedures Act ("AOPA") under IND. CODE 4-21.5.

6. After parties successfully negotiated a settlement of the pending administrative review matter, an Agreed Order was entered into by the parties and was approved and adopted by IDEM April 13, 2007.

7. Pursuant to the Agreed Order, the Respondent waived any right to administrative and judicial review of the Agreed Order.

8. Pursuant to the Agreed Order, the Respondent agreed to comply with various water rules and regulations and the development of a Compliance Plan to achieve and maintain compliance with its Permit. Pleasant View submitted its Compliance Plan to IDEM on or about May 23, 2007. The Compliance Plan is a requirement of the Agreed Order to achieve and maintain compliance with its Permit. On June 4, 2007, IDEM approved Pleasant View's Compliance Plan and included specific deadlines for all six projects listed.

9. To date, Respondent has failed to comply completely with the terms of the Agreed Order:

Conclusions of Law

10. Pursuant to IND. CODE § 4-21.5-6-1, IDEM “ . . . may apply for an order in a circuit or superior court to enforce an [administrative] order.”

11. In a civil enforcement action, such as the case at bar, a party may not re-litigate the terms of an administrative order. *Yellow Cab Co. v. Williams*, 583 N.E.2d 774 (Ind.Ct.App. 1991).


Judgment

12. This Court enters judgment in favor of IDEM and against Pleasant View Utilities, Inc.

13. Pursuant to IND. CODE § 4-21.5-6-1, et seq., the Agreed Order is adopted as a final judgment of this Court against the Respondent, and the Respondent is ordered to comply with the Agreed Order in all respects as follows:

- a. Implementation and completion of all six (6) projects outline in the June 4, 2007 Compliance Plan approval by IDEM with ninety (90) days of this Order;
- b. Demonstration of five (5) consecutive months of compliance with effluent limitation, bypassing prohibition, sludge disposal, and operator certification requirements contained in its National Pollutant Discharge Elimination System (“NPDES”) permit No. IN0044776; and
- c. Compliance with the Agreed Order in all other respects.

ALL OF WHICH IS ORDERED, ADJUDGED AND DECREED by the Court on the  
22nd day of May, 2012.

  
JUDGE, Fayette Circuit Court

Distribution:

Mr. Matthew Sherck, President  
Pleasant View Utilities, Inc.  
3812 West Galaxy drive  
Connersville, IN 47331

Mr. Matthew Sherck, Registered Agent  
Pleasant View Utilities, Inc.  
716 South C.R. 350 East  
Connersville, IN 47331

Justin D. Barrett  
Office of the Attorney General  
Indiana Government Center South, 5<sup>th</sup> Floor  
302 West Washington Street  
Indianapolis, IN 46204



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

MAR 06 2019

REPLY TO THE ATTENTION OF

WC-15J

CERTIFIED MAIL 7016 3560 0000 4829 8184  
RETURN RECEIPT REQUESTED

Mr. Matt Sherck, President  
Pleasantview Utilities Wastewater Treatment Plant  
3812 West Galaxy Drive  
Connersville, Indiana 47331

Re: NPDES Compliance Inspection Report

Dear Mr. Sherck:

On February 25, 2019, the U.S. Environmental Protection Agency conducted a National Pollutant Discharge Elimination System (NPDES) compliance inspection at the Pleasantview Utilities Wastewater Treatment Plant, in Connersville, Indiana. Page 5 of the enclosed report summarizes the areas of concern identified during the inspection.

If you have questions or concerns regarding the report or believe any part of the report is not accurate, please contact Dean Maraldo of my staff at (312) 353-2098 or [maraldo.dean@epa.gov](mailto:maraldo.dean@epa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Ryan Bahr".

Ryan Bahr  
Chief, Water Enforcement and Compliance  
Assurance Branch, Section 2

Enclosure

cc: Josh Landstrom, Landstrom Contracting  
Becky Ruark, IDEM  
Mark Stanifer, IDEM

**WASTEWATER TREATMENT SYSTEM  
COMPLIANCE EVALUATION INSPECTION REPORT**

**Purpose:** NPDES Compliance Evaluation Inspection

**Facility:** Pleasantview Utilities Wastewater Treatment Plant  
3812 West Galaxy Drive  
Connersville, Indiana 47331

**NPDES Permit Number:** IN0044776

**Dates of Inspection:** February 25, 2019

**EPA Inspectors:**

Dean Maraldo, EPA Region 5; (312) 353-2098; maraldo.dean@epa.gov  
Rajen Patel, EPA Region 5; (312) 886-5741; patel.rajen@epa.gov

**IDEM Inspector:**

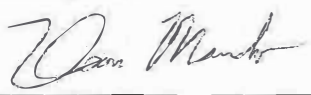
Becky Ruark; (317) 691-1909; bruark@idem.IN.gov

**Pleasantview Utilities Wastewater Treatment Plant Representative:**

Josh Landstrom, Operator; (765) 698-6889; landstrom1980@gmail.com

**Report Prepared by:**

Dean Maraldo, EPA Region 5 Inspector

EPA Inspector Signature: 

Report Date: February 28, 2019

**Approver Name & Title:**

Ryan Bahr, Chief, Compliance Section 2

Approver Signature 

Approval Date: 3/4/19



Pleasantview Utilities Wastewater Treatment Plant  
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III.	Inspection Activity Summary.....	2
IV.	Closing Conference and Areas of Concern.....	5
V.	Documents Received and References.....	5

List of Attachments

- Attachment A: Plan view diagram of the Pleasantview Utilities WWTP
- Attachment B: Photo Log
- Attachment C: EPA ECHO Facility Compliance Report
- Attachment D: Self-reported effluent violations, February 2014-December 31, 2018

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**I. INTRODUCTION**

On February 25, 2019, I conducted an inspection of the Pleasantview Utilities (“Utility”) Wastewater Treatment Plant (“facility”). I assessed the Utility’s compliance with the National Pollutant Discharge Elimination System (“NPDES”) permit for the facility (see Attachment A for plan view diagram of the facility). The inspection consisted of the following major activities:

- Inspection opening conference;
- Interview/discussions with the facility operator including review of recent effluent limit exceedances self-reported on facility Discharge Monitoring Reports (“DMR”), the operation and maintenance (“O&M”) of the facility, and self-monitoring activities;
- Physical inspection of the facility; and
- Closing conference.

This report summarizes the results of the inspection. The following personnel were involved in the inspection of the facility:

Utility Representatives: Josh Landstrom, Operator-in-Charge

EPA Inspectors: Dean Maraldo, Inspector/Enforcement Officer  
Rajen Patel, Inspector

Indiana Department of  
Environmental Management: Becky Ruark, Inspector

**II. BACKGROUND**

The Utility is authorized to discharge from the facility under permit IN0044776 (“permit”). The Utility is responsible for operation of the facility and for compliance with the NPDES permit for the facility. The Utility is responsible for conducting monitoring activities and reporting monitoring results to the Indiana Department of Environmental Management (“IDEM”). Currently, the facility is operated by one certified operator (Mr. Landstrom), who stated that he holds a Class 1 wastewater operator license in Indiana. The Utility is also responsible for the wastewater collection system. The operator’s duties include operation and maintenance of all utility wastewater assets, monitoring of wastewater, and reporting.

The permit, issued by IDEM on October 21, 2016, describes the facility as follows:

*The permittee owns and/or operates the Pleasantview Utilities Wastewater Treatment Plant, a minor semi-public wastewater treatment plant located at 3812 West Galaxy Drive, Connersville, Indiana, Fayette County. The permittee is hereby authorized to discharge from the outfalls identified in Part I of this permit to receiving waters consisting of an unnamed tributary to Williams Creek in accordance with the effluent limitations, monitoring requirements, and other conditions set forth in the permit.*

*The permittee currently operates a Class I, 0.06 MGD extended aeration treatment facility consisting of a manual bar screen, an equalization tank, two (2) polishing ponds, a secondary clarifier, chlorine disinfection, an effluent flow meter, and post aeration. Sludge is held in an aerated holding tank and is either land applied or landfilled. The*

Pleasantview Utilities Wastewater Treatment Plant  
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*collection system is comprised of 100% separate sanitary sewers by design with no overflow or bypass points.*

The facility has a history of recurring significant noncompliance for effluent limit exceedances of total residual chlorine and nitrogen, ammonia total (as N); and chronic noncompliance for effluent limit exceedances of *E.coli*, dissolved oxygen, total suspended solids, and total suspended solids percent removal. IDEM issued notices of noncompliance to the facility in 2014, 2015, 2017, and 2018. This information is summarized in the *EPA Enforcement and Compliance History Online facility report* included in Attachment C.

### III. INSPECTION ACTIVITY SUMMARY

#### III. A. Opening Conference

I arrived at the facility along with Mr. Patel at 1:15 pm on February 25, 2019, and we met Mr. Landstrom and Ms. Ruark. After introductions, we began the opening conference. I presented my U.S. EPA Inspector credentials to Mr. Landstrom, and then discussed the intended scope of the inspection. Mr. Landstrom confirmed he was the operator-in-charge of the facility, and owns Landstrom Contracting, the company hired by Pleasantview Utilities to operate and maintain the facility. Mr. Landstrom stated that he has been the operator at the facility since approximately 2012.

I explained the permittee's rights to claim material as confidential. Mr. Landstrom confirmed the name of the facility's president, Mr. Matt Sherck, and the mailing address for the facility. Mr. Sherck was not present for the inspection. I asked the group if there were any questions before proceeding with the inspection. There were no questions.

#### III. B. Interview

I started the interview portion of the inspection by asking Mr. Landstrom to describe the facility. He explained that the facility serves a private residential community of approximately 300 homes and consists of a completely gravity fed collection system treated with manual bar screen headworks, aeration tank, clarifier, two polishing ponds, and a chlorine disinfection and dechlorination system. According to the Utility's NPDES permit application, the facility serves approximately 600 residents.

I asked Mr. Landstrom to confirm the name of the effluent discharge receiving stream. He could not remember the name of the receiving water. Ms. Ruark confirmed the final effluent discharged to an unnamed tributary to Williams Creek, consistent with the permit. I asked about the sizing of the treatment system components and the length of sewer in the collection system. Mr. Landstrom could not recall.

#### *DMR Review*

Prior to inspection I obtained and reviewed DMR records for the facility. At this point in the inspection I provided Mr. Landstrom and Ms. Ruark with a summary of effluent limit exceedances self-reported by the facility since February 2014 (see Table 1 below). The complete list of self-reported effluent limit exceedances is included in Attachment D of this report.

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**Table 1. Effluent Limit Exceedances Report**  
IN0044776: PLEASANTVIEW UTILITIES WWTP, CONNERSVILLE, IN  
Monitoring Period Date Range: 02/01/2014 to 12/31/2018

	# Effluent Limit Exceedances Per Year						
	Chlorine (TR)	E. coli	Nitrogen, Ammonia Tot. (as N)	DO	TSS % removal	TSS	Total 2014- 2018
2014	3	3	15	5	0	0	26
2015	8	4	18	4	0	0	34
2016	11	1	4	6	0	5	27
2017	4	0	6	4	4	2	20
2018	6	1	20	9	5	0	41

I asked Mr. Landstrom to discuss the cause of the effluent limit exceedances starting with the chronic nitrogen, ammonia total (as N) issues. Mr. Landstrom attributed the nitrogen, ammonia total (as N), dissolved oxygen (“DO”), and total suspended solids (“TSS”) effluent limit exceedances to a chronic duckweed problem in the polishing ponds. He mentioned efforts to address the issue with aerators in the past with no success. I asked about the *E.coli* effluent limit exceedances. Mr. Landstrom said that *E.coli* and residual chlorine issues are due to a maintenance issue, adding that they are under contract to maintain the facility only twice a week. Mr. Landstrom stated “chlorine is not always replenished on time.” This results in no disinfection of wastewater effluent prior to discharge.

*Operations and Maintenance*

I asked Mr. Landstrom about resident complaints. He said they don’t get many complaints, “maybe a couple a year.” He also mentioned occasional manhole backups in the collection system, resulting in sewage flowing from the top of manholes. I asked if these backups were reported to IDEM. Mr. Landstrom stated that they did not report sewage backups at manholes to IDEM. I asked if these manhole backups or overflows were recorded in any way. Mr. Landstrom said they recorded maintenance activities and would provide copies to me via email after the inspection, as they were not available at the facility.

Mr. Landstrom stated again that operations and maintenance was conducted twice a week. He said he has staff to assist with sampling and O&M tasks as needed. I asked if there was a written O&M plan or list of procedures. Mr. Landstrom said there was no written list of O&M procedures. We then discussed the history of self-reported noncompliance at the facility, and the recurring notices of noncompliance issued by IDEM. I asked Mr. Landstrom if he could recall when the facility was in good operating condition without compliance issues. He stated that the facility “may never have been in compliance.” No other O&M issues were identified up to this point in the inspection. After discussing O&M, we concluded the interview and began the physical facility inspection.

**III. C. Physical Facility Inspection**

The physical inspection of the facility began at 1:50 pm on February 25, 2019. Mr. Landstrom led the tour. The physical inspection is summarized below. Photos referenced below are included in the Photo Log (Attachment B). A plan view diagram of the facility is provided in Attachment A.

We began the inspection at the influent manhole, captured in Photograph 1 (PLEA0001.JPG). The manhole provided access to the influent pipeline from the collection system. Mr. Landstrom stated that influent sewage flow was 12,000-37,000 gallons per day (“gpd”), with peak flows near 70,000 gpd. Next, we observed a junction box providing access to the influent pipeline and the pipe conveying influent flow

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to the headworks. Here I observed evidence of a recent sewage overflow from the junction box, including visible toilet paper on the ground, as captured in Photograph 2 (PLEA0002.jpg). The path of the overflow debris led from the junction box manhole to polishing pond #1, bypassing the headworks, aeration treatment, and clarifier. Mr. Landstrom confirmed that the overflow occurred "a couple days ago." I asked Mr. Landstrom if the overflow was reported to IDEM. He stated that it was not reported to IDEM. I asked Mr. Landstrom if my understanding of the event was correct, in terms of the bypass of treatment. He confirmed that the overflow bypassed primary treatment, and the aeration tank and clarifier. I asked if this was a common occurrence at this location. Mr. Landstrom said this was "the first overflow in years," and added that it was the result of a "five-inch rain." [After the inspection I obtained climate records for three of the closest National Weather Service weather stations (Shelbyville, IN; Dayton, OH; and Cincinnati, OH), and the only significant rain event reported at all three stations within the ten-day period prior to the inspection occurred on February 20. The reported rainfall amount at the three stations for February 20 ranged from 1.07 inches (Shelbyville) to 1.48 inches (Cincinnati).]

Next, I observed the headworks which consisted of a manual bar screen, the aeration tank, and clarifier (Photograph 3; PLEA0003.jpg). I observed growth and debris on the clarifier effluent trough (Photograph 4-PLEA0004.jpg; and Photograph 5-PLEA0005.jpg), and asked Mr. Landstrom about maintenance procedures for the clarifier troughs. He stated that the troughs were cleaned once per year.

From the clarifier we moved on to the effluent flow meter vault, located just prior to the discharge to the unnamed tributary to Williams Creek. Mr. Landstrom identified the flow meter as a Grayline brand meter and said it was calibrated once per year. He later produced calibration records verifying the frequency. I observed leafy debris in the bottom of the uncovered flow meter vault and surrounding the open effluent flume (Photograph 6; PLEA0006.jpg). I also noticed the flume did not have visual depth markings, for manual flow estimation. From this location I took a photograph of the two polishing ponds, which are separated by an earthen berm. Pond#1 is in the foreground of Photograph 7 (PLEA0007.jpg), and Pond#2 is in the background.

Next, I observed the chlorine contact tank. Like the effluent flow meter vault, the chlorine contact tank was uncovered, and open to collect debris, such as the leaves shown in Photograph 8 (PLEA0008.jpg). I mentioned to Mr. Landstrom that by leaving the chlorine contact tank and effluent flow meter vaults uncovered, they are vulnerable to leaves and other debris which can contribute pollutants (such as TSS and *E.coli*), at points in the effluent stream where no further treatment occurs (other than dechlorination) prior to discharge to the receiving water.

Adjacent to Pond#2 I observed what looked like an abandoned effluent discharge trough to the unnamed tributary to Williams Creek (Photograph 9; PLEA0009.jpg). Mr. Landstrom confirmed this was correct. There appeared to be some water in the debris within the trough, but no visible flow was observed. I asked if the pond overtopped at this location as there appeared to be a disturbed area of the berm at this location. Mr. Landstrom said he was not aware of any overtopping. It was unclear if the water was a result of rain collected in the trough, seepage through the pond berm, or from some other source.

I observed the effluent outfall to the unnamed tributary to Williams Creek. While the discharge and receiving water appeared clear and free of any noticeable issues, I observed what appeared to be paper waste throughout the area around the outfall and in the fence (Photograph 10; PLEA0010.jpg). It was not clear if the paper waste was associated with the recent sewage bypass event discussed above. As captured in Photograph 10, the earth surrounding the outfall is eroding into the unnamed tributary to Williams Creek. Further uncontrolled erosion could undermine or block the outfall.

We concluded the physical inspection at the small building which houses sampling equipment and some files. We took the opportunity to discuss sampling procedures. Mr. Landstrom described the various

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sampling procedures used to meet permit requirements, including sampling methods, field instruments, equipment calibration, sampling techniques, 24-hour composite sampling methodology, and sample preservation methods. No sampling issues were identified. Mr. Landstrom stated that permit-required laboratory analyses were conducted at the Laurel WWTP lab, which is operated by Landstrom Contracting. Mr. Landstrom also provided calibration records for the flow meter. I asked Mr. Landstrom for a copy of the current permit. He could not produce a copy of the current permit for the facility. Prior to concluding the physical inspection of the facility, I asked Mr. Landstrom about emergency procedures for the facility, and specifically about alarms. He confirmed that the facility is designed to signal an alarm only when the power is out, and there is no system in place to alert the Utility or the operator in the event of a treatment system failure due to conditions other than a power outage. Mr. Landstrom also confirmed that the facility maintains a backup generator. However, the generator does not have an auto-backup feature and requires an operator to respond to the facility to start the generator.

I photographed the entire facility from the driveway leading to W. Galaxy Drive (Photograph; PLEA0011.jpg) and completed the physical inspection at 2:40 pm on February 25, 2019.

**IV. CLOSING CONFERENCE AND AREAS OF CONCERN**

I began the closing conference at the facility at 3:00 pm, on February 25, 2019. I went over some of the preliminary areas of concern with Mr. Landstrom and Ms. Ruark. The areas of concern included:

- Chronic effluent limit exceedances: the review of DMRs revealed chronic exceedances of Permit (Part I.A.1) effluent limit for nitrogen, ammonia total (as N), TSS percent removal, DO, and total residual chlorine; and exceedances of *E.coli* and TSS (Attachment D).
- Operations and Maintenance Issues: Permit (Part II.B.1.a) states that the permittee shall at all times maintain in good working order and efficiently operate all facilities and systems. I noted the following O&M issues:
  - Maintenance-related effluent limit exceedances attributed in part to frequency of maintenance, and chronic duckweed issues. Mr. Landstrom noted cases where chlorine supply ran out between their twice a week maintenance visits, leading to *E.coli* violations;
  - Chlorine contact tank and flow meter vault were uncovered, allowing debris to enter the effluent waste stream;
  - Debris and growth observed in clarifier effluent trough;
  - Erosion of earth around effluent outfall; and
  - Lack of treatment failure alarm capability.
- Bypass: Recent treatment bypass as discussed in Section II.C above (Permit Part II.B.2).
- Failure to report overflows and bypasses to IDEM, pursuant to permit (Permit Part II.B.2.d(2); and Part II.C.3).

After sharing the preliminary areas of concern, I asked Mr. Landstrom if he had any questions. With no other questions from Mr. Landstrom, I provided an estimated timeframe for completion of the inspection report and we concluded the closing conference. Mr. Patel and I departed the facility at 3:30 pm on February 25, 2019.

**V. DOCUMENTS RECEIVED AND REFERENCES**

Document received during the inspection:

- Monthly Report of Operations (“MOR”) for January 2019.

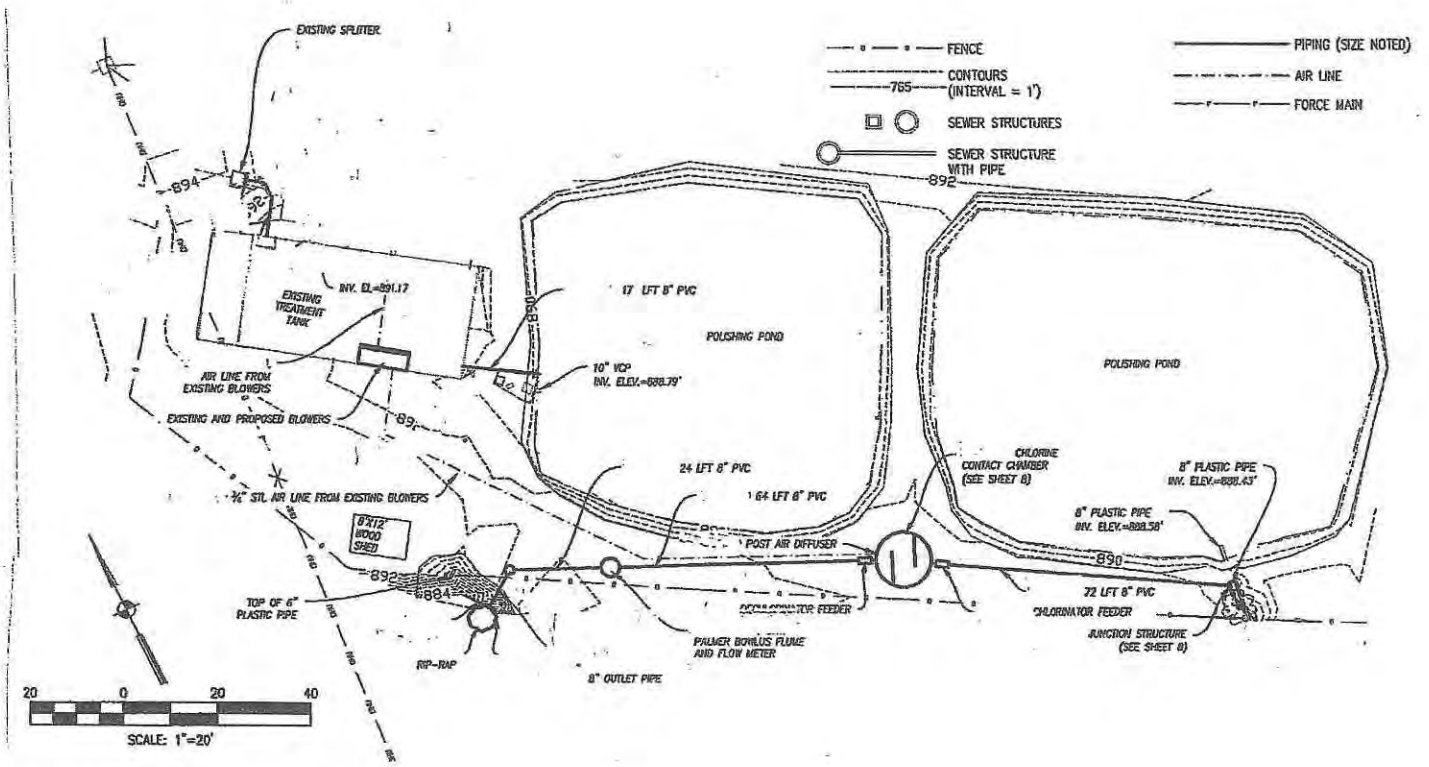


Pleasantview Utilities Wastewater Treatment Plant  
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Specific resources included by reference:

- Pleasantview Utilities Wastewater Treatment Plant NPDES Permit# IN0044776; issued by IDEM; expiration date October 31, 2021.

Attachment A: Plan view diagram of the Pleasantview Utilities WWTP



(source: NPDES permit IN0044666)

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**Attachment B: Inspection Photo Log**

**Pleasantview Utilities Wastewater Treatment Plant  
EPA Inspection 2/25/2019  
All photos taken by Dean Maraldo, Inspector, U.S. EPA  
Camera: Ricoh WG-4 GPS**



1: PLEA0001

Description: influent manhole.

Location: Pleasantview Utilities WWTP

Camera Direction: 100°

Date/Time: 2/25/2019; 13:50 ET

Pleasantview Utilities Wastewater Treatment Plant  
CEI Inspection Report



2: PLEA0002

Description: influent junction box (foreground) with sewage overflow  
Debris field leading to polishing pond #1 in background.

Location: Pleasantview Utilities WWTP

Camera Direction: 110°

Date/Time: 2/25/2019; 13:55 ET

Pleasantview Utilities Wastewater Treatment Plant  
CEI Inspection Report



3: PLEA0003

Description: headworks bar screen (lower left), aeration tank, and clarifier (background).

Location: Pleasantview Utilities WWTP

Camera Direction: 150°

Date/Time: 2/25/2019; 13:59 ET



4: PLEA0004

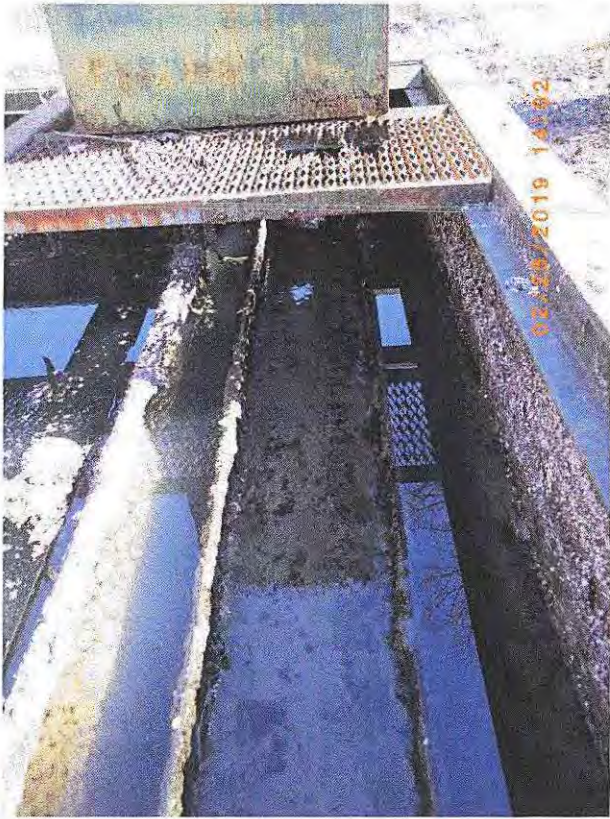
Description: clarifier effluent trough (note debris).

Location: Pleasantview Utilities WWTP

Camera Direction: 20°

Date/Time: 2/25/2019; 14:01 ET

Pleasantview Utilities Wastewater Treatment Plant  
CEI Inspection Report



5: PLEA0005

Description: clarifier effluent trough (note debris).

Location: Pleasantview Utilities WWTP

Camera Direction: 140°

Date/Time: 2/25/2019; 14:02 ET

Pleasantview Utilities Wastewater Treatment Plant  
CEI Inspection Report



6: PLEA0006

Description: uncovered flow meter vault. Note leafy debris surrounding the open effluent flume.

Location: Pleasantview Utilities WWTP

Camera Direction: 10°

Date/Time: 2/25/2019; 14:06 ET



7: PLEA0007

Description: polishing ponds (#1 foreground, #2 background beyond berm).

Location: Pleasantview Utilities WWTP

Camera Direction: 90°

Date/Time: 2/25/2019; 14:08 ET



Pleasantview Utilities Wastewater Treatment Plant  
CEI Inspection Report



8: PLEA0008

Description: uncovered chlorine contact tank. Note leafy debris floating on surface near inlet to effluent pipe.

Location: Pleasantview Utilities WWTP

Camera Direction: 140°

Date/Time: 2/25/2019; 14:09 ET

Pleasantview Utilities Wastewater Treatment Plant  
CEI Inspection Report



9: PLEA0009

Description: abandoned effluent discharge trough to the unnamed tributary to Williams Creek.

Location: Pleasantview Utilities WWTP

Camera Direction: 200°

Date/Time: 2/25/2019; 14:14 ET

Pleasantview Utilities Wastewater Treatment Plant  
CEI Inspection Report



10: PLEA0010

Description: final effluent outfall to the unnamed tributary to Williams Creek.  
Note paper waste and erosion around the outfall.

Location: Pleasantview Utilities WWTP

Camera Direction: 270°

Date/Time: 2/25/2019; 14:17 ET



11: PLEA0011

Description: view of facility from the driveway leading to W. Galaxy Drive.

Location: Pleasantview Utilities WWTP

Camera Direction: 120°

Date/Time: 2/25/2019; 14:41 ET

Pleasantview Utilities Wastewater Treatment Plant  
 CEI Inspection Report

Attachment C: EPA ECHO Facility Compliance Report



Detailed Facility Report

**Facility Summary**

PLEASANTVIEW UTILITIES WWTP  
 3812 WEST GALAXY DRIVE, CONNERSVILLE, IN 47331

FRS (Facility Registry Service) ID: 110050289371  
 EPA Region: 05  
 Latitude: 39.631617  
 Longitude: -85.201657  
 Locational Data Source: FRS  
 Industry: Subdividers And Developers  
 Indian Country: N

**Enforcement and Compliance Summary**

Form	Reg. Code	Date of Last Inspection	Compliance Status	Open Violations (as of 12/31/2014)	Open Violations (as of 12/31/2015)	Enforced Enforcement Actions (0/2014)	Enforced Enforcement Actions (0/2015)	Final Enforcement Actions (0/2014)	Final Enforcement Actions (0/2015)	EPA Cases (0/2014)	Final EPA CWA Cases (0/2014)
CWA	4	04/01/2014	Supervisory/Non-Compliance	11	1	0	0	0	0	0	0

**Regulatory Information**

Clean Air Act (CAA): No Information  
 Clean Water Act (CWA): Minor, Permit Effective (IN0044776)  
 Resource Conservation and Recovery Act (RCRA): No Information  
 Safe Drinking Water Act (SDWA): No Information

**Other Regulatory Reports**

Air Emissions Inventory (EIS): No Information  
 Greenhouse Gas Emissions (eGGRT): No Information  
 Toxic Releases (TRI): No Information  
 Compliance and Emissions Data Reporting Interface (CEDRI): No Information

Pleasantview Utilities Wastewater Treatment Plant  
CEI Inspection Report

**Facility/System Characteristics**

**Facility/System Characteristics**

System	State	Identifier	Location	Type	Asset	First Expire Date	Index County	Latitude	Longitude
WTP	CO	12000000111					W	39.62287	-105.26457
KP	CO	D004476	Pleasantview Utilities Plant	Effluent		01/1/2021	N	39.61139	-105.26410

**Facility Address**

System	State	Identifier	Facility Name	Facility Address
WTP	CO	H0000971	PLEASANTVIEW UTILITIES WTP	3111 WEST GALAXY DRIVE, COONSVILLE, IN 47036
KP	CO	D004476	PLEASANTVIEW UTILITIES WTP	3111 W GALAXY DR, COONSVILLE IN 47036

**Facility SIC (Standard Industrial Classification) Codes**

System	Identifier	SIC Code	SIC Desc.
KP	D004476	8122	Solid Waste Disposal

**Facility NAICS (North American Industry Classification System) Codes**

System	Identifier	NAICS Code	NAICS Description
			No data available

**Facility Tribe Information**

Facility Name	Tribe Name	DEA Tribal ID	Distance to Tribe (mi)
			No data available

**Enforcement and Compliance**

**Compliance Monitoring History (5 years)**

State	System ID	System	Inspection Type	Lead Agency	Date	Rating
CO	D004476	KP	Effluent	State	04/01/2019	
CO	D004476	KP	Effluent	State	04/26/2017	
CO	D004476	KP	Performance index Sampling	State	06/05/2016	
CO	D004476	KP	Effluent	State	09/17/2013	
CO	D004476	KP	Performance index Sampling	State	01/14/2013	
CO	D004476	KP	Performance index Sampling	State	05/01/2014	

Entries in *italics* are not considered inspections in official counts.





Pleasantview Utilities Wastewater Treatment Plant  
CEI Inspection Report

**Demographic Profile**

**Demographic Profile of Surrounding Area (3 Miles)**

This section provides demographic information regarding the community surrounding the facility. ECHO compliance data alone are not sufficient to determine whether violations at a particular facility had negative impacts on public health or the environment. Statistics are based upon the 2010 US Census and American Community Survey data, and are accurate to the extent that the facility latitude and longitude listed below are correct. The latitude and longitude are obtained from the EPA Locational Reference Table (LRT) when available.

Radius of Area	3	Land Area	109%	Households in Area	1,829
Center Latitude	39.651817	Water Area	0%	Homeing Units in Area	2,805
Center Longitude	-82.204877	Population Density	166/sq.mil.	Households on Public Accounts	33
Total Households	4,787	Foreign-Born	3%	Persons Below Poverty Level	1,551

Race/Ethnicity	Percent (%)	Age Breakdown	Percent (%)
White	4,769 (99%)	Child 5 years and younger	278 (6%)
African-American	67 (1%)	Minor 17 years and younger	1,156 (24%)
Hispanic/Latino	24 (1%)	Adult 18 years and older	3,551 (74%)
Asian/Pacific Islander	19 (0%)	Senior 65 years and older	695 (15%)
American Indian	9 (0%)		
Other Unidentified	46 (1%)		

Education Level (Percent 25 & Older)	Percent (%)	Income Breakdown	Percent (%)
Less than 9th Grade	244 (5.1%)	Less than \$15,000	363 (8.6%)
9th through 11th Grade	424 (9.0%)	\$15,000 - \$24,999	229 (13.6%)
High School Diploma	1,329 (27.8%)	\$25,000 - \$34,999	617 (33.7%)
Some College 2-3yr	613 (12.8%)	\$35,000 - \$49,999	408 (23.3%)
B.S. or A. or More	675 (14.1%)	Greater than \$50,000	422 (24.8%)



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Pleasantview Utilities Wastewater Treatment Plant  
CEI Inspection Report

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Pleasantview Utilities Wastewater Treatment Plant  
 CEI Inspection Report

**Attachment D: Self-reported effluent limit exceedance (February 2014-February 2019)**

Effluent Limit Exceedances Report							
IN0044776: PLEASANTVIEW UTILITIES WWTP, CONNERSVILLE, IN 47331							
Monitoring Period Date Range: 02/01/2014 to 12/31/2018							
Monitoring Period Date	Parameter Description	Limit Type	DMR Value	DMR Unit	Limit Value	Limit Qualifier	% Exceedance
2/28/2014	Oxygen, dissolved (DO)	DLYAVMIN	4.60	mg/L	5	>=	8
4/30/2014	E. coli, colony forming units (CFU)	MO GEO	186	CFU/100mL	125	<=	49
6/30/2014	E. coli, colony forming units (CFU)	MO GEO	142	CFU/100mL	125	<=	14
7/31/2014	Nitrogen, ammonia total (as N)	MO AVG	2.08	mg/L	1.5	<=	38
7/31/2014	Nitrogen, ammonia total (as N)	MX WK AV	2.40	mg/L	2.20	<=	9
8/31/2014	Chlorine, total residual	DAILY MN	0.01	mg/L	0.5	>=	98
8/31/2014	Chlorine, total residual	DAILY MX	2.02	mg/L	0.06	<=	3,267
8/31/2014	Chlorine, total residual	MO AVG	1.92	mg/L	0.06	<=	3,100
8/31/2014	E. coli, colony forming units (CFU)	MO GEO	130	CFU/100mL	125	<=	4
8/31/2014	Nitrogen, ammonia total (as N)	MO AVG	1.90	mg/L	1.5	<=	27
8/31/2014	Oxygen, dissolved (DO)	DLYAVMIN	4.60	mg/L	6	>=	23
9/30/2014	Nitrogen, ammonia total (as N)	MO AVG	5.02	mg/L	1.5	<=	235
9/30/2014	Nitrogen, ammonia total (as N)	MO AVG	0.63	kg/d	0.36	<=	75
9/30/2014	Nitrogen, ammonia total (as N)	MX WK AV	0.85	kg/d	0.54	<=	56
9/30/2014	Nitrogen, ammonia total (as N)	MX WK AV	6.75	mg/L	2.20	<=	207
9/30/2014	Oxygen, dissolved (DO)	DLYAVMIN	3.20	mg/L	6	>=	47
10/31/2014	Nitrogen, ammonia total (as N)	MO AVG	0.68	kg/d	0.36	<=	88
10/31/2014	Nitrogen, ammonia total (as N)	MO AVG	3.82	mg/L	1.50	<=	155
10/31/2014	Nitrogen, ammonia total (as N)	MX WK AV	6.20	mg/L	2.20	<=	182
10/31/2014	Nitrogen, ammonia total (as N)	MX WK AV	0.83	kg/d	0.54	<=	53
10/31/2014	Oxygen, dissolved (DO)	DLYAVMIN	5.30	mg/L	6	>=	12
11/30/2014	Nitrogen, ammonia total (as N)	MO AVG	4.85	mg/L	1.50	<=	223
11/30/2014	Nitrogen, ammonia total (as N)	MO AVG	0.65	kg/d	0.36	<=	80
11/30/2014	Nitrogen, ammonia total (as N)	MX WK AV	0.78	kg/d	0.54	<=	43
11/30/2014	Nitrogen, ammonia total (as N)	MX WK AV	5.40	mg/L	2.20	<=	145
11/30/2014	Oxygen, dissolved (DO)	DLYAVMIN	5.80	mg/L	6	>=	3
3/31/2015	Oxygen, dissolved (DO)	DLYAVMIN	3.63	mg/L	5	>=	27
6/30/2015	Chlorine, total residual	DAILY MN	0.12	mg/L	0.5	>=	76
6/30/2015	Chlorine, total residual	DAILY MX	0.08	mg/L	0.06	<=	33
6/30/2015	Nitrogen, ammonia total (as N)	MO AVG	1.80	mg/L	1.50	<=	20
6/30/2015	Nitrogen, ammonia total (as N)	MX WK AV	4.02	mg/L	2.20	<=	83
6/30/2015	Oxygen, dissolved (DO)	DLYAVMIN	5.20	mg/L	6	>=	13
8/31/2015	Nitrogen, ammonia total (as N)	MO AVG	2.57	mg/L	1.50	<=	71
8/31/2015	Nitrogen, ammonia total (as N)	MO AVG	0.40	kg/d	0.36	<=	10
8/31/2015	Nitrogen, ammonia total (as N)	MX WK AV	3.70	mg/L	2.20	<=	68
8/31/2015	Nitrogen, ammonia total (as N)	MX WK AV	0.59	kg/d	0.54	<=	8
9/30/2015	Chlorine, total residual	DAILY MN	0.10	mg/L	0.5	>=	80
9/30/2015	Chlorine, total residual	DAILY MX	1.30	mg/L	0.06	<=	2,067
9/30/2015	Chlorine, total residual	MO AVG	0.44	mg/L	0.06	<=	633
9/30/2015	E. coli, colony forming units (CFU)	DAILY MX	1,011	CFU/100mL	235	<=	330
9/30/2015	E. coli, colony forming units (CFU)	MO GEO	798	CFU/100mL	125	<=	538
9/30/2015	Nitrogen, ammonia total (as N)	MO AVG	1.41	kg/d	0.36	<=	290
9/30/2015	Nitrogen, ammonia total (as N)	MO AVG	12.37	mg/L	1.50	<=	725
9/30/2015	Nitrogen, ammonia total (as N)	MX WK AV	42.50	mg/L	2.20	<=	1,832
9/30/2015	Nitrogen, ammonia total (as N)	MX WK AV	4.67	kg/d	0.54	<=	758
9/30/2015	Oxygen, dissolved (DO)	DLYAVMIN	4.60	mg/L	6	>=	23
10/31/2015	Chlorine, total residual	DAILY MN	0.00	mg/L	0.5	>=	100
10/31/2015	Chlorine, total residual	DAILY MX	1.24	mg/L	0.06	<=	1,967
10/31/2015	Chlorine, total residual	MO AVG	0.15	mg/L	0.06	<=	150
10/31/2015	E. coli, colony forming units (CFU)	DAILY MX	629	CFU/100mL	235	<=	168
10/31/2015	E. coli, colony forming units (CFU)	MO GEO	363	CFU/100mL	125	<=	190
10/31/2015	Nitrogen, ammonia total (as N)	MO AVG	3.99	mg/L	1.50	<=	166
10/31/2015	Nitrogen, ammonia total (as N)	MO AVG	0.49	kg/d	0.36	<=	34
10/31/2015	Nitrogen, ammonia total (as N)	MX WK AV	4.47	mg/L	2.20	<=	103
10/31/2015	Nitrogen, ammonia total (as N)	MX WK AV	0.59	kg/d	0.54	<=	8
10/31/2015	Oxygen, dissolved (DO)	DLYAVMIN	4.41	mg/L	6	>=	27
12/31/2015	Nitrogen, ammonia total (as N)	MO AVG	4.10	mg/L	2.10	<=	95
12/31/2015	Nitrogen, ammonia total (as N)	MO AVG	0.59	kg/d	0.54	<=	8
12/31/2015	Nitrogen, ammonia total (as N)	MX WK AV	18.80	mg/L	3.20	<=	488
12/31/2015	Nitrogen, ammonia total (as N)	MX WK AV	2.81	kg/d	0.82	<=	244
2/29/2016	Solids, total suspended	MO AVG	35.70	mg/L	30	<=	19
2/29/2016	Solids, total suspended	MX WK AV	127.70	mg/L	45	<=	184
2/29/2016	Solids, total suspended	MX WK AV	13.51	kg/d	11	<=	19
4/30/2016	Chlorine, total residual	DAILY MX	0.58	mg/L	0.06	<=	867
4/30/2016	Chlorine, total residual	MO AVG	0.28	mg/L	0.06	<=	367
5/31/2016	Chlorine, total residual	DAILY MX	0.55	mg/L	0.06	<=	817
5/31/2016	Chlorine, total residual	MO AVG	0.21	mg/L	0.06	<=	250
5/31/2016	Nitrogen, ammonia total (as N)	MO AVG	1.74	mg/L	1.50	<=	16
5/31/2016	Nitrogen, ammonia total (as N)	MX WK AV	2.75	mg/L	2.20	<=	25
5/31/2016	Oxygen, dissolved (DO)	DLYAVMIN	5.90	mg/L	6	>=	2
5/31/2016	Solids, total suspended	MX WK AV	19.91	kg/d	9	<=	120
5/31/2016	Solids, total suspended	MX WK AV	66.70	mg/L	36	<=	85
6/30/2016	Chlorine, total residual	DAILY MN	0.01	mg/L	0.5	>=	98
6/30/2016	Chlorine, total residual	DAILY MX	0.55	mg/L	0.06	<=	817

### Pleasantview Utilities Wastewater Treatment Plant CEI Inspection Report

Effluent Limit Exceedances Report							
IN0044776: PLEASANTVIEW UTILITIES WWTP, CONNERSVILLE, IN 47331							
Monitoring Period Date Range: 02/01/2014 to 12/31/2018							
Monitoring Period Date	Parameter Description	Limit Type	DMR Value	DMR Value Unit	Limit Value	Limit Value Qualifier	% Exceedance
6/30/2016	Chlorine, total residual	MO AVG	0.07	mg/L	0.06	<=	17
6/30/2016	E. coli, colony forming units (CFU)	MO GEO	128	CFU/100mL	125	<=	2
6/30/2016	Nitrogen, ammonia total (as N)	MO AVG	2.80	mg/L	1.50	<=	87
6/30/2016	Nitrogen, ammonia total (as N)	MX WK AV	4.17	mg/L	2.20	<=	90
6/30/2016	Oxygen, dissolved (DO)	DLYAVMIN	2.60	mg/L	6	>=	57
7/31/2016	Chlorine, total residual	DAILY MX	1.40	mg/L	0.06	<=	2,233
7/31/2016	Chlorine, total residual	MO AVG	0.69	mg/L	0.06	<=	1,050
7/31/2016	Oxygen, dissolved (DO)	DLYAVMIN	4.60	mg/L	6	>=	23
8/31/2016	Oxygen, dissolved (DO)	DLYAVMIN	3.96	mg/L	6	>=	34
9/30/2016	Chlorine, total residual	DAILY MX	0.08	mg/L	0.06	<=	33
9/30/2016	Oxygen, dissolved (DO)	DLYAVMIN	5.40	mg/L	6	>=	10
10/31/2016	Chlorine, total residual	DAILY MN	0.16	mg/L	0.5	>=	68
11/30/2016	Oxygen, dissolved (DO)	DLYAVMIN	5.14	mg/L	6	>=	14
5/31/2017	Oxygen, dissolved (DO)	DLYAVMIN	4.80	mg/L	6	>=	20
5/31/2017	Solids, suspended percent removal	MO AV MN	72.20	%	85	>=	85
6/30/2017	Chlorine, total residual	DAILY MN	0.24	mg/L	0.5	>=	52
6/30/2017	Chlorine, total residual	DAILY MX	0.24	mg/L	0.06	<	300
6/30/2017	Nitrogen, ammonia total (as N)	MO AVG	2.50	mg/L	1.50	<=	67
6/30/2017	Nitrogen, ammonia total (as N)	MO AVG	0.73	kg/d	0.36	<=	100
6/30/2017	Nitrogen, ammonia total (as N)	MX WK AV	0.82	kg/d	0.50	<=	64
6/30/2017	Nitrogen, ammonia total (as N)	MX WK AV	2.70	mg/L	2.20	<=	23
6/30/2017	Oxygen, dissolved (DO)	DLYAVMIN	3.50	mg/L	6	>=	42
6/30/2017	Solids, suspended percent removal	MO AV MN	73.10	%	85	>=	79
6/30/2017	Solids, total suspended	MX WK AV	8.93	kg/d	8	<=	9
7/31/2017	Chlorine, total residual	DAILY MN	0.44	mg/L	0.5	>=	12
7/31/2017	Oxygen, dissolved (DO)	DLYAVMIN	4.75	mg/L	6	>=	21
7/31/2017	Solids, suspended percent removal	MO AV MN	81.20	%	85	>=	25
8/31/2017	Chlorine, total residual	DAILY MN	0.15	mg/L	0.5	>=	70
8/31/2017	Nitrogen, ammonia total (as N)	MO AVG	1.52	mg/L	1.50	<=	1
8/31/2017	Oxygen, dissolved (DO)	DLYAVMIN	5.00	mg/L	6	>=	17
10/31/2017	Solids, suspended percent removal	MO AV MN	47.70	%	85	>=	249
10/31/2017	Solids, total suspended	MX WK AV	58.30	mg/L	36	<=	62
12/31/2017	Nitrogen, ammonia total (as N)	MX WK AV	4.28	mg/L	3.20	<=	34
1/31/2018	Oxygen, dissolved (DO)	DLYAVMIN	2.53	mg/L	5	>=	49
2/28/2018	Solids, suspended percent removal	MO AV MN	77.10	%	85	>=	53
4/30/2018	Chlorine, total residual	DAILY MX	0.08	mg/L	0.06	<	33
4/30/2018	Solids, suspended percent removal	MO AV MN	79.80	%	85	>=	35
5/31/2018	Chlorine, total residual	DAILY MX	0.27	mg/L	0.06	<	350
5/31/2018	Nitrogen, ammonia total (as N)	MO AVG	0.47	kg/d	0.36	<=	30
5/31/2018	Nitrogen, ammonia total (as N)	MO AVG	3.08	mg/L	1.50	<=	105
5/31/2018	Nitrogen, ammonia total (as N)	MX WK AV	0.77	kg/d	0.50	<=	55
5/31/2018	Nitrogen, ammonia total (as N)	MX WK AV	4.80	mg/L	2.20	<=	118
5/31/2018	Oxygen, dissolved (DO)	DLYAVMIN	2.40	mg/L	6	>=	60
6/30/2018	Chlorine, total residual	DAILY MN	0.04	mg/L	0.5	>=	92
6/30/2018	E. coli, colony forming units (CFU)	DAILY MX	961	CFU/100mL	235	<=	309
6/30/2018	Nitrogen, ammonia total (as N)	MO AVG	0.37	kg/d	0.36	<=	1
6/30/2018	Nitrogen, ammonia total (as N)	MO AVG	3.50	mg/L	1.50	<=	133
6/30/2018	Nitrogen, ammonia total (as N)	MX WK AV	0.54	kg/d	0.50	<=	9
6/30/2018	Nitrogen, ammonia total (as N)	MX WK AV	3.50	mg/L	2.20	<=	59
6/30/2018	Oxygen, dissolved (DO)	DLYAVMIN	2.70	mg/L	6	>=	55
7/31/2018	Chlorine, total residual	DAILY MN	0.03	mg/L	0.5	>=	94
7/31/2018	Nitrogen, ammonia total (as N)	MO AVG	3.50	mg/L	1.50	<=	133
7/31/2018	Nitrogen, ammonia total (as N)	MX WK AV	3.50	mg/L	2.20	<=	59
7/31/2018	Oxygen, dissolved (DO)	DLYAVMIN	2.80	mg/L	6	>=	53
8/31/2018	Chlorine, total residual	DAILY MN	0.10	mg/L	0.5	>=	80
8/31/2018	Nitrogen, ammonia total (as N)	MO AVG	2.80	mg/L	1.50	<=	87
8/31/2018	Nitrogen, ammonia total (as N)	MO AVG	0.37	kg/d	0.36	<=	1
8/31/2018	Nitrogen, ammonia total (as N)	MX WK AV	0.54	kg/d	0.50	<=	9
8/31/2018	Nitrogen, ammonia total (as N)	MX WK AV	5.13	mg/L	2.20	<=	133
8/31/2018	Oxygen, dissolved (DO)	DLYAVMIN	1.29	mg/L	6	>=	79
8/31/2018	Solids, suspended percent removal	MO AV MN	9.20	%	85	>=	505
9/30/2018	Nitrogen, ammonia total (as N)	MO AVG	1.70	mg/L	1.50	<=	13
9/30/2018	Nitrogen, ammonia total (as N)	MX WK AV	0.73	kg/d	0.50	<=	45
9/30/2018	Nitrogen, ammonia total (as N)	MX WK AV	4.20	mg/L	2.20	<=	91
9/30/2018	Oxygen, dissolved (DO)	DLYAVMIN	3.76	mg/L	6	>=	37
9/30/2018	Solids, suspended percent removal	MO AV MN	71.40	%	85	>=	91
10/31/2018	Chlorine, total residual	DAILY MN	0.10	mg/L	0.5	>=	80
10/31/2018	Nitrogen, ammonia total (as N)	MO AVG	2.40	mg/L	1.50	<=	60
10/31/2018	Nitrogen, ammonia total (as N)	MX WK AV	3.29	mg/L	2.20	<=	50
10/31/2018	Nitrogen, ammonia total (as N)	MX WK AV	0.86	kg/d	0.50	<=	73
10/31/2018	Oxygen, dissolved (DO)	DLYAVMIN	4.90	mg/L	6	>=	18
11/30/2018	Oxygen, dissolved (DO)	DLYAVMIN	5.90	mg/L	6	>=	2
11/30/2018	Solids, suspended percent removal	MO AV MN	74.50	%	85	>=	70
12/31/2018	Oxygen, dissolved (DO)	DLYAVMIN	4.40	mg/L	5	>=	12



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

APR 29 2019

REPLY TO THE ATTENTION OF

WC-15J

**CERTIFIED MAIL 7018 1130 0002 1944 3471**  
**RETURN RECEIPT REQUESTED**

Mr. Matt Sherck, President  
Pleasantview Utilities Wastewater Treatment Plant  
3812 West Galaxy Drive  
Connersville, Indiana 47331

Re: Final Administrative Order on Consent Regarding Clean Water Act Violations at the Pleasantview Utilities Wastewater Treatment Plant, in Connersville, Indiana.

Dear Mr. Sherck:

Please find the enclosed final and effective Administrative Order on Consent (AOC) designed to bring the Pleasantview Utilities Wastewater Treatment Plant into compliance with the Clean Water Act.

Thank you for your timely attention to this matter. If you have any questions regarding the AOC please contact Dean Maraldo of my staff at (312) 353-2098. For legal inquiries, please contact Cynthia King, Associate Regional Counsel, at (312) 886-6831.

Sincerely,

*Michael D. Harris*

Michael D. Harris  
Acting Division Director  
Enforcement & Compliance Assurance Division

Enclosures: Final Administrative Order on Consent

cc: Becky Ruark, IDEM, w/enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

In the Matter of: )  
)  
Pleasantview Utilities Wastewater )  
Treatment Plant ) **Administrative Order on Consent**  
) **Under Section 309(a) of the Clean Water Act,**  
) **33 U.S.C. § 1319(a)**  
NPDES Number IN0044776 )  
)

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**I. INTRODUCTION**

1. The U.S. Environmental Protection Agency (“EPA”) makes the findings of fact set forth below (Section IV) and is issuing this Administrative Order on Consent (“Order on Consent” or “Order”) to Pleasantview Utilities, Inc., also known as Pleasant View Utilities, Inc. (“Respondent”), under the authority of Section 309(a) of the Clean Water Act (“CWA” or “Act”), 33 U.S.C. § 1319(a). The Administrator of EPA has delegated the authority to issue such Orders to the Regional Administrator of EPA, Region 5, who re delegated this authority to the Director of the Enforcement and Compliance Assurance Division, EPA, Region 5.
2. This Order is mutually entered into by EPA and Respondent.
3. At all times relevant to this Order, Respondent has owned and operated the Pleasantview Utilities Wastewater Treatment Plant, Fayette County, Connersville, Indiana (the “Facility”).
4. EPA alleges that Respondent failed to comply with National Pollutant Discharge Elimination System (“NPDES”) Permit No. IN0044776 at the Facility, in violation of Section 301(a) of the CWA, 33 U.S.C. § 1311(a).
5. By entering into this Order, Respondent: (1) consents to EPA’s authority to issue and enforce this Order; (2) neither admits nor denies the factual allegations as set forth in this Order; (3) agrees to undertake all actions required by the terms and conditions of this Order; (4) consents to be bound by the requirements set forth herein; and (5) agrees not to contest the authority of EPA to issue or enforce this Order or the validity of any terms or conditions in this Order.
6. For the purposes of this Order only, Respondent waives any and all remedies, claims for relief, and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this Order on Consent, including, but not limited to, any right of judicial review under Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

Pleasantview Utilities Wastewater Plant Compliance Order -- IN0044776

## II. STATUTORY AUTHORITY

7. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant by any person except, *inter alia*, in compliance with an NPDES permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.
8. Section 402 of the CWA, 33 U.S.C. § 1342, authorizes states to request approval from EPA to administer their own permit programs for discharges into navigable waters within their jurisdictions.
9. On January 1, 1975, pursuant to CWA Section 402(b), 33 U.S.C. § 1342(b), EPA delegated the administration of the federal NPDES permit program to the State of Indiana for discharges into the navigable waters within its jurisdiction. The Indiana Department of Environmental Management ("IDEM") administers the NPDES permitting program in Indiana pursuant to IND. CODE § 13-13-5-1(1) and, with EPA, maintains concurrent enforcement authority over NPDES permits in Indiana.
10. Section 309(a) of the CWA, 33 U.S.C. § 1319(a), provides that whenever EPA finds that any person is in violation of any condition or limitation that implements, *inter alia*, Sections 301(a) and 402 of the CWA, 33 U.S.C. §§ 1311(a) and 1342, EPA shall issue an order requiring such person to comply with such condition or limitation, and shall specify a time for compliance that EPA determines to be reasonable taking into account the seriousness of the violation and any good faith efforts to comply with applicable requirements.

## III. DEFINITIONS

11. All terms used, but not defined, in this Order have the meanings provided to them in the CWA, 33 U.S.C. § 1251 *et seq.*, and the EPA regulations promulgated under the CWA.
12. "Bypass" means the intentional diversion of a waste stream from any portion of a treatment facility.
13. "CWA" means the Clean Water Act, 33 U.S.C. § 1251 *et seq.*
14. "Day" or "days" means a calendar day or calendar days unless expressly stated to be a business day. When computing any period of time under this Order, should the last day fall on a Saturday, Sunday, or federal holiday, the period shall run until the close of business of the next business day.
15. "Discharge of a pollutant," as defined in Section 502(12) of the CWA, means *inter alia*, "any addition of any pollutant to navigable waters from any point source." 33 U.S.C. § 1362(12).
16. "Effective Date" has the definition provided in Section VIII of this Order.

Pleasantview Utilities Wastewater Plant Compliance Order – IN0044776

17. “EPA” means the United States Environmental Protection Agency and any of its successor departments or agencies.
18. “Navigable waters,” as defined in Section 502(7) of the CWA, means “the waters of the United States, including the territorial seas.” 33 U.S.C. § 1362(7).
19. “NPDES Permit” and “Permit” mean the permit issued in accordance with the NPDES pursuant to Section 402 of the CWA, 33 U.S.C. § 1342. In this Order, these terms mean NPDES Permit No. IN0044776, issued by IDEM to the Respondent for the Facility with an effective date of November 1, 2016, and an expiration date of October 31, 2021.
20. “Order on Consent” and “Order” means this document, all attachments hereto, all subsequent modifications thereto, and, unless otherwise specified in writing by EPA, all submissions that are required by this Order and approved by EPA.
21. “Outfall” means a type of “point source,” as that term is defined in Section 502(14) of the CWA, 33 U.S.C. § 1362(14), that serves as a discharge point from the Facility. “Outfall” followed by an Arabic numeral means that Outfall assigned that number in Respondent’s NPDES permit.
22. “Paragraph” means a portion of this Order identified by an Arabic numeral.
23. “Parties” means EPA and Respondent.
24. “Person,” as defined in Section 502(5) of the CWA, means an “individual, corporation, partnership, association, State, municipality, commission, or political subdivision of a State, or any interstate body.” 33 U.S.C. § 1362(5).
25. “Point source,” as defined in Section 502(14) of the CWA, means “any discernible, confined and discrete conveyance. . . from which pollutants are or may be discharged.” 33 U.S.C. § 1362(14).
26. “Pollutant,” as defined in Section 502(6) of the CWA, means “dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.” 33 U.S.C. § 1362(6).
27. “Respondent” means Pleasantview Utilities, Inc., also known as Pleasant View Utilities, Inc.
28. “Wastewater Treatment Plant” or “WWTP” or “Facility” means the Pleasantview Utilities Wastewater Treatment Plant identified in NPDES Permit No. IN0044776.
29. “Work” means any and all activities Respondent is required to undertake and accomplish under this Order.

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#### IV. FINDINGS OF FACT AND LAW

30. For purposes of federal enforcement, the Respondent is a “person” as that term is defined in sections 502(4) and (5) of the Act, 33 U.S.C. §§ 1362(4) and (5), and 40 C.F.R. § 122.2.
31. At all times relevant to this Order (“all relevant times”), the Respondent owned or operated the Pleasantview Utilities Wastewater Treatment Plant, Fayette County, Connerville, Indiana. Respondent was, therefore, an “owner or operator” within the meaning of 40 C.F.R. § 122.2.
32. At all relevant times, the Facility acted as a “point source” of a “discharge” of “pollutants” with its wastewater discharging into an unnamed tributary that drains to Williams Creek, thence to the Whitewater River, thence to the Great Miami River, thence to the Ohio River, which are considered navigable waters as that term is defined in Section 502(7) of the CWA, meaning “the waters of the United States, including the territorial seas.” 33 U.S.C. § 1362(7).
33. Because the Respondent owned or operated a facility that acted as a point source of discharges of pollutants to waters of the United States, the Respondent and the Facility were subject to the Act and the NPDES program.
34. The Respondent applied for and was issued NPDES Permit No. IN0044776 (“Permit”) under Section 402 of the CWA, 33 U.S.C. § 1342, and which became effective on November 1, 2016. At all relevant times, the Respondent was authorized to discharge pollutants from Outfall 001 at the Facility to waters of the United States only in compliance with the specific terms and conditions of the Permit.
35. Part I.A of the Permit establishes effluent limitations and monitoring requirements for Ammonia-nitrogen, total suspended solids, total suspended solids percent removal, dissolved oxygen, total residual chlorine, and *E.coli*.
36. Part I.B of the Permit requires the Respondent to sample and test its effluent and influent and monitor its compliance with permit conditions according to specific procedures, to determine the Facility's compliance or noncompliance with the Permit.
37. Part II.B.1.a. of the Permit requires the Respondent to at all times maintain in good working order and efficiently operate all facilities and systems.
38. Part II.B.2 of the Permit states that bypasses are prohibited unless: (1) the bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; (2) there were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in



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- the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and (3) the permittee submitted timely notices (orally within 24 hours of event, and written within 5 days of event), as required under Part II.B.2.d; or (4) the condition under Part II.B.2.f of the Permit is met (maintenance-related bypass that does not result in a violation of effluent limitations).
39. IDEM conducted NPDES compliance inspections at the Facility and issued follow-up violation letters and notices of noncompliance to the Respondent over the last five years, including:
- i. April 2014: Violation Letter – reporting violations;
  - ii. October 2014: Violation Letter - unsatisfactory rating for reporting, maintenance, self-reported effluent limit violations, and bypasses;
  - iii. May 2015: Violation Letter – unsatisfactory rating for monitoring, reporting, self-reported effluent violations, and bypasses;
  - iv. July 2017: Noncompliance Letter – unsatisfactory rating for sludge disposal, operations and maintenance, and self-reported effluent limit violations; and
  - v. April 2018: Noncompliance Letter – unsatisfactory rating for self-reported effluent limit violations.
40. Through evaluation of discharge monitoring reports (“DMRs”) submitted to IDEM, EPA identified 148 occasions from 2014 through December 2018, where Respondent discharged pollutants from Outfall 001 that exceeded the applicable effluent limits in the Permit, in violation of Part I.A of the Permit and Section 301(a) of the CWA, 33 U.S.C. § 1311(a). See Attachment A-Table of Effluent Limit Violations.
41. On February 25, 2019, EPA inspected the Facility to evaluate compliance with the CWA. EPA inspectors identified areas of concern, including:
- i. Maintenance-related issues contributing to effluent limit exceedances such as insufficient frequency of maintenance; chronic duckweed control on polishing ponds; insufficient chlorine supply for disinfection treatment; uncovered chlorine contact tank and flow meter vault, allowing debris and solids to enter the effluent waste stream; debris and growth in the clarifier effluent trough; erosion of earth and the presence of sanitary waste debris around the effluent outfall; and lack of alarm capability to automatically alert the operator or Respondent of treatment system failures.
  - ii. Evidence of a recent sewage overflow at the Facility, including toilet paper on the ground. The path of the overflow debris was observed from a junction box manhole to a polishing pond, bypassing the treatment plant headworks, aeration treatment, and clarifier. The operator-in-charge confirmed that the overflow bypassed primary treatment, the aeration tank and clarifier, and that the overflow occurred “a couple days ago,” and “was the first overflow in years,” adding that it was the result of a “five-inch rain.” The operator-in-charge also confirmed that the overflow was not reported to IDEM. EPA obtained climate records from four of the closest weather stations reporting to the National Weather Service (Alpine, IN, Shelbyville, IN; Dayton, OH; Cincinnati, OH), and the only significant rain event reported at all four stations within

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the ten-day period prior to the inspection occurred on February 20, 2019. The reported rainfall amount at the four stations for February 20 ranged from 1.07 inches (Shelbyville) to 1.48 inches (Cincinnati). Alpine, IN, the closest station to the Facility (approximately 6 miles), reported 1.21 inches of rain on February 20, 2019. The Alpine station reported 13 days with rainfall exceeding 1.21 inches in the year preceding the inspection, ranging from 1.3 to 2.82 inches.

These areas of concern are described in more detail in the EPA Region 5, *Compliance Evaluation Inspection Report* for the Pleasantview Utilities Wastewater Treatment Plant, dated March 4, 2019, and delivered to Respondent on March 6, 2019.

42. The Respondent has violated Part I.A of the Permit by discharging pollutants, into waters of the United States, in excess of the limitations established in its Permit.
43. The Respondent failed to at all times maintain in good working order and efficiently operate all equipment and systems for the collection and treatment of process wastewater as necessary to achieve compliance with terms and conditions of Part II.B.1.a. of the Permit.
44. The Respondent has violated Part II.B.2 of the Permit by allowing a prohibited bypass on or about February 20, 2019, and failing to submit timely notices as required under Part II.B.2.d of the Permit.
45. Each violation of the conditions of the Permit or regulations described above is a violation of Section 301 of the Act, 33 U.S.C. § 1311.

#### **V. ORDER ON CONSENT**

46. Based on the foregoing Findings and pursuant to the authority of Section 309(a)(3) of the Act, 33 U.S.C. § 1319(a)(3), EPA hereby orders the Respondent, and the Respondent agrees to comply with the following requirements:

#### **Work to Be Performed**

47. Within 30 days of the effective date of this Order, the Respondent must develop standard operating procedures for reporting and notification to address failures to provide timely reports and notifications for bypasses and overflows to IDEM, pursuant to the Permit.
48. Within 90 days of the effective date of this Order, the Respondent must submit to EPA, for review and approval, a corrective action plan, including detailed implementation schedule and cost information, to address all effluent limit exceedances and conditions and capacity issues contributing to overflows and bypasses. All work identified in the corrective action plan must be completed as soon as possible and not later than 180 days from the effective date of this Order.

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49. Within 90 days of the effective date of this Order, the Respondent must install and activate a system to provide monitoring at the Facility, and alert Respondent and operators of overflow, bypass, and other conditions potentially contributing to Permit violations.
50. Within 90 days of the effective date of this Order, Respondent must develop and submit to EPA for review and approval an Operations and Maintenance ("O&M") Plan covering the operation of the Facility. The O&M Plan shall be designed to meet the requirement to at all times maintain in good working order and efficiently operate all equipment and systems for the collection and treatment of process wastewater as necessary to achieve compliance with terms and conditions of Part II.B.1.a. of the Permit. The O&M Plan shall contain the following elements:
  - i. Schedule and procedures for regular inspection, management, cleaning, and maintenance of all components of the treatment train at the Facility;
  - ii. Schedule and procedures for regular inspection, management, cleaning, and maintenance of all components of the sewage collection and conveyance system; and
  - iii. Schedule and procedures for regular inspection, management, and disposal of sludge, including maintenance and cleaning of the clarifier effluent trough and any other areas in the treatment train at the Facility.

**VI. DOCUMENTATION AND SUBMISSIONS**

51. Respondent shall submit all reports, notifications, documentation, submittals, and other correspondence to EPA (with a copy to IDEM) pursuant to this Order by certified mail (return receipt requested) or by email to the following addresses:

Attn: Dean Maraldo, EPA Case Manager  
Water Enforcement and Compliance Assurance Branch (WC-15J)  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

OR

maraldo.dean@epa.gov  
AND  
R5WECA@epa.gov (as a text searchable pdf)

AND

Attn: Cynthia A. King, Associate Regional Counsel  
Office of the Regional Counsel (C-14J)  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

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OR

king.cynthia@epa.gov

AND

Attn: Becky Ruark, Wastewater Facility Inspector  
bruark@idem.IN.gov

All electronic submittals made to EPA must include electronic pdf files that are text searchable and include the certification statement in paragraph 58. The subject of the email correspondence should include Facility's name ("Pleasantview Utilities WWTP"), permit number ("IN0044776"), and the name of the deliverable.

52. Within 10 days of the effective date of this Order, Respondent must designate a Project Coordinator and provide EPA's Case Manager (above) with the Project Coordinator's name, address, phone number, and email address.
53. In the event of a change to the EPA Case Manager or the Project Coordinator, the parties must provide notification in writing, pursuant to paragraphs 51 and 52 above, within 30 days after the change.
54. The Respondent must submit a status report to EPA within 30 days of the end of each calendar-year quarter (i.e., by January 31, April 30, July 31, and October 31), until this Order is terminated. The first status report will be due within 30 days of completion of the first full quarter after the effective date of this Order. Each status report shall include: (a) a description of the actions which have been taken toward achieving compliance with this Order during the previous quarter; (b) an assessment of the effectiveness of such actions in preventing effluent violations; (c) a summary of all effluent violations that occurred during the previous quarter; (d) an analysis of the cause of each such effluent violation; and (e) a description of the Respondent's plan to address and prevent such violations from occurring in the future.
55. EPA may require additional status reports, or fewer status reports, for the purpose of documenting the progress of the work performed pursuant to this Order or compliance with the permit requirements. Should EPA require additional status reports, EPA will provide Respondent with at least 15 days from the date of EPA's request to submit the reports.
56. If Respondent violates any requirement of this Order or its NPDES Permit, in addition to complying with the notification requirements in the Permit, Respondent shall notify the EPA of such violation and its likely duration in writing within 10 working days of the day Respondent first becomes aware of the violation, with an explanation of the violation's likely cause and of the remedial steps taken, and/or to be taken, to prevent or minimize such violation.
57. Whenever any violation of this Order or of any applicable permit or any other event affecting Respondent's performance under this Order, any of which may pose an immediate threat to

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the public health or welfare or the environment, Respondent shall notify EPA, and any other appropriate response entity, orally or electronically as soon as possible, but no later than 24 hours after Respondent first knew of the violation or event. This procedure is in addition to the requirements set forth in the preceding Paragraph and any other state or federal reporting requirement that may be applicable.

58. All reports, notifications, documentation, and submissions required by this Order must be signed by a duly authorized representative of the Respondent (40 §§ C.F.R. 122.22(b) and (d)) and must include the following statement:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

59. The Respondent may not withhold information based on a claim that it is confidential. However, pursuant to 40 C.F.R. Part 2, Subpart B, the Respondent may assert a claim of business confidentiality regarding any portion of the information submitted in response to this Order. The manner of asserting such claims is specified in 40 C.F.R. § 2.203(b). Certain information related to effluent data (as defined in 40 C.F.R. § 2.302(a)(2)) and NPDES permit applications may not be entitled to confidential treatment. 40 C.F.R. § 122.7. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth in 40 C.F.R. Part 2, Subpart B. If Respondent does not assert a claim of business confidentiality when it submits the information, EPA may make the information available to the public without further notice. 40 C.F.R. § 2.203(c).
60. If Respondent finds at any time after submitting information that any portion of that information is false or incorrect, the signatory must notify EPA immediately. Knowingly submitting false information to EPA in response to this Order may subject Respondent to criminal prosecution under Section 309(c) of the CWA, 33 U.S.C. § 1319(c), as well as 18 U.S.C. §§ 1001 and 1341.
61. Submissions required by this Order are deemed submitted on the date they are sent electronically or on the date postmarked if sent by U.S. mail.
62. Upon EPA approval, submissions by Respondent are incorporated and enforceable as part of this Order. In case of inconsistency between any submission by Respondent and this document and its subsequent modifications, this document and its subsequent modifications shall control.

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63. EPA may use any information submitted in response to this Order in support of an administrative, civil, or criminal action against Respondent.
64. The information required to be submitted pursuant to this Order is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. § 3501 et seq.

**VII. GENERAL PROVISIONS**

65. Respondent has had the opportunity to confer with and submit information to EPA concerning the validity and provisions of this Order.
66. The terms of this Order are binding on Respondent and its assignees and successors. Respondent must give notice of this Order to any successors in interest prior to transferring ownership, and must simultaneously verify to EPA, at the address specified in paragraph 51, that Respondent has given the notice.
67. The undersigned signatory for each party has the authority to bind each respective party to the terms and conditions of this Order.
68. Failure to comply with this Order may subject Respondent to penalties up to \$53,484 per day for each violation pursuant to Section 309(d) of the CWA, 33 U.S.C. § 1319(d), and 40 C.F.R. Part 19.
69. This Order does not affect Respondent's responsibility to comply with the CWA, its Permit, and any other applicable local, state, and federal laws and regulations.
70. This Order does not restrict EPA's authority to enforce the Permit or any section of the CWA or its implementing regulations.
71. EPA reserves all rights and remedies, legal and equitable, available to address any violation cited in this Order and any other violation of the CWA, and to enforce this Order. Neither issuance of this Order by EPA nor compliance with its terms precludes further enforcement action pursuant to Section 309 of the CWA, 33 U.S.C. § 1319, for the violations cited in this Order, for any other violations of the CWA committed by Respondent, or to enforce this Order.
72. The CWA includes provisions for administrative penalties, for civil injunctive relief and penalties, and for criminal sanctions for violations of the CWA. Specifically, EPA may:
  - i. assess civil administrative penalties under 33 U.S.C. § 1319(g) and 40 C.F.R. Part 19 of up to \$16,000 per day of violation up to a total of \$187,500, for violations of Section 301 of the CWA that occurred after December 6, 2013 through November 2, 2015; and up to \$21,933 per day of violation up to a total of \$274,159, for violations of Section 301 of the CWA that occurred after November 2, 2015 and for which penalties are assessed on or after January 15, 2019;

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- ii. seek civil injunctive relief and penalties for violations of the CWA under 33 U.S.C. § 1319(b) and 40 C.F.R. Part 19. EPA may seek civil judicial penalties of up to \$37,500 per day of violation for violations that occurred after December 6, 2013 through November 2, 2015; and up to \$53,484 per day of violation for violations that occurred after November 2, 2015 and for which penalties are assessed on or after January 15, 2018; and
- iii. seek criminal sanctions, including fines and imprisonment, for negligent or knowing violations of the CWA under 33 U.S.C. § 1319(c).

**VIII. EFFECTIVE DATE**

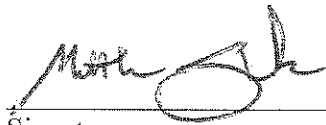
73. This Order shall become effective upon signature by EPA below and will remain in effect until Respondent has demonstrated compliance and EPA has notified Respondent pursuant to paragraphs 75 or 76.

**IX. FINAL REPORT AND TERMINATION OF THIS ORDER**

- 74. EPA may terminate this Order at any time by written notice to Respondent.
- 75. Within 30 days after the Respondent concludes that it has complied with all requirements of this Order, the Respondent must submit to EPA a written final report and certification of completion describing all actions taken to comply with all requirements of this Order.
- 76. After receipt and review of Respondent's final report and certification of completion submitted pursuant to paragraph 75, EPA will notify Respondent whether it has satisfied all requirements of this Order. If EPA concludes that Respondent has failed to satisfy the requirements of this Order, EPA may require further actions as set forth under this Order or it may pursue administrative or civil judicial actions.

IT IS SO AGREED AND ORDERED:

**FOR THE RESPONDENT, PLEASANTVIEW UTILITIES, INC.:**

  
\_\_\_\_\_  
Signature

4/23/2019  
Date

Matthew Sherck  
Name

President  
Title

Pleasantview Utilities Wastewater Plant Compliance Order – IN0044776

FOR THE COMPLAINANT, U.S. ENVIRONMENTAL PROTECTION AGENCY:

Michael D. Harris

4/29/2019  
Date

Director  
Enforcement and Compliance Assurance Division  
U.S. EPA Region 5



## ATTACHMENT A - TABLE OF EFFLUENT LIMIT VIOLATIONS

Effluent Limit Exceedances Report  
 IN0044776: PLEASANTVIEW UTILITIES WWTP, CONNERSVILLE, IN 47331  
 Monitoring Period Date Range: 02/01/2014 to 12/31/2016

Monitoring Period Date	Parameter Description	Limit Type	DMR Value	DMR Unit	Limit Value	Limit Quality	% Exceedance
2/28/2014	Oxygen, dissolved (DO)	DLYAVMIN	4.60	mg/L	5	>=	8
4/30/2014	E. coli, colony forming units (CFU)	MO GEO	186	CFU/100mL	125	<=	49
6/30/2014	E. coli, colony forming units (CFU)	MO GEO	142	CFU/100mL	125	<=	14
7/31/2014	Nitrogen, ammonia total (as N)	MO AVG	2.08	mg/L	1.5	<=	38
7/31/2014	Nitrogen, ammonia total (as N)	MX WK AV	2.40	mg/L	2.20	<=	9
8/31/2014	Chlorine, total residual	DAILY MN	0.01	mg/L	0.5	>=	98
8/31/2014	Chlorine, total residual	DAILY MX	2.02	mg/L	0.06	<=	3,267
8/31/2014	Chlorine, total residual	MO AVG	1.92	mg/L	0.06	<=	3,100
8/31/2014	E. coli, colony forming units (CFU)	MO GEO	130	CFU/100mL	125	<=	4
8/31/2014	Nitrogen, ammonia total (as N)	MO AVG	1.90	mg/L	1.5	<=	27
8/31/2014	Oxygen, dissolved (DO)	DLYAVMIN	4.60	mg/L	6	>=	23
9/30/2014	Nitrogen, ammonia total (as N)	MO AVG	5.02	mg/L	1.5	<=	235
9/30/2014	Nitrogen, ammonia total (as N)	MO AVG	0.63	kg/d	0.36	<=	75
9/30/2014	Nitrogen, ammonia total (as N)	MX WK AV	0.85	kg/d	0.54	<=	56
9/30/2014	Nitrogen, ammonia total (as N)	MX WK AV	6.75	mg/L	2.20	<=	207
9/30/2014	Oxygen, dissolved (DO)	DLYAVMIN	3.20	mg/L	6	>=	47
10/31/2014	Nitrogen, ammonia total (as N)	MO AVG	0.68	kg/d	0.36	<=	88
10/31/2014	Nitrogen, ammonia total (as N)	MO AVG	3.82	mg/L	1.50	<=	155
10/31/2014	Nitrogen, ammonia total (as N)	MX WK AV	6.20	mg/L	2.20	<=	182
10/31/2014	Nitrogen, ammonia total (as N)	MX WK AV	0.83	kg/d	0.54	<=	53
10/31/2014	Oxygen, dissolved (DO)	DLYAVMIN	5.30	mg/L	6	>=	12
11/30/2014	Nitrogen, ammonia total (as N)	MO AVG	4.85	mg/L	1.50	<=	223
11/30/2014	Nitrogen, ammonia total (as N)	MO AVG	0.65	kg/d	0.36	<=	80
11/30/2014	Nitrogen, ammonia total (as N)	MX WK AV	0.78	kg/d	0.54	<=	43
11/30/2014	Nitrogen, ammonia total (as N)	MX WK AV	5.40	mg/L	2.20	<=	145
11/30/2014	Oxygen, dissolved (DO)	DLYAVMIN	5.80	mg/L	6	>=	3
9/31/2015	Oxygen, dissolved (DO)	DLYAVMIN	3.63	mg/L	5	>=	27
6/30/2015	Chlorine, total residual	DAILY MN	0.12	mg/L	0.5	>=	76
6/30/2015	Chlorine, total residual	DAILY MX	0.08	mg/L	0.06	<=	33
6/30/2015	Nitrogen, ammonia total (as N)	MO AVG	1.80	mg/L	1.50	<=	20
6/30/2015	Nitrogen, ammonia total (as N)	MX WK AV	4.02	mg/L	2.20	<=	83
6/30/2015	Oxygen, dissolved (DO)	DLYAVMIN	5.20	mg/L	6	>=	13
6/31/2015	Nitrogen, ammonia total (as N)	MO AVG	2.57	mg/L	1.50	<=	71
8/31/2015	Nitrogen, ammonia total (as N)	MO AVG	0.40	kg/d	0.36	<=	10
8/31/2015	Nitrogen, ammonia total (as N)	MX WK AV	3.70	mg/L	2.20	<=	68
8/31/2015	Nitrogen, ammonia total (as N)	MX WK AV	0.59	kg/d	0.54	<=	8
9/30/2015	Chlorine, total residual	DAILY MN	0.10	mg/L	0.5	>=	80
9/30/2015	Chlorine, total residual	DAILY MX	1.30	mg/L	0.06	<=	2,067
9/30/2015	Chlorine, total residual	MO AVG	0.44	mg/L	0.06	<=	633
9/30/2015	E. coli, colony forming units (CFU)	DAILY MX	1,011	CFU/100mL	235	<=	330
9/30/2015	E. coli, colony forming units (CFU)	MO GEO	798	CFU/100mL	125	<=	538
9/30/2015	Nitrogen, ammonia total (as N)	MO AVG	1.41	kg/d	0.36	<=	290
9/30/2015	Nitrogen, ammonia total (as N)	MO AVG	12.37	mg/L	1.50	<=	725
9/30/2015	Nitrogen, ammonia total (as N)	MX WK AV	42.50	mg/L	2.20	<=	1,832
9/30/2015	Nitrogen, ammonia total (as N)	MX WK AV	4.67	kg/d	0.54	<=	758
9/30/2015	Oxygen, dissolved (DO)	DLYAVMIN	4.60	mg/L	6	>=	23
10/31/2015	Chlorine, total residual	DAILY MN	0.00	mg/L	0.5	>=	100
10/31/2015	Chlorine, total residual	DAILY MX	1.24	mg/L	0.06	<=	1,967
10/31/2015	Chlorine, total residual	MO AVG	0.15	mg/L	0.06	<=	150
10/31/2015	E. coli, colony forming units (CFU)	DAILY MX	629	CFU/100mL	235	<=	168
10/31/2015	E. coli, colony forming units (CFU)	MO GEO	365	CFU/100mL	125	<=	190
10/31/2015	Nitrogen, ammonia total (as N)	MO AVG	3.99	mg/L	1.50	<=	166
10/31/2015	Nitrogen, ammonia total (as N)	MO AVG	0.49	kg/d	0.36	<=	34
10/31/2015	Nitrogen, ammonia total (as N)	MX WK AV	4.47	mg/L	2.20	<=	103
10/31/2015	Nitrogen, ammonia total (as N)	MX WK AV	0.59	kg/d	0.54	<=	8
10/31/2015	Oxygen, dissolved (DO)	DLYAVMIN	4.41	mg/L	6	>=	27
12/31/2015	Nitrogen, ammonia total (as N)	MO AVG	4.10	mg/L	2.10	<=	95
12/31/2015	Nitrogen, ammonia total (as N)	MO AVG	0.59	kg/d	0.54	<=	8
12/31/2015	Nitrogen, ammonia total (as N)	MX WK AV	18.80	mg/L	3.20	<=	488
12/31/2015	Nitrogen, ammonia total (as N)	MX WK AV	2.81	kg/d	0.82	<=	244
2/29/2016	Solids, total suspended	MO AVG	35.70	mg/L	30	<=	19
2/29/2016	Solids, total suspended	MX WK AV	127.70	mg/L	45	<=	184
2/29/2016	Solids, total suspended	MX WK AV	13.51	kg/d	11	<=	19
4/30/2016	Chlorine, total residual	DAILY MX	0.58	mg/L	0.06	<=	867
4/30/2016	Chlorine, total residual	MO AVG	0.28	mg/L	0.06	<=	367
5/31/2016	Chlorine, total residual	DAILY MX	0.55	mg/L	0.06	<=	817
5/31/2016	Chlorine, total residual	MO AVG	0.21	mg/L	0.06	<=	250
5/31/2016	Nitrogen, ammonia total (as N)	MO AVG	1.74	mg/L	1.50	<=	16
5/31/2016	Nitrogen, ammonia total (as N)	MX WK AV	2.75	mg/L	2.20	<=	25
5/31/2016	Oxygen, dissolved (DO)	DLYAVMIN	5.90	mg/L	6	>=	2
5/31/2016	Solids, total suspended	MX WK AV	19.91	kg/d	9	>=	120
5/31/2016	Solids, total suspended	MX WK AV	66.70	mg/L	36	<=	85
6/30/2016	Chlorine, total residual	DAILY MN	0.01	mg/L	0.5	>=	98
6/30/2016	Chlorine, total residual	DAILY MX	0.55	mg/L	0.06	<=	817

Pleasantview Utilities Wastewater Plant Compliance Order – IN0044776

Effluent Limit Exceedances Report  
 IN0044776: PLEASANTVIEW UTILITIES WWTP, CONNERSVILLE, IN 47931  
 Monitoring Period Date Range: 02/01/2014 to 12/31/2018

Monitoring Period Date	Parameter Description	Limit Type	DMR Value	DMR Unit	Limit Value	Limit Value Qualifier	% Exceedance
5/30/2016	Chlorine, total residual	MO AVG	0.07	mg/l	0.06	<	17
5/30/2016	E. coli, colony forming units (CFU)	MO GEO	128	CFU/100mL	125	<	2
6/30/2016	Nitrogen, ammonia total (as N)	MO AVG	2.80	mg/l	1.50	<	87
6/30/2016	Nitrogen, ammonia total (as N)	MX WK AV	4.17	mg/l	2.20	<	90
6/30/2016	Oxygen, dissolved (DO)	DLYAVMIN	2.60	mg/l	6	>	57
7/31/2016	Chlorine, total residual	DAILY MX	1.40	mg/l	0.06	<	2,233
7/31/2016	Chlorine, total residual	MO AVG	0.69	mg/l	0.06	<	1,050
7/31/2016	Oxygen, dissolved (DO)	DLYAVMIN	4.60	mg/l	6	>	23
8/31/2016	Oxygen, dissolved (DO)	DLYAVMIN	3.96	mg/l	6	>	34
9/30/2016	Chlorine, total residual	DAILY MX	0.08	mg/l	0.06	<	33
9/30/2016	Oxygen, dissolved (DO)	DLYAVMIN	5.40	mg/l	6	>	10
10/31/2016	Chlorine, total residual	DAILY MN	0.16	mg/l	0.5	>	68
11/30/2016	Oxygen, dissolved (DO)	DLYAVMIN	5.14	mg/l	6	>	14
5/31/2017	Oxygen, dissolved (DO)	DLYAVMIN	4.80	mg/l	6	>	20
5/31/2017	Solids, suspended percent removal	MO AV MN	72.20	%	85	>	85
6/30/2017	Chlorine, total residual	DAILY MN	0.24	mg/l	0.5	>	52
6/30/2017	Chlorine, total residual	DAILY MX	0.24	mg/l	0.06	<	300
6/30/2017	Nitrogen, ammonia total (as N)	MO AVG	2.50	mg/l	1.50	<	67
6/30/2017	Nitrogen, ammonia total (as N)	MO AVG	0.73	kg/d	0.36	<	100
6/30/2017	Nitrogen, ammonia total (as N)	MX WK AV	0.82	kg/d	0.50	<	64
6/30/2017	Nitrogen, ammonia total (as N)	MX WK AV	2.70	mg/l	2.20	<	23
6/30/2017	Oxygen, dissolved (DO)	DLYAVMIN	3.50	mg/l	6	>	42
6/30/2017	Solids, suspended percent removal	MO AV MN	73.10	%	85	>	79
6/30/2017	Solids, total suspended	MX WK AV	8.93	kg/d	8	<	9
7/31/2017	Chlorine, total residual	DAILY MN	0.44	mg/l	0.5	>	12
7/31/2017	Oxygen, dissolved (DO)	DLYAVMIN	4.75	mg/l	6	>	21
7/31/2017	Solids, suspended percent removal	MO AV MN	81.20	%	85	>	25
8/31/2017	Chlorine, total residual	DAILY MN	0.15	mg/l	0.5	>	70
8/31/2017	Nitrogen, ammonia total (as N)	MO AVG	1.52	mg/l	1.50	<	1
8/31/2017	Oxygen, dissolved (DO)	DLYAVMIN	5.00	mg/l	6	>	17
10/31/2017	Solids, suspended percent removal	MO AV MN	47.70	%	85	>	249
10/31/2017	Solids, total suspended	MX WK AV	58.30	mg/l	36	>	62
12/31/2017	Nitrogen, ammonia total (as N)	MX WK AV	4.28	mg/l	3.20	<	34
1/31/2018	Oxygen, dissolved (DO)	DLYAVMIN	2.53	mg/l	5	>	49
2/28/2018	Solids, suspended percent removal	MO AV MN	77.10	%	85	>	53
4/30/2018	Chlorine, total residual	DAILY MX	0.08	mg/l	0.06	<	33
4/30/2018	Solids, suspended percent removal	MO AV MN	79.80	%	85	>	35
5/31/2018	Chlorine, total residual	DAILY MX	0.27	mg/l	0.06	<	350
5/31/2018	Nitrogen, ammonia total (as N)	MO AVG	0.47	kg/d	0.36	<	30
5/31/2018	Nitrogen, ammonia total (as N)	MO AVG	3.08	mg/l	1.50	<	105
5/31/2018	Nitrogen, ammonia total (as N)	MX WK AV	0.77	kg/d	0.50	<	55
5/31/2018	Nitrogen, ammonia total (as N)	MX WK AV	4.80	mg/l	2.20	<	118
5/31/2018	Oxygen, dissolved (DO)	DLYAVMIN	2.40	mg/l	6	>	60
6/30/2018	Chlorine, total residual	DAILY MN	0.04	mg/l	0.5	>	92
6/30/2018	E. coli, colony forming units (CFU)	DAILY MX	961	CFU/100mL	235	<	309
6/30/2018	Nitrogen, ammonia total (as N)	MO AVG	0.37	kg/d	0.36	<	1
6/30/2018	Nitrogen, ammonia total (as N)	MO AVG	3.50	mg/l	1.50	<	133
6/30/2018	Nitrogen, ammonia total (as N)	MX WK AV	0.54	kg/d	0.50	<	9
6/30/2018	Nitrogen, ammonia total (as N)	MX WK AV	3.50	mg/l	2.20	<	59
6/30/2018	Oxygen, dissolved (DO)	DLYAVMIN	2.70	mg/l	6	>	55
7/31/2018	Chlorine, total residual	DAILY MN	0.03	mg/l	0.5	>	94
7/31/2018	Nitrogen, ammonia total (as N)	MO AVG	3.50	mg/l	1.50	<	133
7/31/2018	Nitrogen, ammonia total (as N)	MX WK AV	3.50	mg/l	2.20	<	59
7/31/2018	Oxygen, dissolved (DO)	DLYAVMIN	2.80	mg/l	6	>	53
8/31/2018	Chlorine, total residual	DAILY MN	0.10	mg/l	0.5	>	80
8/31/2018	Nitrogen, ammonia total (as N)	MO AVG	2.80	mg/l	1.50	<	87
8/31/2018	Nitrogen, ammonia total (as N)	MO AVG	0.37	kg/d	0.36	<	1
8/31/2018	Nitrogen, ammonia total (as N)	MX WK AV	0.54	kg/d	0.50	<	9
8/31/2018	Nitrogen, ammonia total (as N)	MX WK AV	5.13	mg/l	2.20	<	133
8/31/2018	Oxygen, dissolved (DO)	DLYAVMIN	1.29	mg/l	6	>	79
8/31/2018	Solids, suspended percent removal	MO AV MN	9.20	%	85	>	505
9/30/2018	Nitrogen, ammonia total (as N)	MO AVG	1.70	mg/l	1.50	<	13
9/30/2018	Nitrogen, ammonia total (as N)	MX WK AV	0.73	kg/d	0.50	<	45
9/30/2018	Nitrogen, ammonia total (as N)	MX WK AV	4.20	mg/l	2.20	<	91
9/30/2018	Oxygen, dissolved (DO)	DLYAVMIN	3.76	mg/l	6	>	37
9/30/2018	Solids, suspended percent removal	MO AV MN	71.40	%	85	>	91
10/31/2018	Chlorine, total residual	DAILY MN	0.10	mg/l	0.5	>	80
10/31/2018	Nitrogen, ammonia total (as N)	MO AVG	2.40	mg/l	1.50	<	60
10/31/2018	Nitrogen, ammonia total (as N)	MX WK AV	3.29	mg/l	2.20	<	50
10/31/2018	Nitrogen, ammonia total (as N)	MX WK AV	0.86	kg/d	0.50	<	73
10/31/2018	Oxygen, dissolved (DO)	DLYAVMIN	4.90	mg/l	6	>	18
11/30/2018	Oxygen, dissolved (DO)	DLYAVMIN	5.90	mg/l	6	>	2
11/30/2018	Solids, suspended percent removal	MO AV MN	74.50	%	85	>	70
12/31/2018	Oxygen, dissolved (DO)	DLYAVMIN	4.40	mg/l	5	>	12

# Pleasantview Utilities

3812 W Galaxy Drive, Connersville, IN 47331  
(765) 309-2973

Friday, October 25, 2019

U.S. Environmental Protection Agency, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

Re: Pleasantview Utilities, Inc. Status Report

To Whom It May Concern:

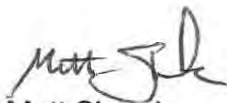
Pleasantview Utilities has worked to complete the requirements of the agreed order. The Mission Communications Monitoring System has been installed. The system is monitoring flow, temperature, rainfall, power, air pressure and overflows. If any parameters read out of limit, an email, text message and phone call are made by the system to me and the operator. The system also supplies a weekly report.

The plant is now being operated according to the O&M Plan. During this period improvements at the plant include fixing air leaks, adding air system diffuser drops and removing trash and debris around the plant.

Due to these updates and changes, I request that the agreed order be considered completed. Please contact me with any questions.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Sincerely,



Matt Sherck  
President, Pleasant View Utilities, Inc.  
3812 W Galaxy Dr  
Connersville, IN 47331  
(765) 309-2973  
[msherck@co.fayette.in.us](mailto:msherck@co.fayette.in.us)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

NOV 05 2019

REPLY TO THE ATTENTION OF

ECW-15J

**CERTIFIED MAIL 7018 3090 0002 2557 0006**  
**RETURN RECEIPT REQUESTED**

Mr. Matt Sherck, President  
Pleasantview Utilities Wastewater Treatment Plant  
3812 West Galaxy Drive  
Connersville, Indiana 47331

Re: Final Administrative Order on Consent Regarding Clean Water Act Violations at the Pleasantview Utilities Wastewater Treatment Plant, in Connersville, Indiana.

Dear Mr. Sherck:

The U.S. Environmental Protection Agency received your October 25, 2019, Status Report for Pleasantview Utilities Wastewater Treatment Plant ("Facility"). The Status Report also included a request for EPA to consider the above-referenced Order completed. Based on the ongoing noncompliance at the Facility and the Status Report deficiencies identified below, EPA has determined that you have not satisfied the requirements of the Order.

October 25, 2019 Status Report Deficiencies

- (1) Pursuant to Paragraph 48 of the Order, *[w]ithin 90 days of the effective date of this Order, the Respondent must submit to EPA, for review and approval, a corrective action plan, including detailed implementation schedule and cost information, to address all effluent limit exceedances and conditions and capacity issues contributing to overflows and bypasses. All work identified in the corrective action plan must be completed as soon as possible and not later than 180 days from the effective date of this Order.*

EPA reviewed discharge monitoring reports ("DMRs") for the Facility through August 2019. Based on EPA's review, the Facility continues to discharge effluent in exceedance of effluent limits for dissolved oxygen and nitrogen, ammonia total [as N]. As a result, the corrective action plan has failed to address all effluent limit exceedances as required in the Order.

- (2) Pursuant to Paragraph 54 of the Order, you must *"submit a status report to EPA within 30 days of the end of each calendar-year quarter (i.e. by January 31, April 30, July 31, and*


*October 31), until this Order is terminated. Each status report shall include: (a) a description of the actions which have been taken toward achieving compliance with this Order during the previous quarter; (b) an assessment of the effectiveness of such actions in preventing effluent violations; (c) a summary of all effluent violations that occurred during the previous quarter; (d) an analysis of the cause of each such effluent violation; and (e) a description of the Respondent's plan to address and prevent such violations from occurring in the future."*

EPA reviewed your October 25, 2019 Status Report and noted that the submission failed to meet the requirements of Paragraph 54 b-e, underlined above.

Pursuant to Paragraph 76 of the Order, EPA concludes that further actions are required to comply with the requirements of this Order. Within 15 days of receipt of this letter, submit a revised Status Report, making sure to address all the elements within Paragraph 54 of the Order, as discussed above. Within 30 days of receipt of this letter, submit a revised corrective action plan to address all effluent violations, pursuant to Paragraph 48, including a detailed implementation schedule.

Thank you for your timely attention to this matter. If you have any questions regarding this letter please contact Dean Maraldo of my staff at (312) 353-2098. For legal inquiries, please contact Cynthia King, Associate Regional Counsel, at (312) 886-6831.

Sincerely,



Patrick F. Kuefler  
Chief, Water Enforcement and Compliance Assurance Branch

cc: Jason House, IDEM  
Becky Ruark, IDEM

# Pleasantview Utilities

3812 W Galaxy Drive, Connersville, IN 47331  
(765) 309-2973

Wednesday, October 30, 2020

U.S. Environmental Protection Agency, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

Re: Pleasantview Utilities, Inc. Status Report

To Whom It May Concern:

Pleasantview Utilities continues to operated according to the O&M Plan. During this period we have worked to control duckweed by physical removal. Operator stated that plant is meeting effluent requirements. Coming into fall we should not have a problem with DO and residual chlorine. Increased air will be used in spring to keep DO and residual chlorine levels where they need to be. We are spending necessary time at plant to ensure daily operations are efficient as possible. We monitor the collection system and make repairs as needed.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Sincerely,



Matt Sherck  
President, Pleasant View Utilities, Inc.  
3812 W Galaxy Dr  
Connersville, IN 47331  
(765) 309-2973  
[msherck@co.fayette.in.us](mailto:msherck@co.fayette.in.us)



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**REGION 5**  
**77 WEST JACKSON BOULEVARD**  
**CHICAGO, IL 60604-3590**

**REPLY TO ATTENTION OF**  
**ECW-15J**

**VIA ELECTRONIC MAIL**

Mr. Matt Sherck, President  
Pleasantview Utilities Wastewater Treatment Plant  
3812 West Galaxy Drive  
Connersville, Indiana 47331

msherck@co.fayette.in.us

Re: Final Administrative Order on Consent Regarding Clean Water Act Violations at the Pleasantview Utilities Wastewater Treatment Plant, in Connersville, Indiana.

Dear Mr. Sherck:

The U.S. Environmental Protection Agency received your October 30, 2020 Status Report for Pleasantview Utilities Wastewater Treatment Plant ("Facility"). In the Status Report you mention the "[o]perator stated that plant is meeting effluent requirements" and "[c]oming into fall we should not have a problem with DO and residual chlorine." EPA reviewed your discharge monitoring reports ("DMRs") submitted for the period August - October 2020 and identified numerous permit effluent limit exceedances, including dissolved oxygen (August, September and October), residual chlorine (August), ammonia total [as N] (September and October), and total suspended solids (October). Copies of the DMRs are enclosed.

Based on the ongoing noncompliance at the Facility and the Status Report deficiencies identified below, EPA has determined that you have not satisfied the requirements of the Order.

**October 30, 2020 Status Report Deficiencies**

- (1) Pursuant to Paragraph 48 of the Order, *[w]ithin 90 days of the effective date of this Order, the Respondent must submit to EPA, for review and approval, a corrective action plan, including detailed implementation schedule and cost information, to address all effluent limit exceedances and conditions and capacity issues contributing to overflows and bypasses. All work identified in the corrective action plan must be completed as soon as possible and not later than 180 days from the effective date of this Order.*

Based on EPA's review, the Facility continues to discharge effluent in exceedance of effluent limits for dissolved oxygen, residual chlorine, ammonia total [as N], and total suspended solids. As a result, the corrective action plan has failed to address all effluent limit exceedances as required in the Order.

- (2) Pursuant to Paragraph 54 of the Order, you must “*submit a status report to EPA within 30 days of the end of each calendar-year quarter (i.e., by January 31, April 30, July 31, and October 31), until this Order is terminated. Each status report shall include: (a) a description of the actions which have been taken toward achieving compliance with this Order during the previous quarter; (b) an assessment of the effectiveness of such actions in preventing effluent violations; (c) a summary of all effluent violations that occurred during the previous quarter; (d) an analysis of the cause of each such effluent violation; and (e) a description of the Respondent's plan to address and prevent such violations from occurring in the future.*”

EPA reviewed your October 30, 2020 Status Report and noted that the submission failed to meet the requirements of Paragraph 54 b-e, underlined above.

Pursuant to Paragraph 76 of the Order, EPA concludes that further actions are required to comply with the requirements of this Order. Within 15 days of receipt of this letter, submit a revised Status Report, making sure to address all the elements within Paragraph 54 of the Order, as discussed above. Within 30 days of receipt of this letter, submit a revised corrective action plan to address all effluent violations, pursuant to Paragraph 48, including a detailed implementation schedule.

Thank you for your timely attention to this matter. If you have any questions regarding this letter please contact Dean Maraldo of my staff at (312) 353-2098. For legal inquiries, please contact Cynthia King, Associate Regional Counsel, at (312) 886-6831.

Sincerely,

**MOLLY  
SMITH**

Digitally signed by  
MOLLY SMITH  
Date: 2020.11.11  
20:39:27 -06'00'

Molly Smith  
Acting Chief, Water Enforcement and Compliance Assurance Branch

Enclosure

cc: Jason House, IDEM  
Becky Ruark, IDEM



DMR Copy of Record

<b>Permit</b>		<b>Permit #:</b> IN0044776		<b>Permittee:</b> PLEASANTVIEW UTILITIES WWTP		<b>Facility:</b> PLEASANTVIEW UTILITIES WWTP	
<b>Major:</b> No		<b>Permittee Address:</b> 3812 W GALAXY DR APPROXIMATELY 4 MILES WEST OF CONNERSVILLE CONNERSVILLE, IN 47331		<b>Facility Location:</b> 3812 W GALAXY DR CONNERSVILLE, IN 47331			
<b>Permitted Feature:</b> 001 External Outfall		<b>Discharge:</b> 001-A 0.06 MGD CLASS I DISCHARGE MAIN OUTFALL TO UNNAMED TRIBUTARY TO WILLIAMS CREEK.					

Report Dates & Status

<b>Monitoring Period:</b> From 08/01/20 to 08/31/20	<b>DMR Due Date:</b> 09/28/20	<b>Status:</b> NetDMR Validated
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Considerations for Form Completion

FLOW METER(S) SHALL BE CALIBRATED AT LEAST ONCE ANNUALLY. SEMI PUBLIC FAYETTE COUNTY

Principal Executive Officer

<b>First Name:</b> Matt	<b>Title:</b> Owner	<b>Telephone:</b> 765-309-2973
<b>Last Name:</b> Sherck		

No Data Indicator (NODI)

Form NODI: --

Code	Parameter Name	Monitoring Location	Season #	Param. NODI	Quantity or Loading					Quality or Concentration					# of Ex.	Frequency of Analysis	Sample Type			
					Qualifier 1	Value 1	Qualifier 2	Value 2	Units	Qualifier 1	Value 1	Qualifier 2	Value 2	Qualifier 3				Value 3	Units	
X 00300	Oxygen, dissolved [DO]	1 - Effluent Gross	1	--	Sample	=	2.9				=	2.9					19 - mg/L	8	02/07 - Twice Every Week	G2 - GRAB-2
					Permit Req.	>=	6.0 DLYAVMIN									19 - mg/L	02/07 - Twice Every Week		G2 - GRAB-2	
					Value NODI															
00400	pH	1 - Effluent Gross	0	--	Sample	=	7.5				=	7.5					12 - SU	0	02/07 - Twice Every Week	GR - GRAB
					Permit Req.	>=	6.0 DAILY MN									12 - SU	02/07 - Twice Every Week		GR - GRAB	
					Value NODI															
00530	Solids, total suspended	1 - Effluent Gross	0	--	Sample	=	0.65	=	1.1	26 - lb/d	=	1.7	=	2.7			19 - mg/L	0	01/07 - Weekly	24 - COMP24
					Permit Req.	<=	12.0 MO AVG	<=	18.0 MX WK AV	26 - lb/d	<=	24.0 MO AVG	<=	36.0 MX WK AV	19 - mg/L	01/07 - Weekly	24 - COMP24			
					Value NODI															
00610	Nitrogen, ammonia total [as N]	1 - Effluent Gross	1	--	Sample	=	0.5	=	0.68	26 - lb/d	=	1.4	=	1.6			19 - mg/L	0	01/07 - Weekly	24 - COMP24
					Permit Req.	<=	0.8 MO AVG	<=	1.1 MX WK AV	26 - lb/d	<=	1.5 MO AVG	<=	2.2 MX WK AV	19 - mg/L	01/07 - Weekly	24 - COMP24			
					Value NODI															
50050	Flow, in conduit or thru treatment plant	1 - Effluent Gross	0	--	Sample	=	0.044			03 - MGD								0	05/WK - Five Per Week	TM - TOTALZ
					Permit Req.		Req Mon MO AVG			03 - MGD							05/WK - Five Per Week		TM - TOTALZ	
					Value NODI															
X 50060	Chlorine, total residual	1 - Effluent Gross	0	--	Sample						=	0.03	=	0.07			19 - mg/L	1	02/07 - Twice Every Week	GR - GRAB
					Permit Req.						<	0.06 MO AVG	<	0.06 DAILY MX	19 - mg/L	02/07 - Twice Every Week	GR - GRAB			
					Value NODI															
50060	Chlorine, total residual	X - End of Chlorine Contact Chamber	0	--	Sample	=	0.6				=	1.1					19 - mg/L	0	02/07 - Twice Every Week	GR - GRAB
					Permit Req.	>=	0.5 DAILY MN								Req Mon DAILY MX	19 - mg/L	02/07 - Twice Every Week		GR - GRAB	
					Value NODI															
51041	E. coli, colony forming units [CFU]	1 - Effluent Gross	0	--	Sample						=	2.0	=	3.0			3Z - CFU/100mL	0	02/DM - Twice Every Month	GR - GRAB
					Permit Req.						<=	125.0 MO GEO	<=	235.0 DAILY MX	3Z - CFU/100mL	02/DM - Twice Every Month	GR - GRAB			
					Value NODI															
51041	E. coli, colony forming units [CFU]	Y - Effluent Gross (Supplementary)	0	--	Sample						=	3.0					3Z - CFU/100mL	0	10/30 - Ten Per Month	GR - GRAB
					Permit Req.										Req Mon DAILY MX	3Z - CFU/100mL	10/30 - Ten Per Month		GR - GRAB	
					Value NODI															
51484	Number of Events	Y - Effluent Gross (Supplementary)	0	--	Sample			=	2.0	5J - #							4X - # exceed	0	01/30 - Monthly	RT - RCOTOT
					Permit Req.												Req Mon MO TOTAL		4X - # exceed	01/30 - Monthly



DMR Copy of Record

<b>Permit</b>		<b>Permit #:</b> IN0044776		<b>Permittee:</b> PLEASANTVIEW UTILITIES WWTP		<b>Facility:</b> PLEASANTVIEW UTILITIES WWTP	
<b>Major:</b> No		<b>Permittee Address:</b> 3812 W GALAXY DR APPROXIMATELY 4 MILES WEST OF CONNERSVILLE CONNERSVILLE, IN 47331		<b>Facility Location:</b> 3812 W GALAXY DR CONNERSVILLE, IN 47331			
<b>Permitted Feature:</b> 001 External Outfall		<b>Discharge:</b> 001-A 0.06 MGD CLASS I DISCHARGE MAIN OUTFALL TO UNNAMED TRIBUTARY TO WILLIAMS CREEK.					

<b>Report Dates &amp; Status</b>			
<b>Monitoring Period:</b> From 09/01/20 to 09/30/20	<b>DMR Due Date:</b> 10/28/20	<b>Status:</b> NetDMR Validated	

**Considerations for Form Completion**  
FLOW METER(S) SHALL BE CALIBRATED AT LEAST ONCE ANNUALLY. SEMI PUBLIC FAYETTE COUNTY

<b>Principal Executive Officer</b>		<b>First Name:</b> Matt		<b>Title:</b>		<b>Telephone:</b> 176-530-9297	
		<b>Last Name:</b> Sherck					

**No Data Indicator (NODI)**  
Form NODI: --

Code	Parameter Name	Monitoring Location	Season #	Param. NODI	Quantity or Loading					Quality or Concentration					# of Ex.	Frequency of Analysis	Sample Type		
					Qualifier 1	Value 1	Qualifier 2	Value 2	Units	Qualifier 1	Value 1	Qualifier 2	Value 2	Qualifier 3				Value 3	Units
X 00300	Oxygen, dissolved [DO]	1 - Effluent Gross	1	--	Sample	=	5.0				=					19 - mg/L	8	02/07 - Twice Every Week	G2 - GRAB-2
					Permit Req.	>=	6.0 DLYAVMIN								19 - mg/L	02/07 - Twice Every Week		G2 - GRAB-2	
					Value NODI														
00400	pH	1 - Effluent Gross	0	--	Sample	=	7.5				=	7.7			12 - SU	0	02/07 - Twice Every Week	GR - GRAB	
					Permit Req.	>=	6.0 DAILY MN							<=	9.0 DAILY MX		12 - SU	02/07 - Twice Every Week	GR - GRAB
					Value NODI														
00530	Solids, total suspended	1 - Effluent Gross	0	--	Sample	=	0.97	=	2.56	26 - lb/d	=	3.2	=	8.3	19 - mg/L	0	01/07 - Weekly	24 - COMP24	
					Permit Req.	<=	12.0 MO AVG	<=	18.0 MX WK AV	26 - lb/d	<=	24.0 MO AVG	<=	36.0 MX WK AV	19 - mg/L		01/07 - Weekly	24 - COMP24	
					Value NODI														
X 00610	Nitrogen, ammonia total [as N]	1 - Effluent Gross	1	--	Sample	=	1.09	=	1.3	26 - lb/d	=	3.68	=	4.1	19 - mg/L	4	01/07 - Weekly	24 - COMP24	
					Permit Req.	<=	0.8 MO AVG	<=	1.1 MX WK AV	26 - lb/d	<=	1.5 MO AVG	<=	2.2 MX WK AV	19 - mg/L		01/07 - Weekly	24 - COMP24	
					Value NODI														
50050	Flow, in conduit or thru treatment plant	1 - Effluent Gross	0	--	Sample	=	0.0357			03 - MGD						0	05/WK - Five Per Week	TM - TOTALZ	
					Permit Req.		Req Mon MO AVG			03 - MGD							05/WK - Five Per Week	TM - TOTALZ	
					Value NODI														
50060	Chlorine, total residual	1 - Effluent Gross	0	--	Sample						=	0.012	=	0.03	19 - mg/L	0	02/07 - Twice Every Week	GR - GRAB	
					Permit Req.						<	0.06 MO AVG	<	0.06 DAILY MX	19 - mg/L		02/07 - Twice Every Week	GR - GRAB	
					Value NODI														
50060	Chlorine, total residual	X - End of Chlorine Contact Chamber	0	--	Sample	=	0.51				=	0.96			19 - mg/L	0	02/07 - Twice Every Week	GR - GRAB	
					Permit Req.	>=	0.5 DAILY MN							Req Mon DAILY MX	19 - mg/L		02/07 - Twice Every Week	GR - GRAB	
					Value NODI														
X 51041	E. coli, colony forming units [CFU]	1 - Effluent Gross	0	--	Sample						=	19.0	=	343.4	3Z - CFU/100mL	1	02/DM - Twice Every Month	GR - GRAB	
					Permit Req.						<=	125.0 MO GEO	<=	235.0 DAILY MX	3Z - CFU/100mL		02/DM - Twice Every Month	GR - GRAB	
					Value NODI														
51041	E. coli, colony forming units [CFU]	Y - Effluent Gross (Supplementary)	0	--	Sample										343.4	3Z - CFU/100mL	1	10/30 - Ten Per Month	GR - GRAB
					Permit Req.									Req Mon DAILY MX	3Z - CFU/100mL	10/30 - Ten Per Month		GR - GRAB	
					Value NODI														
51484	Number of Events	Y - Effluent Gross (Supplementary)	0	--	Sample			=	2.0	5J - #					0.0	4X - # exceed	0	01/30 - Monthly	RT - RCOTOT
					Permit Req.				Req Mon MO TOTAL	5J - #				Req Mon MO TOTAL	4X - # exceed	01/30 - Monthly		RT - RCOTOT	

Parameter Code	Parameter Name	Monitoring Location	Field	Type	Description	Acknowledge
80082	BOD, carbonaceous [5 day, 20 C]	1 - Effluent Gross	Quality or Concentration Sample Value 3	Soft	The provided sample value is outside the permit limit. Please verify that the value you have provided is correct. (Error Code: 1 )	Yes
80091	BOD, carb-5 day, 20 deg C, percent removal	K - Percent Removal	Quantity or Loading Sample Value 1	Soft	The provided sample value is outside the permit limit. Please verify that the value you have provided is correct. (Error Code: 1 )	Yes
81011	Solids, suspended percent removal	K - Percent Removal	Quantity or Loading Sample Value 2	Soft	The provided sample value is outside the permit limit. Please verify that the value you have provided is correct. (Error Code: 1 )	Yes
82220	Flow, total	1 - Effluent Gross	Quality or Concentration Sample Value 2	Soft	The provided sample value is outside the permit limit. Please verify that the value you have provided is correct. (Error Code: 1 )	Yes

**Submission Note**

If a parameter row does not contain any values for the Sample nor Effluent Trading, then none of the following fields will be submitted for that row: Units, Number of Excursions, Frequency of Analysis, and Sample Type.

**Edit Check Errors**

Code	Name	Monitoring Location	Field	Type	Description	Acknowledge
51041	E. coli, colony forming units [CFU]	1 - Effluent Gross	Quality or Concentration Sample Value 3	Soft	The provided sample value is outside the permit limit. Please verify that the value you have provided is correct. (Error Code: 1 )	Yes
00300	Oxygen, dissolved [DO]	1 - Effluent Gross	Quality or Concentration Sample Value 1	Soft	The provided sample value is outside the permit limit. Please verify that the value you have provided is correct. (Error Code: 1 )	Yes
00610	Nitrogen, ammonia total [as N]	1 - Effluent Gross	Quality or Concentration Sample Value 3	Soft	The provided sample value is outside the permit limit. Please verify that the value you have provided is correct. (Error Code: 1 )	Yes
00610	Nitrogen, ammonia total [as N]	1 - Effluent Gross	Quantity or Loading Sample Value 1	Soft	The provided sample value is outside the permit limit. Please verify that the value you have provided is correct. (Error Code: 1 )	Yes
00610	Nitrogen, ammonia total [as N]	1 - Effluent Gross	Quantity or Loading Sample Value 2	Soft	The provided sample value is outside the permit limit. Please verify that the value you have provided is correct. (Error Code: 1 )	Yes
00610	Nitrogen, ammonia total [as N]	1 - Effluent Gross	Quality or Concentration Sample Value 2	Soft	The provided sample value is outside the permit limit. Please verify that the value you have provided is correct. (Error Code: 1 )	Yes

**Comments**

made more adjustments to air supply

**Attachments**

Name	Type	Size
IN0044776_001A_MRO_2020_09.pdf	pdf	245802.0

**Report Last Saved By**

**PLEASANTVIEW UTILITIES WWTP**

User: LANDSTROM1  
Name: Fred Landstrom  
E-Mail: landstrom1980@gmail.com  
Date/Time: 2020-10-12 08:55 (Time Zone: -04:00)

**Report Last Signed By**

User: LANDSTROM1  
Name: Fred Landstrom  
E-Mail: landstrom1980@gmail.com  
Date/Time: 2020-10-12 08:55 (Time Zone: -04:00)

DMR Copy of Record

<b>Permit</b>		<b>Permit #:</b> IN0044776		<b>Permittee:</b> PLEASANTVIEW UTILITIES WWTP		<b>Facility:</b> PLEASANTVIEW UTILITIES WWTP	
<b>Major:</b> No		<b>Permittee Address:</b> 3812 W GALAXY DR APPROXIMATELY 4 MILES WEST OF CONNERSVILLE CONNERSVILLE, IN 47331		<b>Facility Location:</b> 3812 W GALAXY DR CONNERSVILLE, IN 47331			
<b>Permitted Feature:</b> 001 External Outfall		<b>Discharge:</b> 001-A 0.06 MGD CLASS I DISCHARGE MAIN OUTFALL TO UNNAMED TRIBUTARY TO WILLIAMS CREEK.					

<b>Report Dates &amp; Status</b>			
<b>Monitoring Period:</b> From 10/01/20 to 10/31/20	<b>DMR Due Date:</b> 11/28/20	<b>Status:</b> NetDMR Validated	

**Considerations for Form Completion**  
FLOW METER(S) SHALL BE CALIBRATED AT LEAST ONCE ANNUALLY. SEMI PUBLIC FAYETTE COUNTY

<b>Principal Executive Officer</b>		<b>First Name:</b> Matt		<b>Title:</b>		<b>Telephone:</b> 176-530-9297	
		<b>Last Name:</b> Sherck					

**No Data Indicator (NODI)**  
Form NODI: --

Code	Parameter Name	Monitoring Location	Season #	Param. NODI	Quantity or Loading					Quality or Concentration					# of Ex.	Frequency of Analysis	Sample Type	
					Qualifier 1	Value 1	Qualifier 2	Value 2	Units	Qualifier 1	Value 1	Qualifier 2	Value 2	Qualifier 3				Value 3
X 00300	Oxygen, dissolved [DO]	1 - Effluent Gross	1	--	Sample	=	3.8				=	19 - mg/L				8	02/07 - Twice Every Week	G2 - GRAB-2
					Permit Req.	>=	6.0 DLYAVMIN								19 - mg/L		02/07 - Twice Every Week	G2 - GRAB-2
					Value NODI													
00400	pH	1 - Effluent Gross	0	--	Sample	=	7.2				=	7.5			0	02/07 - Twice Every Week	GR - GRAB	
					Permit Req.	>=	6.0 DAILY MN									12 - SU	02/07 - Twice Every Week	GR - GRAB
					Value NODI													
00530	Solids, total suspended	1 - Effluent Gross	0	--	Sample	=	1.47	=	4.11	26 - lb/d	=	5.6	=	10.3	0	01/07 - Weekly	24 - COMP24	
					Permit Req.	<=	12.0 MO AVG	<=	18.0 MX WK AV	26 - lb/d	<=	24.0 MO AVG	<=	36.0 MX WK AV		19 - mg/L	01/07 - Weekly	24 - COMP24
					Value NODI													
X 00610	Nitrogen, ammonia total [as N]	1 - Effluent Gross	1	--	Sample	=	0.89	=	1.4	26 - lb/d	=	3.1	=	4.1	4	01/07 - Weekly	24 - COMP24	
					Permit Req.	<=	0.8 MO AVG	<=	1.1 MX WK AV	26 - lb/d	<=	1.5 MO AVG	<=	2.2 MX WK AV		19 - mg/L	01/07 - Weekly	24 - COMP24
					Value NODI													
50050	Flow, in conduit or thru treatment plant	1 - Effluent Gross	0	--	Sample	=	0.047			03 - MGD					0	05/WK - Five Per Week	TM - TOTALZ	
					Permit Req.		Req Mon MO AVG			03 - MGD						05/WK - Five Per Week	TM - TOTALZ	
					Value NODI													
50060	Chlorine, total residual	1 - Effluent Gross	0	--	Sample						=	0.01	=	0.01	0	02/07 - Twice Every Week	GR - GRAB	
					Permit Req.						<	0.06 MO AVG	<	0.06 DAILY MX		19 - mg/L	02/07 - Twice Every Week	GR - GRAB
					Value NODI													
50060	Chlorine, total residual	X - End of Chlorine Contact Chamber	0	--	Sample	=	0.77				=	0.98			0	02/07 - Twice Every Week	GR - GRAB	
					Permit Req.	>=	0.5 DAILY MN							Req Mon DAILY MX		19 - mg/L	02/07 - Twice Every Week	GR - GRAB
					Value NODI													
51041	E. coli, colony forming units [CFU]	1 - Effluent Gross	0	--	Sample						=	1.0	=	1.0	0	02/DM - Twice Every Month	GR - GRAB	
					Permit Req.						<=	125.0 MO GEO	<=	235.0 DAILY MX		3Z - CFU/100mL	02/DM - Twice Every Month	GR - GRAB
					Value NODI													
51041	E. coli, colony forming units [CFU]	Y - Effluent Gross (Supplementary)	0	--	Sample						=	1.0			0	10/30 - Ten Per Month	GR - GRAB	
					Permit Req.									Req Mon DAILY MX		3Z - CFU/100mL	10/30 - Ten Per Month	GR - GRAB
					Value NODI													
51484	Number of Events	Y - Effluent Gross (Supplementary)	0	--	Sample		=	2.0	5J - #		=	0.0		0	01/30 - Monthly	RT - RCOTOT		
					Permit Req.			Req Mon MO TOTAL	5J - #				Req Mon MO TOTAL		4X - # exceed	01/30 - Monthly	RT - RCOTOT	

Code	Parameter	Monitoring Location	Field	Type	Description	Acknowledge
80082	BOD, carbonaceous [5 day, 20 C]	1 - Effluent Gross	1	--	Value NODI = 1.6	0
					Permit Req. <= 10.0 MO AVG	
					Sample = 3.8	
80091	BOD, carb-5 day, 20 deg C, percent removal	K - Percent Removal	0	--	Value NODI = 96.1	0
					Permit Req. >= 85.0 MO AV MN	
					Sample = 23 - %	
X 81011	Solids, suspended percent removal	K - Percent Removal	0	--	Value NODI = 83.9	1
					Permit Req. >= 85.0 MO AV MN	
					Sample = 23 - %	
82220	Flow, total	1 - Effluent Gross	0	--	Value NODI = 1.4	0
					Permit Req. Req Mon MO TOTAL	
					Sample = 80 - Mgal/mo	

**Submission Note**

If a parameter row does not contain any values for the Sample nor Effluent Trading, then none of the following fields will be submitted for that row: Units, Number of Excursions, Frequency of Analysis, and Sample Type.

**Edit Check Errors**

Code	Parameter Name	Monitoring Location	Field	Type	Description	Acknowledge
00610	Nitrogen, ammonia total [as N]	1 - Effluent Gross	Quantity or Loading Sample Value 1	Soft	The provided sample value is outside the permit limit. <b>Please verify that the value you have provided is correct.</b> (Error Code: 1 )	Yes
00610	Nitrogen, ammonia total [as N]	1 - Effluent Gross	Quantity or Loading Sample Value 2	Soft	The provided sample value is outside the permit limit. <b>Please verify that the value you have provided is correct.</b> (Error Code: 1 )	Yes
00610	Nitrogen, ammonia total [as N]	1 - Effluent Gross	Quality or Concentration Sample Value 2	Soft	The provided sample value is outside the permit limit. <b>Please verify that the value you have provided is correct.</b> (Error Code: 1 )	Yes
00610	Nitrogen, ammonia total [as N]	1 - Effluent Gross	Quality or Concentration Sample Value 3	Soft	The provided sample value is outside the permit limit. <b>Please verify that the value you have provided is correct.</b> (Error Code: 1 )	Yes
00300	Oxygen, dissolved [DO]	1 - Effluent Gross	Quality or Concentration Sample Value 1	Soft	The provided sample value is outside the permit limit. <b>Please verify that the value you have provided is correct.</b> (Error Code: 1 )	Yes
81011	Solids, suspended percent removal	K - Percent Removal	Quality or Concentration Sample Value 1	Soft	The provided sample value is outside the permit limit. <b>Please verify that the value you have provided is correct.</b> (Error Code: 1 )	Yes

**Comments**

We are currently installing new blowers to try an raise the do and lower our ammonia

**Attachments**

Name	Type	Size
IN0044776_001A_MRO_2020_10.pdf	pdf	243990.0

**Report Last Saved By**

**PLEASANTVIEW UTILITIES WWTP**

User: LANDSTROM1  
Name: Fred Landstrom  
E-Mail: landstrom1980@gmail.com  
Date/Time: 2020-11-04 08:36 (Time Zone: -05:00)

**Report Last Signed By**

User: LANDSTROM1  
Name: Fred Landstrom  
E-Mail: landstrom1980@gmail.com  
Date/Time: 2020-11-04 08:36 (Time Zone: -05:00)

# Pleasantview Utilities

3812 W Galaxy Drive, Connersville, IN 47331  
(765) 309-2973

Monday, November 23, 2020

U.S. Environmental Protection Agency, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

Re: Pleasantview Utilities, Inc. Revised Status Report

To Whom It May Concern:

Pleasantview Utilities continues to operate according to the O&M Plan. Reports show permit effluent violations. In an effort to reduce these violations we have rebuilt the main blower and replaced the electric motor that drives it. This will improve efficiency at the plant. By repairing and replacing the blower and the motor, Dissolved oxygen levels should increase and the plant should also operate more efficiently to remove ammonia. A copy of the invoice is attached. Residual chlorine violations will be addressed when chlorinating by adding more air in chlorination contact tank and using de-chlor.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Sincerely,



Matt Sherck  
President, Pleasant View Utilities, Inc.  
3812 W Galaxy Dr  
Connersville, IN 47331  
(765) 309-2973  
[msherck@co.fayette.in.us](mailto:msherck@co.fayette.in.us)







**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO ATTENTION OF  
ECW-15J

**VIA ELECTRONIC MAIL**

Mr. Matt Sherck, President  
Pleasantview Utilities Wastewater Treatment Plant  
3812 West Galaxy Drive  
Connersville, Indiana 47331

msherck@co.fayette.in.us

Re: Final Administrative Order on Consent Regarding Clean Water Act Violations at the Pleasantview Utilities Wastewater Treatment Plant, in Connersville, Indiana.

Dear Mr. Sherck:

Please find the enclosed final and effective Administrative Order on Consent (AOC) designed to bring the Pleasantview Utilities Wastewater Treatment Plant into compliance with the Clean Water Act. The effective date of the AOC is the date the AOC was signed by EPA. As stated in the AOC, neither issuance of the AOC nor compliance with its terms precludes further enforcement action by EPA, including an action for penalties, under the CWA.

Thank you for your timely attention to this matter. If you have any questions regarding the AOC please contact Dean Maraldo of my staff at (312) 353-2098. For legal inquiries, please contact Cynthia King, Associate Regional Counsel, at (312) 886-6831.

Sincerely,

DiCosmo,  
Nefertiti

Digitally signed by  
DiCosmo, Nefertiti  
Date: 2022.01.24  
13:29:42 -06'00'

Nefertiti DiCosmo, Branch Manager  
Water Enforcement and Compliance Assurance Branch

Enclosure: Final Administrative Order on Consent

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

**In the Matter of:** )  
)  
Pleasantview Utilities Wastewater ) **Administrative Order on Consent**  
Treatment Plant, ) **Under Section 309(a) of the Clean Water**  
) **Act, 33 U.S.C. § 1319(a)**  
NPDES Number IN0044776 )  
)  
**Respondent.** )

**ADMINISTRATIVE ORDER ON CONSENT**

1. The U.S. Environmental Protection Agency (“EPA”) makes the findings of fact set forth below and is issuing this Administrative Order on Consent (“Order on Consent” or “Order”) to Pleasantview Utilities, Inc., also known as Pleasant View Utilities, Inc. (“Respondent”) under the authority of Section 309(a) of the Clean Water Act (“CWA” or “Act”), 33 U.S.C. § 1319(a). The Administrator of EPA has delegated the authority to issue such orders to the Regional Administrator of EPA Region 5, who has redelegateed this authority to the Director of the Enforcement and Compliance Assurance Division, EPA, Region 5.

**Statutory and Regulatory Background**

2. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant by any person except, *inter alia*, in compliance with an NPDES permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.
3. Section 402 of the CWA, 33 U.S.C. § 1342, authorizes states to request approval from EPA to administer their own permit programs for discharges into navigable waters within their jurisdictions.
4. Pursuant to Section 402 of the CWA, 33 U.S.C. § 1342, the State of Indiana requested approval from EPA to administer its own permit program for discharges into navigable waters within Indiana, and such approval was granted by EPA on January 1, 1975, 40 Fed. Reg. 4,033 (Jan. 27, 1975). Therefore, pursuant to the State’s permit program, the Indiana Department of Environmental Management (“IDEM”) has issued NPDES permits. Violation of an NPDES permit is a violation of Section 301(a) of the CWA, 33 U.S.C. § 1311(a).
5. Section 309(a)(3) of the CWA, 33 U.S.C. § 1319(a)(3), provides that whenever EPA finds that any person is in violation of requirements of, *inter alia*, Sections 301, 308, or 402 of the CWA, 33 U.S.C. § 1311, 1318, 1342, or is in violation of any condition or limitation that implements those sections in an NPDES permit, EPA shall issue an order requiring such person to comply with such requirements, conditions, or limitations. Section 309(a)(5) of the

CWA, 33 U.S.C. § 1319(a)(5), requires that any such order shall specify a time for compliance that EPA determines to be reasonable taking into account the seriousness of the violation and any good faith efforts to comply with applicable requirements.

6. All terms used, but not defined, in this Order have the meanings provided in the CWA, 33 U.S.C. § 1251 *et seq.*, and the effective EPA regulations promulgated under the CWA.

### Findings

7. Respondent is a corporation and, is, therefore, a “person,” as defined in Section 502(5) of the CWA, 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.
8. At all times relevant to this Order (“all relevant times”), the Respondent owned or operated the Pleasantview Utilities Wastewater Treatment Plant (“Facility”), Fayette County, Connersville, Indiana. Respondent was, therefore, an “owner or operator” within the meaning of 40 C.F.R. § 122.2.
9. At all relevant times, the Facility acted as a “point source” of a “discharge” of “pollutants”, including ammonia-nitrogen, total suspended solids, total suspended solids percent removal, dissolved oxygen, total residual chlorine, and *E.coli*, with its wastewater discharging into an unnamed tributary that drains to Williams Creek, then to the Whitewater River, then to the Great Miami River, then to the Ohio River.
10. Outfall No. 001 at the Facility is a “point source,” as defined in Section 502(14) of the CWA, 33 U.S.C. § 1362(14).
11. Ammonia-nitrogen, total suspended solids, total suspended solids percent removal, dissolved oxygen, total residual chlorine, and *E.coli* are “pollutants,” as defined in Section 502(6) of the CWA, 33 U.S.C. § 1362(6).
12. The discharge described in paragraph 9 is a “discharge of a pollutant,” as defined in Section 502(12) of the CWA, 33 U.S.C. § 1362(12).
13. Williams Creek, Whitewater River, Great Miami River, and the Ohio River are “navigable waters” within the meaning of Section 502 of the CWA, 33 U.S.C. § 1362(7), and “waters of the United States” within the meaning of 40 C.F.R. § 120.2 (1993, 2020), including waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, and tributaries to such waters.
14. At all times relevant to this Order, the outfall at the Facility acted as point source of “discharges” of “pollutants” with its final wastewater discharge to an unnamed tributary that drains to Williams Creek.
15. Because Respondent owned or operated a facility with an outfall that acted as a point source for the discharge of pollutants to navigable waters, Respondent and the facility have been

subject to the CWA at all times relevant to this Order. Thus, any such discharge has been and is subject to the specific terms and conditions prescribed in the applicable permit.

16. The Respondent applied for and was issued NPDES Permit No. IN0044776 ("Permit") under Section 402 of the CWA, 33 U.S.C. § 1342, and which became effective on November 1, 2016. At all relevant times, the Respondent was authorized to discharge pollutants from Outfall 001 at the Facility to waters of the United States only in compliance with the specific terms and conditions of the Permit.
17. Part I.A of the Permit establishes effluent limitations and monitoring requirements for ammonia-nitrogen, total suspended solids, total suspended solids percent removal, dissolved oxygen, total residual chlorine, and E.coli.
18. Part I.B of the Permit requires the Respondent to sample and test its effluent and influent and monitor its compliance with permit conditions according to specific procedures, to determine the Facility's compliance or noncompliance with the Permit.
19. Part II.B.1.a. of the Permit requires the Respondent to at all times maintain in good working order and efficiently operate all facilities and systems.
20. Part II.B.2 of the Permit states that bypasses are prohibited unless: (1) the bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; (2) there were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and (3) the permittee submitted timely notices (orally within 24 hours of event, and written within 5 days of event), as required under Part II.B.2.d; or (4) the condition under Part II.B.2.f of the Permit is met (maintenance-related bypass that does not result in a violation of effluent limitations).
21. Through evaluation of discharge monitoring reports ("DMRs") submitted to IDEM, EPA identified 156 occasions from December 2016 through December 2021, where Respondent discharged pollutants from Outfall 001 that exceeded the applicable effluent limits in the Permit, in violation of Part I.A of the Permit and Section 301(a) of the CWA, 33 U.S.C. § 1311(a). See Attachment A-Table of Effluent Limit Violations.
22. On February 25, 2019, EPA inspected the Facility to evaluate compliance with the CWA. EPA inspectors identified areas of concern, including:
  - A. Maintenance-related issues contributing to effluent limit exceedances such as insufficient frequency of maintenance; chronic duckweed control on polishing ponds; insufficient chlorine supply for disinfection treatment; uncovered chlorine contact tank and flow meter vault, allowing debris and solids to enter the effluent waste stream; debris and growth in the clarifier effluent trough; erosion of earth and the presence of sanitary waste

debris around the effluent outfall; and lack of alarm capability to automatically alert the operator or Respondent of treatment system failures.

- B. Evidence of a recent sewage overflow at the Facility, including toilet paper on the ground. The path of the overflow debris was observed from a junction box manhole to a polishing pond, bypassing the treatment plant headworks, aeration treatment, and clarifier. The operator-in-charge confirmed that the overflow bypassed primary treatment, the aeration tank and clarifier, and that the overflow occurred "a couple days ago," and "was the first overflow in years," adding that it was the result of a "five-inch rain." The operator-in-charge also confirmed that the overflow was not reported to IDEM. EPA obtained climate records from four of the closest weather stations reporting to the National Weather Service (Alpine, IN, Shelbyville, IN; Dayton, OH; Cincinnati, OH), and the only significant rain event reported at all four stations within the ten-day period prior to the inspection occurred on February 20, 2019. The reported rainfall amount at the four stations for February 20 ranged from 1.07 inches (Shelbyville) to 1.48 inches (Cincinnati). Alpine, IN, the closest station to the Facility (approximately 6 miles), reported 1.21 inches of rain on February 20, 2019. The Alpine station reported 13 days with rainfall exceeding 1.21 inches in the year preceding the inspection, ranging from 1.3 to 2.82 inches.

These areas of concern are described in more detail in the EPA Region 5, *Compliance Evaluation Inspection Report* for the Pleasantview Utilities Wastewater Treatment Plant, dated March 4, 2019, and delivered to Respondent on March 6, 2019.

23. The Respondent has violated Part I.A of the Permit by discharging pollutants, into waters of the United States, in excess of the limitations established in its Permit.
24. The Respondent failed to at all times maintain in good working order and efficiently operate all equipment and systems for the collection and treatment of process wastewater as necessary to achieve compliance with terms and conditions of Part II.B.1.a. of the Permit.
25. The Respondent has violated Part II.B.2 of the Permit by allowing a prohibited bypass on or about February 20, 2019, and failing to submit timely notices as required under Part II.B.2.d of the Permit.
26. Each violation of the conditions of the Permit or regulations described above is a violation of Section 301 of the Act, 33 U.S.C. § 1311.
27. On April 29, 2019, EPA issued an administrative order on consent to the Respondent to address past effluent limit violations at the Pleasantview Utilities Wastewater Treatment Plant.

#### **Compliance Program**

28. Based on the foregoing findings and the authority vested in the undersigned Director, Enforcement and Compliance Assurance Division, it is hereby ordered and agreed to in

accordance with Section 309(a) of the CWA, 33 U.S.C. § 1319(a), that Respondent comply with the following actions:

- A. Within 90 days of the effective date of this Order, Respondent must complete and submit an Engineering Evaluation of the adequacy of the Facility wastewater treatment components. The Engineering Evaluation must be conducted and certified by a licensed professional engineer with expertise in wastewater treatment, and include the following actions:
    - a. Identify the causes of the narrative and numeric effluent limit violations cited above;
    - b. Describe the current treatment operations, including detailed diagrams that depict flows to and through the Facility;
    - c. Identify existing treatment components, and for each component, determine its adequacy, capacity, age, current condition, and treatment capability, including removal efficiency;
    - d. Evaluate adequacy of treatment equipment and operations and determine needs. The determination of equipment needs shall encompass equipment repair, replacement, and addition; and
    - e. Evaluate alternatives to on-site wastewater treatment, such as conveying wastewater to a nearby municipal wastewater treatment plant.
  
  - B. Within 120 days of the effective date of this Order, Respondent must submit a Corrective Action Plan (“CAP”), for EPA review and approval, describing the specific actions to be taken to address treatment needs and correct the effluent limitation violations specified in Attachment A to this Order. The CAP must include a schedule to complete all work necessary to correct the violations within 180 days of EPA’s approval of CAP.
29. Respondent must submit a status report to EPA within 30 days of the end of each calendar-year quarter (i.e., by January 31, April 30, July 31, and October 31), until this Order is terminated. The first status report will be due within 30 days of completion of the first full quarter after the effective date of this Order. Each status report must include: (a) a description of the actions that have been taken toward achieving compliance with this Order during the previous quarter including an assessment of the milestones due, whether they were met, and, if not, what actions taken or planned to meet the milestones, the timeline for meeting those milestones, and any impact on future milestones; (b) an assessment of the effectiveness of such actions in preventing effluent violations; (c) a summary of all effluent violations that occurred during the previous quarter; and (d) an analysis of the cause of each such effluent violation.
30. Final Return to Compliance Report
- A. Respondent must ensure that all provisions of this Order have been met by their respective deadlines. Respondent must demonstrate that the Facility

has achieved compliance with this Order. Compliance includes the submission of all reports or other information requested in or pursuant to this Order.

- B. Within 210 days of EPA's approval of CAP, or such other date agreed to by EPA, Respondent must submit a final report that outlines its compliance with this Order. This written submission must provide the date, methods, and status of compliance for each provision of this Order.
31. All reports, notifications, documentation, submissions, and other correspondence required to be submitted by this Order must be submitted to EPA electronically, to the extent possible. If electronic submittal is not possible, the submissions must be made by certified mail (return receipt requested). Electronic submissions must be sent to the following addresses: r5weca@epa.gov, maraldo.dean@epa.gov, king.cynthia@epa.gov, and bruark@idem.IN.gov. The subject line of all email correspondence must include the facility name, NPDES ID # IN0044776, and the subject of the deliverable. All electronically-submitted materials must be in final and searchable format, such as Portable Document Format (PDF) with Optical Character Recognition (OCR) applied. Any information containing confidential business information must be submitted and asserted as set forth at 40 C.F.R. Part 2 Subpart B and must be submitted by email to maraldo.dean@epa.gov and king.cynthia@epa.gov or by mail (see below) but not to the r5weca@epa.gov and bruark@idem.IN.gov addresses. Mailed submissions must be sent to the following addresses:

Attn: Dean Maraldo, EPA Case Manager  
Water Enforcement & Compliance Assurance Branch (ECW-15J)  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

Attn: Cynthia King  
Office of Regional Counsel (C-14J)  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

32. EPA may approve, approve with comments, or disapprove submissions pursuant to this Order.
33. Upon EPA approval, submissions by Respondent are incorporated and enforceable as part of this Order. In case of inconsistency between any submission by Respondent and this document and its subsequent modifications, this document and its subsequent modifications shall control.
34. EPA may require additional status reports, or fewer status reports, for the purpose of documenting the progress of the Work performed pursuant to this Order or compliance with

the Permit requirements. Should EPA require additional status reports, EPA will provide Respondent with at least 15 days from the date of EPA's request to submit the reports.

35. All reports, notifications, documentation, and submissions required by this Order must be signed by a duly authorized representative of Respondent as specified by 40 C.F.R. § 122.22(b) and (d) and must include the following statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

36. Respondent may not withhold information based on a claim that it is confidential. However, pursuant to 40 C.F.R. Part 2, Subpart B, Respondent may assert a claim of business confidentiality regarding any portion of the information submitted in response to this Order. The manner of asserting such claims is specified in 40 C.F.R. § 2.203(b). Certain information related to effluent data (as defined in 40 C.F.R. § 2.302(a)(2)) and NPDES permit applications may not be entitled to confidential treatment. 40 C.F.R. § 122.7. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth in 40 C.F.R. Part 2, Subpart B. If Respondent does not assert a claim of business confidentiality when it submits the information, EPA may make the information available to the public without further notice. 40 C.F.R. § 2.203(c).
37. If Respondent finds at any time after submitting information that any portion of that information is false or incorrect, the signatory must notify EPA immediately. Knowingly submitting false information to EPA may subject Respondent to criminal prosecution under Section 309(c) of the CWA, 33 U.S.C. § 1319(c), as well as 18 U.S.C. § 1001 and 1341.
38. Submissions required by this Order must be deemed submitted on the date they are sent electronically or on the date postmarked if sent by U.S. mail.
39. After review of the submissions required pursuant to paragraphs 28-30 of this Order, EPA may approve or disapprove the submissions, in whole or in part. EPA shall approve the submissions or any portion so long as the submissions fulfill the requirements under this Order.
40. If EPA disapproves the submission(s), EPA will notify Respondent in writing, which may include notice by email, and EPA may require Respondent to supplement or modify its submission(s). Within 30 days following receipt of written notice of EPA's disapproval, Respondent must submit a corrected submission to EPA for approval. In the event that Respondent's modified submission is disapproved in whole or in part by EPA, EPA may



require Respondent to correct the deficiencies or EPA may determine that the submission fails to meet the requirements of this Order.

41. Notwithstanding the receipt of a notice of disapproval pursuant to paragraph 39, above, Respondent must proceed to take all actions and provide all submissions required under this Order, including any actions required under any non-deficient portion(s) of its submission, if such action can be undertaken independent of the deficient portion of Respondent's submission.
42. Absent an extension of time granted in writing by EPA, EPA may determine that late submissions fail to meet the requirements of this Order.
43. EPA may use any information submitted in response to this Order in support of an administrative, civil, or criminal action against Respondent.
44. Information collection under this Order is exempt from the Paperwork Reduction Act under 44 U.S.C. § 3518(c)(1)(B).

#### **General Provisions**

45. Respondent consents to the transmission of this Order via e-mail at the following e-mail addresses: msherck@co.fayette.in.us.
46. Respondent has had the opportunity to confer with and submit information to EPA concerning the validity and provisions of this Order.
47. The terms of this Order are binding on Respondent and its assignees and successors. Respondent must give notice of this Order to any successors in interest prior to transferring ownership, and must simultaneously verify to EPA, at the address specified in paragraph 31, that Respondent has given the notice.
48. The undersigned signatory for each party has the authority to bind each respective party to the terms and conditions of this Order.
49. Failure to comply with this Order may subject Respondent to penalties up to \$56,460 per day for each violation (or as penalty levels may be later adjusted at 40 C.F.R. Part 19) pursuant to Section 309(d) of the CWA, 33 U.S.C. § 1319(d), and 40 C.F.R. Part 19.
50. This Order does not affect Respondent's responsibility to comply with the CWA, its Permit, and any other local, state, and federal laws, regulations, or permits.
51. This Order does not restrict EPA's authority to enforce the Permit or any section of the CWA or its implementing regulations or to take further enforcement action pursuant to Section 309 of the CWA, 33 U.S.C. § 1319, for the violations cited in this Order.

52. EPA reserves all rights and remedies, legal and equitable, available to address any violation cited in this Order and any other violation of the CWA or of this Order. Neither issuance of this Order by EPA nor compliance with its terms precludes further enforcement action pursuant to Section 309 of the CWA, 33 U.S.C. § 1319, for the violations cited in this Order, for any other violations of the CWA or of this Order committed by Respondent.
53. The CWA includes provisions for administrative penalties, for civil injunctive relief and penalties, and for criminal penalties for violations of the CWA. Specifically, EPA may:
- A. assess civil administrative penalties under 33 U.S.C. § 1319(g) and 40 C.F.R. Part 19 of up to \$22,584 per day of violation for violations of the CWA that occurred after November 2, 2015 and for which penalties are assessed on or after December 23, 2020, for up to a total of \$282,293, or other amounts as penalty levels may be later adjusted at 40 C.F.R. Part 19;
  - B. seek civil injunctive relief and penalties for violations of the CWA under 33 U.S.C. § 1319(b) and civil judicial penalties for violations of this Order under 33 U.S.C. § 1319(d). In accordance with 40 C.F.R. Part 19, EPA may seek civil judicial penalties of up to \$56,460 per day of violation for violations that occurred after November 2, 2015 and for which penalties are assessed on or after December 23, 2020, or as penalty levels may be later adjusted at 40 C.F.R. Part 19; and
  - C. seek criminal penalties, including fines and imprisonment, for negligent or knowing violations of the CWA under 33 U.S.C. § 1319(c).
54. For purposes of the identification requirement in Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii), and 26 C.F.R. § 162-21(b)(2), performance of work described in paragraph 28 is restitution, remediation, or required to come into compliance with the law.
55. This Order shall become effective upon signature by EPA below and will remain in effect until EPA has notified Respondent of termination of the Order pursuant to paragraphs 59 or 60.
56. The April 29, 2019, administrative consent order is terminated upon the effective date of this Order.
57. By entering into this Order, Respondent: (1) consents to EPA's authority to issue this Order; (2) neither admits nor denies the factual allegations as set forth in this Order; (3) agrees to undertake all actions required by the terms and conditions of this Order; (4) agrees not to contest the authority of EPA to issue this Order or the validity of any terms or conditions in this Order; and (5) waives otherwise available rights to judicial review of this Order under Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.
58. This Order may be modified by written agreement of the parties and with notice to the





**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION 5**

**77 WEST JACKSON BOULEVARD**

**CHICAGO, IL 60604-3590**

**March 9, 2022**

**VIA EMAIL**

Matt Sherck, President  
Pleasantview Utilities Wastewater Treatment Plant  
3812 West Galaxy Drive  
Connersville, Indiana 47331  
Email: msherck@co.fayette.in.us

Re: Pleasantview Utilities, Inc, Consent Agreement and Final Order, Docket Number CAA-05-2022-0002

Dear Mr. Sherck:

Enclosed please find a copy of the fully executed Consent Agreement and Final Order (CAFO) in resolution of the above case. The U.S. Environmental Protection Agency has filed the original CAFO with the Regional Hearing Clerk on March 9, 2022.

Please pay the Clean Water Act civil penalty in the amount of \$23,250 in the manner prescribed in paragraphs 39 and 40, and reference your check with the docket number CAA-05-2022-0002.

Your payments are due on April 8, 2022.

Please feel free to contact Dean Maraldo at (312) 353-2098 if you have any questions regarding the enclosed documents. Please direct any legal questions to Cynthia King at (312) 886-6831. Thank you for your assistance in resolving this matter.

Sincerely,

**Bahr, Ryan**  
Digitally signed by Bahr,  
Ryan  
Date: 2022.01.07  
10:27:04 -06'00'

Ryan J. Bahr, Supervisor  
Water Enforcement and Compliance Assurance Branch, Section 2

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

In the Matter of: ) Docket No. CWA-05-2022-0002  
)  
Pleasantview Utilities, Inc. ) Proceeding to Assess a Class II Civil  
3812 West Galaxy Drive ) Penalty under Section 309(g) of the Clean  
Connersville, Indiana 47331 ) Water Act, 33 U.S.C. § 1319(g)  
)  
for the Pleasantview Utilities )  
Wastewater Treatment Plant )  
)  
Respondent. )

**CONSENT AGREEMENT AND FINAL ORDER**

**Preliminary Statement**

1. This is an administrative action commenced and concluded under Section 309(g) of the Clean Water Act (“CWA” or “the Act”), 33 U.S.C. § 1319(g), and Sections 22.13(b) and 22.18(b)(2)-(3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules) as codified at 40 C.F.R. §§ 22.13(b) and 22.18(b)(2)-(3).

2. The Complainant is, by lawful delegation, the Director of the Enforcement and Compliance Assurance Division, EPA Region 5, U.S. Environmental Protection Agency (“EPA”), Region 5.

3. Respondent is Pleasantview Utilities, Inc., also known as Pleasant View Utilities, Inc., a corporation, the owner/operator of Pleasantview Utilities Wastewater Treatment Plant, in Connersville, Indiana.

4. Where the parties agree to settle one or more causes of action before the filing of a complaint, an administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (“CAFO”). *See* 40 C.F.R. § 22.13(b).

5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

6. Respondent consents to the terms of this CAFO, including the assessment of the civil penalty specified below.

**Jurisdiction and Waiver of Right to Hearing**

7. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

8. Respondent waives any and all remedies, claims for relief, and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this CAFO including, but not limited to, its right to request a hearing under 40 C.F.R. § 22.15(c) and Sections 309(g)(2)(B) and (4)(C) of the CWA, 33 U.S.C. § 1319(g)(2)(B) and (4)(C); its right to appellate review under Section 309(g)(8)(B) of the CWA, 33 U.S.C. § 1319(g)(8)(B); its right to seek federal judicial review of the CAFO pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-06; any right to contest the allegations in this CAFO; and its right to appeal this CAFO. Respondent also consents to the issuance of this CAFO without further adjudication.

**Statutory and Regulatory Background**

9. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of pollutants into navigable waters except in compliance with, *inter alia*, a National Pollutant Discharge Elimination System (“NPDES”) permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.

10. Section 502(5) of the CWA defines a “person” as “an individual, corporation, partnership, association, State, municipality, commission, or political subdivision of a State, or any interstate body.” 33 U.S.C. § 1362(5).

11. Section 502(6) of the CWA defines “pollutant,” as “dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.” 33 U.S.C. § 1362(6).

12. Section 502(12) of the CWA defines “discharge of a pollutant,” as, *inter alia*, “any addition of any pollutant to navigable waters from any point source.” 33 U.S.C. § 1362(12).

13. Section 502(14) of the CWA defines “point source” as “any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.” 33 U.S.C. § 1362(14).

14. Section 502(7) of the CWA defines “navigable waters” as “the waters of the United States, including the territorial seas.” 33 U.S.C. § 1362(7).

15. “Waters of the United States,” as defined in 40 C.F.R. § 120.2 (2020), includes waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, and tributaries to such waters.

16. Section 402(a) of the CWA, 33 U.S.C. § 1342(a), provides that the Administrator of EPA may issue permits under the NPDES program for the discharge of pollutants from point sources to navigable waters. Any such discharge is subject to the specific terms and conditions

prescribed in the applicable permit, and a violation of a NPDES permit is a violation of Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

17. Section 402 of the CWA, 33 U.S.C. § 1342, establishes the NPDES program under which EPA and, upon receiving authorization from EPA, a state may permit discharges into navigable waters, subject to specific conditions. A violation of a NPDES permit is a violation of Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

18. Pursuant to Section 402 of the CWA, 33 U.S.C. § 1342, the State of Indiana requested approval from EPA to administer its own permit program for discharges into navigable waters within Indiana, and such approval was granted by EPA on January 1, 1975, 40 Fed. Reg. 4,033 (Jan. 27, 1975). Therefore, pursuant to the State's permit program, the Indiana Department of Environmental Management ("IDEM") has issued IDEM NPDES permits.

19. Section 309(g) of the CWA, 33 U.S.C. § 1319(g), authorizes the Administrator to assess a Class II civil penalty under Section 309(g)(2)(B) of the CWA, 33 U.S.C. § 1319(g)(2)(B), after consultation with the State in which the violation occurs, when the Administrator finds, on the basis of any information available, that a person has violated Section 301 of the CWA, 33 U.S.C. § 1311, which includes discharges not in compliance with a permit under Section 402 of the CWA, 33 U.S.C. § 1342.

#### **Factual Allegations and Alleged Violations**

20. Respondent is a corporation and is a "person" under Section 502(5) of the CWA, 33 U.S.C. § 1362(5).

21. At all times relevant to this Order, Respondent owned and/or operated the Pleasantview Utilities Wastewater Treatment Plant ("facility"), in Connerville, Indiana.



22. IDEM issued permit IN0044776 (“Permit”) under Section 402 of the CWA, 33 U.S.C. § 1342, to Respondent for discharge of, among other pollutants, nitrogen, ammonia total (as N), total suspended solids, total residual chlorine, and *E.coli* from Outfall 001 at the facility to an unnamed tributary that drains to Williams Creek.

23. The pollutants nitrogen, ammonia total (as N), total suspended solids, total residual chlorine, and *E.coli* discharged into an unnamed tributary that drains to Williams Creek are “pollutants” as defined by Section 502(6) of the CWA, 33 U.S.C. § 1362(6), because they include one or more of the following: dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste.

24. At all relevant times, the facility acted as a “point source” of a “discharge” of “pollutants” with its wastewater discharging into an unnamed tributary that drains to Williams Creek, then to the Whitewater River, then to the Great Miami River, then to the Ohio River, which are considered navigable waters as that term is defined in Section 502(7) of the CWA, 33 U.S.C. § 1362(7), and “waters of the United States” as defined in 40 C.F.R. § 120.2 (2020).

**Count 1: Unlawful Discharge (Bypass) of Pollutants into an Unnamed Tributary to Williams Creek**

25. The statements in Paragraphs 1 through 24 are hereby incorporated by reference as if set forth in full.

26. On February 19-20, 2019, Outfall No. 001 discharged partially treated sanitary sewage into Williams Creek. On February 25, 2019, EPA inspected the facility to evaluate compliance with the CWA. During the inspection, EPA inspectors observed evidence of a

treatment bypass of the treatment plant headworks, aeration treatment, and clarifier. The operator-in-charge confirmed that the overflow bypassed primary treatment, the aeration tank and clarifier, and that the overflow occurred “a couple days ago” and “was the first overflow in years,” adding that it was the result of a “five-inch rain.” The operator-in-charge also confirmed that the overflow was not reported to IDEM. EPA obtained climate records from four of the closest weather stations reporting to the National Weather Service (Alpine, IN, Shelbyville, IN; Dayton, OH; Cincinnati, OH), and the only significant rain event reported at all four stations within the ten-day period prior to the inspection occurred on February 20, 2019. The reported rainfall amount at the four stations for February 20 ranged from 1.07 inches (Shelbyville) to 1.48 inches (Cincinnati). Alpine, IN, the closest station to the facility (approximately 6 miles), reported 1.21 inches of rain on February 20, 2019. The Alpine station reported 13 days with rainfall exceeding 1.21 inches in the year preceding the inspection, ranging from 1.3 to 2.82 inches.

27. Respondent was issued permit IN0044776 under Section 402 of the CWA, 33 U.S.C. § 1342, by IDEM, and which became effective on November 1, 2016.

28. Part II.B.2 of the Permit states that bypasses are prohibited unless certain conditions are met, including submitting timely notice (orally within 24 hours of event, and written within 5 days of event), as required under Permit Part II.B.2.d..

29. At no time relevant to the discharge described in paragraph 26 did Respondent have or apply for a permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342, allowing for a bypass of treatment and the discharge of partially treated sewage into an unnamed tributary that drains to Williams Creek, without submitting timely notice to IDEM.

30. Therefore, Respondent is a person who discharged pollutants from a point source into navigable waters, without a permit, in violation of Section 301 of the CWA, 33 U.S.C. § 1311.

**Count 2: Effluent Limit Violations**

31. Respondent was issued permit IN0044776 under Section 402 of the CWA, 33 U.S.C. § 1342, by IDEM, and which became effective on November 1, 2016. At all relevant times, the Respondent was authorized to discharge pollutants from Outfall 001 at the facility to waters of the United States only in compliance with the specific terms and conditions of the Permit.

32. The pollutants nitrogen, ammonia total (as N), total suspended solids, total residual chlorine, and *E.coli* discharged into an unnamed tributary that drains to Williams Creek are “pollutants” as defined by Section 502(6) of the CWA, 33 U.S.C. § 1362(6).

33. Part I.A of the Permit establishes effluent limitations and monitoring requirements for nitrogen, ammonia total (as N), total suspended solids, total suspended solids percent removal, dissolved oxygen, total residual chlorine, and *E.coli*. Because Respondent owned or operated a facility with an outfall that acted as a point source for the discharge of pollutants to navigable waters, Respondent and the facility have been subject to the CWA and the NPDES program at all times relevant to this Order. Thus, any such discharge has been and is subject to the specific terms and conditions prescribed in the Permit.

34. Therefore, Respondent is a person who discharged pollutants from a point source into navigable waters, in violation of its permit, in violation of Section 301 of the CWA, 33 U.S.C. § 1311.

35. Through evaluation of discharge monitoring reports (“DMRs”) submitted to IDEM, EPA identified 148 occasions from August 31, 2016 through May 31, 2021, where Respondent discharged pollutants from Outfall 001 that exceeded the applicable effluent limits in the Permit, in violation of Part I.A of the Permit and Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

36. Each violation of the conditions of the Permit or regulations described above is a violation of Section 301 of the Act, 33 U.S.C. § 1311.

#### **Civil Penalty**

37. Under Section 309(g)(2)(B) of the CWA, 33 U.S.C. § 1319(g)(2)(B), and 40 C.F.R. Part 19, the Administrator may assess a Class II civil penalty of up to \$22,584 per day of violation up to a total of \$282,293, for violations of the CWA that occurred after November 2, 2015 and for which penalties are assessed on or after January 13, 2020, or other amounts as penalty levels may be later adjusted at 40 C.F.R. Part 19.

38. Based upon the facts alleged in this CAFO, and upon the nature, circumstances, extent and gravity of the violations alleged, as well as Respondent’s ability to pay, prior history of such violations, degree of culpability, economic benefit or savings (if any) resulting from the violations, and such other matters as justice may require, U.S. EPA has determined that an appropriate civil penalty to settle this action is \$23,250. This is based on the nature, extent and gravity of the violations alleged, review of financial information provided by Respondent, and analysis of Respondent’s ability to pay the appropriate penalty.

39. Within 30 days after the effective date of this CAFO, Respondent must pay the \$23,250 civil penalty by either:

For checks sent by regular U.S. Postal Service mail, sending a cashier's or certified check, payable to "Treasurer, United States of America," to:

U.S. EPA  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, Missouri 63197-9000

Or for on-line payment, go to [www.pay.gov](http://www.pay.gov). Use the Search Public Forms option on the tool bar and enter SFO 1.1 in the search field. Open the form and complete the required fields.

40. A transmittal letter, stating Respondent's name, complete address, and the case docket number must accompany the payment. Respondent must write the case docket number on the face of the check and send copies of the check and transmittal letter (or copies of proof of the electronic payment) to:

Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Boulevard (E-19J)  
Chicago, Illinois 60604-3590

Dean Maraldo (ECW-15J)  
U.S. Environmental Protection Agency  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

Cynthia King (C-14J)  
Associate Regional Counsel  
Office of Regional Counsel  
U.S. Environmental Protection Agency  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

41. This civil penalty is not deductible for federal tax purposes.

42. If Respondent does not timely pay the civil penalty, Complainant may request the United States Department of Justice bring a civil action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties, and the United States'

enforcement expenses for the collection action. Respondent acknowledges that the validity, amount, and appropriateness of the civil penalty are not reviewable in a collection action.

43. Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any overdue amount from the date payment was due at a rate established pursuant to 26 U.S.C. § 6621(a)(2); 31 U.S.C. § 3717. In addition to the assessed penalty and interest, Respondent must pay the United States' attorneys fees and costs for collection proceedings, and Respondent must pay a nonpayment penalty each quarter during which the assessed penalty is overdue. This nonpayment penalty will be 20 percent of the aggregate amount of the outstanding penalties and nonpayment penalties accrued from the beginning of the quarter. *See* 33 U.S.C. § 1319(g)(9).

#### **General Provisions**

44. The parties consent to service of this CAFO by email at the following valid email addresses: king.cynthia@epa.gov (for Complainant) and msherck@co.fayette.in.us (for Respondent).

45. Full payment of the penalty as described in paragraphs 38 and 39 and full compliance with this CAFO shall not in any case affect the right of the U.S. EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

46. As provided under 40 C.F.R. § 22.18(c), full payment of the penalty as described in paragraphs 38 and 39 and full compliance with this CAFO shall only resolve Respondent's liability for federal civil penalties under Section 309(g) of the CWA, 33 U.S.C. § 1319(g), for the particular violations alleged in this CAFO.

47. This CAFO does not affect Respondent's responsibility to comply with the CWA and other applicable federal, state, or local laws, regulations, or permits.

48. Respondent certifies that it is complying with Sections 301(a) and 402 of the CWA, 33 U.S.C. §§ 1311(a), 1342.

49. This CAFO is a "final order" for purposes of 40 C.F.R. § 22.31 and the EPA's Interim Clean Water Act Settlement Penalty Policy (Mar. 1995).

50. The terms of this CAFO bind Respondent and its successors and assigns.

51. Each person signing this CAFO certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to the terms of this CAFO.

52. Each party agrees to bear its own costs and attorney's fees in this action.

53. This CAFO constitutes the entire agreement between the parties.

54. Unless an appeal is filed in accordance with Sections 309(g)(4)(C) and 309(g)(8) of the CWA, 33 U.S.C. §§ 1319(g)(4)(C), (8), or 40 C.F.R. § 22.45, this CAFO is effective 30 days following issuance, which is the date the CAFO has been signed by the Regional Judicial Officer or Regional Administrator and is after completion of the notice and comment requirements of Section 309(g)(4) of the CWA, 33 U.S.C. § 1319(g)(4) and 40 C.F.R. §§ 22.38, 22.45.

**In the Matter of:**

**Pleasantview Utilities, Inc.  
3812 West Galaxy Drive  
Connersville, Indiana 47331**

**Docket No. CWA-05-2022-0002**


**Pleasantview Utilities, Inc., Respondent**

  
\_\_\_\_\_  
Matthew Sherck  
President  
Pleasantview Utilities, Inc.

10/26/2021  
\_\_\_\_\_  
Date

**United States Environmental Protection Agency, Complainant**

**Harris,  
Michael**

 Digitally signed by  
Harris, Michael  
Date: 2021.11.10  
15:02:25 -06'00'

\_\_\_\_\_  
Michael D. Harris  
Division Director  
Enforcement and Compliance Assurance Division  
U.S. EPA Region 5

\_\_\_\_\_  
Date



**In the Matter of:**

**Pleasantview Utilities, Inc.**

**Docket No. CWA-05-2022-0002**

**Final Order**

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective 30 days following issuance, unless an appeal is filed in accordance with Sections 309(g)(4)(C) and 309(g)(8) of the CWA, 33 U.S.C. §§ 1319(g)(4)(C), (8), or 40 C.F.R. § 22.45. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

By: **ANN COYLE** Digitally signed by ANN  
COYLE  
Date: 2022.02.08  
10:04:58 -06'00' \_\_\_\_\_ Date: \_\_\_\_\_  
Ann L. Coyle  
Regional Judicial Officer  
U.S. Environmental Protection Agency  
Region 5

Consent Agreement and Final Order  
In the matter of: Pleasantview Utilities, Inc.  
Docket No: **CWA-05-2022-0002**

**CERTIFICATE OF SERVICE**

I certify that I served a true and correct copy of the foregoing **Consent Agreement and Final Order**, docket number CWA-05-2022-0002, which was filed on March 9, 2022, in the following manner to the following addressees:

Copy by E-mail to Respondent: Matthew Sherck  
msherck@co.fayette.in.us

Copy by E-mail to Attorney for Complainant: Cynthia King  
king.cynthia@epa.gov

Copy by E-mail to Regional Judicial Officer: Ann Coyle  
coyle.ann@epa.gov

Dated \_\_\_\_\_

ISIDRA  
MARTINEZ  
Digitally signed by ISIDRA  
MARTINEZ  
Date: 2022.03.09  
12:52:32 -06'00'

\_\_\_\_\_  
LaDawn Whitehead  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 5

# Pleasantview Utilities

3812 W Galaxy Drive, Connersville, IN 47331  
(765) 309-2973

Tuesday, October 29, 2024

Ellie Demilt  
Life Scientist  
U.S. Environmental Protection Agency, Region 5  
WECAB Section 2  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

Re: Pleasantview Utilities, Inc. Status Report

To Whom It May Concern:

Pleasantview Utilities continues to operate to meet requirements of agreed order and to meet effluent requirements if IDEM. A new operator has been hired at the treatment plant. The new operator is Michael Stuckey with MS Waters. MS Waters is improving the plant by making sure the plant is operating efficiently. They are working closely with myself and hired contractors to improve plant operations. Updates include additional aeration lines, extended sludge return lines and extra maintenance. The contact tank was cleaned to allow better aeration and chlorination. Regular maintenance and visits keep the plant operating to meet permit requirements.

We are currently in process of doing a rate increase with the IURC. We have included extra funds in the revenue requirements for extra labor at the treatment plant to increase operations.

In an effort to keep from going over our ammonia requirements we have contracted with an engineer, Stephen Fralish, we believe that if we modify the permit to add aeration to the polishing ponds, this will eliminate our ammonia violations. Because of his schedule, he stated that January would be the earliest he could get started.

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

● Page 2

October 29, 2024

Sincerely,

Matt Sherck  
President, Pleasant View Utilities, Inc.  
3812 W Galaxy Dr  
Connersville, IN 47331  
(765) 309-2973  
[msherck@co.fayette.in.us](mailto:msherck@co.fayette.in.us)

**From:** [Demilt, Elizabeth \(she/her/hers\)](#)  
**To:** [Bell, Scott](#)  
**Cc:** [Seals, Carl](#); [Middleton, Keith](#)  
**Subject:** RE: USEPA CAFO, Docket No. CWA-05-2022-0002, Pleasantview Utilities, Inc.  
**Date:** Monday, October 21, 2024 2:36:04 PM  
**Attachments:** [image001.png](#)

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**EXTERNAL EMAIL:** This email was sent from outside your organization. Exercise caution when clicking links, opening attachments or taking further action, before validating its authenticity.

Hello Mr. Bell,

Thank you for your email. Information about Pleasantview's overall compliance is made available to the public at EPA's website, Enforcement and Compliance History Online (ECHO). Here is the link: <https://echo.epa.gov/>. The facility, Pleasantview Utilities, was issued the CAFO you referenced in March of 2022 along with an Administrative Order on Consent in January of 2022, which required them come into compliance within the year. As of June, the facility remains in Significant Non-Compliance with its National Pollutant Discharge Elimination System permit requirements, as seen on ECHO. Accordingly, the case remains open. EPA continues to review Pleasantview's compliance status. Please feel free to contact me with further questions.

Best,

**Ellie DeMilt**

**Life Scientist**

U.S. Environmental Protection Agency, Region 5

WECAB Section 2

(312) 353 2256 | [DeMilt.Elizabeth@epa.gov](mailto:DeMilt.Elizabeth@epa.gov)

---

**From:** Bell, Scott <[sbell@oucc.IN.gov](mailto:sbell@oucc.IN.gov)>  
**Sent:** Wednesday, September 25, 2024 10:52 AM  
**To:** Demilt, Elizabeth (she/her/hers) <[Demilt.Elizabeth@epa.gov](mailto:Demilt.Elizabeth@epa.gov)>  
**Cc:** Seals, Carl <[CSeals@oucc.IN.gov](mailto:CSeals@oucc.IN.gov)>  
**Subject:** USEPA CAFO, Docket No. CWA-05-2022-0002, Pleasantview Utilities, Inc.

**Caution:** This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

Ms. Demilt:

My name is Scott Bell, and I work for the State of Indiana's Office of Utility Consumer Counselor (OUCC). My office (the OUCC) is currently involved in a regulatory proceeding at the Indiana Utility Regulatory Commission (IURC) involving Pleasantview Utilities, Inc. (Cause No. 46122-U) I

understand that you are the case manager for USEPA CAFO, Docket No. CWA-05-2022-0002, regarding Pleasantview Utilities, Inc. I am trying to determine Pleasantview's compliance status with the final order in USEPA CAFO, Docket No. CWA-05-2022-0002 and whether this is still an active case. Based on my review of the EPA website, it appears that Pleasantview paid a \$23,250 civil penalty and the case was "closed" on May 31, 2022. However, in discussions with representatives from the Indiana Department of Environmental Management (IDEM), they indicated that the case is still "active" since Pleasantview has not returned to compliance with its NPDES Permit. Any information you can provide regarding the status of USEPA CAFO, Docket No. CWA-05-2022-0002 would be greatly appreciated. Thank you.

Scott Bell



Scott Bell  
Director, Water/Wastewater Division  
Indiana Office of Utility Consumer Counselor  
115 West Washington Street, Suite 1500 South  
Indianapolis, Indiana 46204  
[www.IN.gov/OUCC](http://www.IN.gov/OUCC)  
317.233.1084 • [sbell@oucc.IN.gov](mailto:sbell@oucc.IN.gov)

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## INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We Protect Hoosiers and Our Environment.*

100 N. Senate Avenue • Indianapolis, IN 46204  
(800) 451-6027 • (317) 232-8603 • [www.idem.IN.gov](http://www.idem.IN.gov)

Eric J. Holcomb  
Governor

Brian C. Rockensuess  
Commissioner

July 26, 2024

Via email: [msherck@co.fayette.in.us](mailto:msherck@co.fayette.in.us)

Matt Sherck, Owner  
Pleasantview Utilities  
3812 W Galaxy Dr  
Connersville, IN 47331

Re: Noncompliance Letter  
Pleasantview Utilities WWTP  
NPDES Permit No. IN0044776  
Fayette County

Dear: Mr. Sherck,

Staff of the Indiana Department of Environmental Management (IDEM), Office of Water Quality has reviewed the compliance status of the above cited facility with the NPDES permit for the period of **April 2024** through **June 2024**. This review revealed violations of your NPDES Permit, as follows:

1. Part I.A.1. of the NPDES permit, which sets forth the effluent limitations and monitoring requirements applicable to the discharge from outfall 001.

Specifically, the submitted Discharge Monitoring Reports (DMRs) indicate your facility exceeded its limits for **Oxygen/dissolved** for the month of April, **TSS** for the month of April, **Nitrogen/Ammonia** for the months of April and May, **Chlorine** for the month of April, and **E. coli** for the month of April.

2. Part I.B.3 of your NPDES permit, which requires you to complete and submit accurate Discharge Monitoring Reports (DMRs) and Monthly Reports of Operation (MROs) to IDEM, no later than the 28<sup>th</sup> day of the month following each completed monitoring period. **To date, the DMR and MRO for May have not been submitted in NetDMR.**

*To clarify, the May data was entered onto the June DMR. Several emails have been exchanged regarding the May DMR. The most recent email dated 7/15/2024 included the following concern; when the May MRO data was entered on the June DMR, there were several errors. Please check that the data is correctly entered onto the May DMR. The June DMR will need to be edited to reflect June data and the May MRO will need to be replaced with the June MRO.*



Visit [on.IN.gov/survey](https://on.IN.gov/survey) or scan the QR code to provide feedback.

*We appreciate your input!*



Part II. (A) (1) of your permit requires you to comply with its terms and conditions. Any noncompliance with the terms of your permit may subject you to an enforcement action which can include the imposition of penalties. You are required to immediately take all necessary measures to comply with the terms and conditions of your NPDES permit, specifically those violations identified above.

Within 14 days of receipt of this letter, a written detailed response documenting correction of the concerns listed above, a plan for assuring future compliance, **and the expected date for a return to compliance must be submitted to this office**. Failure to respond adequately to this letter may result in formal enforcement action.

Thank you for your attention to this matter. If you have any questions, please contact Michelle Denney at 317/232-0019, or 800/451-6027, extension 2-0019 or by email to [midenney@idem.IN.gov](mailto:midenney@idem.IN.gov). Please direct your response via e-mail, along with the requested information or reports, to [midenney@idem.IN.gov](mailto:midenney@idem.IN.gov).

Sincerely,



Gary Starks, Chief  
Compliance Data Section  
Office of Water Quality

c: Les Day, Former Certified Operator  
[les.day@dswaterservices.com](mailto:les.day@dswaterservices.com)  
Michael Stuckey, Certified Operator  
[Mstuckey7@yahoo.com](mailto:Mstuckey7@yahoo.com)  
Becky Ruark, Inspector





## Indiana Department of Environmental Management

*We Protect Hoosiers and Our Environment.*

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(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

**Eric J. Holcomb**  
*Governor*

**Brian Rockensuess**  
*Commissioner*

May 02, 2024

Via Email to: msherck@co.fayette.in.us

Mr. Matt Sherck, Owner  
Pleasantview Utilities  
3812 W Galaxy Dr  
Connersville, Indiana 47331

Dear Mr. Sherck:

Re: **Inspection Summary/ Noncompliance Letter**  
Pleasantview Utilities WWTP  
NPDES Permit No. IN0044776  
Connersville, Fayette County

An inspection of the above-referenced facility or location was conducted by a representative of the Indiana Department of Environmental Management, Office of Water Quality, pursuant to IC 13-18-3-9. A summary of the inspection is provided below:

Date(s) of Inspection: April 29, 2024  
Type of Inspection: Compliance Evaluation Inspection  
Inspection Results: Violations were observed.

The following concerns were noted:

1. The facility is under Final Administrative Order on Consent signed by U.S. EPA with an effective date of January 28, 2022. This order was supposed to compel the permittee to bring this WWTP into compliance. As evidenced by the excessive effluent limit violations as well as other violations documented, the plant is not in compliance.
2. The Collection System evaluation generated an unsatisfactory rating.
  - a. Part II. B. 2 of the permit prohibits overflows, pursuant to 327 IAC 5-2-8(11). A records review indicates an overflow occurred on 21 consecutive days during the last 12 months. This maintenance related overflow was eventually stopped and the line was repaired.
  - b. The highly variable flow at the WWTP demonstrates an issue with I/I in the collection system. This is a violation of Part II. B. 1 of the permit which requires all facilities to be maintained in good working order at all times and operated as efficiently as possible and in a manner which will minimize upsets and discharges of excessive pollutants. This includes the facility's collection system.

3. Facility/Site was rated as unsatisfactory.
  - a. The WWTP is in poor condition with corrosion obvious in several areas. This is a violation of 327 IAC 5-22-10 which requires the owner or governing body of a wastewater treatment plant to be responsible for providing adequate funding and oversight to ensure the proper operation, maintenance, management and supervision of said plant. Specifically, if the permittee plans to continue to operate this WWTP they must put a plan in place for replacement of the equipment.
  - b. There is a generator on premises, but the operator was unable to determine if it is functional and ready for use in case of a power outage. The generator should be tested regularly to ensure it is ready for use in an emergency. Checks should be documented.
  - c. A Missions alarm system was present, but the operator was unable to confirm that it was functional at the time of the inspection.
  
4. Operation was rated as unsatisfactory. Part II. B. 1 of the permit requires all waste collection, control, treatment, and disposal facilities to be operated as efficiently as possible and in a manner which will minimize upsets and discharges of excessive pollutants. At the time of the inspection the chlorine contact tank was full of duckweed and sludge. The surface of the clarifier is was covered in floating sludge and debris. The polishing ponds appeared to have an excessive amount of solids present. All of these are most likely contributing to the excessive number of effluent limit violations reported. Effluent limit violations were reported in 11 of the last 12 months reviewed.
  
5. The Self Monitoring Program was rated as unsatisfactory. Based on the on-site documentation, inspector was unable to determine if the permittee was flow proportioning the effluent composite samples. This is a violation of Part I. B. 4. b. (4) of the permit, which defines the 24-hour flow proportioned composite sample.
  
6. Flow Measurement was rated as unsatisfactory.
  - a. The flow values reported on the MRO and DMR appear to be inaccurate. In the last week of January 2024 for example, the reported average flow was 380 gallons per day. This does not seem feasible for a subdivision the size covered by this utility. The sewer ban coordinator has also reached out to the operator requesting correction of flows for August 2023. The operator must assure that he is accurately reporting flow values each month. If submitted data is determined to be inaccurate, the operator must revise and correct the monthly reports.
  - b. In addition at the time of this inspection all flow data is inaccurate since a large portion of the flow was being discharged out the old outfall and therefore not being measured.
  
7. The Laboratory evaluation generated an unsatisfactory rating. At the time of the inspection, it was determined the chlorine bench sheet was inadequate. This is a violation of Part I. B. 6 of the NPDES permit which requires the permittee to record specific information as described, for each measurement or sample taken pursuant to the requirements of this permit.

- a. Specifically, the chlorine bench sheets are lacking sample and analysis times.
  - b. They are also virtually unreadable since the data is just added to the margin of the DO bench sheet.
  - c. In addition the chlorine bench sheet and data submitted on the MRO included effluent chlorine as 0.00 mg/L. The lowest value to be reported should be the detection limit of the chlorine meter (usually 0.02 mg/L).
8. The Records/Reports evaluation generated an unsatisfactory rating.
- a. Part I. B. 3 of the permit requires the permittee to submit monitoring reports no later than the 28th day of the month following each completed monitoring period. These reports shall include the Discharge Monitoring Report (DMR) and the Monthly Report of Operation (MRO). These reports must be accurately completed. Most of the DMRs have an incorrect number entered for in the No. EX column. This column is supposed to indicate the number of violations of effluent limits for each parameter. The certified operator must accurately count each time that the weekly limits, monthly average limits or daily limits (where applicable) are exceeded. The total for each parameter must be entered in the No. EX box before submittal.
  - b. Part II. B. 2. b. (2) of the permit requires reporting bypass of treatment. A bypass of treatment was occurring at the time of the inspection and it had not been reported as required.
  - c. Part I. B. 8 of the permit requires the permittee to retain, for a minimum of three years, all records and information resulting from the monitoring activities required by the permit, including all records of analyses performed. In cases where the original records are kept at another location, a copy of all such records shall be kept at the permitted facility. At the time of the inspection, the February and March 2024 records were unavailable for review.
9. The Effluent Limits Compliance area was rated unsatisfactory due to the following self-reported violations of the limits detailed in Part I. A. of the NPDES Permit:

Month	Year	Outfall	Parameter	Number
April	2023	001	Ammonia Nitrogen	7
May	2023	001	Ammonia Nitrogen	2
May	2023	001	Chlorine	1
June	2023	001	Dissolved Oxygen	1
July	2023	001	Ammonia Nitrogen	5
August	2023	001	Dissolved Oxygen	5
August	2023	001	Ammonia Nitrogen	9
September	2023	001	Dissolved Oxygen	4
September	2023	001	Ammonia Nitrogen	10
October	2023	001	Dissolved Oxygen	6
October	2023	001	TSS	2

October	2023	001	Ammonia Nitrogen	5
October	2023	001	Chlorine	1
November	2023	001	Dissolved Oxygen	6
November	2023	001	Ammonia Nitrogen	11
December	2023	001	Ammonia Nitrogen	5
January	2024	001	Ammonia Nitrogen	3
March	2024	001	Ammonia Nitrogen	7

10. The Other: Bypass of Treatment area was evaluated as unsatisfactory. Part II. B. 2 of the permit prohibits bypass of treatment. At the time of the inspection, the discharge pipe from the polishing pond had been modified. This modification caused flow to be released through the old outfall. This flow was bypassing disinfection and post aeration as well as flow measurement. This appears to have been occurring for several days. This bypass of treatment must be stopped as soon as possible.

Part II. A. 1. of your permit requires you to comply with its terms and conditions. Any noncompliance with the terms of your permit may subject you to an enforcement action which can include the imposition of penalties. You are required to immediately take all necessary measures to comply with the terms and conditions of your NPDES Permit, specifically those violations identified above.

Within 30 days of receipt of this letter, a written detailed response documenting correction of the concerns listed above and/or a plan for assuring future compliance must be submitted to this office. Failure to respond adequately to this letter may result in formal enforcement action. Please direct your response to this letter to our letterhead address or via email to [wwViolationResponse@idem.IN.gov](mailto:wwViolationResponse@idem.IN.gov). Any questions should be directed to Becky Ruark at 317-691-1909 or by email to [bruark@idem.IN.gov](mailto:bruark@idem.IN.gov). Thank you for your attention to this matter.

Sincerely,



Kim Rohr, Chief  
Wastewater Inspection Section  
Office of Water Quality

Enclosure



**NPDES Wastewater Facility Inspection Report**  
INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

NPDES Permit Number: <b>IN0044776</b>	Facility Type: Mixed Ownership	Facility Classification: Minor	TEMPO AI ID
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Date(s) of Inspection:	April 29, 2024
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Type of Inspection:	Compliance Evaluation Inspection
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Name and Location of Facility Inspected: <b>Pleasantview Utilities WWTP</b> 3812 W Galaxy Dr Connersville IN 47331	County: Fayette	Receiving Waters: Tributary to Williams Creek	Permit Expiration Date: 10/31/2026 Design Flow: 0.06MGD
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On Site Representative(s): First Name: Eric Last Name: Schlechtweg Title: Operator Email: e.rock@dswaterservices.com Phone:
--

Was a verbal summary of findings presented to the on-site representative? **Yes**

Certified Operator: Les Day	Number: 21226	Class: IV	Effective Date: 9-14-21	Expiration Date: 6-30-24	Email: les.day@dswaterservices.com
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Cyber Security Contact: Name: _____ Email: _____
---

Responsible Official: Mr. Matt Sherck, Owner 3812 W Galaxy Dr Connersville, Indiana 47331	Permittee: Pleasantview Utilities Email: msherck@co.fayette.in.us Phone: Fax:	Contacted? No
--	--	------------------

**INSPECTION FINDINGS**

- Conditions evaluated were found to be satisfactory at the time of the inspection. (5)
- Violations were discovered but corrected during the inspection. (4)
- Potential problems were discovered or observed. (3)
- Violations were discovered and require a submittal from you and/or a follow-up inspection by IDEM. (2)
- Violations were discovered and may subject you to an appropriate enforcement response. (1)

**AREAS EVALUATED DURING INSPECTION**

(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

S	Receiving Waters	U	Facility/Site	U	Self-Monitoring	U	Enforcement
S	Effluent	U	Operation	U	Flow Measurement	N	Pretreatment
S	Permit	S	Maintenance	U	Laboratory	U	Effluent Limits Compliance
U	Collection System	S	Sludge Disposal	U	Records/Reports	U	Other: Bypass of Treatment

**DETAILED AREA EVALUATIONS**

<b>Receiving Waters:</b> S 1. The receiving stream was visibly free of excessive deposits of settled solids, floating debris, oil, scum, or billowy foam. Comments: The receiving stream was free of notable foam, algae or solids.
<b>Effluent:</b> S 1. Final effluent was free of excessive solids, floating debris, oil, scum, or billowy foam. Comments: The effluent was clear and free of color at the time of the inspection.
<b>Permit:</b> S 1. Did the facility have a current copy of the permit available for reference? N 2. If the permit expires within 180 days, has a renewal application been submitted? S 3. Receiving waters and Facility Description in the permit reflect actual conditions at the facility.

- N 4. The permit has been properly transferred if there is a new owner.
- N 5. The NPDES Permit Schedule of Compliance monitoring and reporting milestones have been met.

Comments:

The facility was found to have a valid permit and the facility description, including units of treatment and receiving stream, is accurate.

**Collection System:**

- N 1. CSO's were found to be adequately monitored and maintained.
- U 2. There were 21 maintenance-related (clogged or blocked lines) overflow events in last 12 months.
- S 3. There were no reported hydraulic (I&I) overflow events in last 12 months.
- N 4. Facility has met SSO and dry weather CSO reporting requirements
- N 5. Any adverse impacts from SSO and CSO events have been properly mitigated.
- N 6. Lift stations were found to be adequately inspected, cleaned, and maintained, with adequate documentation of activities.
- U 7. Collection system maintenance activities appeared to be adequate.

Comments:

The Collection System evaluation generated an unsatisfactory rating. Part II. B. 2 of the permit prohibits overflows, pursuant to 327 IAC 5-2-8(11). A records review indicates an overflow occurred on 21 consecutive days during the last 12 months. This maintenance related overflow was eventually stopped and the line was repaired. The highly variable flow at the WWTP demonstrates an issue with I/I in the collection system. This is a violation of Part II. B. 1 of the permit which requires all facilities to be maintained in good working order at all times and operated as efficiently as possible and in a manner which will minimize upsets and discharges of excessive pollutants. This includes the facility's collection system.

**Facility/Site:**

- M 1. The facility was found to have standby power or equivalent provision.
- M 2. An adequate alarm or notification system for power or equipment failure was available for the treatment facility and lift stations.
- S 3. Safe and adequate access was provided for inspection of all units and outfalls.
- U 4. Facilities and equipment did not appear beyond their useful life.
- 5. List any safety concerns:

Comments:

Facility/Site was rated as unsatisfactory. The WWTP is in poor condition with corrosion obvious in several areas. This is a violation of 327 IAC 5-22-10 which requires the owner or governing body of a wastewater treatment plant to be responsible for providing adequate funding and oversight to ensure the proper operation, maintenance, management and supervision of said plant. Specifically, if the permittee plans to continue to operate this WWTP they must put a plan in place for replacement of the equipment. There is a generator on premises, but the operator was unable to determine if it is functional and ready for use in case of a power outage. The generator should be tested regularly to assure it is ready for use in an emergency. Checks should be documented. A Missions alarm system was present, but the operator was unable to confirm that it was functional at the time of the inspection.

**Operation:**

- U 1. All facilities and systems necessary for achieving compliance with the terms and conditions of the permit were operated efficiently, including a report for an anticipated bypass report for steps of treatment taken out of service.
- S 2. An adequate, qualified operating staff was found to be provided to carry out the operation of the facility, including:
  - a. Certified Operator's on-site attendance and/or qualified operations personnel attendance was adequate.
  - b. Adequate documentation of operational activities, including system monitoring and cleaning.
  - c. Adequate funding to ensure proper operation.
- U 3. Solids handling procedures include:
  - a. Sufficient solids wasted from the treatment system, in a timely manner, to maintain process efficiency.
  - b. Wasting of solids based on appropriate operational targets and valid process control testing.
  - c. Adequate documentation of solids removal, handling, or control was available for review.
- N 4. The facility was found to be operated efficiently during wet weather events.

Comments:

Operation was rated as unsatisfactory. Part II. B. 1 of the permit requires all waste collection, control, treatment, and disposal facilities to be operated as efficiently as possible and in a manner which will minimize upsets and discharges of excessive pollutants. At the time of the inspection, the chlorine contact tank was full of duckweed and sludge. The surface of the clarifier is was covered in floating sludge and debris. The polishing ponds

appeared to have an excessive amount of solids present. All of these are most likely contributing to the excessive number of effluent limit violations reported. Effluent limit violations were reported in 11 of the last 12 months reviewed.

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**Maintenance:**

- S 1. A maintenance record system has been established and includes maintenance/repair history and preventative maintenance plan.
- S 2. Facility maintenance activities appeared to be adequate.

Comments:

Maintenance activities are documented. The permittee recently replaced the diffusers in the aeration tank.

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**Sludge Disposal:**

- S 1. Sludges, screenings, and slurries were found to be handled and disposed of properly.

Comments:

Sludge is land applied under INLA000699. In May 2023 approximately 13.4 dry tons were land applied.

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**Self-Monitoring:**

- U 1. Samples were found to be taken at pre-designated locations and were found to be representative.
- U 2. Flow-proportioned samples were found to be obtained where needed.
- U 3. The facility was found to conduct sampling of all waste streams, including type and frequency, as required in the permit.
- N 4. Sample collection procedures, including automatic sampling, were found to include:
  - a. Samples refrigerated during compositing.
  - b. Proper preservation techniques used.
  - c. Containers and holding times conformed to 40 CFR 136.3.
- U 5. Sample documentation was found to be adequate and included:
  - a. Dates, times, and locations of sampling.
  - b. Name of individual performing sampling.
  - c. Instantaneous flow for flow-weighted aliquots.
  - d. Chain of Custody records.
- N 6. NPDES Permit Whole Effluent Toxicity (WET) testing requirements were found to be met.

Comments:

The Self Monitoring Program was rated as unsatisfactory. Based on the on-site documentation, inspector was unable to determine if the permittee was flow proportioning the effluent composite samples. This is a violation of Part I. B. 4. b. (4) of the permit, which defines the 24-hour flow proportioned composite sample.

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**Flow Measurement:**

- U 1. Flow was found to be properly monitored as required by the permit.
- S 2. Flow data and calibration records were available for review, and document that monitoring equipment has been calibrated at the frequency required in the permit.
- N 3. The stream flow gauging station is calibrated as often as necessary to provide accurate and reliable data, but at least once every 12 months.
- N 4. A copy of the stream flow calibration curve or table is submitted to IDEM (OWQ Compliance Data Section) no later than October 1 of each year.

Comments:

Flow Measurement was rated as unsatisfactory. The flow values reported on the MRO and DMR appear to be inaccurate. In the last week of January 2024 for example, the reported average flow was 380 gallons per day. This does not seem feasible for a subdivision the size covered by this utility. The sewer ban coordinator has also reached out to the operator requesting correction of flows for August 2023. The operator must ensure that he is accurately reporting flow values each month. If submitted data is determined to be inaccurate, the operator must revise and correct the monthly reports.

In addition at the time of this inspection, all flow data is inaccurate since a large portion of the flow was being discharged out the old outfall and therefore not being measured.

The effluent flow meter was calibrated on May 16, 2023 by Gripp Inc.

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**Laboratory:**

- N 1. The laboratory practices and protocol reviewed were adequate, including:
  - a. A written laboratory QA/QC manual was available.
  - b. Samples were found to be properly stored.

- c. Approved analytical methods were found to be used.
- d. Calibration and maintenance of instruments was found to be adequate.
- e. QA/QC procedures were found to be adequate.
- f. Dates of analyses (and times where required) were recorded.
- g. Name of person performing analyses was recorded.

U 2. Review of lab records and/or on-site field testing equipment and protocols was found to be adequate.

### Contract Lab Information

D&S Lab	Oldenburg
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**Comments:**

The Laboratory evaluation generated an unsatisfactory rating. At the time of the inspection, it was determined that the chlorine bench sheet was inadequate. This is a violation of Part I. B. 6 of the NPDES permit which requires the permittee to record specific information as described, for each measurement or sample taken pursuant to the requirements of this permit. Specifically, the chlorine bench sheets are lacking sample and analysis times. They are also virtually unreadable since the data is just added to the margin of the DO bench sheet. In addition the chlorine bench sheet and data submitted on the MRO included effluent chlorine as 0.00 mg/L. The lowest value to be reported should be the detection limit of the chlorine meter (usually 0.02 mg/L).

**Records/Reports:**

The following records/reports were reviewed:

DMRs for the period of April 2023 to March 2024 were reviewed as part of the inspection.

U 1. All facility records for the period including the previous three years were available for review.

U 2. DMRs and MROs were found to be completed properly and accurately including:

- a. "No Ex" column was accurate.
- b. Signatory requirements were met.
- c. Reports were prepared by or under the direction of a certified operator.

U 3. Bypass and Noncompliance reporting were found to be adequate.

**Comments:**

The Records/Reports evaluation generated an unsatisfactory rating.

Part I. B. 3 of the permit requires the permittee to submit monitoring reports no later than the 28th day of the month following each completed monitoring period. These reports shall include the Discharge Monitoring Report (DMR) and the Monthly Report of Operation (MRO). These reports must be accurately completed. Most of the DMRs have an incorrect number entered for in the No. EX column. This column is supposed to indicate the number of violations of effluent limits for each parameter. The certified operator must accurately count each time that the weekly limits, monthly average limits or daily limits (where applicable) are exceeded. The total for each parameter must be entered in the No. EX box before submittal.

Part II. B. 2. b. (2) of the permit requires reporting bypass of treatment. A bypass of treatment was occurring at the time of the inspection and it had not been reported as required.

Part I. B. 8 of the permit requires the permittee to retain, for a minimum of three years, all records and information resulting from the monitoring activities required by the permit, including all records of analyses performed. In cases where the original records are kept at another location, a copy of all such records shall be kept at the permitted facility. At the time of the inspection, the February and March 2024 records were unavailable for review.

**Enforcement:**

U 1. Agreed Order and/or Compliance Plan milestones have been met.

**Comments:**

The facility is under Final Administrative Order on Consent signed by U.S. EPA with an effective date of January 28, 2022. This order was supposed to compel the permittee to bring this WWTP into compliance. As evidenced by the excessive effluent limit violations as well as other violations documented, the plant is not in compliance.

**Pretreatment:**

N 1. No evidence of interference from industrial or other sources of toxic substances was noted.

N 2. For both Delegated and Non-Delegated pretreatment programs:

- a. Industrial or commercial dischargers were found to be regulated as required.
- b. The permittee was found to enforce the Sewer Use Ordinance (SUO) and the Enforcement Response Plan (ERP).

N 3. If the non-delegated permittee accepts hauled waste:

- a. Does the POTW provide written permission to haulers?
- b. Does the POTW obtain samples from each hauled waste load and retain them for at least 48 hours?
- c. Does the POTW retain records of each load?



Comments:

The facility has no industrial sources.

**Effluent Limits Compliance:**

Yes 1. Were DMRs reviewed as part of the inspection?

DMRs for the period of April 2023 to March 2024 were reviewed as part of the inspection.

Yes 2. Were violations noted during the review of DMRs?

The Effluent Limits Compliance area was rated unsatisfactory due to the following self-reported violations of the limits detailed in Part I. A. of the NPDES Permit:

Month	Year	Outfall	Parameter	Number
April	2023	001	Ammonia Nitrogen	7
May	2023	001	Ammonia Nitrogen	2
May	2023	001	Chlorine	1
June	2023	001	Dissolved Oxygen	1
July	2023	001	Ammonia Nitrogen	5
August	2023	001	Dissolved Oxygen	5
August	2023	001	Ammonia Nitrogen	9
September	2023	001	Dissolved Oxygen	4
September	2023	001	Ammonia Nitrogen	10
October	2023	001	Dissolved Oxygen	6
October	2023	001	TSS	2
October	2023	001	Ammonia Nitrogen	5
October	2023	001	Chlorine	1
November	2023	001	Dissolved Oxygen	6
November	2023	001	Ammonia Nitrogen	11
December	2023	001	Ammonia Nitrogen	5
January	2024	001	Ammonia Nitrogen	3
March	2024	001	Ammonia Nitrogen	7

Comments:

**Other:**

**Bypass of Treatment**

Comments:

The Other: Bypass of Treatment area was evaluated as unsatisfactory. Part II. B. 2 of the permit prohibits bypass of treatment. At the time of the inspection, the discharge pipe from the polishing pond had been modified. This modification caused flow to be released through the old outfall. This flow was bypassing disinfection and post aeration as well as flow measurement. This appears to have been occurring for several days. This bypass of treatment must be stopped as soon as possible.

**IDEM REPRESENTATIVE**

Inspector Name:

Email:

Phone Number:

Becky Ruark

bruark@idem.IN.gov

317-691-1909

**IDEM MANAGER REVIEW**

IDEM Manager:

Date:

Kim Rohr

5/2/2024



## Indiana Department of Environmental Management

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**Eric J. Holcomb**  
*Governor*

**Brian Rockensuess**  
*Commissioner*

August 21, 2023

Via Email to: msherck@co.fayette.in.us

Mr. Matt Sherck, Owner  
Pleasantview Utilities  
3812 W Galaxy Dr  
Connersville, Indiana 47331

Dear Mr. Sherck:

Re: **Inspection Summary/ Noncompliance Letter**  
Pleasantview Subdivision WWTP  
NPDES Permit No. IN0044776  
Connersville, Fayette County

An inspection of the above-referenced facility or location was conducted by a representative of the Indiana Department of Environmental Management, Office of Water Quality, pursuant to IC 13-18-3-9. A summary of the inspection is provided below:

Date(s) of Inspection: August 17, 2023  
Type of Inspection: Reconnaissance Inspection  
Inspection Results: Violations were observed.

The following concerns were noted:

1. Operation was rated as unsatisfactory. Part II. B. 1 of the permit requires all waste collection, control, treatment, and disposal facilities to be operated as efficiently as possible and in a manner which will minimize upsets and discharges of excessive pollutants. At the time of the inspection, the aeration tank appeared to have inadequate oxygen distribution. This may be a contributing factor to the ammonia effluent limit violations. Effluent limit violations were reported each of the last 6 months.
2. The Laboratory evaluation generated an unsatisfactory rating.
  - a. At the time of the inspection, it was determined the chlorine bench sheet was inadequate. This is a violation of Part I. B. 6 of the NPDES permit which requires the permittee to record specific information as described, for each measurement or sample taken pursuant to the requirements of this permit. Specifically, the bench sheets only had a sample time documented. An analysis time must also be documented to demonstrate that samples are analyzed within 15 minutes.
  - b. Part I. B. 5 of the permit requires the analytical and sampling methods used to conform to the current version of 40 CFR, Part 136, unless

otherwise specified. At the time of the inspection, it was determined the reagents used for Ammonia are not appropriate to demonstrate the true value of effluent ammonia. There were many results of 3.5 mg/L on the MRO. This value most likely had an over range message on the meter. This indicates that the result is actually higher than 3.5 and must not be reported as 3.5. The sample must either be diluted and reran or must be analyzed using a higher range reagent tube. This affects the integrity of the data that is submitted each month.

3. The Records/Reports evaluation generated an unsatisfactory rating. Part II. C. 4 of the permit requires an explanation of each effluent limit violation reported. These explanations must be put in the comments section of the DMR. There were no comments on DMRs that contained effluent limit violations.
4. The Effluent Limits Compliance area was rated unsatisfactory due to the following self-reported violations of the limits detailed in Part I. A. of the NPDES Permit:

Month	Year	Outfall	Parameter	Number
January	2023	001	Ammonia Nitrogen	5
February	2023	001	Ammonia Nitrogen	3
March	2023	001	Ammonia Nitrogen	4
April	2023	001	Ammonia Nitrogen	9
May	2023	001	Ammonia Nitrogen	2
May	2023	001	Chlorine	1
June	2023	001	Dissolved Oxygen	1

Part II. A. 1. of your permit requires you to comply with its terms and conditions. Any noncompliance with the terms of your permit may subject you to an enforcement action which can include the imposition of penalties. You are required to immediately take all necessary measures to comply with the terms and conditions of your NPDES Permit, specifically those violations identified above.

Within 30 days of receipt of this letter, a written detailed response documenting correction of the concerns listed above and/or a plan for assuring future compliance must be submitted to this office. Failure to respond adequately to this letter may result in formal enforcement action. Please direct your response to this letter to our letterhead address or via email to [wwViolationResponse@idem.IN.gov](mailto:wwViolationResponse@idem.IN.gov). Any questions should be directed to Becky Ruark at 317-691-1909 or by email to [bruark@idem.IN.gov](mailto:bruark@idem.IN.gov). Thank you for your attention to this matter.

Sincerely,



Kim Rohr, Chief  
Wastewater Inspection Section  
Office of Water Quality

Enclosure

Cc: Dean Maraldo, EPA Region 5



**NPDES Wastewater Facility Inspection Report**  
INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

NPDES Permit Number: <b>IN0044776</b>		Facility Type: Mixed Ownership		Facility Classification: Minor		TEMPO AI ID 1582	
Date(s) of Inspection: August 17, 2023							
Type of Inspection: Reconnaissance Inspection							
Name and Location of Facility Inspected: <b>Pleasantview Subdivision WWTP</b> 3812 W Galaxy Dr Connersville IN 47331				Receiving Waters: Tributary to Williams Creek		Permit Expiration Date: 10/31/2026	
County: Fayette				Design Flow: 0.06MGD			
On Site Representative(s): First Name Last Name Title Email Phone Les Day Certified Operator les.day@dswaterservices.com 765-993-3978							
Was a verbal summary of findings presented to the on-site representative? <b>Yes</b>							
Certified Operator: Les Day		Number: 21226	Class: IV	Effective Date: 9-14-21	Expiration Date: 6-30-24	Email: les.day@dswaterservices.com	
Cyber Security Contact: Name: _____ Email: _____							
Responsible Official: Mr. Matt Sherck, Owner 3812 W Galaxy Dr Connersville, Indiana 47331				Permittee: Pleasantview Utilities Email: msherck@co.fayette.in.us Phone: _____ Fax: _____		Contacted? No	
<b>INSPECTION FINDINGS</b>							
<input type="radio"/> Conditions evaluated were found to be satisfactory at the time of the inspection. (5) <input type="radio"/> Violations were discovered but corrected during the inspection. (4) <input type="radio"/> Potential problems were discovered or observed. (3) <input checked="" type="radio"/> Violations were discovered and require a submittal from you and/or a follow-up inspection by IDEM. (2) <input type="radio"/> Violations were discovered and may subject you to an appropriate enforcement response. (1)							
<b>AREAS EVALUATED DURING INSPECTION</b>							
<i>(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)</i>							
N	Receiving Waters	N	Facility/Site	N	Self-Monitoring	N	Compliance Schedules
S	Effluent	U	Operation	S	Flow Measurement	N	Pretreatment
N	Permit	N	Maintenance	U	Laboratory	U	Effluent Limits Compliance
N	Collection System	N	Sludge Disposal	U	Records/Reports	N	Other:
<b>DETAILED AREA EVALUATIONS</b>							
<b>Effluent:</b> Comments: The effluent was clear and free of color at the time of the inspection.							
<b>Operation:</b> Comments: Operation was rated as unsatisfactory. Part II. B. 1 of the permit requires all waste collection, control, treatment, and disposal facilities to be operated as efficiently as possible and in a manner which will minimize upsets and discharges of excessive pollutants. At the time of the inspection, the aeration tank appeared to have inadequate oxygen distribution. This may be a contributing factor to the ammonia effluent limit violations. Effluent limit violations were reported each of the last 6 months.							
<b>Flow Measurement:</b> Comments: The facility's flow measurement program, including all documentation, was found to be adequate and representative. The effluent flow meter was last calibrated on May 16, 2023 by Gripp Inc.							
<b>Laboratory:</b>							

The following laboratory records were reviewed:

E. coli Bench Sheets          Chlorine Bench Sheets          DO Bench Sheets  
pH Bench Sheets

U 1. The laboratory practices and protocol reviewed were adequate, including:

- a. A written laboratory QA/QC manual was available.
- b. Samples were found to be properly stored.
- c. Approved analytical methods were found to be used.
- d. Calibration and maintenance of instruments was found to be adequate.
- e. QA/QC procedures were found to be adequate.
- f. Dates of analyses (and times where required) were recorded.
- g. Name of person performing analyses was recorded.

U 2. Review of lab records and/or on-site field testing equipment and protocols was found to be adequate.

**Contract Lab Information**

DS Laboratory	Oldenburg
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Comments:

The Laboratory evaluation generated an unsatisfactory rating.

At the time of the inspection, it was determined that the chlorine bench sheet was inadequate. This is a violation of Part I. B. 6 of the NPDES permit which requires the permittee to record specific information as described, for each measurement or sample taken pursuant to the requirements of this permit. Specifically, the bench sheets only had a sample time documented. An analysis time must also be documented to demonstrate that samples are analyzed within 15 minutes.

Part I. B. 5 of the permit requires the analytical and sampling methods used to conform to the current version of 40 CFR, Part 136, unless otherwise specified. At the time of the inspection, it was determined the reagents used for Ammonia are not appropriate to demonstrate the true value of effluent ammonia. There were many results of 3.5 mg/L on the MRO. This value most likely had an over range message on the meter. This indicates that the result is actually higher than 3.5 and must not be reported as 3.5. The sample must either be diluted and reran or must be analyzed using a higher range reagent tube. This affects the integrity of the data that is submitted each month.

**Records/Reports:**

The following records/reports were reviewed:

DMRs for the period of July 2022 to June 2023 were reviewed as part of the inspection.

Comments:

The Records/Reports evaluation generated an unsatisfactory rating. Part II. C. 4 of the permit requires an explanation of each effluent limit violation reported. These explanations must be put in the comments section of the DMR. There were no comments on DMRs that contained effluent limit violations.

**Effluent Limits Compliance:**

Yes 1. Were DMRs reviewed as part of the inspection?

DMRs for the period of July 2022 to June 2023 were reviewed as part of the inspection.

Yes 2. Were violations noted during the review of DMRs?

The Effluent Limits Compliance area was rated unsatisfactory due to the following self-reported violations of the limits detailed in Part I. A. of the NPDES Permit:

Month	Year	Outfall	Parameter	Number
January	2023	001	Ammonia Nitrogen	5
February	2023	001	Ammonia Nitrogen	3
March	2023	001	Ammonia Nitrogen	4
April	2023	001	Ammonia Nitrogen	9
May	2023	001	Ammonia Nitrogen	2
May	2023	001	Chlorine	1
June	2023	001	Dissolved Oxygen	1

Comments:

<b>IDEM REPRESENTATIVE</b>		
Inspector Name: Becky Ruark	Email: bruark@idem.IN.gov	Phone Number: 317-691-1909
<b>IDEM MANAGER REVIEW</b>		
IDEM Manager: Kim Rohr		Date: 8/21/2023



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**Eric J. Holcomb**  
*Governor*

**Brian Rockensuess**  
*Commissioner*

March 04, 2022

Via Email to: msherck@co.fayette.in.us

Mr. Matt Sherck, Owner  
Pleasantview Utilities  
3812 N Galaxy Dr  
Connersville, Indiana 47331

Dear Mr. Sherck:

Re: **Inspection Summary/ Noncompliance Letter**  
Pleasantview Subdivision  
NPDES Permit No. IN0044776  
Connersville, Fayette County

An inspection of the above-referenced facility or location was conducted by a representative of the Indiana Department of Environmental Management, Office of Water Quality, pursuant to IC 13-18-3-9. A summary of the inspection is provided below:

Date(s) of Inspection: March 02, 2022  
Type of Inspection: Compliance Evaluation Inspection  
Inspection Results: Violations were observed.

The following concerns were noted:

1. Facility/Site was rated as unsatisfactory. The WWTP is in poor condition with corrosion obvious in several areas. This is a violation of 327 IAC 5-22-10 which requires the owner or governing body of a wastewater treatment plant to be responsible for providing adequate funding and oversight to ensure the proper operation, maintenance, management and supervision of said plant. Specifically, if the permittee plans to continue to operate this WWTP they must put a plan in place for replacement of the equipment.
2. Operation was rated as unsatisfactory. Part II. B. 1 of the permit requires all waste collection, control, treatment, and disposal facilities to be operated as efficiently as possible and in a manner which will minimize upsets and discharges of excessive pollutants. As demonstrated by excessive effluent limit violations, the WWTP is not efficiently operated. Several inches of solids buildup was apparent in the chlorine contact tank. Clumps of sludge were floating in the clarifier. No air was present in the sludge holding tank. The owner indicated that the solids from this holding tank had been used to reseed the WWTP after solids washout. This is poor practice in general, but especially because the tank was without aeration.



3. Maintenance was rated as unsatisfactory due to an inadequate preventative maintenance program. This is a violation of Part II. B. 1 of the permit which requires all facilities to be operated and maintained as efficiently as possible and in a manner which will minimize upsets and discharges of excessive pollutants. Inspector was unable to determine what maintenance was completed in the WWTP due to the lack of records. An air leak was present at an abandoned aerator at the edge of the polishing pond.
4. Sludge Disposal was rated as marginal. No sludge from the sludge holding tank has been land applied in the last year. The permittee did remove approximately 224,000 gallons of material from the polishing ponds in November 2021. This material was land applied under permit INLA000699. The owner acknowledged receipt of a letter from IDEM Office of Land Quality indicating problems with reporting and not meeting E. coli limits.
5. The Self Monitoring Program was rated as unsatisfactory for not monitoring final effluent at the frequency required by the permit. This is a violation of Part I. A. 1 of the permit which sets forth the effluent monitoring frequencies applicable to the discharge from Outfall 001. No samples were collected/analyzed for the week of October 11-17, 2021.
6. The Laboratory evaluation generated an unsatisfactory rating. Part I. B. 5 of the permit requires the analytical and sampling methods used to conform to the current version of 40 CFR, Part 136, unless otherwise specified. E. coli data for April, May, and June 2021 was determined to be falsified based on a lab inspection on July 1, 2021. Inspector was unable to determine validity of E. coli data for July, August, September, and October 2021. Permittee must submit information documenting where samples were analyzed and what equipment was used for analysis. No bench sheets for any parameter were available for March and May 2021. No E. coli bench sheets were available for October 2021. This is a violation of Part I. B. 6 of the NPDES permit which requires the permittee to record specific information as described, for each measurement or sample taken pursuant to the requirements of this permit.
7. The Records/Reports evaluation generated an unsatisfactory rating. Part I. B. 3 of the permit requires the permittee to electronically submit monitoring reports no later than the 28th day of the month following each completed monitoring period. These reports shall include the Discharge Monitoring Report (DMR) and the Monthly Report of Operation (MRO). At the time of the inspection, it was determined you have not submitted records for January 2022. In addition reports for 10 of 12 months in 2021 were submitted late. Part I. B. 8 of the permit requires the permittee to retain, for a minimum of three years, all records and information resulting from the monitoring activities required by the permit, including all records of analyses performed. In cases where the original records are kept at another location, a copy of all such records shall be kept at the permitted facility. At the time of the inspection, all DMRs and most MROs for 2021 were unavailable for

review. Part II. C. 4 of the permit requires the permittee to provide an explanation for each effluent limit violation in the comments section of the DMR. Effluent limit violations were reported in 10 of 12 months with no explanations. The records submitted must also be accurate and complete. The April 2021 DMR was originally submitted without the accompanying MRO. When requested for a revision, the April 2020 MRO was submitted with only the year changed to 2021. This report must be revised and resubmitted. Many other errors in reporting have been made and IDEM staff have had to request (often multiple times) revisions to reports submitted for this permit.

8. The Effluent Limits Compliance area was rated unsatisfactory due to self-reported violations of the limits detailed in Part I. A. of the NPDES Permit. Review of DMRs revealed the following: 31 Dissolved Oxygen violations, one pH violation, 22 Ammonia violations, two Chlorine Contact Tank violations, seven Chlorine Effluent violations, three TSS violations, and four TSS % Removal violations.

Part II. A. 1. of your permit requires you to comply with its terms and conditions. Any noncompliance with the terms of your permit may subject you to an enforcement action which can include the imposition of penalties. You are required to immediately take all necessary measures to comply with the terms and conditions of your NPDES Permit, specifically those violations identified above.

Within 30 days of receipt of this letter, a written detailed response documenting correction of the concerns listed above and/or a plan for assuring future compliance must be submitted to this office. Failure to respond adequately to this letter may result in formal enforcement action. Please direct your response to this letter to our letterhead address or via email to [wwViolationResponse@idem.IN.gov](mailto:wwViolationResponse@idem.IN.gov). Any questions should be directed to Becky Ruark at 317-691-1909 or by email to [bruark@idem.IN.gov](mailto:bruark@idem.IN.gov). Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Jason House". The signature is written in a cursive, flowing style.

Jason House, Chief  
Compliance and Enforcement Branch  
Office of Water Quality

Enclosure



**NPDES Wastewater Facility Inspection Report**  
INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

NPDES Permit Number: <b>IN0044776</b>		Facility Type: Municipality		Facility Classification: Minor		TEMPO AI ID 1582	
Date(s) of Inspection: March 02, 2022							
Type of Inspection: Compliance Evaluation Inspection							
Name and Location of Facility Inspected: <b>Pleasantview Subdivision</b> 3812 W Galaxv Dr Connersville IN 47331				County: Fayette		Receiving Waters: Tributary to Williams Creek	
						Permit Expiration Date: 10/31/2026	
						Design Flow: 0.06MGD	
On Site Representative(s):							
First Name Matt		Last Name Sherck		Title Owner		Email msherck@co.fayette.in.us	
						Phone	
Was a verbal summary of findings presented to the on-site representative? <b>Yes</b>							
Certified Operator: F. Josh Landstrom		Number: 20074	Class: I	Effective Date: 8-27-19	Expiration Date: 6-30-22	Email: landstrom1980@gmail.com	
Cyber Security Contact:							
Name:		Email:					
Responsible Official: Mr. Matt Sherck, Owner 3812 N Galaxy Dr Connersville, Indiana 47331				Permittee: Pleasantview Utilities			
				Email: msherck@co.fayette.in.us			
				Phone:		Contacted?	
				Fax:		Yes	
<b>INSPECTION FINDINGS</b>							
<input type="radio"/> Conditions evaluated were found to be satisfactory at the time of the inspection. (5) <input type="radio"/> Violations were discovered but corrected during the inspection. (4) <input type="radio"/> Potential problems were discovered or observed. (3) <input checked="" type="radio"/> Violations were discovered and require a submittal from you and/or a follow-up inspection by IDEM. (2) <input type="radio"/> Violations were discovered and may subject you to an appropriate enforcement response. (1)							
<b>AREAS EVALUATED DURING INSPECTION</b>							
<i>(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)</i>							
S	Receiving Waters	U	Facility/Site	U	Self-Monitoring	N	Compliance Schedules
S	Effluent	U	Operation	S	Flow Measurement	N	Pretreatment
M	Permit	U	Maintenance	U	Laboratory	U	Effluent Limits Compliance
M	Collection System	M	Sludge	U	Records/Reports	N	Other:
<b>DETAILED AREA EVALUATIONS</b>							
<b>Receiving Waters:</b>							
S 1. The receiving stream was visibly free of excessive deposits of settled solids, floating debris, oil, scum, or billowy foam.							
Comments: The receiving stream was free of notable foam, algae or solids.							
<b>Effluent:</b>							
N 1. Final effluent was free of excessive solids, floating debris, oil, scum, or billowy foam.							
Comments: The effluent was clear and free of color at the time of the inspection.							
<b>Permit:</b>							
S 1. Did the facility have a current copy of the permit available for reference?							
N 2. If the permit expires within 180 days, has a renewal application been submitted?							
M 3. Receiving waters and Facility Description in the permit reflect actual conditions at the facility.							

N 4. The permit has been properly transferred if there is a new owner.

Comments:

Permit was rated as marginal. The facility description lists an equalization tank that is not a part of the WWTP.

---

**Collection System:**

N 1. CSO's were found to be adequately monitored and maintained.

S 2. There were zero maintenance-related (clogged or blocked lines) overflow events in last 12 months.

S 3. There were zero hydraulic (I&I) overflow events in last 12 months.

N 4. Facility has met SSO and dry weather CSO reporting requirements

N 5. Any adverse impacts from SSO and CSO events have been properly mitigated.

N 6. Lift stations were found to be adequately inspected, cleaned, and maintained, with adequate documentation of activities.

M 7. Collection system maintenance activities appeared to be adequate.

Comments:

The Collection System evaluation generated a marginal rating. The facility continues to suffer the effects of I/I in the collection system.

---

**Facility/Site:**

S 1. The facility was found to have standby power or equivalent provision.

S 2. An adequate alarm or notification system for power or equipment failure was available for the treatment facility and lift stations.

S 3. Safe and adequate access was provided for inspection of all units and outfalls.

U 4. Facilities and equipment did not appear beyond their useful life.

5. List any safety concerns:

Comments:

Facility/Site was rated as unsatisfactory. The WWTP is in poor condition with corrosion obvious in several areas. This is a violation of 327 IAC 5-22-10 which requires the owner or governing body of a wastewater treatment plant to be responsible for providing adequate funding and oversight to ensure the proper operation, maintenance, management and supervision of said plant. Specifically, if the permittee plans to continue to operate this WWTP they must put a plan in place for replacement of the equipment.

---

**Operation:**

U 1. All facilities and systems necessary for achieving compliance with the terms and conditions of the permit were operated efficiently, including a report for an anticipated bypass report for steps of treatment taken out of service.

U 2. An adequate, qualified operating staff was found to be provided to carry out the operation of the facility, including:

- a. Certified Operator's on-site attendance and/or qualified operations personnel attendance was adequate.
- b. Adequate documentation of operational activities, including system monitoring and cleaning.
- c. Adequate funding to ensure proper operation.

N 3. Solids handling procedures include:

- a. Sufficient solids wasted from the treatment system, in a timely manner, to maintain process efficiency.
- b. Wasting of solids based on appropriate operational targets and valid process control testing.
- c. Adequate documentation of solids removal, handling, or control was available for review.

N 4. The facility was found to be operated efficiently during wet weather events.

Comments:

Operation was rated as unsatisfactory. Part II. B. 1 of the permit requires all waste collection, control, treatment, and disposal facilities to be operated as efficiently as possible and in a manner which will minimize upsets and discharges of excessive pollutants. As demonstrated by excessive effluent limit violations, the WWTP is not efficiently operated. Several inches of solids buildup was apparent in the chlorine contact tank. Clumps of sludge were floating in the clarifier. No air was present in the sludge holding tank. The owner indicated that the solids from this holding tank had been used to reseed the WWTP after solids washout. This is poor practice in general, but especially because the tank was without aeration.

---

**Maintenance:**

U 1. A maintenance record system has been established and includes maintenance/repair history and preventative maintenance plan.

U 2. Facility maintenance activities appeared to be adequate.

Comments:

Maintenance was rated as unsatisfactory due to an inadequate preventative maintenance program. This is a violation of Part II. B. 1 of the permit which requires all facilities to be operated and maintained as efficiently as

possible and in a manner which will minimize upsets and discharges of excessive pollutants. Inspector was unable to determine what maintenance was completed in the WWTP due to the lack of records. An air leak was present at an abandoned aerator at the edge of the polishing pond.

---

**Sludge:**

M 1. Sludges, screenings, and slurries were found to be handled and disposed of properly.

Comments:

Sludge Disposal was rated as marginal. No sludge from the sludge holding tank has been land applied in the last year. The permittee did remove approximately 224,000 gallons of material from the polishing ponds in November 2021. This material was land applied under permit INLA000699. The owner acknowledged receipt of a letter from IDEM Office of Land Quality indicating problems with reporting and not meeting E. coli limits.

---

**Self-Monitoring:**

S 1. Samples were found to be taken at pre-designated locations and were found to be representative.

S 2. Flow-proportioned samples were found to be obtained where needed.

U 3. The facility was found to conduct sampling of all waste streams, including type and frequency, as required in the permit.

S 4. Sample collection procedures, including automatic sampling, were found to include:

- a. Samples refrigerated during compositing.
- b. Proper preservation techniques used.
- c. Containers and holding times conformed to 40 CFR 136.3.

S 5. Sample documentation was found to be adequate and included:

- a. Dates, times, and locations of sampling.
- b. Name of individual performing sampling.
- c. Instantaneous flow for flow-weighted aliquots.
- d. Chain of Custody records.

N 6. NPDES Permit Whole Effluent Toxicity (WET) testing requirements were found to be met.

Comments:

The Self Monitoring Program was rated as unsatisfactory for not monitoring final effluent at the frequency required by the permit. This is a violation of Part I. A. 1 of the permit which sets forth the effluent monitoring frequencies applicable to the discharge from Outfall 001. No samples were collected/analyzed for the week of October 11-17, 2021.

---

**Flow Measurement:**

S 1. Flow was found to be properly monitored as required by the permit.

S 2. Flow data and calibration records were available for review, and document that monitoring equipment has been calibrated at the frequency required in the permit.

N 3. The stream flow gauging station is calibrated as often as necessary to provide accurate and reliable data, but at least once every 12 months.

N 4. A copy of the stream flow calibration curve or table is submitted to IDEM (OWQ Compliance Data Section) no later than October 1 of each year.

Comments:

The effluent flow meter was last calibrated on June 23, 2021 by Hurst Technical.

---

**Laboratory:**

The following laboratory records were reviewed:

TSS Bench Sheets                      CBOD Bench Sheets                      Ammonia Bench Sheets

E. coli Bench Sheets                      pH Bench Sheets                      D. O. Bench Sheets

Chlorine Bench Sheets

N

1. The laboratory practices and protocol reviewed were adequate, including:

- a. A written laboratory QA/QC manual was available.
- b. Samples were found to be properly stored.
- c. Approved analytical methods were found to be used.
- d. Calibration and maintenance of instruments was found to be adequate.
- e. QA/QC procedures were found to be adequate.
- f. Dates of analyses (and times where required) were recorded.

g. Name of person performing analyses was recorded.

U 2. Review of lab records and/or on-site field testing equipment and protocols was found to be adequate.

### Contract Lab Information

Landstrom Lab

Laurel

Comments:

The Laboratory evaluation generated an unsatisfactory rating.

Part I. B. 5 of the permit requires the analytical and sampling methods used to conform to the current version of 40 CFR, Part 136, unless otherwise specified. E. coli data for April, May, and June 2021 was determined to be falsified based on a lab inspection on July 1, 2021. Inspector was unable to determine validity of E. coli data for July, August, September, and October 2021. Permittee must submit information documenting where samples were analyzed and what equipment was used for analysis.

No bench sheets for any parameter were available for March and May 2021. No E. coli bench sheets were available for October 2021. This is a violation of Part I. B. 6 of the NPDES permit which requires the permittee to record specific information as described, for each measurement or sample taken pursuant to the requirements of this permit.

#### Records/Reports:

The following records/reports were reviewed:

DMRs for the period of January 2021 to December 2021 were reviewed as part of the inspection.

U 1. All facility records for the period including the previous three years were available for review.

U 2. DMRs and MROs were found to be completed properly and accurately including:

- a. "No Ex" column was accurate.
- b. Signatory requirements were met.
- c. Reports were prepared by or under the direction of a certified operator.

U 3. Bypass and Noncompliance reporting were found to be adequate.

Comments:

The Records/Reports evaluation generated an unsatisfactory rating.

Part I. B. 3 of the permit requires the permittee to electronically submit monitoring reports no later than the 28th day of the month following each completed monitoring period. These reports shall include the Discharge Monitoring Report (DMR) and the Monthly Report of Operation (MRO). At the time of the inspection, it was determined you have not submitted records for January 2022. In addition reports for 10 of 12 months in 2021 were submitted late.

Part I. B. 8 of the permit requires the permittee to retain, for a minimum of three years, all records and information resulting from the monitoring activities required by the permit, including all records of analyses performed. In cases where the original records are kept at another location, a copy of all such records shall be kept at the permitted facility. At the time of the inspection, all DMRs and most MROs for 2021 were unavailable for review.

Part II. C. 4 of the permit requires the permittee to provide an explanation for each effluent limit violation in the comments section of the DMR. Effluent limit violations were reported in 10 of 12 months with no explanations.

The records submitted must also be accurate and complete. The April 2021 DMR was originally submitted without the accompanying MRO. When requested for a revision, the April 2020 MRO was submitted with only the year changed to 2021. This report must be revised and resubmitted. Many other errors in reporting have been made and IDEM staff have had to request (often multiple times) revisions to reports submitted for this permit.

#### Compliance Schedules:

N 1. The NPDES Permit Schedule of Compliance monitoring and reporting milestones have been met.

N 2. Agreed Order compliance milestones have been met.

Comments:

The facility is under Final Administrative Order on Consent signed by U.S. EPA with an effective date of January 28, 2022.

#### Pretreatment:

N 1. No evidence of interference from industrial or other sources of toxic substances was noted.

N

2. For both Delegated and Non-Delegated pretreatment programs:

- a. Industrial or commercial dischargers were found to be regulated as required.
- b. The permittee was found to enforce the Sewer Use Ordinance (SUO) and the Enforcement Response

Plan (ERP).

N 3. If the non-delegated permittee accepts hauled waste:

- a. Does the POTW provide written permission to haulers?
- b. Does the POTW obtain samples from each hauled waste load and retain them for at least 48 hours?
- c. Does the POTW retain records of each load?

Comments:

The facility has no industrial sources.

**Effluent Limits Compliance:**

Yes 1. Were DMRs reviewed as part of the inspection?

DMRs for the period of January 2021 to December 2021 were reviewed as part of the inspection.

Yes 2. Were violations noted during the review of DMRs?

Comments:

The Effluent Limits Compliance area was rated unsatisfactory due to self-reported violations of the limits detailed in Part I. A. of the NPDES Permit. Review of DMRs revealed the following: 31 Dissolved Oxygen violations, one pH violation, 22 Ammonia violations, two Chlorine Contact Tank violations, seven Chlorine Effluent violations, three TSS violations, and four TSS % Removal violations.

**IDEM REPRESENTATIVE**

Inspector Name:

Email:

Phone Number:

Becky Ruark

bruark@idem.IN.gov

317-691-1909

Other staff participating in the inspection:

Name(s)

Phone Number(s)

Dean Maraldo (U.S. EPA)

**IDEM MANAGER REVIEW**

IDEM Manager:

Date:

Lynn Raisor

3/4/2022



## INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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Eric J. Holcomb  
Governor

Bruno Pigott  
Commissioner

September 13, 2021

Via email: [msherck@co.fayette.in.us](mailto:msherck@co.fayette.in.us)

Matt Sherck, President  
Pleasant View Utilities, Inc.  
3812 W Galaxy Drive  
Connersville, Indiana 47331

Re: Noncompliance Letter  
Pleasantview Utilities WWTP  
NPDES Permit No. IN0044776  
Connersville, Fayette County

Dear Mr. Sherck:

Staff of the Indiana Department of Environmental Management (IDEM), Office of Water Quality has reviewed the compliance status of the above cited facility with the NPDES permit. This review revealed violations of your NPDES Permit, as follows:

Part I.B.3 of your NPDES permit, which requires you to complete and submit accurate Discharge Monitoring Reports (DMRs) and Monthly Reports of Operation (MROs) to IDEM, no later than the 28<sup>th</sup> day of the month following each completed monitoring period. **To date, the DMR and MRO for July 2021 have not been submitted in NetDMR.**

*Two emails from EPA have been sent to the NetDMR Signatory at the 7 and 14 day overdue time periods, regarding the July 2021 reports not submitted. They have still not been submitted.*

***Late submittal of monthly DMRs and MROs has been a recurring violation for Pleasantview Utilities, and your certified operator, Fred Josh Landstrom. The compliance status for timely submittal of monthly reports was reviewed for the period January 2020 through July 2021. Five months in 2020 were submitted late; April through July 2021 have been submitted late -- and in the case of July 2021 – not yet submitted.***

***If late submittal of DMRs and MROs continues, this matter will be referred to the Office of Water Quality Enforcement Section for further action, which will include a civil penalty, in order to achieve consistent compliance with your reporting requirements.***



Part II. (A) (1) of your permit requires you to comply with its terms and conditions. Any noncompliance with the terms of your permit may subject you to an enforcement action which can include the imposition of penalties. You are required to immediately take all necessary measures to comply with the terms and conditions of your NPDES permit, specifically those violations identified above.

Within 10 days of the date of this letter, you must *submit: 1) the late DMR and MRO in NetDMR, and; 2) a **written response to this letter** affirming you have submitted the late reports, and including an explanation as to why they have not been submitted in a timely manner and how this violation will be prevented in the future.* Failure to provide the requested DMR and MRO, respond to this Noncompliance Letter, or take remedial action to correct the above-cited violations may result in a referral to the Office of Water Quality's Enforcement Section.

Thank you for your attention to this matter. If you have any questions, please contact Pam Grams at 317/232-8651, or 800/451-6027, extension 2-8651. You may also write to the above address, or send an e-mail to [pgrams@idem.IN.gov](mailto:pgrams@idem.IN.gov). Please direct your response via e-mail with the requested information, to [pgrams@idem.IN.gov](mailto:pgrams@idem.IN.gov).

Sincerely,



Gary Starks, Chief  
Compliance Data Section  
Office of Water Quality

c: Fred Josh Landstrom, Certified Operator  
[landstrom1980@gmail.com](mailto:landstrom1980@gmail.com)  
Becky Ruark, Inspector



## Indiana Department of Environmental Management

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**Eric J. Holcomb**  
*Governor*

**Bruno Pigott**  
*Commissioner*

September 01, 2021

Via Email to: msherck@co.fayette.in.us

Mr. Matt Sherck, Owner  
Pleasantview Utilities, Inc.  
3812 W Galaxy Dr.  
Connersville, Indiana 47331

Dear Mr. Sherck:

**Re: Inspection Summary/ Noncompliance Letter**  
Pleasantview Subdivision WWTP  
NPDES Permit No. IN0044776  
Connersville, Fayette County

An inspection of the above-referenced facility or location was conducted by a representative of the Indiana Department of Environmental Management, Office of Water Quality, pursuant to IC 13-18-3-9. A summary of the inspection is provided below:

Date(s) of Inspection: August 25, 2021  
Type of Inspection: Complaint Investigation  
Inspection Results: Violations were observed.

The following concerns were noted:

1. Complainant alleges a strong odor from the WWTP for a couple weeks. Inspector spoke with owner by phone. He indicated that air headers came loose. No proper aeration for some time. Plant had gone septic. Inspector observed septic conditions in the WWTP. Dark septic discharge was leaving the WWTP and a pool of black discharge was evident in the receiving stream.
2. Part I. A. 2 of the permit prohibits the discharge from any and all point sources specified within this permit from causing the receiving waters, including the mixing zone, to contain substances, materials, floating debris, oil, or scum: 1) that will settle to form putrescent or otherwise objectionable deposits; 2) that are in amounts sufficient to be unsightly or deleterious; 3) that produce color, visible oil sheen, odor, or other conditions in such degree as to create nuisance. The Receiving Waters Appearance was rated as unsatisfactory due to black color evident in the receiving stream.
3. Part I. A. 2 of the permit prohibits the discharge from any point sources specified within this permit from causing receiving waters, including the mixing zone, to contain substances, materials, floating debris, oil, or scum: (1) that will settle to form putrescent or otherwise objectionable deposits; (2) that are in amounts sufficient to be

unsightly or deleterious; (3) that produce color, visible oil sheen, odor, or other conditions in such degree as to create nuisance; (4) which are in amounts sufficient to be acutely toxic to, or to otherwise severely injure or kill aquatic life, other animals, plants, or humans; (5) which are in concentrations or combinations that will cause or contribute to the growth of aquatic plants or algae to such a degree as to create a nuisance, be unsightly, or otherwise impair the designated uses. Effluent Appearance was rated as unsatisfactory due to dark color and strong odor.

4. Operation was rated as unsatisfactory. Part II. B. 1 of the permit requires all waste collection, control, treatment, and disposal facilities to be operated as efficiently as possible and in a manner which will minimize upsets and discharges of excessive pollutants. At the time of the inspection all treatment units were dark and discolored indicating septic conditions. Aeration equipment had a major failure and had been repaired the day of the inspection.

Part II. A. 1. of your permit requires you to comply with its terms and conditions. Any noncompliance with the terms of your permit may subject you to an enforcement action which can include the imposition of penalties. You are required to immediately take all necessary measures to comply with the terms and conditions of your NPDES Permit, specifically those violations identified above.

Within 10 days of receipt of this letter, a written detailed response documenting correction of the concerns listed above and/or a plan for assuring future compliance must be submitted to this office. Please direct your response to this letter to our letterhead address or via email to [wwviolationresponse@idem.in.gov](mailto:wwviolationresponse@idem.in.gov) . Any questions should be directed to Becky Ruark at 317-691-1909 or by email to [bruark@idem.in.gov](mailto:bruark@idem.in.gov) . Thank you for your attention to this matter.

Sincerely,



Samantha Groce, Chief  
Wastewater Inspection Section  
Office of Water Quality

Enclosure



# NPDES Wastewater Facility Inspection Report

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

NPDES Permit Number: <b>IN0044776</b>		Facility Type: Mixed Ownership		Facility Classification: Minor		TEMPO AI ID 1582	
Date(s) of Inspection: August 25, 2021							
Type of Inspection: Complaint Investigation							
Name and Location of Facility Inspected: <b>Pleasantview Subdivision WWTP</b> 3812 W Galaxy Dr Connersville IN 47331				County: Fayette		Receiving Waters: Tributary to Williams Creek	
						Permit Expiration Date: 10/31/2021	
						Design Flow: 0.06 MGD MGD	
On Site Representative(s): No facility rep was met at the site.							
Was a verbal summary of findings presented to the on-site representative? <b>No</b>							
Certified Operator: F. Josh Landstrom		Number: 20074	Class: I	Effective Date: 8-27-19	Expiration Date: 6-30-22	Email: landstrom1980@gmail.com	
Cyber Security Contact:							
Name:		Email:					
Responsible Official: Mr. Matt Sherck, Owner 3812 W Galaxy Dr. Connersville, Indiana 47331				Permittee: Pleasantview Utilities, Inc. Email: msherck@co.fayette.in.us Phone: Fax:			
				Contacted?			
<b>INSPECTION FINDINGS</b>							
<input type="radio"/> Conditions evaluated were found to be satisfactory at the time of the inspection. (5) <input type="radio"/> Violations were discovered but corrected during the inspection. (4) <input type="radio"/> Potential problems were discovered or observed. (3) <input checked="" type="radio"/> Violations were discovered and require a submittal from you and/or a follow-up inspection by IDEM. (2) <input type="radio"/> Violations were discovered and may subject you to an appropriate enforcement response. (1)							
<b>AREAS EVALUATED DURING INSPECTION</b>							
<i>(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)</i>							
U	Receiving Waters	N	Facility/Site	N	Self-Monitoring	N	Compliance Schedules
U	Effluent	U	Operation	N	Flow Measurement	N	Pretreatment
N	Permit	N	Maintenance	N	Laboratory	N	Effluent Limits Compliance
N	Collection System	N	Sludge	N	Records/Reports	N	Other:
<b>DETAILED AREA EVALUATIONS</b>							
Complainant alleges a strong odor from the WWTP for a couple weeks. Inspector spoke with owner by phone. He indicated that air headers came loose. No proper aeration for some time. Plant had gone septic. Inspector observed septic conditions in the WWTP. Dark septic discharge was leaving the WWTP and a pool of black discharge was evident in the receiving stream.							
<b>Receiving Waters:</b>							
Comments: Part I. A. 2 of the permit prohibits the discharge from any and all point sources specified within this permit from causing the receiving waters, including the mixing zone, to contain substances, materials, floating debris, oil, or scum: 1) that will settle to form putrescent or otherwise objectionable deposits; 2) that are in amounts sufficient to be unsightly or deleterious; 3) that produce color, visible oil sheen, odor, or other conditions in such degree as to create nuisance. The Receiving Waters Appearance was rated as unsatisfactory due to black color evident in the receiving stream.							
<b>Effluent:</b>							
Comments: Part I. A. 2 of the permit prohibits the discharge from any point sources specified within this permit from causing							

receiving waters, including the mixing zone, to contain substances, materials, floating debris, oil, or scum: (1) that will settle to form putrescent or otherwise objectionable deposits; (2) that are in amounts sufficient to be unsightly or deleterious; (3) that produce color, visible oil sheen, odor, or other conditions in such degree as to create nuisance; (4) which are in amounts sufficient to be acutely toxic to, or to otherwise severely injure or kill aquatic life, other animals, plants, or humans; (5) which are in concentrations or combinations that will cause or contribute to the growth of aquatic plants or algae to such a degree as to create a nuisance, be unsightly, or otherwise impair the designated uses. Effluent Appearance was rated as unsatisfactory due to dark color and strong odor.

**Operation:**

Comments:

Operation was rated as unsatisfactory. Part II. B. 1 of the permit requires all waste collection, control, treatment, and disposal facilities to be operated as efficiently as possible and in a manner which will minimize upsets and discharges of excessive pollutants. At the time of the inspection all treatment units were dark and discolored indicating septic conditions. Aeration equipment had a major failure and had been repaired the day of the inspection.

**Effluent Limits Compliance:**

No 1. Were DMRs reviewed as part of the inspection?

Comments:

**IDEM REPRESENTATIVE**

Inspector Name: Becky Ruark	Email: bruark@idem.IN.gov	Phone Number: 317-691-1909
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**IDEM MANAGER REVIEW**

IDEM Manager: Samantha Groce	Date: 9/1/2021
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## Indiana Department of Environmental Management

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**Eric J. Holcomb**  
*Governor*

**Bruno Pigott**  
*Commissioner*

June 10, 2020

Via Email to: msherck@co.fayette.in.us

Mr. Matt Sherck, Owner  
Pleasantview Utilities  
3812 W Galaxy Dr  
Connersville, Indiana 47331

Dear Mr. Sherck:

Re: **Inspection Summary/ Noncompliance Letter**  
Pleasantview Utilities WWTP  
NPDES Permit No. IN0044776  
Connersville, Fayette County

An inspection of the above-referenced facility or location was conducted by a representative of the Indiana Department of Environmental Management, Office of Water Quality, pursuant to IC 13-18-3-9. A summary of the inspection is provided below:

Date(s) of Inspection: June 05, 2020  
Type of Inspection: Compliance Evaluation Inspection  
Inspection Results: Violations were observed.

The following concerns were noted:

1. The Compliance Schedules evaluation generated an unsatisfactory rating. The facility has entered into an Administrative Order on Consent with the U.S. EPA. They are still in non-compliance with effluent limit violations, and therefore have not completed the necessary requirements of the Order.
2. The Collection System evaluation generated a marginal rating. The facility continues to have excessive I/I in the collection system. The flow at the WWTP was above 90% capacity for three months out of the 11 reviewed.
3. Facility/Site was rated as marginal. The WWTP is in deteriorating condition due to age.
4. Operation was rated as unsatisfactory. Part II. B. 1 of the permit requires all waste collection, control, treatment, and disposal facilities to be operated as efficiently as possible and in a manner which will minimize upsets and discharges of excessive pollutants. Excessive Ammonia and DO violations

indicate the plant is not operated efficiently. Excessive solids and algae buildup in the chlorine contact tank deplete the chlorine and the dissolved oxygen. More air should be added for post aeration to assure the effluent DO minimum is met at all times. Excessive solids buildup in the polishing ponds would allow for the discharge of high ammonia levels. Inspector was unable to determine levels of solids in the polishing pond due to cover of duckweed on both ponds. But this should be investigated by the operator. The July 2019 MRO and bench sheets was reviewed as part of the inspection. These reports indicated MLSS values of 346-664 mg/L and 0 ml/L 30 minute settling. This indicates very poor operational conditions and suggests a washout of solids happened at some time.

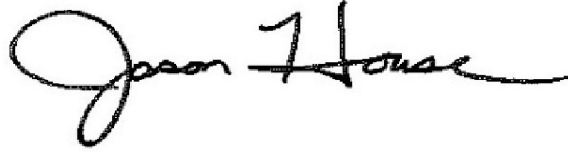
5. Maintenance was rated as unsatisfactory due to an inadequate preventative maintenance program. This is a violation of Part II. B. 1 of the permit which requires all facilities to be operated and maintained as efficiently as possible and in a manner which will minimize upsets and discharges of excessive pollutants. Inspector has repeatedly requested that all maintenance activities be documented and those records be made available for inspection. All maintenance, both preventative and repairs must be documented.
6. The Records/Reports evaluation generated an unsatisfactory rating. Part I. B. 3 of the permit requires the permittee to submit monitoring reports no later than the 28th day of the month following each completed monitoring period. These reports shall include the Discharge Monitoring Report (DMR) and the Monthly Report of Operation (MRO). At the time of the inspection, it was determined you have not submitted records for April 2020. In addition the reports for September and December 2019, and January, February and March 2020 were submitted late. The April 2020 report must be submitted immediately and all future reports must be submitted by the deadline.
7. The Effluent Limits Compliance area was rated unsatisfactory due to self-reported violations of the limits detailed in Part I. A. of the NPDES Permit. Review of DMRs revealed 61 DO violations, 35 Ammonia violations, and two chlorine contact tank violations.

Part II. A. 1. of your permit requires you to comply with its terms and conditions. Any noncompliance with the terms of your permit may subject you to an enforcement action which can include the imposition of penalties. You are required to immediately take all necessary measures to comply with the terms and conditions of your NPDES Permit, specifically those violations identified above.

Within 30 days of receipt of this letter, a written detailed response documenting correction of the concerns listed above and/or a plan for assuring future compliance must be submitted to this office. Failure to respond adequately to this letter may result in formal enforcement action. Please direct your response to this letter to our letterhead address or via email to [wwViolationResponse@idem.IN.gov](mailto:wwViolationResponse@idem.IN.gov). **If the non-compliance issues addressed in this report/letter are attributable to the COVID-19 pandemic, please provide this information in your response to this Office.** Any questions should be directed to Becky Ruark at 317-691-1909 or by email to [bruark@idem.IN.gov](mailto:bruark@idem.IN.gov)

. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Jason House". The signature is written in a cursive style with a large, looping initial "J" and a long horizontal flourish at the end.

Jason House, Chief  
Wastewater Compliance Branch  
Office of Water Quality

Enclosure





**NPDES Wastewater Facility Inspection Report**  
INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

NPDES Permit Number: <b>IN0044776</b>		Facility Type: Mixed Ownership		Facility Classification: Minor		TEMPO AI ID 1582	
Date(s) of Inspection: June 05, 2020							
Type of Inspection: Compliance Evaluation Inspection							
Name and Location of Facility Inspected: <b>Pleasantview Utilities WWTP</b> 3812 W Galaxv Dr Connersville IN 47331				County: Fayette		Receiving Waters: Tributary to Williams Creek	
						Permit Expiration Date: 10/31/2021	
						Design Flow: 0.06MGD	
On Site Representative(s):							
First Name Josh		Last Name Landstrom		Title Certified Operator		Email landstrom1980@gmail.com	
						Phone 765-698-6889	
Was a verbal summary of findings presented to the on-site representative? <b>Yes</b>							
Certified Operator: F. Josh Landstrom		Number: 20074	Class: I	Effective Date: 8-27-19	Expiration Date: 6-30-22	Email: landstrom1980@gmail.com	
Cyber Security Contact:							
Name:		Email:					
Responsible Official: Mr. Matt Sherck, Owner 3812 W Galaxy Dr Connersville, Indiana 47331				Permittee: Pleasantview Utilities			
				Email: msherck@co.fayette.in.us			
				Phone:		Contacted?	
				Fax:		Yes	
<b>INSPECTION FINDINGS</b>							
<input type="radio"/> Conditions evaluated were found to be satisfactory at the time of the inspection. (5) <input type="radio"/> Violations were discovered but corrected during the inspection. (4) <input type="radio"/> Potential problems were discovered or observed. (3) <input checked="" type="radio"/> Violations were discovered and require a submittal from you and/or a follow-up inspection by IDEM. (2) <input type="radio"/> Violations were discovered and may subject you to an appropriate enforcement response. (1)							
<b>AREAS EVALUATED DURING INSPECTION</b>							
<i>(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)</i>							
S	Receiving Waters	M	Facility/Site	S	Self-Monitoring	U	Compliance Schedules
S	Effluent	U	Operation	S	Flow Measurement	N	Pretreatment
S	Permit	U	Maintenance	N	Laboratory	U	Effluent Limits Compliance
M	Collection System	N	Sludge	U	Records/Reports	N	Other:
<b>DETAILED AREA EVALUATIONS</b>							
<b>Receiving Waters:</b>							
S 1. The receiving stream was visibly free of excessive deposits of settled solids, floating debris, oil, scum, or billowy foam.							
Comments: The receiving stream, observed at the outfall, was free of notable foam, algae or solids.							
<b>Effluent:</b>							
S 1. Final effluent was free of excessive solids, floating debris, oil, scum, or billowy foam.							
Comments: The effluent, observed at the outfall, was clear and free of color at the time of the inspection.							
<b>Permit:</b>							
S 1. Did the facility have a current copy of the permit available for reference?							
N 2. If the permit expires within 180 days, has a renewal application been submitted?							
S 3. Receiving waters and Facility Description in the permit reflect actual conditions at the facility.							

N 4. The permit has been properly transferred if there is a new owner.

Comments:

The facility was found to have a valid permit and the facility description, including units of treatment and receiving stream, is accurate. The current permit expires next year. The facility will need to submit a permit renewal application, at a minimum, 180 days prior to the expiration date.

**Collection System:**

N 1. CSO's were found to be adequately monitored and maintained.

S 2. There were zero maintenance-related (clogged or blocked lines) overflow events in last 12 months.

S 3. There were zero hydraulic (I&I) overflow events in last 12 months.

N 4. Facility has met SSO and dry weather CSO reporting requirements

N 5. Any adverse impacts from SSO and CSO events have been properly mitigated.

N 6. Lift stations were found to be adequately inspected, cleaned, and maintained, with adequate documentation of activities.

M 7. Collection system maintenance activities appeared to be adequate.

Comments:

The Collection System evaluation generated a marginal rating. The facility continues to have excessive I/I in the collection system. The flow at the WWTP was above 90% capacity for three months out of the 11 reviewed. The operator stated that the facility has had no overflow at the WWTP or in the collection system in the last 12 months.

**Facility/Site:**

S 1. The facility was found to have standby power or equivalent provision.

S 2. An adequate alarm or notification system for power or equipment failure was available for the treatment facility and lift stations.

S 3. Safe and adequate access was provided for inspection of all units and outfalls.

M 4. Facilities and equipment did not appear beyond their useful life.

5. List any safety concerns:

Comments:

Facility/Site was rated as marginal. The WWTP is in deteriorating condition due to age.

**Operation:**

U 1. All facilities and systems necessary for achieving compliance with the terms and conditions of the permit were operated efficiently, including a report for an anticipated bypass report for steps of treatment taken out of service.

S 2. An adequate, qualified operating staff was found to be provided to carry out the operation of the facility, including:

- a. Certified Operator's on-site attendance and/or qualified operations personnel attendance was adequate.
- b. Adequate documentation of operational activities, including system monitoring and cleaning.
- c. Adequate funding to ensure proper operation.

U 3. Solids handling procedures include:

- a. Sufficient solids wasted from the treatment system, in a timely manner, to maintain process efficiency.
- b. Wasting of solids based on appropriate operational targets and valid process control testing.
- c. Adequate documentation of solids removal, handling, or control was available for review.

N 4. The facility was found to be operated efficiently during wet weather events.

Comments:

Operation was rated as unsatisfactory. Part II. B. 1 of the permit requires all waste collection, control, treatment, and disposal facilities to be operated as efficiently as possible and in a manner which will minimize upsets and discharges of excessive pollutants. Excessive Ammonia and DO violations indicate the plant is not operated efficiently. Excessive solids and algae buildup in the chlorine contact tank deplete the chlorine and the dissolved oxygen. More air should be added for post aeration to assure the effluent DO minimum is met at all times. Excessive solids buildup in the polishing ponds would allow for the discharge of high ammonia levels. Inspector was unable to determine levels of solids in the polishing pond due to cover of duckweed on both ponds. But this should be investigated by the operator. The July 2019 MRO and bench sheets was reviewed as part of the inspection. These reports indicated MLSS values of 346-664 mg/L and 0 ml/L 30 minute settling. This indicates very poor operational conditions and suggests a washout of solids happened at some time.

**Maintenance:**

U 1. A maintenance record system has been established and includes maintenance/repair history and preventative maintenance plan.

S 2. Facility maintenance activities appeared to be adequate.

Comments:

Maintenance was rated as unsatisfactory due to an inadequate preventative maintenance program. This is a violation of Part II. B. 1 of the permit which requires all facilities to be operated and maintained as efficiently as possible and in a manner which will minimize upsets and discharges of excessive pollutants. Inspector has repeatedly requested that all maintenance activities be documented and those records be made available for inspection. All maintenance, both preventative and repairs must be documented.

**Sludge:**

N 1. Sludges, screenings, and slurries were found to be handled and disposed of properly.

Comments:

No recent sludge removal has occurred.

**Self-Monitoring:**

S 1. Samples were found to be taken at pre-designated locations and were found to be representative.

S 2. Flow-proportioned samples were found to be obtained where needed.

S 3. The facility was found to conduct sampling of all waste streams, including type and frequency, as required in the permit.

S 4. Sample collection procedures, including automatic sampling, were found to include:

- a. Samples refrigerated during compositing.
- b. Proper preservation techniques used.
- c. Containers and holding times conformed to 40 CFR 136.3.

S 5. Sample documentation was found to be adequate and included:

- a. Dates, times, and locations of sampling.
- b. Name of individual performing sampling.
- c. Instantaneous flow for flow-weighted aliquots.
- d. Chain of Custody records.

N 6. NPDES Permit Whole Effluent Toxicity (WET) testing requirements were found to be met.

Comments:

The Self Monitoring Program was rated as satisfactory. All sampling practices, including influent, effluent, and intermediate unit process testing, are conducted accurately and at the frequency required by the permit.

**Flow Measurement:**

S 1. Flow was found to be properly monitored as required by the permit.

S 2. Flow data and calibration records were available for review.

Comments:

The facility's flow measurement program, including all documentation, appeared to be adequate and representative. The effluent flow meter was last calibrated on July 19, 2019.

**Laboratory:**

The following laboratory records were reviewed:

D. O. Bench Sheets	Chlorine Bench Sheets	CBOD Bench Sheets
TSS Bench Sheets	Ammonia Bench Sheets	pH Bench Sheets
E. coli Bench Sheets		

N 1. The laboratory practices and protocol reviewed were adequate, including:

- a. A written laboratory QA/QC manual was available.
- b. Samples were found to be properly stored.
- c. Approved analytical methods were found to be used.
- d. Calibration and maintenance of instruments was found to be adequate.
- e. QA/QC procedures were found to be adequate.
- f. Dates of analyses (and times where required) were recorded.
- g. Name of person performing analyses was recorded.

S 2. Review of lab records and/or on-site field testing equipment and protocols was found to be adequate.

**Contract Lab Information**

Laurel WWTP Lab

Laurel

Comments:

Analysis for pH, DO and chlorine are completed on-site. All others are taken to the Laurel WWTP for analysis. Bench sheets were reviewed and appeared to be adequate.

**Records/Reports:**

The following records/reports were reviewed:

DMRs for the period of May 2019 to March 2020 were reviewed as part of the inspection.

U 1. All facility records for the period including the previous three years were available for review.

U 2. DMRs and MROs were found to be completed properly and accurately including:

- a. "No Ex" column was accurate.
- b. Signatory requirements were met.
- c. Reports were prepared by or under the direction of a certified operator.

N 3. Bypass and Noncompliance reporting were found to be adequate.

Comments:

The Records/Reports evaluation generated an unsatisfactory rating. Part I. B. 3 of the permit requires the permittee to submit monitoring reports no later than the 28th day of the month following each completed monitoring period. These reports shall include the Discharge Monitoring Report (DMR) and the Monthly Report of Operation (MRO). At the time of the inspection, it was determined you have not submitted records for April 2020. In addition the reports for September and December 2019, and January, February and March 2020 were submitted late. The April 2020 report must be submitted immediately and all future reports must be submitted by the deadline.

**Compliance Schedules:**

N 1. The NPDES Permit Schedule of Compliance monitoring and reporting milestones have been met.

U 2. Agreed Order compliance milestones have been met.

Comments:

The Compliance Schedules evaluation generated an unsatisfactory rating. The facility has entered into an Administrative Order on Consent with the U.S. EPA. They are still in non-compliance with effluent limit violations, and therefore have not completed the necessary requirements of the Order.

**Pretreatment:**

N 1. No evidence of interference from industrial or other sources of toxic substances was noted.

N 2. For both Delegated and Non-Delegated pretreatment programs:

- a. Industrial or commercial dischargers were found to be regulated as required.
- b. The permittee was found to enforce the Sewer Use Ordinance (SOU) and the Enforcement Response Plan (ERP).

N 3. If the non-delegated permittee accepts hauled waste:

- a. Does the POTW provide written permission to haulers?
- b. Does the POTW obtain samples from each hauled waste load and retain them for at least 48 hours?
- c. Does the POTW retain records of each load?

Comments:

The facility has no industrial sources.

**Effluent Limits Compliance:**

Yes 1. Were DMRs reviewed as part of the inspection?

DMRs for the period of May 2019 to March 2020 were reviewed as part of the inspection.

Yes 2. Were violations noted during the review of DMRs?

Comments:

The Effluent Limits Compliance area was rated unsatisfactory due to self-reported violations of the limits detailed in Part I. A. of the NPDES Permit. Review of DMRs revealed 61 DO violations, 35 Ammonia violations, and two chlorine contact tank violations.

**IDEM REPRESENTATIVE**

Inspector Name:

Email:

Phone Number:

Becky Ruark

bruark@idem.IN.gov

317-691-1909

**IDEM MANAGER REVIEW**

IDEM Manager:

Date:

Andy Schmidt

6/9/2020



## Indiana Department of Environmental Management

*We Protect Hoosiers and Our Environment.*

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(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

**Eric J. Holcomb**  
*Governor*

**Bruno Pigott**  
*Commissioner*

March 11, 2019

Via Email to: msherck@co.fayette.in.us

Mr. Matt Sherck, Owner  
Pleasantview Utilities  
3812 W Galaxy Dr.  
Connersville, Indiana 47331

Dear Mr. Sherck:

**Re: Inspection Summary/ Noncompliance Letter**  
Pleasantview Utilities WWTP  
NPDES Permit No. IN0044776  
Connersville, Fayette County

An inspection of the above-referenced facility or location was conducted by a representative of the Indiana Department of Environmental Management, Office of Water Quality, pursuant to IC 13-18-3-9. A summary of the inspection is provided below:

Date(s) of Inspection: February 25, 2019  
Type of Inspection: Reconnaissance Inspection  
Inspection Results: Violations were observed.

The following concerns were noted:

1. The Collection System evaluation generated an unsatisfactory rating.
  - a. Part II. B. 6 of the permit states any overflow or release of sanitary wastewater from the wastewater treatment facilities or collection system...that is not specifically authorized by this permit is expressly prohibited. A rain event caused an overflow at the WWTP. A large amount of sanitary debris was evident near the influent junction box and leading toward the polishing ponds. Raw wastewater apparently bypassed the bar screen, aeration, and clarifier, running directly into the polishing pond. The operator indicated the overflow must have occurred in the last few days preceding the inspection. This appears to be the result of I/I in the collection system. The bypass had not been reported at the time of the inspection.
  - b. In addition, the operator indicated that one or two overflows occur in the collection system each year due to blockages. Part II. B. 1. e requires a preventative maintenance plan for sanitary sewer collection systems. The operator indicated no routine cleaning of sewer lines is completed.

2. Facility/Site was rated unsatisfactory. Part II. B. 1. b. of the permit requires that the facility be operated in a manner which will minimize discharges of excessive pollutants. Piles of sanitary debris were evident throughout the plant grounds. Screenings from bar screen, debris removed from skimmers, and other material must be disposed of properly in a timely manner. The large amount of sanitary material on the ground from the recent overflow at the influent junction box must also be cleaned up right away.
  
3. Operation was rated as unsatisfactory due to inadequate certified operator on-site attendance. This is a violation of Part II. A. 14 of the permit and 327 IAC 5-22-3(11) which requires the designated operator in responsible charge to be responsible for the overall daily operation, supervision, or management of the wastewater facility.
  - a. The operator indicated he (or his employees) only visit the WWTP twice per week. This is not often enough to be in full control and knowledgeable about the operation of the WWTP. The blower could stop working and since there is not a sufficient alarm system, the operator could be unaware of the failure (and resulting condition of the WWTP) for several days. The operator appeared to be surprised by the overflow that occurred at the influent junction box and unaware when it may have occurred. Just because the sampling frequency is twice weekly, doesn't mean that is the frequency that the plant should be checked.
  - b. The condition of the WWTP and the grounds indicate that the operator does not perform routine cleaning as often as needed. Clarifier walls and weirs had excessive sludge present. Clarifier surface had excessive sludge. Debris (mainly leaves) buildup in the chlorine contact tank and flow measurement pit was excessive.
  
4. The Records/Reports evaluation generated an unsatisfactory rating.
  - a. Part II. C. 3. d of the permit requires the permittee to report within 24 hours any release from the sanitary sewer system. The operator indicated that overflows in the collection system do occur at a frequency of 1 or 2 per year. They have not been reported to IDEM as required. Inspector provided the newest Bypass/Overflow form to the operator immediately after the inspection.
  - b. Part II. C. 3. e of the permit requires the permittee to report within 24 hours any discharge from any point not listed in the permit. A large amount of sanitary debris was evident near the influent junction box and leading toward the polishing ponds. Raw wastewater apparently bypassed the bar screen, aeration, and clarifier, running directly into the polishing pond. The operator indicated the overflow must have occurred in the last few days preceding the inspection. The discharge had not been reported at the time of the inspection.

Part II. A. 1. of your permit requires you to comply with its terms and conditions. Any noncompliance with the terms of your permit may subject you to an enforcement action which can include the imposition of penalties. You are required to immediately take all necessary measures to comply with the terms and conditions of your NPDES Permit,

specifically those violations identified above.

Within 30 days of receipt of this letter, a written detailed response documenting correction of the concerns listed above and/or a plan for assuring future compliance must be submitted to this office. Failure to respond adequately to this letter may result in formal enforcement action. Please direct your response to this letter to the attention of Bridget S. Murphy, at our letterhead address or via email to [wwViolationResponse@idem.IN.gov](mailto:wwViolationResponse@idem.IN.gov). Any questions should be directed to Becky Ruark at 317-691-1909 or by email to [bruark@idem.IN.gov](mailto:bruark@idem.IN.gov). Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Bridget S. Murphy". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Bridget S. Murphy, Inspections Section Chief  
Compliance Branch  
Office of Water Quality

Enclosure

Cc: Samantha Groce, Water Enforcement Section Chief



**NPDES Wastewater Facility Inspection Report**  
INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

NPDES Permit Number: <b>IN0044776</b>	Facility Type: Mixed Ownership	Facility Classification: Minor	TEMPO AI ID 1582
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Date(s) of Inspection: February 25, 2019

Type of Inspection: Reconnaissance Inspection

Name and Location of Facility Inspected: <b>Pleasantview Utilities WWTP</b> 3812 W Galaxv Drive Connersville IN 47331	County: Fayette	Receiving Waters: Tributary to Williams Creek	Permit Expiration Date: 10/31/2021
		Design Flow: 0.06MGD	

On Site Representative(s): First Name: Josh Last Name: Landstrom Title: Certified Operator Email: landstrom1980@gmail.com Phone: 765-698-6889
--

Was a verbal summary of findings presented to the on-site representative? **Yes**

Certified Operator: F. Josh Landstrom	Number: 20074	Class: I	Effective Date: 7-1-17	Expiration Date: 6-30-19	Email: landstrom1980@gmail.com
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Responsible Official: Mr. Matt Sherck, Owner 3812 W Galaxy Dr. Connersville, Indiana 47331	Permittee: Pleasantview Utilities Email: msherck@co.fayette.in.us Phone: 765-309-2973 Fax:	Contacted? No
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**INSPECTION FINDINGS**

- Conditions evaluated were found to be satisfactory at the time of the inspection. (5)
- Violations were discovered but corrected during the inspection. (4)
- Potential problems were discovered or observed. (3)
- Violations were discovered and require a submittal from you and/or a follow-up inspection by IDEM. (2)
- Violations were discovered and may subject you to an appropriate enforcement response. (1)

**AREAS EVALUATED DURING INSPECTION**

(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

S	Receiving Waters	U	Facility/Site	N	Self-Monitoring	N	Compliance Schedules
S	Effluent Appearance	U	Operation	N	Flow Measurement	N	Pretreatment
M	Permit	N	Maintenance	N	Laboratory	N	Effluent Limits Compliance
U	Collection System	N	Sludge	U	Records/Reports	N	Other:

**DETAILED AREA EVALUATIONS**

**Receiving Waters:**  
Comments:  
The receiving stream, unnamed tributary to Williams Creek, was free of notable foam, algae or solids at the time of the inspection.

**Effluent Appearance:**  
Comments:  
The effluent was clear and free of color at the time of the inspection.

**Permit:**  
Comments:  
The Permit evaluation was rated as **marginal**. A current copy of the NPDES permit was not on-site at the time of the inspection.

**Collection System:**  
Comments:  
The Collection System evaluation generated an **unsatisfactory** rating.

Part II. B. 6 of the permit states any overflow or release of sanitary wastewater from the wastewater treatment facilities or collection system...that is not specifically authorized by this permit is expressly prohibited. A rain event caused an overflow at the WWTP. A large amount of sanitary debris was evident near the influent junction box



and leading toward the polishing ponds. Raw wastewater apparently bypassed the bar screen, aeration, and clarifier, running directly into the polishing pond. The operator indicated the overflow must have occurred in the last few days preceding the inspection. This appears to be the result of I/I in the collection system. The bypass had not been reported at the time of the inspection.

In addition, the operator indicated that one or two overflows occur in the collection system each year due to blockages. Part II. B. 1. e requires a preventative maintenance plan for sanitary sewer collection systems. The operator indicated no routine cleaning of sewer lines is completed.

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**Facility/Site:**

Comments:

Facility/Site was rated **unsatisfactory**. Part II. B. 1. b. of the permit requires that the facility be operated in a manner which will minimize discharges of excessive pollutants. Piles of sanitary debris were evident throughout the plant grounds. Screenings from bar screen, debris removed from skimmers, and other material must be disposed of properly in a timely manner.

The large amount of sanitary material on the ground from the recent overflow at the influent junction box must also be cleaned up right away.

---

**Operation:**

Comments:

Operation was rated as **unsatisfactory** due to inadequate certified operator on-site attendance. This is a violation of Part II. A. 14 of the permit and 327 IAC 5-22-3(11) which requires the designated operator in responsible charge to be responsible for the overall daily operation, supervision, or management of the wastewater facility.

The operator indicated he (or his employees) only visit the WWTP twice per week. This is not often enough to be in full control and knowledgeable about the operation of the WWTP. The blower could stop working and since there is not a sufficient alarm system, the operator could be unaware of the failure (and resulting condition of the WWTP) for several days. The operator appeared to be surprised by the overflow that occurred at the influent junction box and unaware when it may have occurred. Just because the sampling frequency is twice weekly, doesn't mean that is the frequency that the plant should be checked.

The condition of the WWTP and the grounds indicate that the operator does not perform routine cleaning as often as needed. Clarifier walls and weirs had excessive sludge present. Clarifier surface had excessive sludge. Debris (mainly leaves) buildup in the chlorine contact tank and flow measurement pit was excessive.

---

**Records/Reports:**

The following records/reports were reviewed:

Comments:

The Records/Reports evaluation generated an **unsatisfactory** rating.

Part II. C. 3. d of the permit requires the permittee to report within 24 hours any release from the sanitary sewer system. The operator indicated that overflows in the collection system do occur at a frequency of 1 or 2 per year. They have not been reported to IDEM as required. Inspector provided the newest Bypass/Overflow form to the operator immediately after the inspection.

Part II. C. 3. e of the permit requires the permittee to report within 24 hours any discharge from any point not listed in the permit. A large amount of sanitary debris was evident near the influent junction box and leading toward the polishing ponds. Raw wastewater apparently bypassed the bar screen, aeration, and clarifier, running directly into the polishing pond. The operator indicated the overflow must have occurred in the last few days preceding the inspection. The discharge had not been reported at the time of the inspection.

---

**Effluent Limits Compliance:**

No 1. Were DMRs reviewed as part of the inspection?

Comments:

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**IDEM REPRESENTATIVE**

Inspector Name: Becky Ruark	Email: bruark@idem.IN.gov	Phone Number: 317-691-1909
Other staff participating in the inspection:		
Name(s) Dean Maraldo	Phone Number(s) EPA	
Raj Patel	EPA	

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**IDEM MANAGER REVIEW**

IDEM Manager:

Bridget S. Murphy

Date:

3/7/2019



## Indiana Department of Environmental Management

*We Protect Hoosiers and Our Environment.*

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**Eric J. Holcomb**  
*Governor*

**Bruno Pigott**  
*Commissioner*

April 09, 2018

Via Email to: msherck@co.fayette.in.us

Mr. Matt Sherck, Owner  
Pleasantview Utilities  
3812 W Galaxy Drive  
Connersville, Indiana 47331

Dear Mr. Sherck:

**Re: Inspection Summary/ Noncompliance Letter**  
Pleasantview Utilities WWTP  
NPDES Permit No. IN0044776  
Connersville, Fayette County

An inspection of the above-referenced facility or location was conducted by a representative of the Indiana Department of Environmental Management, Office of Water Quality, pursuant to IC 13-18-3-9. A summary of the inspection is provided below:

Date(s) of Inspection: April 05, 2018  
Type of Inspection: Compliance Evaluation Inspection  
Inspection Results: Violations were observed.

The following concerns were noted:

1. The Effluent Limits Compliance area was rated **unsatisfactory** due to self-reported violations of the limits detailed in Part I. A. of the NPDES Permit.

Review of DMRs revealed **17** DO violations, **five** TSS % removal violations, **two** TSS violations, **two** effluent chlorine violations, **five** chlorine contact tank violations, and **11** ammonia violations.

Part II. A. 1. of your permit requires you to comply with its terms and conditions. Any noncompliance with the terms of your permit may subject you to an enforcement action which can include the imposition of penalties. You are required to immediately take all necessary measures to comply with the terms and conditions of your NPDES Permit, specifically those violations identified above.

Within 30 days of receipt of this letter, a written detailed response documenting correction of the concerns listed above and/or a plan for assuring future compliance must be submitted to this office. Failure to respond adequately to this letter may result in formal enforcement action. Please direct your response to this letter to the attention of

Bridget S. Murphy, at our letterhead address or via email to [wwViolationResponse@idem.IN.gov](mailto:wwViolationResponse@idem.IN.gov). Any questions should be directed to Becky Ruark at 317-691-1909 or by email to [bruark@idem.IN.gov](mailto:bruark@idem.IN.gov). Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Bridget S. Murphy". The signature is written in a cursive style with a long, sweeping horizontal line extending to the right from the end of the name.

Bridget S. Murphy, Inspections Section Chief  
Compliance Branch  
Office of Water Quality

Enclosure



**NPDES Wastewater Facility Inspection Report**  
INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

NPDES Permit Number: <b>IN0044776</b>		Facility Type: Mixed Ownership		Facility Classification: Minor		TEMPO AI ID 1582	
Date(s) of Inspection: April 05, 2018							
Type of Inspection: Compliance Evaluation Inspection							
Name and Location of Facility Inspected: <b>Pleasantview Utilities WWTP</b> 3812 W Galaxv Drive Connersville IN 47331				Receiving Waters: Tributary to Williams Creek		Permit Expiration Date: 10/31/2021	
County: Fayette				Design Flow: 0.06MGD			
On Site Representative(s): First Name Last Name Title Email Phone Josh Landstrom Certified Operator landstrom1980@gmail.com 765-698-6889							
Was a verbal summary of findings presented to the on-site representative? <b>Yes</b>							
Certified Operator: F. Josh Landstrom		Number: 20074	Class: I	Effective Date: 7-1-17	Expiration Date: 6-30-19	Email: landstrom1980@gmail.com	
Responsible Official: Mr. Matt Sherck, Owner 3812 W Galaxy Drive Connersville, Indiana 47331				Permittee: Pleasantview Utilities Email: msherck@co.fayette.in.us Phone: Fax:		Contacted? Yes	
<b>INSPECTION FINDINGS</b>							
<input type="radio"/> Conditions evaluated were found to be satisfactory at the time of the inspection. (5) <input type="radio"/> Violations were discovered but corrected during the inspection. (4) <input type="radio"/> Potential problems were discovered or observed. (3) <input checked="" type="radio"/> Violations were discovered and require a submittal from you and/or a follow-up inspection by IDEM. (2) <input type="radio"/> Violations were discovered and may subject you to an appropriate enforcement response. (1)							
<b>AREAS EVALUATED DURING INSPECTION</b>							
<i>(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)</i>							
S	Receiving Waters	S	Facility/Site	S	Self-Monitoring	S	Compliance Schedules
S	Effluent Appearance	S	Operation	S	Flow Measurement	N	Pretreatment
S	Permit	S	Maintenance	S	Laboratory	U	Effluent Limits Compliance
S	Collection System	S	Sludge	M	Records/Reports	N	Other:
<b>DETAILED AREA EVALUATIONS</b>							
<b>Receiving Waters:</b>							
S 1. The receiving stream was visibly free of excessive deposits of settled solids, floating debris, oil, scum, or billowy foam.							
Comments: The receiving stream was free of notable foam, algae or solids.							
<b>Effluent Appearance:</b>							
S 1. Treated effluent was free of excessive solids, floating debris, oil, scum, or billowy foam.							
Comments: The effluent was clear and free of color at the time of the inspection.							
<b>Permit:</b>							
S 1. Did the facility have a current copy of the permit available for reference?							
N 2. If the permit expires within 180 days, has a renewal application been submitted?							
S 3. Receiving waters were accurately described in permit.							
N 4. The permit has been properly transferred if there is a new owner.							
Comments:							

The facility was found to have a valid permit and the facility description, including units of treatment and receiving stream, is accurate.

**Collection System:**

- N 1. CSO's were found to be adequately monitored and maintained.
- S 2. Evaluation of maintenance-related (clogged or blocked lines) overflow events in last 12 months.
- S 2. Evaluation of hydraulic (I&I) overflow events in last 12 months.
- N 3. Facility has met SSO and dry weather CSO reporting requirements
- N 4. Any adverse impacts from SSO and CSO events have been properly mitigated.

Comments:

No known overflows have occurred in the collection system in the last 12 months.

**Facility/Site:**

- S 1. The facility was found to have standby power or equivalent provision.
- S 2. An adequate alarm or notification system for power or equipment failure was available for the treatment facility and lift stations.
- S 3. Safe and adequate access was provided for inspection of all units and outfalls.
- S 4. Facilities and equipment did not appear beyond their useful life.
- 5. List any safety concerns:

Comments:

It was noted that the facility has a standby generator that is tested on a regular basis. The facility has a dialer alarm to alert the operator of equipment failure. The facility and the outfall were accessible for inspection.

**Operation:**

- S 1. All facilities and systems necessary for achieving compliance with the terms and conditions of the permit were operated efficiently, including a report for an anticipated bypass report for steps of treatment taken out of service.
- S 2. An adequate, qualified operating staff was found to be provided to carry out the operation of the facility, including:
  - a. Certified Operator's on-site attendance and/or qualified operations personnel attendance was adequate.
  - b. Adequate documentation of operational activities, including system monitoring and cleaning.
  - c. Adequate funding to ensure proper operation.
- S 3. Solids handling procedures include:
  - a. Sufficient solids wasted from the treatment system, in a timely manner, to maintain process efficiency.
  - b. Wasting of solids based on appropriate operational targets and valid process control testing.
  - c. Adequate documentation of solids removal, handling, or control was available for review.
- N 4. The facility was found to be operated efficiently during wet weather events.

Comments:

Good color and mixing was noted in the aeration tank.

**Maintenance:**

- S 1. A maintenance record system has been established and includes maintenance/repair history and preventative maintenance plan.
- S 2. Facility maintenance activities appeared to be adequate.
- N 3. Lift stations were found to be adequately inspected, cleaned, and maintained, with adequate documentation of activities.
- N 4. Collection system maintenance activities appeared to be adequate.

Comments:

Maintenance activities are documented.

**Sludge:**

- S 1. Sludges, screenings, and slurries were found to be handled and disposed of properly.

Comments:

Sludge was removed from the sludge holding tanks and the polishing ponds in March 2018. Approximately 229,400 gallons of sludge was hauled by AMM Services LLC. The sludge was land applied under Pleasantview's land application permit INLA000699.

**Self-Monitoring:**

- S 1. Samples were found to be taken at pre-designated locations and were found to be representative.
- S 2. Flow-proportioned samples were found to be obtained where needed.
- S 3. The facility was found to conduct sampling of all waste streams, including type and frequency, as required in the permit.
- S 4. Sample collection procedures, including automatic sampling, were found to include:

- a. Samples refrigerated during compositing.
- b. Proper preservation techniques used.
- c. Containers and holding times conformed to 40 CFR 136.3.

S 5. Sample documentation was found to be adequate and included:

- a. Dates, times, and locations of sampling.
- b. Name of individual performing sampling.
- c. Instantaneous flow for flow-weighted aliquots.
- d. Chain of Custody records.

N 6. NPDES Permit Whole Effluent Toxicity (WET) testing requirements were found to be met.

Comments:

The Self Monitoring Program was rated as satisfactory. All sampling practices, including influent, effluent and intermediate unit process testing, are conducted accurately and at the frequency required by the permit.

**Flow Measurement:**

S 1. Flow was found to be properly monitored as required by the permit.

S 2. Flow data and calibration records were available for review.

Comments:

The facility's flow measurement program, including all documentation, appeared to be adequate and representative. The effluent flow meter was calibrated on August 29, 2017.

**Laboratory:**

The following laboratory records were reviewed:

pH Bench Sheets                      D. O. Bench Sheets                      Chlorine Bench Sheets

Contract Lab Reports

N 1. The laboratory practices and protocol reviewed were adequate, including:

- a. A written laboratory QA/QC manual was available.
- b. Samples were found to be properly stored.
- c. Approved analytical methods were found to be used.
- d. Calibration and maintenance of instruments was found to be adequate.
- e. QA/QC procedures were found to be adequate.
- f. Dates of analyses (and times where required) were recorded.
- g. Name of person performing analyses was recorded.

S 2. Review of lab records and/or on-site field testing equipment and protocols was found to be adequate.

**Contract Lab Information**

Laurel WWTP Laboratory

Comments:

The bench sheets for DO, pH, and chlorine reviewed during the inspection appeared to be accurate and complete. These analyses are completed on-site. Samples for CBOD, TSS, ammonia, and *E. coli* are taken to the Laurel WWTP lab for analysis.

**Records/Reports:**

The following records/reports were reviewed:

DMRs for the period of March 2017 to February 2018 were reviewed as part of the inspection.

M 1. All facility records for the period including the previous three years were available for review.

M 2. DMRs and MROs were found to be completed properly and accurately including:

- a. "No Ex" column was accurate.
- b. Signatory requirements were met.
- c. Reports were prepared by or under the direction of a certified operator.

M 3. Bypass and Noncompliance reporting were found to be adequate.

Comments:

The Records/Reports evaluation generated a **marginal** rating.

Some DMRs were not available for inspection at the facility, records review was completed in NetDMR and

IDEM's VFC. Number of exceedances were sometimes counted incorrectly.

Most, but not all, violations were explained on the DMRs.

**Compliance Schedules:**

N 1. The NPDES Permit Schedule of Compliance monitoring and reporting milestones have been met.

S 2. Agreed Order compliance milestones have been met.

Comments:

The facility has removed sludge from the sludge holding tank and both polishing ponds as required by Agreed Order Case No. 2012-80774-W.

**Pretreatment:**

N 1. No evidence of interference from industrial or other sources of toxic substances was noted.

N 2. For both Delegated and Non-Delegated pretreatment programs:

- a. Industrial or commercial dischargers were found to be regulated as required.
- b. The permittee was found to enforce the Sewer Use Ordinance (SOU) and the Enforcement Response Plan (ERP).

N 3. If the non-delegated permittee accepts hauled waste:

- a. Does the POTW provide written permission to haulers?
- b. Does the POTW obtain samples from each hauled waste load and retain them for at least 48 hours?
- c. Does the POTW retain records of each load?

Comments:

The facility has no industrial sources.

**Effluent Limits Compliance:**

Yes 1. Were DMRs reviewed as part of the inspection?

DMRs for the period of March 2017 to February 2018 were reviewed as part of the inspection.

Yes 2. Were violations noted during the review of DMRs?

Comments:

The Effluent Limits Compliance area was rated **unsatisfactory** due to self-reported violations of the limits detailed in Part I. A. of the NPDES Permit.

Review of DMRs revealed **17** DO violations, **five** TSS % removal violations, **two** TSS violations, **two** effluent chlorine violations, **five** chlorine contact tank violations, and **11** ammonia violations.

**IDEM REPRESENTATIVE**

Inspector Name:	Email:	Phone Number:
Becky Ruark	bruark@idem.IN.gov	317-691-1909

**IDEM MANAGER REVIEW**

IDEM Manager:	Date:
Bridget S. Murphy	4/9/2018





Indiana Department of Environmental Management  
*We Protect Hoosiers and Our Environment.*

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**Eric J. Holcomb**  
Governor

**Bruno Pigott**  
Commissioner

7/11/2017

Via Email to: msherck@co.fayette.in.us

Mr. Matt Sherck, Owner  
Pleasantview Utilities  
3812 W Galaxy Drive  
Connersville, Indiana 47331

Dear Mr. Sherck:

**Re: Inspection Summary/ Noncompliance Letter**  
Pleasantview Utilities WWTP  
NPDES Permit No. IN0044776  
Connersville, Fayette County

An inspection of the above-referenced facility or location was conducted by a representative of the Indiana Department of Environmental Management, Office of Water Quality, pursuant to IC 13-18-3-9. A summary of the inspection is provided below:

Date(s) of Inspection: June 26, 2017  
Type of Inspection: Compliance Evaluation Inspection  
Inspection Results: Violations were observed.

The following concerns were noted:

The Compliance Schedules evaluation generated an unsatisfactory rating. At the time of the inspection it was determined you did not meet achieve the Compliance Plan in association with your existing Agreed Order. Specifically, the facility was required to regularly dispose of sludge. The alarm that was installed also needs improvement to assure facility personnel will be notified if there is a failure with the blower.

- a. Facility/Site was rated as marginal. While the facility did install an alarm, it only indicates a power failure. This would allow facility personnel to switch to the standby generator for power. The critical component of this WWTP is the blower. In August 2016, the owner indicated that pressure sensors were ordered and would be installed that would sense a blower failure and trigger an alarm. These have not been installed.
- b. Sludge Disposal was rated as unsatisfactory. Part II. B. 1 of the permit requires the permittee to properly remove and dispose of excessive solids and sludges. At the time of the inspection, there was an excessive buildup of solids in the first polishing pond. When the inspector arrived the air was on in the sludge holding tank, but solids were returning to the aeration tank. This recycling of solids is not efficient operation. The hole cut in the wall of the sludge holding tank should only let supernatant into the aeration tank, not solids. The inspector was unable to determine when solids were last removed from the WWTP due to the lack of

records.

These concerns will be forwarded to the OWQ Enforcement Section for consideration in conjunction with your Agreed Order, Case No. 2012-80774-W and will not require an immediate response. You will be notified of any required action and any questions can be directed to your Enforcement Case Manager.

The concerns noted below are not addressed in your Agreed Order and will require a response as detailed in the closing paragraph.

1. Operation was rated as unsatisfactory. Part II. B. 1 of the permit requires all waste collection, control, treatment, and disposal facilities to be operated as efficiently as possible and in a manner which will minimize upsets and discharges of excessive pollutants. At the time of the inspection the clarifier had an excessive solids buildup behind the influent baffle. Solids and algae buildup in the clarifier weir and weir trough should be removed, to reduce the chance of this material being discharged. The chlorine contact tank had a solids buildup, which is most likely negatively affecting the chlorine's ability to disinfect. In addition the solids in the contact tank is likely consuming the dissolved oxygen, resulting in DO violations. A recent washout of the WWTP due to increased flow with a series of rain events has sent an excessive amount of solids to the first polishing pond. This will also negatively affect effluent quality.
2. Maintenance was rated as unsatisfactory. The facility has experienced excessive inflow and infiltration (I/I) in the collection system which recently hydraulically overload the wastewater treatment plant. A plant washout occurred in early May and again later in May. The facility reseeded the plant as a result. This is a violation of Part II. B. 1 of the permit which requires all facilities to be maintained in good working order at all times and operated as efficiently as possible and in a manner which will minimize upsets and discharges of excessive pollutants. This includes the facility's collection system. The facility's air handling system must be repaired. The air header was leaking excessively at the time of the inspection. In addition at least one air diffuser was disconnected allowing all air to flow into the aeration tank there and none to be distributed in other areas. This must be repaired immediately.
3. The Records/Reports evaluation generated a marginal rating. Some of the DMRs were not printed and available for inspection. Inspector reviewed DMRs in VFC and NetDMR. MROs were on-site for inspection. Violations were explained on some monthly reports, but not on others.
4. The Effluent Limits Compliance area was rated unsatisfactory due to self-reported violations of the limits detailed in Part I. A. of the NPDES Permit. Review of DMRs revealed 41 DO, four ammonia, eight effluent chlorine, three chlorine contact tank, one E. coli, and one TSS % removal violations.

Part II. A. 1. of your permit requires you to comply with its terms and conditions.

Any noncompliance with the terms of your permit may subject you to an enforcement action which can include the imposition of penalties. You are required to immediately take all necessary measures to comply with the terms and conditions of your NPDES Permit, specifically those violations identified above.

Within 30 days of receipt of this letter, a written detailed response documenting correction of the concerns listed above and/or a plan for assuring future compliance must be submitted to this office. Failure to respond adequately to this letter may result in formal enforcement action. Please direct your response to this letter to the attention of Bridget S. Murphy, at our letterhead address or via email to [wwViolationResponse@idem.IN.gov](mailto:wwViolationResponse@idem.IN.gov). Any questions should be directed to Becky Ruark at 317-691-1909 or by email to [bruark@idem.IN.gov](mailto:bruark@idem.IN.gov). Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Bridget S. Murphy". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Bridget S. Murphy, Inspections Section Chief  
Compliance Branch  
Office of Water Quality

Enclosure

Cc: Dave Tennis, Water Enforcement Section Chief



**NPDES Wastewater Facility Inspection Report**  
INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

NPDES Permit Number: <b>IN0044776</b>	Facility Type: Mixed Ownership	Facility Classification: Minor	TEMPO AI ID 1582
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Date(s) of Inspection: June 26, 2017

Type of Inspection: Compliance Evaluation Inspection

Name and Location of Facility Inspected: <b>Pleasantview Utilities WWTP</b> 3812 W Galaxv Drive Connersville IN 47331	County: Fayette	Receiving Waters: Tributary to Williams Creek	Permit Expiration Date: 10/31/2021
			Design Flow: 0.06MGD

On Site Representative(s): First Name: Josh Last Name: Landstrom Title: Certified Operator Email: landstrom1980@gmail.com	Phone:
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Was a verbal summary of findings presented to the on-site representative? **Yes**

Certified Operator: F. Josh Landstrom	Number: 20074	Class: I	Effective Date: 7-1-15	Expiration Date: 6-30-17	Email: landstrom1980@gmail.com
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Responsible Official: Mr. Matt Sherck, Owner 3812 W Galaxy Drive Connersville, Indiana 47331	Permittee: Pleasantview Utilities Email: msherck@co.fayette.in.us Phone: Fax:	Contacted? No
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**INSPECTION FINDINGS**

- Conditions evaluated were found to be satisfactory at the time of the inspection. (5)
- Violations were discovered but corrected during the inspection. (4)
- Potential problems were discovered or observed. (3)
- Violations were discovered and require a submittal from you and/or a follow-up inspection by IDEM. (2)
- Violations were discovered and may subject you to an appropriate enforcement response. (1)

**AREAS EVALUATED DURING INSPECTION**

(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

S	Receiving Waters	M	Facility/Site	S	Self-Monitoring	U	Compliance Schedules
S	Effluent Appearance	U	Operation	S	Flow Measurement	N	Pretreatment
S	Permit	U	Maintenance	S	Laboratory	U	Effluent Limits Compliance
S	CSO/SSO (Sewer Overflow)	U	Sludge	M	Records/Reports	N	Other:

**DETAILED AREA EVALUATIONS**

**Receiving Waters:**

S 1. The receiving stream was visibly free of excessive deposits of settled solids, floating debris, oil, scum, or billowy foam.

Comments:

The receiving stream was free of notable foam, algae or solids.

**Effluent Appearance:**

S 1. Treated effluent was free of excessive solids, floating debris, oil, scum, or billowy foam.

Comments:

The effluent was clear and free of color at the time of the inspection.

**Permit:**

S 1. Did the facility have a current copy of the permit available for reference?

N 2. If the permit expires within 180 days, has a renewal application been submitted?

S 3. Receiving waters were accurately described in permit.

N 4. The permit has been properly transferred if there is a new owner.

Comments:

The facility was found to have a valid permit and the facility description, including units of treatment and receiving stream, appears to be accurate.

**CSO/SSO:**

- N 1. CSO's were found to be adequately monitored and maintained.
- S 2. Evaluation of maintenance-related (clogged or blocked lines) overflow events in last 12 months.
- S 2. Evaluation of hydraulic (I&I) overflow events in last 12 months.
- N 3. Facility has met SSO and dry weather CSO reporting requirements
- N 4. Any adverse impacts from SSO and CSO events have been properly mitigated.

Comments:

No known overflows have occurred in the collection system in the last 12 months.

**Facility/Site:**

- S 1. The facility was found to have standby power or equivalent provision.
- M 2. An adequate alarm or notification system for power or equipment failure was available for the treatment facility and lift stations.
- S 3. Safe and adequate access was provided for inspection of all units and outfalls.
- S 4. Facilities and equipment did not appear beyond their useful life.
- 5. List any safety concerns:

Comments:

Facility/Site was rated as **marginal**. While the facility did install an alarm, it only indicates a power failure. This would allow facility personnel to switch to the standby generator for power. The critical component of this WWTP is the blower. In August 2016, the owner indicated that pressure sensors were ordered and would be installed that would sense a blower failure and trigger an alarm. These have not been installed.

**Operation:**

- U 1. All facilities and systems necessary for achieving compliance with the terms and conditions of the permit were operated efficiently, including a report for an anticipated bypass report for steps of treatment taken out of service.
- S 2. An adequate, qualified operating staff was found to be provided to carry out the operation of the facility, including:
  - a. Certified Operator's on-site attendance and/or qualified operations personnel attendance was adequate.
  - b. Adequate documentation of operational activities, including system monitoring and cleaning.
  - c. Adequate funding to ensure proper operation.
- N 3. Solids handling procedures include:
  - a. Sufficient solids wasted from the treatment system, in a timely manner, to maintain process efficiency.
  - b. Wasting of solids based on appropriate operational targets and valid process control testing.
  - c. Adequate documentation of solids removal, handling, or control was available for review.
- U 4. The facility was found to be operated efficiently during wet weather events.

Comments:

Operation was rated as **unsatisfactory**.

Part II. B. 1 of the permit requires all waste collection, control, treatment, and disposal facilities to be operated as efficiently as possible and in a manner which will minimize upsets and discharges of excessive pollutants.

At the time of the inspection the clarifier had an excessive solids buildup behind the influent baffle. Solids and algae buildup in the clarifier weir and weir trough should be removed, to reduce the chance of this material being discharged. The chlorine contact tank had a solids buildup, which is most likely negatively affecting the chlorine's ability to disinfect. In addition the solids in the contact tank is likely consuming the dissolved oxygen, resulting in DO violations. A recent washout of the WWTP due to increased flow with a series of rain events has sent an excessive amount of solids to the first polishing pond. This will also negatively affect effluent quality.

**Maintenance:**

- S 1. A maintenance record system has been established and includes maintenance/repair history and preventative maintenance plan.
- U 2. Facility maintenance activities appeared to be adequate.
- N 3. Lift stations were found to be adequately inspected, cleaned, and maintained, with adequate documentation of activities.
- U 4. Collection system maintenance activities appeared to be adequate.

Comments:

Maintenance was rated as **unsatisfactory**.

The facility has experienced excessive inflow and infiltration (I/I) in the collection system which recently hydraulically overload the wastewater treatment plant. A plant washout occurred in early May and again later in May. The facility reseeded the plant as a result.

This is a violation of Part II. B. 1 of the permit which requires all facilities to be maintained in good working order at all times and operated as efficiently as possible and in a manner which will minimize upsets and discharges of excessive pollutants. This includes the facility's collection system.

The facility's air handling system must be repaired. The air header was leaking excessively at the time of the inspection. In addition at least one air diffusor was disconnected allowing all the air to flow into the aeration tank there and none to be distributed in other areas. This must be repaired immediately.

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**Sludge:**

- U 1. Sludges, screenings, and slurries were found to be handled and disposed of properly.

Comments:

Sludge Disposal was rated as unsatisfactory. Part II. B. 1 of the permit requires the permittee to properly remove and dispose of excessive solids and sludges. At the time of the inspection, there was an excessive buildup of solids in the first polishing pond. When the inspector arrived the air was on in the sludge holding tank, but solids were returning to the aeration tank. This recycling of solids is not efficient operation. The hole cut in the wall of the sludge holding tank should only let supernatant into the aeration tank, not solids. The inspector was unable to determine when solids were last removed from the WWTP due to the lack of records.

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**Self-Monitoring:**

- S 1. Samples were found to be taken at pre-designated locations and were found to be representative.
- S 2. Flow-proportioned samples were found to be obtained where needed.
- S 3. The facility was found to conduct sampling of all waste streams, including type and frequency, as required in the permit.
- S 4. Sample collection procedures, including automatic sampling, were found to include:
- a. Samples refrigerated during compositing.
  - b. Proper preservation techniques used.
  - c. Containers and holding times conformed to 40 CFR 136.3.
- S 5. Sample documentation was found to be adequate and included:
- a. Dates, times, and locations of sampling.
  - b. Name of individual performing sampling.
  - c. Instantaneous flow for flow-weighted aliquots.
  - d. Chain of Custody records.
- N 6. NPDES Permit Whole Effluent Toxicity (WET) testing requirements were found to be met.

Comments:

The Self Monitoring Program was rated as satisfactory. All sampling practices, including influent, effluent, and intermediate unit process testing, are conducted accurately and at the frequency required by the permit. Samples are well documented.

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**Flow Measurement:**

- S 1. Flow was found to be properly monitored as required by the permit.
- S 2. Flow data and calibration records were available for review.

Comments:

The facility's flow measurement program, including all documentation, appeared to be adequate and representative. The flow meter was last calibrated on August 10, 2016.

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**Laboratory:**

The following laboratory records were reviewed:

pH Bench Sheets                      D. O. Bench Sheets                      Chlorine Bench Sheets

Contract Lab Reports

- N 1. The laboratory practices and protocol reviewed were adequate, including:
- a. A written laboratory QA/QC manual was available.
  - b. Samples were found to be properly stored.
  - c. Approved analytical methods were found to be used.
  - d. Calibration and maintenance of instruments was found to be adequate.

- e. QA/QC procedures were found to be adequate.
- f. Dates of analyses (and times where required) were recorded.
- g. Name of person performing analyses was recorded.

S 2. Review of lab records and/or on-site field testing equipment and protocols was found to be adequate.

### Contract Lab Information

Laurel WWTP Lab

Comments:

The bench sheets reviewed during the inspection appeared to be accurate and complete. Analysis for pH, DO, and chlorine is conducted on-site. Documentation is good. Samples for CBOD, TSS, Ammonia, and *E. coli* are transported to Laurel WWTP lab for analysis.

#### Records/Reports:

The following records/reports were reviewed:

DMRs for the period of June 2016 to May 2017 were reviewed as part of the inspection.

M 1. All facility records for the period including the previous three years were available for review.

S 2. DMRs and MROs were found to be completed properly and accurately including:

- a. "No Ex" column was accurate.
- b. Signatory requirements were met.
- c. Reports were prepared by or under the direction of a certified operator.

M 3. Bypass and Noncompliance reporting were found to be adequate.

Comments:

The Records/Reports evaluation generated a **marginal** rating. Some of the DMRs were not printed and available for inspection. Inspector reviewed DMRs in VFC and NetDMR. MROs were on-site for inspection. Violations were explained on some monthly reports, but not on others.

#### Compliance Schedules:

N 1. The NPDES Permit Schedule of Compliance monitoring and reporting milestones have been met.

U 2. Agreed Order compliance milestones have been met.

Comments:

The Compliance Schedules evaluation generated an **unsatisfactory** rating. At the time of the inspection it was determined you did not meet achieve the Compliance Plan in association with your existing Agreed Order. Specifically, the facility was required to regularly dispose of sludge. The alarm that was installed also needs improvement to assure facility personnel will be notified if there is a failure with the blower.

#### Pretreatment:

N 1. No evidence of interference from industrial or other sources of toxic substances was noted.

N 2. For both Delegated and Non-Delegated pretreatment programs:

- a. Industrial or commercial dischargers were found to be regulated as required.
- b. The permittee was found to enforce the Sewer Use Ordinance (SOU) and the Enforcement Response Plan (ERP).

N 3. If the non-delegated permittee accepts hauled waste:

- a. Does the POTW provide written permission to haulers?
- b. Does the POTW obtain samples from each hauled waste load and retain them for at least 48 hours?
- c. Does the POTW retain records of each load?

Comments:

The facility has no industrial sources.

#### Effluent Limits Compliance:

Yes 1. Were DMRs reviewed as part of the inspection?

DMRs for the period of June 2016 to May 2017 were reviewed as part of the inspection.

Yes 2. Were violations noted during the review of DMRs?

Comments:

The Effluent Limits Compliance area was rated **unsatisfactory** due to self-reported violations of the limits detailed in Part I. A. of the NPDES Permit. Review of DMRs revealed **41** DO, **four** ammonia, **eight** effluent chlorine, **three** chlorine contact tank, **one** *E. coli*, and **one** TSS % removal violations.

### IDEM REPRESENTATIVE

Inspector Name:

Email:

Phone Number:

Becky Ruark

bruark@idem.IN.gov

317-691-1909

**IDEM MANAGER REVIEW**

IDEM Manager:

Date:

Bridget S. Murphy

7/10/2017



## Inspection Photographs



Facility: <b>Pleasantview Utilities WWTP</b>
Photographer: <b>Becky Ruark</b>
Date: 6/26/2017      Time:
Others Present: <b>Josh Landstrom</b>
Location/Description: Excessive solids and vegetation on influent end of clarifier



Facility: <b>Pleasantview Utilities WWTP</b>
Photographer: <b>Becky Ruark</b>
Date: 6/26/2017      Time:
Others Present: <b>Josh Landstrom</b>
Location/Description: Clarifier weir with excessive solids and algae buildup



Facility: <b>Pleasantview Utilities WWTP</b>
Photographer: <b>Becky Ruark</b>
Date: 6/26/2017      Time:
Others Present: <b>Josh Landstrom</b>
Location/Description: Polishing pond with sludge evident from surface.



## INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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**Michael R. Pence**  
*Governor*

**Carol S. Comer**  
*Commissioner*

9/27/2015

Via Email to: [msherck@co.fayette.in.us](mailto:msherck@co.fayette.in.us)

Mr. Matt Sherck, President  
Pleasantview Utilities  
3812 W Galaxy Drive  
Connersville, Indiana 47331

Dear Mr. Sherck:

**Re: Inspection Summary/ Violation Letter**  
Pleasantview Utilities  
NPDES Permit No. IN0044776  
Connersville, Fayette County

An inspection of the above-referenced facility or location was conducted by a representative of the Indiana Department of Environmental Management, Office of Water Quality, pursuant to IC 13-18-3-9. A summary of the inspection is provided below:

Date(s) of Inspection: September 17, 2015  
Type of Inspection: Compliance Evaluation Inspection  
Inspection Results: Violations were observed.

IDEM recommends the permittee begin the process of registering for NetDMR. Enrollment in and use of NetDMR will be required in 2016. Information on NetDMR can be obtained at <http://www.in.gov/idem/cleanwater/2422.htm>.

The following concerns were noted:

Compliance Schedules was rated as marginal. The facility must meet a compliance demonstration period before completion of the Agreed Order. Also a flow equalization tank was to be installed, and has not.

These concerns will be forwarded to the OWQ Enforcement Section for consideration in conjunction with your Agreed Order, Case No. 2005-14957-W and will not require an immediate response. You will be notified of any required action and any questions can be directed to your Enforcement Case Manager.

The concerns noted below are not addressed in your Agreed Order and will require a response as detailed in the closing paragraph.

1. a. Facility/Site was rated as unsatisfactory due to the lack of an alternative power source. This is a violation of Part II. B. 5 of the permit which states, in part, that in order to maintain compliance with the effluent limitations and prohibitions of the permit, the permittee shall either provide an alternative power source or control the

discharge in order to maintain compliance with the effluent limits. The facility is on city water and therefore must have a generator on-site or provide IDEM with a written plan for how alternative power would be provided during a power outage.

- b. Facility/Site was rated unsatisfactory for lack of any alarm system for the facility. Part II. B. 1. b. of the permit requires that the facility be operated in a manner which will minimize discharges of excessive pollutants. An adequate alarm system is necessary to alert operators of equipment failure during hours when no attendant is on site. In addition the 0.0167 MGD plant is beyond it's useful life and is not being operated as cited in Other. During this inspection the air header was leaking. This must be repaired to regain efficient treatment as discussed in Operations.
2. Operation was rated as unsatisfactory. Part II. B. 1 of the permit states, in part, that all waste collection, control, treatment, and disposal facilities shall be operated as efficiently as possible and in a manner which will minimize upsets and discharges of excessive pollutants. At the time of the inspection the solids inventory under aeration was very high. Samples for 30 minute settling were in the 80% range. The digester was full. You plan to land apply this fall. The polishing ponds contain an excessive amount of sludge. The polishing ponds must be cleaned in order to work efficiently. You must remove sludge from the sludge holding tank on a regular basis, so that solids can be wasted in a timely manner. The leaking air header was also negatively affecting treatment at the time of the inspection. There was not sufficient air for aeration or proper mixing of the mixed liquor.
3.
    - a. The Self Monitoring Program was rated as unsatisfactory. At the time of the inspection it was determined the facility was not documenting proper flow proportioning of the effluent composite samples. This is a violation of Part I. B. 4. b. (4) of the permit, which defines the 24-hour flow proportioned composite sample.
    - b. The Self Monitoring Program was rated as unsatisfactory for not monitoring final effluent at the frequency required by the permit. This is a violation of Part I. A. 1 of the permit which sets forth the effluent monitoring frequencies applicable to the discharge from Outfall 001. Dissolved oxygen (DO) was not measured twice per day, two days per week as required by the permit.
    - c. The Self Monitoring Program was rated as unsatisfactory. The bench sheets for TSS, ammonia, and CBOD were determined inadequate. Some data was missing, some bench sheets were incomplete. This is a violation of Part I. B. 6 of the permit which states, in part, that the permittee shall record specific information as described, for each measurement or sample taken pursuant to the requirements of this permit. These requirements include: a. the date, exact place and time of sampling or measurements; b. the person who performed the sampling or measurements; c. the date(s) and time(s) analyses were performed; d. the person(s) who performed the analyses; e. the analytical techniques or methods used; and f. the results of such measurements and analyses

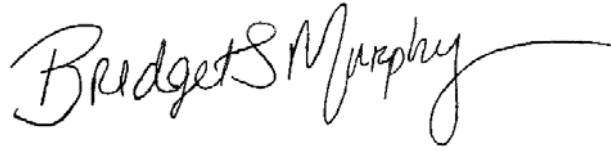
4. The Laboratory evaluation generated an unsatisfactory rating. Part I. B. 5 of the permit states, in part, the analytical and sampling methods used shall conform to the current version of 40 CFR, Part 136, unless otherwise specified. Analysis for pH must be conducted immediately within 15 minutes of collection. Several samples were out of hold time. Other laboratory issues will be addressed at the Laurel WWTP laboratory.
  
5. The Records/Reports evaluation generated an unsatisfactory rating. Part I. B. 8 of the permit states, in part, that the permittee shall retain, for a minimum of three years, all records and information resulting from the monitoring activities required by the permit, including all records of analyses performed. In cases where the original records are kept at another location, a copy of all such records shall be kept at the permitted facility. At the time of the inspection, a correctly revised and resubmitted February 2015 DMR and it's corresponding MRO and the April 2015 DMR and MRO were unavailable for review. In addition the DMR number of exceedance box is not being completed correctly. All violations must be counted accurately and the number of violations must be recorded for each line on the DMR.
  
6. The Effluent Limits Compliance area was rated unsatisfactory due to self-reported violations of the limits detailed in Part I. A. of the NPDES Permit. Review of DMRs revealed eight DO violations, two ammonia violations, two effluent chlorine violations, and one chlorine contact tank violation. In addition, reports for July 2014 to March 2015 were reviewed during an inspection in April 2015. These reports indicated violations of DO, ammonia, and E. coli limits.
  
7. Other: Bypass was rated as unsatisfactory. Part II. B. 2. g of the permit prohibits diversion of flow from the 0.0167 MGD plant as Outfall 101. This plant is no longer usable and continues to be bypassed and is a violation.

Part II. A. 1. of your permit requires you to comply with its terms and conditions. Any noncompliance with the terms of your permit may subject you to an enforcement action which can include the imposition of penalties. You are required to immediately take all necessary measures to comply with the terms and conditions of your NPDES Permit, specifically those violations identified above.

Within 30 days of receipt of this letter, a written detailed response documenting correction of the concerns listed above and/or a plan for assuring future compliance must be submitted to this office. Failure to respond adequately to this letter may result in formal enforcement action. Please direct your response to this letter to the attention of Bridget S. Murphy, at our letterhead address or via email to [wwViolationResponse@idem.IN.gov](mailto:wwViolationResponse@idem.IN.gov).

Any questions should be directed to Becky Ruark at 317-691-1909 or by email to [bruark@idem.IN.gov](mailto:bruark@idem.IN.gov). Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Bridget S. Murphy". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Bridget S. Murphy, Inspections Section Chief  
Compliance Branch  
Office of Water Quality

Enclosure

Cc: Mary Hoover, Water Enforcement Section Chief



**NPDES Wastewater Facility Inspection Report**  
INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

NPDES Permit Number: <b>IN0044776</b>		Facility Type: Mixed Ownership		Facility Classification: Minor		TEMPO AI ID 1582	
Date(s) of Inspection: September 17, 2015							
Type of Inspection: Compliance Evaluation Inspection							
Name and Location of Facility Inspected: <b>Pleasantview Utilities</b> 3812 W Galaxy Drive Connersville IN 47331				Receiving Waters: Tributary to Williams Creek		Permit Expiration Date: 5/31/2017	
County: Fayette				Design Flow: 0.0667MGD			
On Site Representative(s): First Name Last Name Title Email Phone Josh Landstrom Certified Operator landstrom1980@gmail.com 765-698-6889							
Was a verbal summary of findings presented to the on-site representative? <b>Yes</b>							
Certified Operator: F. Josh Landstrom		Number: 20074	Class: I	Effective Date: 7-1-15	Expiration Date: 6-30-17	Email: landstrom1980@gmail.com	
Responsible Official: Mr. Matt Sherck, President 3812 W Galaxy Drive Connersville, Indiana 47331				Permittee: Pleasantview Utilities Email: msherck@co.fayette.in.us Phone: 765-309-2973 Fax:		Contacted? No	
<b>INSPECTION FINDINGS</b>							
<input type="radio"/> Conditions evaluated were found to be satisfactory at the time of the inspection. (5) <input type="radio"/> Violations were discovered but corrected during the inspection. (4) <input type="radio"/> Potential problems were discovered or observed. (3) <input checked="" type="radio"/> Violations were discovered and require a submittal from you and/or a follow-up inspection by IDEM. (2) <input type="radio"/> Violations were discovered and may subject you to an appropriate enforcement response. (1)							
<b>AREAS EVALUATED DURING INSPECTION</b>							
<i>(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)</i>							
S	Receiving Waters	U	Facility/Site	U	Self-Monitoring	M	Compliance Schedules
S	Effluent Appearance	U	Operation	S	Flow Measurement	N	Pretreatment
S	Permit	S	Maintenance	U	Laboratory	U	Effluent Limits Compliance
S	CSO/SSO (Sewer Overflow)	N	Sludge	U	Records/Reports	U	Other: Bypass
<b>DETAILED AREA EVALUATIONS</b>							
IDEM recommends the permittee begin the process of registering for NetDMR. Enrollment in and use of NetDMR will be required in 2016. Information on NetDMR can be obtained at <a href="http://www.in.gov/idem/cleanwater/2422.htm">http://www.in.gov/idem/cleanwater/2422.htm</a> .							
<b>Receiving Waters:</b>							
<u>S</u> 1. The receiving stream is visibly free of excessive deposits of settled solids, floating debris, oil, scum, or billowy foam.							
Comments: The receiving stream was free of notable foam, algae or solids.							
<b>Effluent Appearance:</b>							
<u>S</u> 1. Treated effluent is free of excessive solids, floating debris, oil, scum, or billowy foam.							
Comments: The effluent was clear and free of color at the time of the inspection.							

**Permit:**

- S 1. Does the facility have a current copy of the permit available for reference?
- N 2. If the permit expires within 180 days, has a renewal application been submitted?
- S 3. Receiving waters are accurately described in permit.
- N 4. The permit has been properly transferred if there is a new owner.

Comments:

The facility has a valid permit and the facility description, including units of treatment and receiving stream, is accurate.

**CSO/SSO:**

- N 1. CSO's are adequately monitored and maintained.
- S 2. No unauthorized overflow events in last 12 months.
- N 3. Facility has met SSO and dry weather CSO reporting requirements
- N 4. Any adverse impacts from SSO and CSO events have been properly mitigated.

Comments:

No known overflows have occurred in the last 12 months.

**Facility/Site:**

- U 1. The facility has standby power or equivalent provision.
- U 2. An adequate alarm or notification system for power or equipment failure is available for the treatment facility and lift stations.
- S 3. Safe and adequate access is provided for inspection of all units and outfalls.
- U 4. Facilities and equipment do not appear beyond their useful life.
- 5. List any safety concerns:

Comments:

Facility/Site was rated as **unsatisfactory** due to the lack of an alternative power source. This is a violation of Part II. B. 5 of the permit which states, in part, that in order to maintain compliance with the effluent limitations and prohibitions of the permit, the permittee shall either provide an alternative power source or control the discharge in order to maintain compliance with the effluent limits. The facility is on city water and therefore must have a generator on-site or provide IDEM with a written plan for how alternative power would be provided during a power outage.

Facility/Site was rated **unsatisfactory** for lack of any alarm system for the facility. Part II. B. 1. b. of the permit requires that the facility be operated in a manner which will minimize discharges of excessive pollutants. An adequate alarm system is necessary to alert operators of equipment failure during hours when no attendant is on site.

In addition the 0.0167 MGD plant is beyond it's useful life and is not being operated as cited in Other. During this inspection the air header was leaking. This must be repaired to regain efficient treatment as discussed in Operations.

**Operation:**

- U 1. All facilities and systems necessary for achieving compliance with the terms and conditions of the permit are operated efficiently, including an anticipated bypass report for steps of treatment taken out of service.
- S 2. An adequate, qualified operating staff is provided to carry out the operation of the facility, including:
  - a. Certified Operator's on-site attendance and/or qualified operations personnel attendance is adequate.
  - b. Adequate documentation of operational activities, including system monitoring and cleaning.
  - c. Adequate funding to ensure proper operation.
- U 3. Solids handling procedures include:
  - a. Sufficient solids are wasted from the treatment system, in a timely manner, to maintain process efficiency.
  - b. Wasting of solids is based on appropriate operational targets and valid process control testing.
  - c. Adequate documentation of solids removal, handling, or control is available for review.
- N 4. The facility is operated efficiently during wet weather events.

Comments:

Operation was rated as **unsatisfactory**. Part II. B. 1 of the permit states, in part, that all waste collection, control, treatment, and disposal facilities shall be operated as efficiently as possible and in a manner which will minimize upsets and discharges of excessive pollutants. At the time of the inspection the solids inventory under aeration was very high. Samples for 30 minute settling were in the 80% range. The digester was full. The owner plans to land apply this fall. The polishing ponds contain an excessive amount of sludge. The polishing ponds must be cleaned in order to work efficiently. The facility must remove sludge from the sludge holding tank on a regular basis, so that solids can be wasted in a timely manner. The leaking air header was also negatively affecting

treatment at the time of the inspection. There was not sufficient air for aeration or proper mixing of the mixed liquor.

**Maintenance:**

- S 1. A maintenance record system has been established and includes maintenance/repair history and preventative maintenance plan.
- S 2. Facility maintenance activities appear adequate.
- N 3. Lift stations are adequately inspected, cleaned, and maintained, with adequate documentation of activities.
- N 4. Collection system maintenance activities appear adequate.

Comments:

Preventative maintenance activities and repairs are documented. A written log (rather than just on the equipment) would be preferred.

**Sludge:**

- N 1. Sludges, screenings, and slurries are handled and disposed of properly.

Comments:

No sludge has been removed in the past two years.

**Self-Monitoring:**

- S 1. Samples are taken at pre-designated locations and are representative.
- U 2. Flow-proportioned samples are obtained where needed.
- U 3. The facility conducts sampling of all waste streams, including type and frequency, as required in the permit.
- S 4. Sample collection procedures, including automatic sampling, include:
  - a. Samples are refrigerated during compositing.
  - b. Proper preservation techniques are used.
  - c. Containers and holding times conform to 40 CFR 136.3.
- U 5. Sample documentation is adequate and includes:
  - a. Dates, times, and locations of sampling.
  - b. Name of individual performing sampling.
  - c. Instantaneous flow for flow-weighted aliquots.
  - d. Chain of Custody records.
- N 6. NPDES Permit Whole Effluent Toxicity (WET) testing requirements are being met.

Comments:

The Self Monitoring Program was rated as **unsatisfactory**. At the time of the inspection it was determined the facility was not documenting proper flow proportioning of the effluent composite samples. This is a violation of Part I. B. 4. b. (4) of the permit, which defines the 24-hour flow proportioned composite sample.

The Self Monitoring Program was rated as **unsatisfactory** for not monitoring final effluent at the frequency required by the permit. This is a violation of Part I. A. 1 of the permit which sets forth the effluent monitoring frequencies applicable to the discharge from Outfall 001. Dissolved oxygen (DO) was not measured twice per day, two days per week as required by the permit.

The Self Monitoring Program was rated as **unsatisfactory**. The benchsheets for TSS, ammonia, and CBOD were determined inadequate. Some data was missing, some benchsheets were incomplete. This is a violation of Part I. B. 6 of the permit which states, in part, that the permittee shall record specific information as described, for each measurement or sample taken pursuant to the requirements of this permit. These requirements include: a. the date, exact place and time of sampling or measurements; b. the person who performed the sampling or measurements; c. the date(s) and time(s) analyses were performed; d. the person(s) who performed the analyses; e. the analytical techniques or methods used; and f. the results of such measurements and analyses

**Flow Measurement:**

- S 1. Flow is properly monitored as required by the permit.
- S 2. Flow data and calibration records are available for review.

Comments:

The effluent flow meter was last calibrated on 4-10-15.



**Laboratory:**

The following laboratory records were reviewed:

D. O. Bench Sheets                      pH Bench Sheets                      Chlorine Bench Sheets

N 1. The laboratory practices and protocol reviewed were adequate, including:

- a. Written laboratory QA/QC manual.
- b. Samples are properly stored.
- c. Approved analytical methods are used.
- d. Calibration and maintenance of instruments is adequate.
- e. QA/QC procedures are adequate.
- f. Dates of analyses. (and times where required)
- g. Name of person performing analyses.

U 2. Review of lab records and/or on-site field testing equipment and protocols was found to be adequate.

**Contract Lab Information**

Laurel WWTP Lab
-----------------

Comments:

The Laboratory evaluation generated an **unsatisfactory** rating. Part I. B. 5 of the permit states, in part, the analytical and sampling methods used shall conform to the current version of 40 CFR, Part 136, unless otherwise specified. Analysis for pH must be conducted immediately within 15 minutes of collection. Several samples were out of hold time. Other laboratory issues will be addressed at the Laurel WWTP laboratory.

**Records/Reports:**

The following records/reports were reviewed:

DMRs for the period of April 2015 to July 2015 were reviewed as part of the inspection.

U 1. All facility records for the period including the previous three years were available for review.

U 2. DMRs and MROs are completed properly and accurately including:

- a. "No Ex" column is accurate.
- b. Signatory requirements are met.
- c. Reports are prepared by or under the direction of a certified operator.

N 3. Bypass and Noncompliance reporting are adequate.

Comments:

The Records/Reports evaluation generated an **unsatisfactory** rating. Part I. B. 8 of the permit states, in part, that the permittee shall retain, for a minimum of three years, all records and information resulting from the monitoring activities required by the permit, including all records of analyses performed. In cases where the original records are kept at another location, a copy of all such records shall be kept at the permitted facility. At the time of the inspection, a correctly revised and resubmitted February 2015 DMR and it's corresponding MRO and the April 2015 DMR and MRO were unavailable for review.

In addition the DMR number of exceedance box is not being completed correctly. All violations must be counted accurately and the number of violations must be recorded for each line on the DMR.

**Compliance Schedules:**

N 1. The NPDES Permit Schedule of Compliance monitoring and reporting milestones have been met.

M 2. Agreed Order compliance milestones have been met.

Comments:

Compliance Schedules was rated as marginal. The facility must meet a compliance demonstration period before completion of the Agreed Order. Also a flow equalization tank was to be installed, and has not.

**Pretreatment:**

- N 1. No evidence of interference from industrial or other sources of toxic substances was noted.
- N 2. For both Delegated and Non-Delegated pretreatment programs:
  - a. Industrial or commercial dischargers are regulated as required.
  - b. The permittee enforces the Sewer Use Ordinance (SOU) and the Enforcement Response Plan (ERP).
  - c. The permittee submitted its annual pretreatment report to IDEM by April 1.
- N 3. Non-Delegated pretreatment programs have:
  - a. Developed the Sewer Use Ordinance and submitted it to IDEM.
  - b. Developed the Enforcement Response Plan and submitted it to IDEM.
  - c. The permittee submitted sludge monitoring data (Cd, Cu, Pb, Hg, Mo, Ni, Zn) twice per year to IDEM's Pretreatment Group.
- N 4. Pretreatment records and procedures were adequate and include:
  - a. Inventory of Industrial Waste Contributors/Industrial Survey.
  - b. Keeping records of all Industrial User (IU) self-monitoring data.
  - c. Conducting compliance monitoring at all Significant Industrial Users (SIUs) for all parameters in the industry's permit.
  - d. Conducting annual inspections at all SIUs and documenting them with inspection reports.
  - e. For any IU in noncompliance in the past year, the permittee has taken enforcement actions.
- N 5. If the non-delegated permittee accepts hauled waste:
  - a. Does the POTW provide written permission to haulers?
  - b. Does the POTW obtain samples from each hauled waste load and retain them for at least 48 hours?
  - c. Does the POTW retain records of each load?

Comments:  
The facility has no industrial sources.

**Effluent Limits Compliance:**

- Yes 1. Were DMRs reviewed as part of the inspection?  
DMRs for the period of April 2015 to July 2015 were reviewed as part of the inspection.
- Yes 2. Were violations noted during the review of DMRs?

Comments:  
The Effluent Limits Compliance area was rated **unsatisfactory** due to self-reported violations of the limits detailed in Part I. A. of the NPDES Permit. Review of DMRs revealed eight DO violations, **two** ammonia violations, **two** effluent chlorine violations, and **one** chlorine contact tank violation. In addition, reports for July 2014 to March 2015 were reviewed during an inspection in April 2015. These reports indicated violations of DO, ammonia, and *E. coli* limits.

**Other:**

**Bypass**

Comments:  
Other: Bypass was rated as **unsatisfactory**. Part II. B. 2. g of the permit prohibits diversion of flow from the 0.0167 MGD plant as Outfall 101. This plant is no longer usable and continues to be bypassed and is a violation.

**IDEM REPRESENTATIVE**

Inspector Name:	Email:	Phone Number:
Becky Ruark	bruark@idem.IN.gov	317-691-1909
Other staff participating in the inspection:		
Name(s)	Phone Number(s)	
Holly Zurcher		

**IDEM MANAGER REVIEW**

IDEM Manager:	Date:
Bridget S. Murphy	9/24/2015



## INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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**Michael R. Pence**  
*Governor*

**Thomas W. Easterly**  
*Commissioner*

May 20, 2015

Via Email to: msherk@co.fayette.in.us  
Mr. Matt Sherck, President  
Pleasantview Utilities, Inc.  
3812 W Galaxy Drive  
Connersville, Indiana 47331

Dear Mr. Sherck:

**Re: Inspection Summary/ Violation Letter**  
Pleasantview Utilities  
NPDES Permit No. IN0044776  
Connersville, Fayette County

An inspection of the above-referenced facility or location was conducted by a representative of the Indiana Department of Environmental Management, Office of Water Quality, pursuant to IC 13-18-3-9. A summary of the inspection is provided below:

Date(s) of Inspection: April 14, 2015  
Type of Inspection: Reconnaissance Inspection  
Inspection Results: Violations were observed.

The following concerns were noted:

1. The Laboratory evaluation generated an unsatisfactory rating. Part I. B. 5 of the permit states, in part, the analytical and sampling methods used shall conform to the current version of 40 CFR, Part 136, unless otherwise specified. At the time of the inspection it was determined samples for pH were being analyzed as much as 2 hours, 45 minutes after the sample was collected. Samples for pH must be analyzed within 15 minutes of collection. Duplicate samples for TSS must be treated the same every time, not sometimes averaged and sometimes pick the lowest.
2. The Records/Reports evaluation generated an unsatisfactory rating. The February 2015 DMR had incorrect information for daily average minimum dissolved oxygen (DO) reading. Reported value should have been 4.3 mg/L. This DMR must be corrected and resubmitted. Precipitation must be recorded on the MRO each month.
3. The Effluent Limits Compliance area was rated unsatisfactory due to self-reported violations of the limits detailed in Part I. A. of the NPDES Permit. Review of DMRs revealed three *E. coli* violations, 32 Ammonia violations, and 27 Dissolved Oxygen violations.

4. Other: Bypass was rated as unsatisfactory. Part II. B. 2. g of the permit prohibits diversion of flow from the 0.0167 MGD plant as Outfall 101. This plant is no longer usable and continues to be bypassed and is a violation. The facility has built a new outfall following the new chlorine contact tank. At the time of this inspection, the facility was discharging some flow through the old outfall directly from the polishing pond with no disinfection and no post aeration. It was also discharging disinfected effluent through the new outfall. Before the inspection was complete on 4-14-15, all flow was rerouted to go through disinfection and be discharged through the new outfall. A bypass of treatment is a violation of Part II. B. 2. b of the permit which prohibits bypasses.

This information is being forwarded to the OWQ Enforcement Section for consideration in conjunction with your Agreed Order, Case No. 2005-14957-W. As items one through four listed above are not addressed within your existing agreed order, a written detailed response documenting correction and/or a plan for assuring future compliance must be submitted to this office within 30 days of receipt of this letter. Failure to respond adequately to this letter may result in additional enforcement action. Please direct your response to this letter to the attention of Bridget S. Murphy, at our letterhead address or via email to [wwViolationResponse@idem.IN.gov](mailto:wwViolationResponse@idem.IN.gov). Any questions should be directed to Becky Ruark at 317-691-1909 or by email to [bruark@idem.IN.gov](mailto:bruark@idem.IN.gov). Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Bridget S. Murphy". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Bridget S. Murphy, Inspections Section Chief  
Compliance Branch  
Office of Water Quality

Enclosure

Cc: Mary Hoover, Water Enforcement Section Chief



# NPDES Wastewater Facility Inspection Report

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

NPDES Permit Number: <b>IN0044776</b>	Facility Type: Mixed Ownership	Facility Classification: Minor	TEMPO AI ID 1582
--	-----------------------------------	-----------------------------------	---------------------

Date(s) of Inspection: April 14, 2015

Type of Inspection: Reconnaissance Inspection

Name and Location of Facility Inspected: <b>Pleasantview Utilities</b> 3812 W Galaxy Drive Connersville IN 47331	County: Fayette	Receiving Waters: Tributary to Williams Creek	Permit Expiration Date: 5/31/2017
			Design Flow: 0.0667MGD

On Site Representative(s):				
First Name	Last Name	Title	Email	Phone
Matt	Sherck	President	msherck@co.fayette.in.us	765-309-2973
Josh	Landstrom	Certified Operator	landstrom1980@gmail.com	

Was a verbal summary of findings presented to the on-site representative? **Yes**

Certified Operator: F. Josh Landstrom	Number: 20074	Class: I	Effective Date: 11-3-13	Expiration Date: 6-30-15	Email: landstrom1980@gmail.com
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Responsible Official: Mr. Matt Sherck, President 3812 W Galaxy Drive Connersville, Indiana 47331	Permittee: Pleasantview Utilities, Inc.	
	Email: msherck@co.fayette.in.us	
	Phone: 765-309-2973	Contacted?
	Fax:	Yes

### INSPECTION FINDINGS

- Conditions evaluated were found to be satisfactory at the time of the inspection. (5)
- Violations were discovered but corrected during the inspection. (4)
- Potential problems were discovered or observed. (3)
- Violations were discovered and require a submittal from you and/or a follow-up inspection by IDEM. (2)
- Violations were discovered and may subject you to an appropriate enforcement response. (1)

### AREAS EVALUATED DURING INSPECTION

(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

S	Receiving Waters	N	Facility/Site	N	Self-Monitoring	N	Compliance Schedules
S	Effluent Appearance	N	Operation	S	Flow Measurement	N	Pretreatment
S	Permit	N	Maintenance	U	Laboratory	U	Effluent Limits Compliance
S	CSO/SSO (Sewer Overflow)	N	Sludge	U	Records/Reports	U	Other: Bypass

### DETAILED AREA EVALUATIONS

**Receiving Waters:**  
Comments:  
The receiving stream was free of notable foam, algae or solids.

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**Effluent Appearance:**  
Comments:  
The effluent was clear and free of color at the time of the inspection.

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**Permit:**  
Comments:  
The facility has a valid permit and the facility description, including units of treatment and receiving stream, is accurate.

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**CSO/SSO:**  
Comments:  
No known overflows have occurred in the past 12 months.

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**Sludge:**  
Comments:  
No sludge has been disposed in the past 12 months.

**Flow Measurement:**

Comments:

The flow meter was recently installed and was calibrated on 4-10-15 by Hurst Technical.

**Laboratory:**

The following laboratory records were reviewed:

**Contract Lab Information**

Laurel WWTP Lab
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Comments:

The Laboratory evaluation generated an **unsatisfactory** rating. Part I. B. 5 of the permit states, in part, the analytical and sampling methods used shall conform to the current version of 40 CFR, Part 136, unless otherwise specified. At the time of the inspection it was determined samples for pH were being analyzed as much as 2 hours, 45 minutes after the sample was collected. Samples for pH must be analyzed within 15 minutes of collection. Duplicate samples for TSS must be treated the same every time, not sometimes averaged and sometimes pick the lowest.

**Records/Reports:**

The following records/reports were reviewed:

DMRs for the period of April 2014 to March 2015 were reviewed as part of the inspection.

Comments:

The Records/Reports evaluation generated an **unsatisfactory** rating. The February 2015 DMR had incorrect information for daily average minimum dissolved oxygen (DO) reading. Reported value should have been 4.3 mg/L. **This DMR must be corrected and resubmitted.** Precipitation must be recorded on the MRO each month.

**Effluent Limits Compliance:**

Yes 1. Were DMRs reviewed as part of the inspection?

DMRs for the period of April 2014 to March 2015 were reviewed as part of the inspection.

Yes 2. Were violations noted during the review of DMRs?

Comments:

The Effluent Limits Compliance area was rated **unsatisfactory** due to self-reported violations of the limits detailed in Part I. A. of the NPDES Permit. Review of DMRs revealed **three** *E. coli* violations, **32** Ammonia violations, and **27** Dissolved Oxygen violations.

**Other:**

**Bypass**

Comments:

Other: Bypass was rated as unsatisfactory.

Part II. B. 2. g of the permit prohibits diversion of flow from the 0.0167 MGD plant as Outfall 101. This plant is no longer usable and continues to be bypassed and is a violation.

The facility has built a new outfall following the new chlorine contact tank. At the time of this inspection, the facility was discharging some flow through the old outfall directly from the polishing pond with no disinfection and no post aeration. It was also discharging disinfected effluent through the new outfall. Before the inspection was complete on 4-14-15, all flow was rerouted to go through disinfection and be discharged through the new outfall. A bypass of treatment is a violation of Part II. B. 2. b of the permit which prohibits bypasses.

**IDEM REPRESENTATIVE**

Inspector Name: Becky Ruark	Email: bruark@idem.IN.gov	Phone Number: 317-691-1909
Other staff participating in the inspection: Name(s) Andy Schmidt	Phone Number(s) 317-691-1905	

**IDEM MANAGER REVIEW**

IDEM Manager: Bridget S. Murphy	Date: 5/19/2015
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# Inspection Photographs



Facility: <b>Pleasantview Utilities</b>
Photographer: <b>Andy Schmidt</b>
Date: 4/14/2015      Time: 10:22:00 AM
Others Present: <b>Becky Ruark, Matt Sherck</b>
Location/Description: <b>Old outfall with flow</b>



Facility: <b>Pleasantview Utilities</b>
Photographer: <b>Andy Schmidt</b>
Date: 4/14/2015      Time: 10:20:00 AM
Others Present: <b>Becky Ruark, Matt Sherck</b>
Location/Description: <b>New outfall with flow</b>

ORIGINAL

*De*  
*BJ*  
*MS*  
*CU*  
*APW*

**STATE OF INDIANA**

**INDIANA UTILITY REGULATORY COMMISSION**

<b>IN THE MATTER OF THE )          PETITION OF PLEASANTVIEW )          UTILITIES, INC. FOR A NEW )          SCHEDULE OF RATES AND )          CHARGES. )</b>	)	<b>CAUSE NO. 44351 U</b>  <b>APPROVED:            MAR 26 2014</b>
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**ORDER OF THE COMMISSION**

**Presiding Officers:**

**David E. Ziegner, Commissioner**  
**Marya E. Jones, Administrative Law Judge**

On June 13, 2013, Pleasantview Utilities, Inc., (“Pleasantview” or “Petitioner”) filed its Small Utility Rate Application for a change in rates and charges (“Application”) with the Indiana Utility Regulatory Commission (“Commission”) pursuant to the provisions of Ind. Code § 8-1-2-61.5 and 170 IAC 14-1. Petitioner is seeking an across-the-board two-phase revenue increase totaling 107.73%, consisting of a Phase I rate increase of 74.13% and Phase II rate increase of 19.29%. On July 3, 2013, the Commission’s Water and Sewer Division issued a Memorandum stating that Petitioner’s Application was incomplete. On July 8, 2013, Petitioner filed additional information in support of the Application, including proofs of the notice it had published describing the filing of its Application as required by 170 IAC 14-1-2(b). On July 10, 2013, the Commission determined that the Application was complete.

Pursuant to Ind. Code § 8-1-2-61.5, a formal public hearing is not required in rate cases involving small utilities with fewer than 5,000 customers, unless a hearing is requested by at least ten customers, a public or municipal corporation, or by the Indiana Office of Utility Consumer Counselor (“OUCC”). On August 29, 2013, the OUCC filed a request for a public field hearing in response to a communication it received from 23 customers of Petitioner. The Commission granted the request on September 11, 2013. Pursuant to notice duly published as required by law, proof of which was incorporated into the record by reference and placed in the official files of the Commission, a public field hearing was held in this Cause on September 25, 2013 at 6:00 P.M., in the Connersville City Hall Council Chambers, 500 N. Central Avenue, Connersville, Indiana. Approximately 14 people out of a customer base of 194 connections attended the field hearing. The Commission held a public field hearing in lieu of an evidentiary hearing pursuant to Ind. Code § 8-1-2-61.5(b).

On October 7, 2013, the OUCC filed its report (“Report”) with the Commission as required by 170 IAC 14-1-4(a). The Report detailed its review of the Application and made several recommendations to the Commission concerning the relief requested by Petitioner. On November 29, 2013, Petitioner filed a notice of its intent to respond to the OUCC’s Report pursuant to 170 IAC 14-1-4(b). Petitioner failed to make any further filings thereafter. On February 6, 2014, a Docket Entry was issued and Petitioner responded on February 20, 2014.



Based upon the applicable law and the evidence presented herein, the Commission now finds as follows:

1. **Commission Jurisdiction and Notice.** Petitioner is a public utility as defined in Ind. Code § 8-1-2-1(a). The evidence presented by Petitioner in this Cause establishes that legal notice of the filing of the Application was published in accordance with applicable law and that Petitioner gave proper notice of the nature and extent of the relief it is seeking to its customers. The Commission thus finds that due, legal, and timely notice of this matter was given and published as required by law. Further, the Commission finds Petitioner is an Indiana public utility, provides water service to fewer than 5,000 retail customers and does not extensively serve another utility. The Application satisfies all of the requirements of Ind. Code § 8-1-2-6I.5 and 170 IAC 14-1 for treatment as a small utility. Therefore, the Commission has jurisdiction over the Petitioner and subject matter of this case.

2. **Petitioner's Characteristics.** Petitioner is an investor-owned public utility that provides water and sewer utility service to approximately 194 customers in the Pleasantview subdivision, located west of the City of Connersville, in Fayette County, Indiana. Petitioner is an S corporation whose common stock is solely owned by Mr. Matthew Sherck who also serves as President of the utility. Petitioner's collection system consists of clay tiles from homes that connect through 66 manholes to clay tile mains that deliver the raw sewage on a gravity basis to the wastewater treatment plant in the development. The wastewater treatment plant was constructed in 1974 and is a packaged plant rated to treat 60,000 gallons per day. The existing facilities include an abandoned equalization tank, two polishing ponds, and chlorination in advance of the ponds. The original surge tank and digester have been converted to perform aeration. Two blowers and a flow meter are in service. A new blower and flow meter were installed in 2012. Despite recent improvements, the condition of the wastewater plant has been allowed to deteriorate for several years. Due to repeated violations of its National Pollutant Elimination System ("NPDES") permit, Petitioner has been subject to an Agreed Order with the Indiana Department of Environmental Management ("IDEM") since 2005. Administrative Cause No. 2005-14957-W ("Agreed Order"). On September 4, 2013, IDEM approved a construction permit for capital improvements at Petitioner's wastewater treatment plant.

3. **Existing Rates and Relief Requested.** Petitioner's rates and charges were originally established in the Commission's September 25, 2002 Order in Cause No. 42202 U. At that time the Commission approved a \$21.61/month Phase I flat sewer rate, granted financing authority to borrow funds totaling \$305,000 at a maximum interest rate of 8% to build an interconnection with Connersville, and authorized a \$40.75/month Phase II rate that would be effective after the Connersville interconnection was built and in service. Phase II rates were never implemented because Petitioner has not made the approved borrowing or built the interconnection. Subsequently, in an Order dated April 23, 2008 in Cause No. 43313 U, the Commission approved a 12.82% increase, authorizing a \$24.38 monthly sewer service charge. The Commission denied Petitioner's request to recover debt service on plant that had yet to be built. Currently, Petitioner requests an across-the-board two-phase revenue increase totaling 107.73%, consisting of a Phase I rate increase of 74.13% and Phase II rate increase of 19.29%. The rate increase applies to wastewater usage and monthly service charges.

4. **Test Period.** The test period selected for determining Petitioner's revenues and expenses reasonably incurred in providing water utility service to its customers includes the twelve (12) months ending December 31, 2012. With adjustments for changes that are fixed, known and measurable, the Commission finds that this test period is sufficiently representative of Petitioner's normal operations to provide reliable data for ratemaking purposes.

5. **Application.** In its Application, Petitioner represented that the rate increase is necessary to implement capital improvements to its Wastewater Treatment Plant to comply with IDEM's Agreed Order, and to cover increased operating costs. Phase II rates will not go into effect until the Wastewater Treatment Plant project is in service.

A. **Phase I Adjustments.**

I. **Revenue Adjustments.** Petitioner has no proposed revenue adjustments in the Application.

II. **Expense Adjustments.** Petitioner proposed the following *pro forma* adjustments to test year expenses:

i. **Salaries and Wage Expense:** An increase of \$13,375, which includes a proposed annual salary of \$12,000 for the President and allowance of \$1,950 for billing services.

ii. **Maintenance Expense:** An increase of \$13,355 to reflect the utility's average annual cost of system maintenance, including pond maintenance, smoke testing, and the cost to televise and clean 10% of utility's system.

iii. **Insurance Expense:** An increase in insurance premiums of \$202.

iv. **Rate Case Expense:** An increase of \$500 per year, which reflects a total rate case expense of \$2,500 over five years.

v. **Certified Operator Expense:** An increase of \$15,975 for Certified Operator services.

vi. **Laboratory Expense:** An increase of \$8,400 for accredited laboratory services.

vii. **Depreciation Expense:** An increase of \$2,881, based on utility plant in service of \$157,275 and a 2.5% composite depreciation rate.

viii. **Payroll Taxes:** An increase of \$1,067 to reflect increases in Salaries and Wage expense.

ix. **Property Taxes**: An increase of \$14.

x. **IURC Fee**: A decrease of \$1 and an increase of \$45 to reflect *pro forma* present and proposed adjustments, respectively.

xi. **Utility Receipts Tax**: A decrease of \$92 and an increase of \$527 to reflect *pro forma* present and proposed adjustments, respectively.

**B. Phase II Adjustments.**

**I. Capital Improvements.** To address IDEM's concerns set forth in the Agreed Order, Petitioner hired Hometown Engineering to assess the needs and estimate the cost of improvements to its wastewater treatment plant. Hometown Engineering determined that Petitioner's existing packaged plant is adequate to treat the average daily flows to the wastewater treatment plant, but plant improvements totaling \$127,500 are necessary to comply with IDEM's Agreed Order. This consists of \$107,500 in construction costs and \$20,000 for engineering costs. Therefore, for Phase II, Petitioner requests approval to incur \$127,500 in debt over a five-year period at an interest rate of 8% for wastewater treatment plant improvements.

**II. Expense Adjustments.**

i. **Operation and Maintenance Expense**: An increase of \$1,000, due to increased purchased power and chemical expense.

ii. **Depreciation Expense**: An increase of \$3,188, due to additional utility plant in service.

iii. **Property Taxes**: An increase of \$2,746, due to additional utility plant in service.

**C. Rate Base.** Petitioner's Application shows that in Phase I, Petitioner calculated a rate base of \$17,534, based on utility plant in service of \$157,275 as of December 31, 2012. For Phase II, Petitioner calculated a rate base of \$145,114, based on utility plant in service of \$284,775, which includes the proposed Wastewater Treatment Plant capital improvements. Petitioner calculated working capital of \$8,976 and \$9,056, for Phase I and Phase II, respectively. For Phase I, Petitioner proposed a 100% common equity capital structure, with a cost of equity rate of 12%. For Phase II, Petitioner proposed a capital structure consisting of 2.3% common equity and 97.7% long term debt, resulting in a weighted cost of capital of 8.09%.

**6. OUCC Report.** The OUCC filed its Report, which was prepared by Richard Corey, Harold Rees and Edward Kaufman. The Report recommended several adjustments to Petitioner's revenue and expense calculations. The OUCC Report recommended an across-the-board two-phase revenue increase totaling 42.20%, consisting of a Phase I rate increase of 11.96% and Phase II rate increase of 27.01%.

**A. Phase I Adjustments.**

I. **Revenue Adjustments.** The OUCC proposed the following adjustments to *pro forma* test year revenues:

i. **Accrued Water Revenue:** An increase of \$1,863 to reflect billed but uncollected wastewater revenue.

ii. **Accrued Penalty Revenue:** During the test year Petitioner billed \$3,112 in penalties for both water and wastewater services. The OUCC's calculations added 47% of the \$3,112 total penalty revenues, or \$1,471 to *pro forma* present wastewater revenues.

iii. **Revenue Normalization:** The OUCC's normalization method results in a *pro forma* present rate increase of \$1,815 for wastewater revenues.

II. **Expense Adjustments.** The Report indicated that Petitioner proposed several operation and maintenance expense adjustments yielding Phase I *pro forma* present rate operating and maintenance expense of \$79,100. The OUCC accepted Petitioner's proposed adjustments to insurance expense, rate case expense, and depreciation expense. However, the OUCC disagreed with Petitioner's remaining proposed adjustments, including:

i. **Salary and Wage Expense:** An increase of \$1,950 for billing services of 130 hours per year at \$15 an hour. The Report also stated a proposed \$12,000 annual salary for Petitioner's President has not been justified and the OUCC recommended disallowing the \$12,000 salary.

ii. **Maintenance Expense:** The OUCC agreed with the Petitioner's proposed maintenance expense. However, the OUCC determined that Petitioner's actual test year cost for maintenance expense was \$1,172 rather than \$345. Therefore, OUCC supports \$13,700 for annual maintenance which includes \$8,000 for pond maintenance, \$4,500 for beginning to clean and televise the collection system, and \$1,200 for some smoke testing.

iii. **IURC Fee Expense:** An increase of \$12 to reflect the IURC fee rate of .001329888% for fiscal year 2013-2014.

iv. **Certified Operator and Laboratory Expense:** Petitioner incurred \$5,625 of test year expense associated with retaining a Certified Operator. Petitioner adjusted its costs to reflect an increased cost of the Certified Operator. Subsequent to the end of the test year, Petitioner began using a Certified Operator and proposed to include in its revenue requirement for this new operator \$21,600 per year (\$1,800 per month). Petitioner incurred \$7,800 of test year laboratory testing expense and indicated that its testing expense has increased since it now uses an accredited laboratory. As such, Petitioner has requested \$16,200 per year for laboratory testing. Since Petitioner provided a single invoice from the new Certified Operator for \$1,500 for testing, the OUCC looked to a similarly situated utility, Prairie Utilities, and its contract with Astbury Water Technology to determine an appropriate expense for Petitioner. The OUCC determined the monthly fee of \$2,185 charged to Prairie is more representative of an

appropriate cost for a wastewater operator and laboratory testing, and therefore, adjusted Petitioner's proposed expenses to \$26,220.

v. **Bad Debt Expense**: An increase of \$838 reflects an estimated bad debt of 1.5%.

vi. **Payroll Taxes**: An increase of \$149 based on the OUCC's proposed salary and wage expense of \$1,950.

vii. **Property Tax**: Petitioner failed to include the local option income tax property tax replacement credit of \$406 on its additional utility plant in its Phase II *pro forma* property tax calculation.

viii. **Utility Receipts Tax**: *Pro forma* utility receipts tax incorporates all revenue adjustments discussed above.

**B. Phase II Adjustments**. The OUCC agreed with Petitioner on *pro forma* post-Phase II Operations and Maintenance expenses of \$1,000 and depreciation expense of \$3,188. The OUCC proposed the following Phase II adjustment:

**I. Property Tax**: The OUCC made a small correction to the Petitioner's *pro forma* Property tax adjustment to account for a credit that Petitioner overlooked. The OUCC has a *pro forma* Phase II property tax expense of \$2,340 rather than Petitioner's stated expense of \$2,746.

**C. Rate Base**. The OUCC accepts Petitioner's proposed utility plant in service of \$157,275 for Phase I and \$284,775 in Phase II. However, the OUCC's accumulated depreciation amounts include the *pro forma* adjustments to depreciation made in Phases I and II. The OUCC, therefore, recommended accumulated depreciation for Phase I in the amount of \$151,598 and \$154,786 for Phase II. This results in net utility plant in service of \$5,667 for Phase I and \$129,989 for Phase II. The OUCC also proposed working capital of \$6,030 for Phase I and \$6,169 for Phase II based on the changes to operating expenses discussed above.

The OUCC Report indicated Petitioner proposed a cost of equity and weighted cost of capital of 12.00%. The OUCC noted that Petitioner did not provide a study to support its proposed cost of equity, but agreed with Petitioner's decision not to incur the expense necessary to perform such a study. The OUCC does not oppose Petitioner's proposed cost of equity of 12.00%.

The Report noted Petitioner uses a capital structure that is 100% common equity. Taking into account Petitioner's customer deposits, the OUCC proposed a capital structure of 56.70% equity and 43.30% customer deposits in Phase I and 2.24% equity, 1.71% customer deposits and 96.04% debt in Phase II. Using cost of equity of 12.00%, cost of debt of 8.00%, customer deposits of 6%, and the capital structure, the OUCC proposed a cost of capital of 9.40% in Phase I and 8.05% in Phase II.

**D. Accounting Practices.** The OUCC indicated several concerns with Petitioner's accounting practices.

**I. Billings and Accounts Receivable.** The OUCC Report stated that Petitioner's billing system consists of a Microsoft Excel spreadsheet with more than 200 tabs, with the first tab providing a summary of all accounting information contained in the remaining tabs. The Report indicated that each customer has an individual tab containing a variety of information including water and wastewater sales, arrearages, date and amount paid, sales tax and penalties charges. The Report noted that once each individual tab is updated, the billing information is then transferred by hand to a postcard and sent to the customer. The OUCC noted that Petitioner's accounting system was not only cumbersome, but also prone to error. The Report indicated that Petitioner recorded cash receipts of wastewater revenue during the test year of \$50,729 and sold \$55,513 in wastewater services during the test year so that Petitioner billed \$4,784 more than it collected in cash for wastewater. The OUCC opined that Petitioner's accounting system creates an unacceptable risk for error since the OUCC cannot determine the reason for the discrepancy based on the utility's records. The OUCC recommended that Petitioner set up its accounts receivable system on its Quickbooks system with a sub account for each customer to allow Petitioner to track its receivables, revenues and number of customers on a real time basis.

**II. Cash Management and Chart of Accounts.** In reviewing Petitioner's financial records, the OUCC noted that Petitioner does not balance its checkbook on a regular basis and cannot, therefore, maintain proper control of expenditures and manage liquidity. The OUCC recommended that Petitioner balance its checkbook on a monthly basis.

The OUCC also noted that Petitioner has comingled its water utility and wastewater utility's accounts so that it is very difficult to separate the individual account information for the water utility and the wastewater utility. The OUCC recommended that Petitioner revise its chart of Accounts so that each utility's transactions are maintained in separate accounts.

**E. IDEM Non-Compliance.** The OUCC Report noted that Petitioner has had a history of non-compliance with state and federal environmental laws since 2003. Petitioner has been subject to an Agreed Order with IDEM since April 13, 2007, primarily due to repeated violations of its NPDES permit, pursuant to Administrative Cause No. 2005-14957-W.

The Report gave context to this issue and its relevance in this matter by noting that an IDEM representative conducted an inspection on Aug. 17, 2005, and noted the following:

1. The Operator's certification had expired on June 30, 2005.
2. A bypass line allowed excess secondary effluent to flow directly to the receiving stream.
3. Grease and sewage debris were found below the Sanitary Sewer Overflow outfall.
4. The packaged plant was off-line.
5. No means available for the wasting of sludge (both ponds were full of sludge).
6. The flow meter was in need of calibration and the V-notch weir was partially submerged causing inaccurate measurements.

7. No functional chlorine contact tank existed.

The Report further stated that subsequently on April 20, 2012, IDEM filed a Verified Petition for Civil Enforcement seeking enforcement of the Agreed Order, and on May 22, 2012, the Fayette Circuit Court entered a Judgment against Petitioner ordering the Utility to comply with the Agreed Order in all respects. The Report stated that on Aug. 21, 2013, IDEM and the Indiana Office of the Attorney General petitioned the Fayette Circuit Court to issue an order to Petitioner requiring the Utility to show cause as to why it should not be held in contempt of court for failing to comply with the Court's May 22, 2012 order. The Court set the matter for hearing on Sept. 9, 2013, but later continued the hearing at the request of IDEM and the Attorney General's Office after IDEM's approval of a construction permit for Petitioner's Wastewater Treatment Plant on Sept. 4, 2013.

The Report stated that Petitioner retained Hometown Engineering, specifically Ethel L. Morgan, PE, in 2012 to assess its wastewater treatment plant and to provide recommendations to bring the plant into compliance. Hometown Engineering determined that the existing packaged plant is adequate to treat the average daily flows to the wastewater treatment plant, and based on the results of flow monitoring, Hometown Engineering recommended the following improvements to the plant:

1. A new flow control and splitter box and an influent bar screen to divert flows to the new equalization basin (Est. cost = \$6,000).
2. A new flow 30,000 gallon capacity equalization basin with dimensions of 12 ft. x 36ft. x 11ft. – excavation cost at \$6/CY, concrete cost at \$600/CY – wall thickness at 14 inches and the floor at 18 inches). (Est. cost = \$50,000).
3. The transfer pumps for the basin (\$4,000) and aeration piping/diffusers (\$8,000).
4. A new blower (Est. = \$2,500, based on the cost of the existing blower)
5. The flow meter will be located to a new manhole with a flume – materials and labor cost of \$6,000.
6. New pellet feed systems (chlorination and de-chlorination) and a new 12 inch manhole (Est. cost = \$12,000).
7. Telemetry and SCADA work for high flow protection (Est. cost = \$4,000)
8. Conversion of the existing surge tank (aeration) requiring piping revisions (Est. cost = \$5,000).
9. Required piping and appurtenances (Est. cost = \$10,000) includes 175 ft of 8-in. piping with rearrangements totaling about \$5,200 and \$4,800 for a new headwall structure.

The OUCC reported that Hometown's total estimate for improvements to Petitioner's wastewater treatment plant is \$107,500 for construction costs and \$20,000 for engineering costs. Hometown's estimate also included a number of additional long-term construction engineering recommendations, including a proposed \$300,000 improvement to Petitioner's wastewater treatment plant. In spite of the foregoing, the OUCC recommends that Petitioner conduct a cost-benefit analysis of connecting to the City of Connersville, to ensure that funding these improvements is the most prudent course of action. The OUCC noted that 10 years ago Petitioner

obtained a cost estimate of connecting to Connersville's wastewater system which totaled \$500,000 and discussions with Connersville Utilities regarding fees to treat the water made the project infeasible because Connersville's fee would be by the gallon so that the cost to treat wastewater and inflow & infiltration was higher than Petitioner could recoup. The OUCC recommended that this estimate be updated.

**F. OUCC Recommendations.** The OUCC recommends that the Commission's Order incorporate three recommendations as follows: 1) Reflect the adjustments and the rates indicated in the OUCC's Sch. 1 – 9, resulting in a net revenue increase of \$6,684 or 11.96% increase in Phase I, and a net revenue increase of \$16,898 or 27.01% increase in Phase II; 2) Require Petitioner to conduct a cost-benefit analysis to determine the viability of connecting to the City of Connersville wastewater system; and 3) Require Petitioner to improve its bookkeeping and accounting systems to comply with generally accepted accounting principles.

**7. Commission Discussion and Findings.**

**A. Revenues.** Petitioner submitted its filing on a cash basis and recorded test year utility wastewater revenue of \$50,729. Petitioner accepted the OUCC's three *pro forma* present wastewater revenue adjustments for unrecognized revenue of \$1,863, accrued penalty revenue of \$1,471, and residential customer growth revenue of \$1,815. This results in Petitioner's *pro forma* present rate revenue of \$55,878. The Commission finds this *pro forma* present rate revenue to be reasonable, and is hereby approved.

**B. Operations & Maintenance.** Petitioner and the OUCC agreed on all *pro forma* Operations & Maintenance expenses except for the following:

**I. Salaries and Wages.** Petitioner requested an increase of \$13,950 in its Application, which includes an annual salary for the President of \$12,000 and a \$1,950 allowance for billing services. The OUCC agreed with the \$1,950 allowance for billing services, but recommended no salary for Petitioner's President citing the fact that he has not provided any detailed documentation of the duties he provides, and because the utility has a history of non-compliance with state and federal environmental regulations since 1997. The OUCC further noted Petitioner's President has not corrected the utility's wastewater treatment problems nor remedied its discharge permit violations. The Commission finds the utility's President performs all daily operations, billing, accounting, and maintenance services for the utility and should be compensated for these services. Petitioner's proposed Salaries & Wages expense adjustment of \$13,950 is reasonable and is hereby approved. Petitioner's Payroll Tax Expense shall reflect a *pro forma* increase of \$1,067 as a result of the Salaries & Wages expense adjustment.

**II. Certified Operator and Laboratory Expense.** Petitioner incurred \$5,625 of test year expense associated with retaining a Certified Operator. Petitioner adjusted its costs to reflect an increased cost of the Certified Operator when, subsequent to the end of the test year, Petitioner began using a Certified Operator and proposed to include in its revenue requirement \$21,600 per year (\$1,800 per month) for this new operator. Petitioner incurred \$7,800 of test year laboratory testing expense and indicated that its testing expense has increased



since it now uses an accredited laboratory. Petitioner has, therefore, requested \$16,200 per year for laboratory testing. Since Petitioner initially provided a single invoice from the new Certified Operator for \$1,500 for testing, the OUCC looked to a similarly situated utility, Prairie Utilities, and its contract with Astbury Water Technology to determine an appropriate expense for Petitioner. The OUCC determined the monthly fee of \$2,185 charged to Prairie is more representative of an appropriate cost for a wastewater operator and laboratory testing, and therefore, adjusted Petitioner's proposed expenses to \$26,220. In response to a Docket Entry dated February 6, 2014, Petitioner submitted invoices covering June 2013-November 2013, yet also stated no formal contract with the Certified Operator or laboratory has been executed. These invoices, while not detailed, support Petitioner's proposed *pro forma* Certified Operator expense of \$21,600 and laboratory testing expenses of \$16,200. Therefore, the Commission finds that Petitioner's *pro forma* adjustment for Certified Operator and laboratory expenses is approved. Further, we find that working with a contract in place is preferred and a better means by which to accurately determine the work to be completed and subsequent expense. We encourage Petitioner to enter into a formal contract with both the Certified Operator and the laboratory.

**III. Bad Debt.** Petitioner did not propose a bad debt *pro forma* adjustment. The OUCC proposed Petitioner recover bad debt expense of 1.5%, which when applied to *pro forma* revenues of \$55,878, results in an \$838 *pro forma* bad debt adjustment. The Commission finds that the OUCC's proposed bad debt adjustment is reasonable, and is therefore approved.

**IV. Property Taxes.** Petitioner proposed a *pro forma* property tax expense of \$14 in Phase I, and \$2,746 in Phase II. The OUCC accepted Petitioner's Phase I *pro forma* property tax adjustment, but proposed a \$2,340 Phase II *pro forma* property tax expense, based on a correction of Petitioner's omission of a \$406 local option income tax property tax replacement credit on its additional utility plant in Phase II. The credit is calculated by multiplying the gross tax by the applicable credit ( $\$2,746 \times 14.799\% = \$406$ ). The Commission finds the OUCC's Phase II property tax correction to be accurate. Therefore, the Commission finds the Phase I and Phase II *pro forma* property tax adjustments of \$14 and \$2,340, respectively, to be reasonable, and therefore are approved.

After incorporation of the aforementioned adjustments, Petitioner's total *pro forma* present rate operations & maintenance expense is \$79,124 in Phase I, and \$79,647 after applying the gross revenue conversion factor.

In Phase II, Petitioner proposed and the OUCC agreed with two of the three adjustments related to increased costs due to the proposed wastewater treatment plant. These *pro forma* adjustments are post-Phase II Operations & Maintenance expenses (purchased power and chemicals) of \$1,000, depreciation expense of \$3,188, and property tax expense of \$2,340. The Commission finds that the Phase II operations & maintenance expense adjustments reasonable, and are therefore approved. Thus, Petitioner's Phase II total *pro forma* present rate operations & maintenance expense is \$80,647, and \$80,924 after applying the gross revenue conversion factor.

**C. Rate Base.** Petitioner proposed utility plant in service of \$157,275 in Phase I, \$284,775 in Phase II, and accumulated depreciation of \$148,717 in both Phase I and

Phase II. This resulted in a net utility plant in service of \$8,558 in Phase I and \$136,058 in Phase II. The OUCG accepted Petitioner's proposed utility plant in service for both Phases I and Phase II. However, the OUCG's accumulated depreciation amounts include the *pro forma* adjustments to depreciation made in both Phase I and II. Accordingly, accumulated depreciation for Phase I is \$151,598 and \$154,786 in Phase II, which results in net utility plant in service of \$5,677 and \$129,989 in Phases I and II, respectively. The Commission agrees with the OUCG's accumulated depreciation adjustments. Using the approved *pro forma* operations and maintenance expense of \$79,124 in Phase I and \$80,647 in Phase II, yields working capital of \$8,978 in Phase I and \$9,168 in Phase II. This results in an original cost rate base of \$14,655 and \$139,157 for Phase I and Phase II, respectively.

**Rate Base**

**Phase I**

Utility Plant in Service at 12/31/12	\$ 157,275
Less: Accumulated Depreciation	151,598
Net Utility Plant in Service	<u>5,677</u>
Add: Working Capital (see below)	8,978
Total Original Cost Rate Base	<u><u>\$ 14,655</u></u>

**Phase I Working Capital Calculation**

Operations & Maintenance Expense	79,124
Less: Purchase Power	<u>7,304</u>
Adjusted Operations & Maintenance Expense	71,820
Times: 45 Day Factor	<u>0.125</u>
Working Capital Requirement	<u><u>\$ 8,978</u></u>

**Phase II**

Utility Plant in Service at 12/31/12	\$ 157,275
Add: Plant Work	<u>127,500</u>
Gross Utility Plant in Service	284,775
Less: Accumulated Depreciation	<u>154,786</u>
Net Utility Plant in Service	129,989
Add: Working Capital (see below)	<u>9,168</u>
Total Original Cost Rate Base	<u><u>\$ 139,157</u></u>

**Phase II Working Capital Calculation**

Operations & Maintenance Expense	\$ 80,647
Less: Purchased Power	<u>7,304</u>
Adjusted Operations & Maintenance Expense	73,343
Times: 45 Day Factor	<u>0.125</u>
Working Capital Requirement	<u><u>\$ 9,168</u></u>

**D. Cost of Capital.** We note that Petitioner's cost of capital is made up of the weighted cost of debt, customer deposits, and the weighted cost of equity. While the OUCC accepted Petitioner's cost of equity of 12.00% because the costs to challenge Petitioner's proposed cost of equity would typically exceed any benefit, the Commission finds 12.00% to be inappropriate and instead finds the cost of equity should be 9.90%. To determine 9.90%, we looked first to the recommended cost of equity in recent similarly situated small investor owned utility cases. We also considered past cases where service quality was an issue and the Commission reduced the cost of equity to reflect that poor service quality.<sup>1</sup> Accordingly, as in recent similar small utility cases, we started with a cost of equity of 10.50% for Petitioner. We find that reducing the cost of equity by 0.60% for repeated IDEM violations is also appropriate in this Cause. This equation yields a cost of equity for Petitioner of 9.90%. The Commission accepts Petitioner's 8% cost of debt for Phase II.

Petitioner proposed a capital structure that is 100% common equity in Phase I and a capital structure of 97.7% debt and 2.3% common equity in Phase II. The OUCC proposed a capital structure of 56.7% equity and 43.3% debt in Phase I and 2.24% equity and 97.75% debt in Phase II, which takes into account Applicant's customer deposits. The amount of customer deposits allocated to wastewater is calculated by taking the combined total of customer deposits shown on Petitioner's balance sheet at the end of the test year (\$4,840) and multiplying it by the percentage of wastewater revenues to the total of both water and wastewater revenues in the test year (47%). This results in an overall weighted cost of capital of 8.21% in Phase I, and 8.01% in Phase II. The Commission finds this weighted cost of capital to be reasonable, and is therefore approved.

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<sup>1</sup>The Commission has reduced cost of equity for investor owned utilities in the past. See *Twin Lakes*, Cause No. 43957, 2012 Ind. PUC LEXIS 70 (IURC February 22, 2012). The Commission reduced the cost of equity by .60% where it found service quality to be an issue. See *Utility Center, Inc. D/B/A Aqua Indiana, Inc.*, Cause No. 43874, 2011 Ind. PUC LEXIS 94 (IURC April 13, 2011). The Commission recently found that a cost of equity of 10.50% was reasonable for a similarly sized small investor owned utility. See *Pioneer Water, LLC*, Cause No. 44309 U, 2014 Ind. PUC LEXIS 1 (IURC January 14, 2014).

**Pro Forma Capital Structure  
As of Dec. 31, 2012**

Phase I	Percent of		Weighted	
	Amount	Total	Cost	Cost
Common Equity	\$ 2,979	56.70%	9.90%	5.61%
Customer Deposits	2,275	43.30%	6.00%	2.60%
Total	<u>\$ 5,254</u>	<u>100%</u>		<u>8.21%</u>

Phase II	Percent of		Weighted	
	Amount	Total	Cost	Cost
Common Equity	\$ 2,979	2.24%	9.90%	0.22%
Customer Deposits	2,275	1.71%	6.00%	0.10%
Long Term Debt	127,500	96.04%	8.00%	7.68%
Total	<u>\$ 132,754</u>	<u>100%</u>		<u>8.01%</u>

E. **Operations.** Petitioner has been subject to an Agreed Order with IDEM since 2005 primarily due to repeated violations of its NPDES permit. On August 17, 2005, an IDEM representative conducted an inspection and noted several infractions set out more fully herein. For those items that relate directly to its wastewater treatment plant, Petitioner hired Hometown Engineering to assess the needs and estimate the cost of plant improvements. Hometown Engineering determined that Petitioner’s existing packaged plant is adequate to treat the average daily flows to Petitioner’s wastewater treatment plant, but would need the plant improvements totaling \$127,500 to comply with IDEM’s Agreed Order. This consists of \$107,500 in construction costs and \$20,000 for engineering costs. In Phase II, Petitioner requests approval to incur \$127,500 in debt over a five-year period at an interest rate of 8% for its wastewater treatment plant improvements.

The OUCC does not dispute the need for or the estimated costs of Petitioner’s proposed wastewater treatment plant improvements. However, before Petitioner proceeds with its wastewater treatment plant improvements, the OUCC recommends that Petitioner conduct a cost-benefit analysis of connecting to the City of Connersville’s wastewater treatment facilities. In a response to an OUCC Data Request, Petitioner stated that 10 years ago it obtained a cost estimate of connecting to Connersville Utilities’ wastewater system, which totaled \$500,000. Petitioner stated that its discussions with Connersville Utilities regarding fees to treat the water made the project infeasible since the fee would be by the gallon and the cost to treat wastewater and inflow & infiltration was higher than Petitioner could recoup.

We find that Petitioner’s proposed wastewater treatment plant improvements are prudent, cost effective, and necessary to comply with IDEM’s Agreed Order. Noting both the lapse of time since Petitioner’s last discussion with Connersville Utilities regarding a possible wastewater connection to Connersville Utilities and the magnitude of capital expenditures for such a small customer base when considering the prior quote from Connersville Utilities, we find that

Petitioner need not conduct a cost-benefit analysis of connecting to the City of Connersville's wastewater treatment facilities prior to implementation of its wastewater treatment system improvements. We find that it is unlikely that the current cost of interconnection will be more cost effective than either Petitioner's proposed improvements of \$127,500 or the \$500,000 quote previously obtained.

**F. Financial Record Keeping.** Petitioner uses the cash basis method of accounting which is appropriate for a Class C utility under the NARUC System of Accounts. Petitioner uses Excel spreadsheets and QuickBooks accounting software to process its monthly billing. The OUCC noted discrepancies between what Petitioner recorded as cash receipts in the test year vs. what was billed in the test year. The OUCC recommends Petitioner set up its Accounts Receivable in QuickBooks, reconcile its checkbook to its bank statement monthly, use separate water and wastewater accounts to track transactions, and consider obtaining the services of a billing company to provide billing services. We find merit in the OUCCs recommendations; therefore, we find that that Petitioner shall set up its Accounts Receivable in QuickBooks, reconcile its checkbook to its bank statement monthly, use separate water and wastewater accounts to track transactions, and consider obtaining the services of a billing company to provide billing services. We also find that Petitioner shall conform to the NARUC Uniform System of Accounts for Class C Wastewater utilities and generally accepted accounting principles.

**G. Authorized Rate Increase.** Petitioner originally proposed an across-the-board two-phase revenue increase totaling 107.73%, consisting of a Phase I rate increase of 74.13% and Phase II rate increase of 19.29%. The rate increase applies to wastewater usage and monthly service charges. The OUCC Report recommended an across-the-board two-phase revenue increase totaling 42.21%, consisting of a Phase I rate increase of 11.96% and Phase II rate increase of 27.01%. Based upon the evidence presented and the discussion above, the Commission finds that a two-phase revenue increase totaling 87.74%, consisting of a Phase I rate increase of 57.35% and Phase II rate increase of 19.31% are approved for Petitioner. Phase I rates shall become effective on the approval of Petitioner's tariff to be filed in accordance with this Order and the Phase II rate adjustment shall become effective upon completion of the wastewater plant improvements and notification to the Commission that the improvements are in service and filing of updated tariffs. The Petitioner's revenue increase and revenue requirements approved by the Commission are shown below:

	<b>IURC Phase I</b>	<b>IURC Phase II</b>
<b>Revenue Increase</b>		
Rate Base	\$ 14,655	\$ 139,157
Times: Cost of Capital	<u>8.21%</u>	<u>8.01%</u>
Net Operating Income Required	1,203	11,144
Less: Pro-forma NOI at Present Rates	<u>(29,880)</u>	<u>(5,323)</u>
Increase in NOI Required	31,083	16,467
Times: Gross Revenue Conv. Factor	<u>103.11%</u>	<u>103.11%</u>
Recommended Increase	<u>\$ 32,048</u>	<u>\$ 16,979</u>
Recommended Percentage Increase	<u>57.35%</u>	<u>19.31%</u>
<b>Revenue Requirements</b>		
Operations and Maintenance Expenses	\$ 79,647	\$ 80,924
Depreciation Expense	3,932	7,119
Taxes Other Than Income	3,143	5,717
Income Taxes	-	-
Return on Rate Base	<u>1,204</u>	<u>11,145</u>
Total Revenue Requirements	<u>\$ 87,926</u>	<u>\$ 104,905</u>

**H. Effect on Rates.** The results for a residential customer will be an increase of \$13.98 per month from \$24.38 to \$38.36 for Phase I, and an increase of \$7.41 per month from \$38.36 to \$45.77 for Phase II based on the approved rate adjustments.

**I. Alternative Regulatory Program (“ARP”).** If Pleasantview Utilities elects to participate in the Small Utility ARP Program in accordance with procedures approved in Cause No. 44203, the eligible operating expenses and Taxes Other Than Income to which the Annual Cost Index will be applied for Phase I are \$79,647 and \$3,143, respectively. Similarly, the eligible operating expenses and Taxes Other Than Income to which the Annual Cost Index will be applied for Phase II are \$80,924 and \$5,717. All other components of the revenue requirement will remain unchanged.

**IT IS THEREFORE ORDERED BY THE INDIANA UTILITY REGULATORY COMMISSION that:**

1. Consistent with the above findings, Pleasantview is authorized to increase its monthly recurring rates and charges by 57.35% so as to produce revenue of \$32,048 for Phase I, and to make an adjustment in Phase II resulting in an increase of 19.31% producing revenues of \$16,979.

2. Prior to placing into effect the rates and charges approved herein, Petitioner shall file with the Water/Sewer Division of the Commission a schedule of rates and charges in a manner consistent with this Order and the Commission’s rules for filing such schedules. When approved by the Commission’s Water/Sewer Division, such schedule shall cancel all prior rates

and charges.

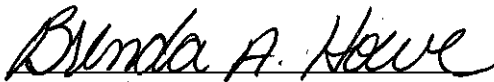
3. Petitioner shall obtain financing and implement the plant improvements as discussed above in Finding Paragraph 7.E. Petitioner shall notify the Water/Sewer Division of the Commission and OUCC upon completion of the plant improvements and shall also file a revised schedule of rates and charges with the Water/Sewer Division of the Commission reflecting the Phase II rates. When approved by the Commission's Water/Sewer Division, such schedule shall cancel all prior rates and charges.

4. This Order shall be effective on and after the date of its approval.

**ATTERHOLT, MAYS, STEPHAN, WEBER, AND ZIEGNER CONCUR:**

**APPROVED:     MAR 26 2014**

**I hereby certify that the above is a true  
and correct copy of the Order as approved.**



**Brenda A. Howe  
Secretary to the Commission**

**Pleasantview Utilities**

3812 W Galaxy Drive, Connersville, IN 47331  
Ph. (765)-309-2973

**Wednesday, May 27, 2015**

**Secretary of the Commission  
Indiana Utility Regulatory Commission  
101 W Washington Street, Suite 1500 East  
Indianapolis, IN 46204**

**Re: Cause No. 44351-U**

**To whom it may concern:**

**Updates, as designed by engineer have been made / installed at the sewage treatment plants to allow for Phase II rates.**

**Sincerely,**



**Matt Sherck  
President, Pleasantview Utilities, Inc.**



# STATE of INDIANA



INDIANA UTILITY REGULATORY COMMISSION  
101 WEST WASHINGTON STREET, SUITE 1500 EAST  
INDIANAPOLIS, INDIANA 46204-3419

www.in.gov/iurc  
Office: (317) 232-2701  
Facsimile: (317) 232-6758

October 2, 2019

Matthew Sherck  
President  
Pleasantview Utilities, Inc.  
3812 West Galaxy Drive  
Connersville, IN 47331

RE: IURC Cause No. 44351-U, Wastewater Utility Phase II Rate Increase

Dear Mr. Sherck,

On March 26, 2014, the Indiana Utility Regulatory Commission (“IURC” or “Commission”) approved rate increases for Pleasantview Utilities, Inc. (“Pleasantview”), in two phases, with Phase II including wastewater plant improvements of \$127,500 and not becoming effective until completion of the wastewater plant improvements and notification to the Commission that the improvements were in service. In your letter dated May 27, 2015, you stated: “Updates, as designed by engineer have been made/installed at the sewage treatment plants to allow for Phase II rates.” Based on this representation by you that the improvements were installed, the tariff for the Phase II rates was approved.

In April 2019, during a meeting with the Indiana Department of Environmental Management (“IDEM”), it was discovered that Pleasantview was under an agreed order. Anticipating issues at the plant should have been resolved through the wastewater plant improvements approved as part of Phase II, I reached out to you to get further information.

Unfortunately, it appears that the statement you provided on May 27, 2015, is not accurate, based on the information you recently provided. The accounting for the projects is poorly done. All project costs were recorded as expenses rather than capitalized as assets on the balance sheet. This accounting is not consistent with the Uniform System of Accounts or accounting principles<sup>1</sup>. Many of the “invoices” provided appear to be documents created by the utility in Quick Notes rather than vendor invoices. Also, it is difficult to understand how many of the expenses you grouped together for each project actually relate to that project. For instance, the

<sup>1</sup> Financial record keeping was noted as an issue in your rate order. On page 14, the Commission states, “We also find that Petitioner shall conform to the NARUC Uniform System of Accounts for Class C Wastewater utilities and generally accepted accounting principles.”

support provided for the equalization basin include a dump truck and a manhole inspection and inventory performed by M.E. Simpson. These items do not correspond to the equalization basin.

Also, the dates for many of the payments are well beyond the date on which you represented the projects were completed. When questioned about this discrepancy, you stated, “At the time the letter was sent, the plant was operating as required by the agreed order with IDEM, as I recall I called someone at IURC and they advised me to write the letter. There was still more work done after letter also.” Whether or not the plant was operating as required is not relevant to the Phase II rate increase. The projects need to be in service to be used and useful. If someone from the IURC advised you to write the letter, it was because that person was led to believe the projects were completed as you represented in your letter. Finally, it appears that the costs incurred fall well short of the estimated costs of \$127,500 from the rate order and on which the Phase II rates are based.

Based on the information provided, it appears that some portions of the wastewater plant improvements are or may be in service and the engineering costs actually incurred – see the table below.

	<u>Order</u>	<u>In-service</u>	<u>Maybe</u>
Flow Control and Splitter Box	\$ 6,000	\$ 6,009	
Equalization Tank	50,000		
Transfer Pumps and Piping	12,000		\$12,148
Blower	2,500	2,936	
Flow Meter	6,000		10,143
Chlorination/De-Chlor System	12,000	11,199	
Telemetry/SCADA	4,000		
Surge Tank Conversion/Piping	5,000		
Piping (175 ft 8” pipe; headwall structure)	10,000		10,058
Engineering Costs	<u>20,000</u>	<u>12,843</u>	<u>          </u>
Totals	<u>\$127,500</u>	<u>\$32,987</u>	<u>\$32,349</u>

As you can see, the projects and amounts that are or may be completed are significantly less than the amount included in Phase II rates. As a result, the Phase II rates will need to be reduced to reflect the actual costs incurred for the projects that were completed, as well as the actual completion date(s), and refunds will be required for the excess amounts that were billed.

Before we take this step, I would like to provide one more opportunity for you to substantiate the work that has been completed and the date(s) of completion. Within the next four weeks **or no later than Friday, November 1<sup>st</sup>**, you need to provide additional information to satisfy us that all of the wastewater plant improvements have been completed. This may include meeting with us, pictures of projects, staff site visit, additional invoices or other documentation you believe supports your position.

Please also understand that failure to provide the necessary information and comply with the orders of both the Commission and IDEM could result in a Commission investigation regarding your management of the utility.

I appreciate your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'E. Curtis Gassert', written over a horizontal line.

E. Curtis Gassert  
Water/Wastewater Division Director

Cc: Scott Bell, OUCC

# STATE *of* INDIANA



INDIANA UTILITY REGULATORY COMMISSION  
101 WEST WASHINGTON STREET, SUITE 1500 EAST  
INDIANAPOLIS, INDIANA 46204-3419

[www.in.gov/iurc](http://www.in.gov/iurc)  
Office: (317) 232-2701  
Facsimile: (317) 232-6758

January 13, 2020

Matthew Sherck  
President  
Pleasantview Utilities, Inc.  
3812 West Galaxy Drive  
Connersville, IN 47331

RE: IURC Cause No. 44351-U, Wastewater Utility Phase II Rate Reduction and Refund

Dear Mr. Sherck,

On March 26, 2014, the Indiana Utility Regulatory Commission (“IURC” or “Commission”) approved rate increases for Pleasantview Utilities, Inc. (“Pleasantview”), in two phases, with Phase II including wastewater plant improvements of \$127,500 and not becoming effective until completion of the wastewater plant improvements and notification to the Commission that the improvements were in service. In your letter dated May 27, 2015, you stated: “Updates, as designed by engineer have been made/installed at the sewage treatment plants to allow for Phase II rates.” Based on your representation that the improvements were installed, the tariff for the Phase II rates was approved.

In April 2019, during a meeting with the Indiana Department of Environmental Management (“IDEM”), Commission staff learned that Pleasantview was under an agreed order. Anticipating issues at the plant should have been resolved through the wastewater plant improvements approved as part of Phase II, I reached out to you to get further information. Unfortunately, it appears that the statement you provided on May 27, 2015 is not accurate, based on information you provided over the course of our review.

In addition to multiple correspondences, a meeting was held on October 24, 2019 at the IURC to obtain additional support for the wastewater plant improvements. Attendees included Mr. and Mrs. Matthew Sherck, Marcus Turner, Principal Analyst of the IURC Water/Wastewater Division, and myself. Based on the information provided, the following wastewater plant improvements are determined to be in service with associated costs actually incurred as listed in the table below.

	Authorized per 44351-U	
	Order	In-service
Flow Control and Splitter Box	\$ 6,000	\$ 1,959
Equalization Tank	50,000	-
Transfer Pumps and Piping	12,000	8,844
Blower	2,500	2,936
Flow Meter	6,000	10,143
Chlorination/De-Chlor System	12,000	11,199
Telemetry/SCADA	4,000	-
Surge Tank Conversion/Piping	5,000	11,698
Piping (175 ft. 8" pipe; headwall structure)	10,000	7,447
Engineering Costs	20,000	12,843
UPIS (installed as of 5/27/2015)	<u>\$ 127,500</u>	<u>\$ 67,069</u>
Generator (installed as of 7/7/2016)		3,304
Telemetry/SCADA (installed as of 8/16/2019)		4,637
UPIS (installed as of 12/31/2019)		<u>\$ 75,010</u>

As you can see, the projects and amounts that were completed are significantly less than the amount included in Phase II rates. As a result, the Phase II rates will need to be reduced to reflect the actual costs incurred for the projects that were completed, as well as the actual completion date(s), and refunds will be required for the excess amounts that were billed. IC § 8-1-2-23 states, in part, “Unless a public utility shall obtain the approval by the commission of any expenditure exceeding ten thousand dollars (\$10,000) for an extension, construction, addition or improvement of its plant and equipment, the commission shall not, in any proceeding involving the rates of such utility, consider the property acquired by such expenditures as a part of the rate base, unless in such proceeding the utility shall show that such property is in fact used and useful in the public service;” (emphasis added)

The new reduced rate is based on additional Utility Plant in Service of \$67,069 in service as of May 27, 2015, resulting in rate base of \$78,743. (See attached schedules for calculations.) This results in a monthly flat sewer rate of \$42.42, which is \$3.35 less than the original Phase II rate of \$45.77 approved in Cause No. 44351-U. Pleasantview has 196 wastewater customers per its 2015- 2018 IURC Annual Reports. The refund period is from June 2015 through January 2019 (56 months). Therefore, Pleasantview should refund each wastewater customer \$187.76, for a total refund of \$36,801.89.

It was also determined that the generator and telemetry/SCADA projects were completed subsequent to May 2015. Including these two projects increases additional Utility Plant in Service to \$75,010. This results in a monthly flat sewer rate of \$42.86. I have enclosed a new IURC approved tariff reflecting the flat rate of \$42.86 with an effective date of February 1, 2020.

Please understand that failure to comply could result in a Commission investigation regarding your management of the utility. Please provide a written response by Friday, January 31<sup>st</sup> outlining how and when you intend to complete the required refund.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Curtis Gassert". The signature is written in a cursive style with a large initial "E".

E. Curtis Gassert  
Water/Wastewater Division Director

Cc: Scott Bell, OUCC

Attachments

**Pleasantview Utilities Inc.** 3812 W Galaxy Drive, Connersville, IN 47331

**SCHEDULE OF RATES AND CHARGES**

**Cause# 44351-U**

For use of and services rendered by the sewage system of Pleasantview Utilities, Inc.

A. **Flat Monthly Rate Change (Unmetered):**

Residential	\$42.86
Commercial	\$42.86

**Issued Pursuant to**  
Cause No. 44351  
March 26, 2014  
Indiana Utility Regulatory Commission  
Water/Wastewater Division

**EFFECTIVE**  
**February 1, 2020**  
Indiana Utility Regulatory  
Commission

Cause No. 44351-U Pleasantview Utilities, Inc.  
Wastewater

Sch. 1 Revenue Requirements

	<b>Original Phase II Rates CN 44351-U</b>	<b>Proposed Phase I Rate Reduction as of 5/27/2015</b>	<b>Proposed Phase II Rate as of 2/1/2020</b>
Rate Base	\$ 139,157	\$ 78,743	\$ 86,688
Times: Cost of Capital	8.01%	8.02%	8.01%
NOI Required	11,146	6,312	6,947
Less: Pro-forma NOI at Present Rates	(5,323)	13,765	5,967
Required NOI Increase	16,469	(7,453)	980
Times: Gross Rev. Conv. Factor	103.11%	103.11%	103.11%
Recommended Increase	\$ 16,981	\$ (7,685)	\$ 1,010
Recommended % Increase	19.31%	-7.33%	1.04%
Flat sewer rate	\$ 45.77	\$ 42.42	\$ 42.86

**Proposed Phase I Monthly Flat  
Wastewater Rate Reduction:**

	\$ 45.77
Less:	42.42
	<u>\$ 3.35</u>

**Refund Period: June 2015-January 2020**

# of Months to Refund:	56
	<u>56</u>

**Total Refund per Customer:**

	\$ 3.35
Times:	56
	<u>\$ 187.76</u>

**Total Refund:**

	\$ 187.76
Times:	196 customers
	<u>\$ 36,801.89</u>



**Cause No. 44351-U Pleasantview Utilities, Inc.  
Wastewater**

**Sch. 4 Net Operating Income**

**Proposed IURC  
Phase I Rate Reduction  
As of May 27, 2019**

	Original Ph. II Rates CN 44351-U	Adj.	Sch. Ref.	Pro-forma Present Rates	Adj.	Sch. Ref.	Pro-forma Proposed Rates
Operating Revenues:							
Flat Rate Revenue	104,905		5-1	104,905	(7,685)		97,220
Fire Protection			5-3	-			-
Total Operating Revenues	<u>104,905</u>	<u>-</u>		<u>104,905</u>	<u>(7,685)</u>		<u>97,220</u>
Operation & Maintenance Expense:	80,924			80,924			80,799
Post phase II O&M		0	OUCG				
IURC Fee					(10)		
Bad Debt Expense					(115)		
Depreciation Expense	7,119	(1,510)		5,609			5,609
Taxes Other than Income:							
Property Taxes	3,206	(1,109)		2,097			2,097
Payroll Taxes	1,067			1,067			1,067
Income Taxes:							
Utility Receipts Tax	1,444			1,444	(106)		1,338
Total Operating Expenses	<u>93,760</u>	<u>(2,620)</u>		<u>91,140</u>	<u>(231)</u>		<u>90,909</u>
Net Operating Income	<u>\$ 11,145</u>	<u>\$ 2,620</u>		<u>\$ 13,765</u>	<u>\$ (7,453)</u>		<u>\$ 6,311</u>

Cause No. 44351-U Pleasantview Utilities, Inc.  
Wastewater

Sch. 4 Net Operating Income

Proposed IURC

Phase II Rate As of Feb. 1, 2020	Proposed Ph. I Rate Reduction	Adj.	Sch. Ref.	Pro-forma Present Rates	Adj.	Sch. Ref.	Pro-forma Proposed Rates
Operating Revenues:							
Flat Rate Revenue	97,220		5-1	97,220	1,010		98,231
Fire Protection			5-3	-			-
Total Operating Revenues	<u>97,220</u>	<u>-</u>		<u>97,220</u>	<u>1,010</u>		<u>98,231</u>
Operation & Maintenance Expense:	80,799			80,799			80,815
Post phase II O&M		0	OUCG				
IURC Fee					1		
Bad Debt Expense					15		
Depreciation Expense	5,609	199		5,807			5,807
Taxes Other than Income:							
Property Taxes	2,097	146		2,242			2,242
Payroll Taxes	1,067			1,067			1,067
Income Taxes:							
Utility Receipts Tax	1,338			1,338	14		1,352
Total Operating Expenses	<u>90,909</u>	<u>344</u>		<u>91,253</u>	<u>30</u>		<u>91,284</u>
Net Operating Income	<u>\$ 6,311</u>	<u>\$ (344)</u>		<u>\$ 5,967</u>	<u>\$ 980</u>		<u>\$ 6,947</u>

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**Gross Revenue Conversion Factor**

	Phase I Rate Reduction		Phase II Rate	
	%	Amt	%	Amt
Gross Revenue Change	100%	\$ (7,685)	100%	\$ 1,010
Less: Bad Debt Rate	1.50%	\$ (115)	1.50%	\$ 15
Revenue subject to Utility Receipts Tax and IURC Fee	98.500%	\$ (7,569)	98.500%	\$ 995
Less: IURC Fee	0.1329888%	\$ (10)	0.1329888%	\$ 1.32
Income Before State Income Taxes	98.367%	\$ (7,559)	98.367%	\$ 993.86
Less: State Income Tax (8.5% of line 5)	0.0000%		0.0000%	
Utility Receipts Tax (1.4% of line 3)	1.3790%	\$ (106)	1.3790%	\$ 13.93
Income Before Federal Income Taxes	96.9880%		96.9880%	
Less: Federal Income Tax (0% of line 8)	0.0000%		0.0000%	
Change in Operating Income	96.9880%	\$ (7,453)	96.9880%	\$ 979.93
Gross Revenue Conversion Factor	103.11%		103.11%	

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<b>Rate Base</b>	<b>Proposed IURC Ph. I Rate Reduction</b>	<b>Proposed IURC Ph. II Rate</b>
Utility Plant in Service at 12/31/12	\$ 157,275	\$ 224,344
Add: Original Proposed Plant Additions	127,500	
Subtract: Original Proposed Plant Additions	(127,500)	
Add: IURC-Verified Plant Additions	67,069	7,941
Gross Utility Plant in Service	224,344	232,285
Less: Accumulated Depreciation	154,786	154,786
Net Utility Plant in Service	69,558	77,499
Add: Working Capital (see below)	9,185	9,189
Total Original Cost Rate Base	\$ 78,743	86,688

**Phase II Working Capital Calculation**

Operations & Maintenance Expense	\$ 80,799	80,815
Less: Purchased Power	7,304	7,304
Adjusted Operations & Maintenance Expense	73,495	\$ 73,511
Times: 45 Day Factor	0.125	0.125
Working Capital Requirement	\$ 9,187	\$ 9,189

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**Verified Capital Improvement Projects**

	<b>Authorized per 44351-U Order</b>	<b>In-service</b>
Flow Control and Splitter Box	\$ 6,000	\$ 1,959
Equalization Tank	50,000	-
Transfer Pumps and Piping	12,000	8,844
Blower	2,500	2,936
Flow Meter	6,000	10,143
Chlorination/De-Chlor System	12,000	11,199
Telemetry/SCADA	4,000	-
Surge Tank Conversion/Piping	5,000	11,698
Piping (175 ft. 8" pipe; headwall structure)	10,000	7,447
Engineering Costs	20,000	12,843
UPIS (installed as of 5/27/2015)	<u>\$ 127,500</u>	<u>\$ 67,069</u>
Generator (installed as of 7/7/2016)		3,304
Telemetry/SCADA (installed as of 8/16/2019)		4,637
UPIS (installed as of 12/31/2019)		<u>\$ 75,010</u>

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Capital Structure

<b>Proposed IURC</b>				
<b>Phase I Rate Reduction</b>				
	<b>Amount</b>	<b>Percent of</b>	<b>Cost</b>	<b>Weighted</b>
		<b>Total</b>		<b>Cost</b>
Common Equity	\$ 2,979	4.12%	9.90%	0.41%
Customer Deposits*	2,275	3.15%	6.00%	0.19%
Long Term Debt	67,069	92.74%	8.00%	7.42%
<b>Total</b>	<b>72,323</b>	<b>100.00%</b>		<b>8.02%</b>

<b>Proposed IURC</b>				
<b>Phase II Rate as of Feb. 1, 2020</b>				
	<b>Amount</b>	<b>Percent of</b>	<b>Cost</b>	<b>Weighted</b>
		<b>Total</b>		<b>Cost</b>
Common Equity	\$ 2,979	3.71%	9.90%	0.37%
Customer Deposits*	2,275	2.83%	6.00%	0.17%
Long Term Debt	75,010	93.45%	8.00%	7.48%
<b>Total</b>	<b>80,264</b>	<b>100.00%</b>		<b>8.01%</b>

