



REGION 4

ATLANTA, GA 30303

ELECTRONIC MAIL

CONFIRMATION OF EMAIL 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
chmartin@lexingtonky.gov

Re: U.S. Environmental Protection Agency and Kentucky Department for Environmental Protection assessment of stipulated penalties under the Lexington Fayette Urban County Government Consent Decree (# 5:06-cv-386) for Calendar Year 2023

Dear Mr. Martin:

The Kentucky Department for Environmental Protection (KDEP) and the U.S. 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 2023.

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 reviewing 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 \$64,000 pursuant to Paragraphs 44.E.(i), (ii), and (iii) of the CD.

In accordance with Paragraph 47 of the CD, LFUCG shall pay \$32,000 (50%) of the stipulated penalty to the Commonwealth of Kentucky and \$32,000 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. Specific payment instructions for the payment to the United States will be provided separately by email from the U.S. Department of Justice. Please contact Stacey Wix at wix.stacey@epa.gov, or at (404) 562-8079 if you do not receive the payment instructions within three (3) business days of receipt of this letter.

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 Stacey Wix, Enforcement Officer, EPA Region 4 at (404) 562-8079 or Jarrod Bell, Director, Division of Enforcement, KDEP at (502) 782-6552.

Sincerely,

Jairo Castillo, P.E.
Acting Chief
Water Enforcement Branch

Cc: Paul Schwartz, Attorney, EPA Region 4
schwartz.paul@epa.gov

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