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FOCUS

Treatment plant violations mount

Six plants have received 78 warnings in last decade

By Rosalind Essig

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"Please share!!!!" is what Sarah Clark wrote in a Facebook post after a group of people pulled a dog out of the Edgewood wastewater treatment plant.

"Any Evergreen residents missing a dog??? We just rescued a poor dog from

the water treatment plant that has evidently been trapped inside the machine for hours. It is completely covered in 'mud' and has inhaled it as well. Poor baby seems to be struggling to breathe," Clark posted on April 10.

The Edgewood facility is one of six being transferred to the Farmdale Sani-

tation District, which will one day build a new wastewater treatment plant to serve the whole area. While residents have experienced anecdotal proof of the failings of the plants — from the smell to overflowing manholes to rescuing a dog that could fit through holes in the fence that is meant to secure the Edgewood plant — measurable failings have

See PLANTS, A4



FLYERS' 1995 REGIONAL TITLE WAS A GAME FOR THE AGES
(Sports, B1)



LOCAL FILMMAKER PREMIERES 'RELICT' ON TUESDAY
(Spectrum, C1)

2017 FRANKLIN COUNTY FAIR

End of fair days



Camron Hortenbury, 14, Hailey Close, 14, Ella Hutcherson, 11, and Corigan Cox, 11, enjoy a ride on The Claw during the Franklin County Fair Friday night at Lakeview Park.



MORE ONLINE

• To see more photos from the Franklin County Fair, visit www.frankfortphotos.com

Photos by Hannah Brown/hannah.brown@state-journal.com

Fairgoers enjoy a ride on the Vertigo during the Franklin County Fair Friday night at Lakeview Park. The fair came to an end Saturday night. See more photos on A6.

County pension funding to soar

City, FPB also face big jumps

By Alfred Miller

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With an estimated \$26 billion in unfunded liabilities, Kentucky Retirement Systems finds itself in a gaping hole. Climbing out of the hole will likely require the public pension system, which serves 364,000 government employees, to lean heavily on county agencies.

For Franklin County agencies, which already pay about \$11.4 million annually into the two County Employees Retirement System (CERS) funds, that could mean a bill that

See PENSION, A2

FRANKLIN CIRCUIT COURT

Registered sex offender sentenced on new offense

By Rosalind Essig

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A registered sex offender was sentenced Friday to three years for using electronic means to induce a minor to engage in sexual activity.

David Wayne Phelps, 45, was indicted last year after the attorney general's Cyber Crimes Unit investigated a Craigslist advertisement Phelps posted seek-

ing a "daughter that needed spoiling." He pleaded guilty in April to using electronic means to induce a minor to sexual activity and failing to comply with sex offender registration, both Class D felonies for which he received three-year sentences Friday in Franklin Circuit Court.

Phelps was in violation of restrictions placed on convicted sex offenders when he created the email address fishing-

forteentail@gmail.com after being convicted in a 2008 Oldham County case for sexually abusing two girls, who were 12 and 14 years old. He also created a Facebook page and posted the Craigslist ad.



Phelps

Investigators posed as a 15-year-old girl in an email exchange with Phelps, in which Phelps and the persona talked about meeting to engage in oral sex and sexual intercourse for money. Phelps is a Louisville resident, but Franklin Circuit Court has jurisdiction because the messages were sent to and from investigators in Franklin County.

See COURT, A3

PLANTS

CONTINUED FROM PAGE A1

been documented over the years by the Kentucky Department of Environmental Protection's Division of Water.

In the last 10 years alone, the six 30- to 40-year-old plants together have received 78 notices of violation from the state.

The notices of violation include anywhere from one to dozens of specific violations. These violations range from incomplete reporting of documentation to the agency to emergency response investigation into ongoing and unreported overflow of manholes, leading to untreated water bypassing the treatment system through residents' yards and into the waterways. There were also numerous instances of exceeding the allowable limits for E. Coli, residual chlorine and other substances in the water the plants discharged into the environment.

The continual violations led to agreed orders between the agency and the plant owners, settlements and even to the agency filing a complaint in Franklin Circuit Court in the case of Ridgelea Investments, which owns the Edgewood subdivision plant. Some of the notices of violation indicated the problems, when reported or responded to, had been going on for longer than the owners and

operators said. A notice of violation was written by an inspector after going to the plant in the Farmgate subdivision after an incident in March 2015.

"Solids/sludge was observed in the receiving stream for approximately seventy-five to one hundred feet. Sludge worm colonies were observed downstream beyond fence, indicating that the sludge had been present in the creek for some time and that the creek was not cleaned within seven days of the bypass," according to the letter dated March 19, 2015.

Ridgelea Investments owns the plants that serve Edgewood, Meadowbrook and Farmgate subdivisions. The company's three plants are responsible for two-thirds of the notices of violation for the six plants the sanitation district will be taking on. The Edgewood subdivision plant is listed as being in "significant violation" in all of the last 12 quarters it was inspected, according to the Environmental Protection Agency's (EPA) online ECHO report. Its last penalty amount was \$30,000.

According to the Kentucky secretary of state's website, Charles G. Hungler Jr. is the registered agent and president of Ridgelea Investments. Karen A. Hungler is the secretary, and James J. Hale and Robert D. Flege are directors and incorporators. A 2009 agreed order came about as a result of Ridgelea's violating a 2004 agreed order — in



Photos submitted

(Above) Sarah Clark posted this picture on Facebook this spring after people rescued the dog, which had fallen into the Edgewood wastewater treatment plant.

(Right) After seeing a Facebook post about a dog falling in the Edgewood wastewater treatment plant, Barbara Murray tried to get help fixing the fence around the area. The fence had fallen into disrepair, leaving large gaps through which dogs could fit.



which it was required to take action to resolve violations and was fined \$20,000. Hungler's wastewater treatment certification was suspended and Ridgelea Investments was fined \$30,000. Hungler owns and operates Perfect-A-Waste Sewage Equipment Co. in Cincinnati.

In 2011, Hungler was notified that the plants' continued violations put Ridgelea Investments in violation of the 2009 agreed order. And in 2014,

a complaint was filed in Franklin Circuit Court by the Energy and Environment Cabinet seeking to enforce the 2009 agreed order. According to the complaint, Ridgelea Investments was approved for a rate increase and 24-month surcharge to fund the studies on the system required by the 2009 agreed order. The studies were not completed in the timeline set out by the agreed order and were not turned in until 2012 and 2013.

Frankfort attorney John Baughman, who is representing Ridgelea Investments, said that when Hungler took over the Franklin County wastewater treatment plants they were already in poor condition. Hungler planned to make improvements to them to make them profitable, but the plants did not generate enough revenue to make the improvements, Baughman said. Baughman did not know when Hungler took ownership of the plants, but according to Division of Water documents, Ridgelea Investments has owned the plants for at least 13 years.

The plants in the Farmdale and Coolbrook subdivisions are owned by Farmdale Development Corp. and Coolbrook Utilities LLC, respectively. According to the EPA's ECHO report, Coolbrook's last penalty amount was \$8,000 and Farmdale's was \$1,500.

Listed as the registered agent and president is Carroll F. Cogan, who is president and director of Bullitt Utilities Inc. Bul-

litt Utilities owned a plant in Bullitt County that collapsed in March 2014 and poured roughly 1.5 million gallons of untreated wastewater into a local creek, WDRB in Louisville reported.

Martin G. Cogan, who WDRB reported is Carroll Cogan's son, and Lawrence W. Smither are listed as members for Coolbrook Utilities. Division of Water documents were addressed to Lawrence Smither from 2009 to 2016 and this year to Covered Bridge Utilities, which also belongs to Smither and Martin Cogan. Frankfort attorney Rob Moore, who is representing the owners of the Farmdale and Coolbrook plants in the transfer to the Farmdale Sanitation District, is also listed as the organizer and registered agent for Coolbrook Utilities LLC, according to the secretary of state's website.

Moore and Baughman, as attorneys for the law firm Hazelrigg and Cox, both represented Bullitt Utilities before the Public Service Commission in abandonment proceedings, according to commission records. The State Journal reached out to the owners through Moore

for comment but they did not respond by press time.

By contrast, the Evergreen subdivision plant, which has now been transferred to the Farmdale Sanitation District, had a total of four notices of violation in the last 10 years. Franklin County Planning Director Robert Hewitt, who has been intimately involved in getting the sanitation district off the ground, said the Evergreen plant is in substantially better condition than the other five the sanitation district is preparing to take on.

Evergreen's violations were for two bypasses or overflows in 2008 that were not reported according to the 24-hour time requirement, for not submitting all report information and exceeding effluent limits in 2011, and for exceeding limits in 2016.

Mike Dailey, who headed up the Evergreen system for the last few years, said it had been in the care of a group of residents in the area since the 1970s. Their goal was to have a good system, not to make a profit, so the revenue brought in from the plant was put back into its maintenance and operation.

AROUND FRANKFORT

Revival at Peaks Mill Christian Church

Peaks Mill Christian Church, 7534 Peaks Mill Rd. will be in revival July 30-Aug. 4 (dates were wrong on our Friday paper). Special music each night begins at 6:45, and a different speaker will bring the message every night at 7 p.m.

Fundraiser scheduled for local shelters

The Franklin County Democrats are "lending a helping hand" by organizing a public fundraiser to support the ACCESS Soup Kitchen/Men's Shelter and the Franklin County Women & Family Shelter. This reception is scheduled for Thursday, Aug. 3 at 311 St. Clair Street (the old Marcus Furniture Bldg.) from 5:30-7:30 p.m., so please mark your calendars. Refreshments will be served.

Strong community support is needed to help make this event successful. All monetary contributions will be accepted and are tax deductible. Please make all checks payable to Access Soup Kitchen/Men's Shelter and/or FC Women & Family Shelter. Contributions can be mailed in advance to FCDEC, 120 Portsmouth Lane, Frankfort, KY 40601. If you have any questions, call (502) 695-9233.

Cut-a-Thon benefits SAFY

Specialized Alternatives for Families and Youth (SAFY) of Lexington and Planet Salon will hold a Cut-A-Thon on Monday, Aug. 7, from noon to 8 p.m. in the salon's Lexington and Frankfort locations. The Cut-A-Thon will feature \$20 haircuts with all money raised going to SAFY for foster youth and family activities. Planet Salon is located in the Hamburg Pavilion and Beaumont Centre in Lexington, and at Parkside in Frankfort. For more information call SAFY of Lexington at 859-971-2585.

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WORKSHOP DATES:

- Sunday, August 6 • 2:00 - 4:00 P.M.
 - Tuesday, August 15 • 6:00 - 8:00 P.M.
 - Monday, August 21 • 10:00 A.M - 12:00 P.M.
- (Seating is limited and reservations are required.)

Please call us at (502) 219-7371 to reserve your seat(s).

You can also visit our website at FrankfortElderLaw.com for more information or to register online.

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