

MATTHEW G. BEVIN
GOVERNOR



Rec'd
2/5/18

CHARLES G. SNAVELY
SECRETARY

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

AARON B. KEATLEY
COMMISSIONER

300 SOWER BOULEVARD
FRANKFORT, KENTUCKY 40601

January 31, 2018

CERTIFIED MAIL 7017 1450 0000 7913 1046
RETURNED RECEIPT REQUESTED

Lexington Fayette Urban County Government
Division of Water Quality
c/o Mr. Charles H. Martin, P.E., Director
125 Lisle Industrial Avenue, Suite 180
Lexington, Kentucky 40511

Re: United States Environmental Protection Agency and Kentucky Department for Environmental Protection assessment of stipulated penalties
Lexington Fayette Urban County Government Consent Decree # 5:06-cv-386

Dear Mr. Martin:

The Kentucky Department for Environmental Protection (KDEP) and the United States Environmental Protection Agency, Region 4 have reviewed Lexington Fayette Urban County Government's (LFUCG) Sanitary Sewer Overflows (SSOs) that LFUCG reported for the period covering calendar year 2016.

Pursuant to Section XI of the Consent Decree (CD), KDEP and the EPA may assess a stipulated penalty for each SSO in a dollar amount that is dependent upon case specific factors set forth in Paragraph 44 of the CD. After review of the submitted documentation and in consideration of the circumstances surrounding some of the SSOs, the EPA and KDEP hereby demand stipulated penalties in the amount of \$28,000 pursuant to Paragraph 44 E (ii).

In accordance with Paragraph 47 of the CD, LFUCG shall pay \$14,000 (50%) of the stipulated penalty to the Commonwealth of Kentucky and \$14,000 of the stipulated penalty to the United States. Payment of penalty shall be made in accordance with the instructions in Paragraph 50 of the CD. If LFUCG intends to wire the payment, please contact Joe Davis, Chief of EES Case Management Unit, at (202) 616-7940 for instructions.

Payment should be made within 30 days of receipt of this letter in accordance with the instructions in Paragraph 47 of the CD, however based on discussions with you we understand that this payment will need to be authorized by the City Council which will occur following a meeting on February 8, 2018. To allow time to authorize and process this payment, please remit payment by February 22, 2018.

If there are any questions, you may contact Ms. Laurie Jones, Enforcement Officer, Municipal and Industrial Enforcement Section, EPA Region 4 at (404) 562-9201 or Mr. Jeff Cummins, Director, Division of Enforcement, KDEP at (502) 564-2150.

Sincerely,



Jeffrey Cummins, Director
Division of Enforcement
KY Department for Environmental Protection



Molly Davis, Acting Chief
NPDES Permitting and Enforcement Branch
Water Protection Division