

MATTHEW G. BEVIN
GOVERNOR



CHARLES G. SNAVELY
SECRETARY

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

ANTHONY R. HATTON
COMMISSIONER

300 SOWER BOULEVARD
FRANKFORT, KENTUCKY 40601
March 11, 2021

CERTIFIED MAIL 7019 2280 0000 7815 0602
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) and unpermitted bypass events that LFUCG reported for the period covering calendar year 2019.

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 the SSOs, the EPA and KDEP hereby demand stipulated penalties in the amount of \$129,000 pursuant to Paragraphs 44.E.(i), (ii), and (iii) of the CD.

In accordance with Paragraph 47 of the CD, LFUCG shall pay \$64,500 (50%) of the stipulated penalty to the Commonwealth of Kentucky and \$64,500 of the stipulated penalty to the United States. Payment of the 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 Ms. Laurie Jones, Enforcement Officer, Drinking Water & Wastewater Section, EPA Region 4 at (404) 562-9201 or Mr. Michael Kroeger, Assistant Director, Division of Enforcement, KDEP at (502) 782-6866.

Sincerely,

Michael Kroeger, Assistant Director
Kentucky Department for Environmental Protection
Division of Enforcement

Mary Jo Bragan, Chief
Water Enforcement Branch
Enforcement and Compliance Assurance Division

cc: Paul Schwartz, EPA Region 4 (schwartz.paul@epa.gov)
Valerie Mann, US DOJ (valerie.mann@usdoj.gov)