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GOVERNOR

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November 13, 2023

CERTIFIED MAIL 7020 0090 0002 2448 3999
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: U.S. Environmental Protection Agency and Kentucky Department for Environmental Protection assessment of stipulated penalties Lexington Fayette Urban County Government Consent Decree (# 5:06-cv-386) for calendar year 2022

Dear Mr. Martin:

The Kentucky Department for Environmental Protection (KDEP) and the U.S. Environmental Protection Agency have reviewed Lexington Fayette Urban County Government's (LFUCG) Sanitary Sewer Overflows (SSOs) and unpermitted bypass events that LFUCG reported for the period covering calendar year 2022.

Pursuant to Section XI of the Consent Decree (CD), KDEP and the EPA may assess a stipulated penalty for each SSO and unpermitted bypass event 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 the SSOs and unpermitted bypass events, the EPA and KDEP hereby demand stipulated penalties in the amount of \$99,000 pursuant to Paragraphs 44.E.(i), (ii), and (iii) of the CD.

In accordance with Paragraph 47 of the CD, LFUCG shall pay \$49,500 (50%) of the stipulated penalty to the Commonwealth of Kentucky and \$49,500 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. As provided in the CD, if LFUCG intends to wire the payment, payment should be made in accordance with instructions to be provided to LFUCG by the Financial Litigation Unit of the U.S. Attorney's Office for the Eastern District of Kentucky. LFUCG should contact that office at (859) 685-4819 to obtain the instructions.

Payment should be made within 30 days of receipt of this letter in accordance with the instructions in Paragraph 47 of the CD.

If there are any questions, you may contact Laurie Jones, Enforcement Officer, EPA Region 4 at (404) 562-9201 or Philip Kejzlar, Acting Director, Division of Enforcement, KDEP at (502) 782-6862.

Sincerely,

**Philip E.
Kejzlar**

Digitally signed by Philip
E. Kejzlar
Date: 2023.11.10
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Philip E. Kejzlar
Acting Director
Division of Enforcement
Kentucky Department for Environmental
Protection

Bragan, Mary

Digitally signed by
Bragan, Mary
Date: 2023.11.09
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Mary Jo Bragan
Chief
Water Enforcement Branch
Enforcement and Compliance Assurance
Division

cc: Sheila McAnaney, US DOJ
sheila.mcananey@usdoj.gov