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September 11, 2015

OFFICE OF THE
EXECUTIVE DIRECTOR

SEP 17 2015

CERTIFIED MAIL 7010 0780 0001 1438 6774

Return Receipt Requested

Mr. Greg Heitzman
Executive Director
Louisville and Jefferson County Metropolitan Sewer District
700 West Liberty Street
Louisville, Kentucky 40203

Re: Approval of MSD's Integrated Overflow Abatement Plan
Project Modification Request
Amended Consent Decree, Civil Action No. 3:08-cv-00608-CRS
DOJ Case No. 90-5-1-1-08254

Dear Mr. Heitzman:

The Kentucky Department for Environmental Protection (KDEP) and the U.S. Environmental Protection Agency (EPA) have reviewed the Metropolitan Sewer District's letters submitted for approval for minor project modifications to the 2012 Integrated Overflow Abatement Plan (IOAP), dated May 2014. The minor project modification request represents a revision to ten separate projects set forth in the IOAP. The titles of these projects are listed below:

1. 18th and Northwest Parkway Storage Basin, IOAP Project No. L_SO_MF_190_S_09B_B_A_8. Letter dated February 16, 2015.
2. Chenoweth Hills WQTC Elimination, Chenoweth Run and Chippewa Pump Station Improvements, IOAP Project No. S_JT_NB01A_M_03_C. Letter dated February 16, 2015.
3. Goose Creek PS Phase I - Devondale Wet Weather Storage, IOAP Project No. S_MI_MF_NB04_M_03_B. Letter dated February 16, 2015.
4. St. Rene Road Pump Station In-Line Storage, IOAP Project No. S_FF_CH_NB01_S_09A_C_A. Letter dated February 16, 2015.
5. Prospect #3 - ORFM System Improvement, IOAP Project No. S_OR_MF_NB04_M_03_B_B. Letter dated February 16, 2015.
6. Southwestern Parkway Storage Basin, IOAP Project No. L_OR_MF_127_M_09B_B_A_8. Letter dated August 7, 2015.
7. Portland Wharf Storage Basin, IOAP Project No. L_OR_MF_019_S_13_B_A_8. Letter dated August 7, 2015.

8. Lexington Road and Payne Street Storage Basin, IOAP Project No.
L_OR_MF_083_M_09B_B_A_8, Letter dated August 7, 2015.
9. Story Avenue and Main St Storage Basin, IOAP Project No.
L_OR_MF_020_S_09B_B_A_8, Letter dated August 7, 2015.
10. 13th Street & Rowan Street Storage Basin, IOAP Project No.
L_OR_MF_155_M_09B_B_B_8, Letter dated August 7, 2015.

These project modifications do not significantly alter the requirements of the IOAP. We therefore agree that such changes are non-material modifications to the Amended Consent Decree. As such, the project modifications listed above are hereby approved and will supersede and replace the projects listed in the IOAP under the same title and IOAP Project Numbers. These project modifications are thus integrated into the IOAP as enforceable requirements of the Amended Consent Decree in accordance with Paragraphs 25.a.(3) and 25.b.(2) therein.

Please note that it will be necessary to update the District Court of these revisions to ensure the Court's record is up to date. If there are any questions, you may contact Courtney Seitz of KDEP at (502) 564-3410 ext. 4914, or you may contact Mr. Dennis Sayre of EPA at (404) 562-9756.

Sincerely,



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



Stacey L. Bouma, Acting Chief
NPDES Permitting and Enforcement Branch
Water Protection Division
USEPA, Region 4