



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

JUL 28 2016



CERTIFIED MAIL 7015 1730 0002 0524 3440
RETURN RECEIPT REQUESTED

Mr. Joe Schepers, Executive Director
Regional Water Resource Agency
1722 Pleasant Valley Road
Owensboro, Kentucky 42303

Re: Owensboro-Davies County Regional Water Resource Agency, Closure Letter
U.S. EPA Administrative Order, Docket No.: CWA-04-2008-4754

Dear Mr. Schepers:

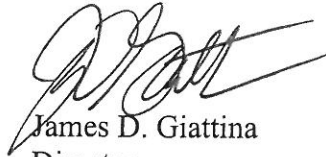
The U.S. Environmental Protection Agency Region 4 has reviewed the Owensboro-Davies County Regional Water Resource Agency's (RWRA) revised Combined Sewer Overflow (CSO) Long Term Control Plan (LTCP), dated May 2016, in which RWRA proposed a compliance schedule of 10 years from the date of approval of the LTCP. The Commonwealth of Kentucky approved this revised LTCP on July 22, 2016, pursuant to the Consent Judgement, Civil Action No. 07-CI-125S, between the Commonwealth and RWRA. As a result, the EPA hereby closes its Administrative Order.

The goal of the LTCP should be to enable RWRA's combined sewer system to meet the Commonwealth's water quality standards (WQS) as currently written in 401 KAR 10-031 (Surface Water Standards). If during implementation of the LTCP or after reviewing post construction compliance monitoring data, RWRA or the Commonwealth determine that WQS cannot be met, then RWRA, in conjunction with the Commonwealth, should evaluate the need for additional controls that would meet WQS, and revise their LTCP to implement the appropriate additional controls. If, however, WQS cannot be met due to financial and/or technological infeasibility, RWRA should develop a schedule for incremental improvements and revisit additional controls as financial conditions change or new control technologies emerge. Where current WQS cannot feasibly or economically be achieved even after implementing LTCPs, it may be appropriate to consider revising the WQS, subject to the EPA review, to accommodate CSO discharges while still protecting designated uses and/or additional controls, should feasibility increase.

The closure of the EPA's Administrative Order shall not be deemed an election by the EPA to forgo any remedies available to it under law, including, without limitation, any administrative, judicial, or criminal action to seek penalties, fines, or other appropriate relief (including injunctive relief) under the Clean Water Act or any other federal or state statute, regulation, or permit. The closure of the EPA's Administrative Order shall also not relieve RWRA of its obligations to comply with all applicable provision of federal, state, or local law, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit.

The EPA appreciates your cooperation. If you have questions concerning this letter, please contact Mr. Dennis Sayre at (404) 562-9756, or send written comments to the address on the letterhead.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Giattina', with a long horizontal flourish extending to the right.

James D. Giattina
Director
Water Protection Division

cc: Mr. Jeff Cummins
Kentucky Department for Environmental Protection

Mr. Peter Goodman
Kentucky Department for Environmental Protection