

MATTHEW G. BEVIN  
GOVERNOR



Date Stamped  
12/28/16

CHARLES G. SNAVELY  
SECRETARY

**ENERGY AND ENVIRONMENT CABINET**  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

AARON B. KEATLEY  
COMMISSIONER

300 SOWER BOULEVARD  
FRANKFORT, KENTUCKY 40601  
December 22, 2016

CERTIFIED MAIL 7016 0750 0000 1945 9118  
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:

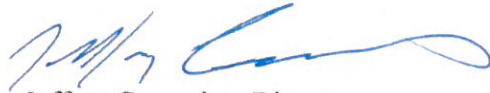
The Kentucky Department for Environmental Protection (KDEP) and the United States Environmental Protection Agency, Region 4 have reviewed Lexington Fayette Urban County Government's (LFUCG) Sanitary Sewer Overflows (SSOs) that LFUCG reported for the period covering August 17, 2014, to December 31, 2015.

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 \$102,000 pursuant to Paragraph 44 E (ii).

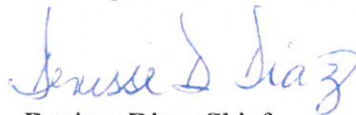
In accordance with Paragraph 47 of the CD, LFUCG shall pay \$51,000 (50%) of the stipulated penalty to the Commonwealth of Kentucky and \$51,000 of the stipulated penalty to the United States. Payment of penalty shall be made in accordance with the instructions in Paragraph 50 of the CD. Payment should 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 January 31, 2017. To allow time to authorize and process this payment, please remit payment by February 10, 2017.

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,

A handwritten signature in blue ink, appearing to read "Jeff Cummins", with a long, sweeping flourish extending to the right.

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

A handwritten signature in blue ink, appearing to read "Denisse Diaz", with a stylized, cursive script.

Denisse Diaz, Chief  
NPDES Permitting and Enforcement Branch  
Water Protection Division