



MATTHEW G. BEVIN
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SECRETARY

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

AARON B. KEATLEY
COMMISSIONER

300 SOWER BOULEVARD
FRANKFORT, KENTUCKY 40601
July 22, 2016

CERTIFIED MAIL 7012 3460 0003 0891 1643
RETURN RECEIPT REQUESTED

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

Re: RWRA Long Term Control Plan
Commonwealth of Kentucky Civil Action: 07-CI-1255
U.S. EPA Administrative Order, Docket No.: CWA-04-2008-4754

Dear Mr. Schepers:

The Kentucky Department for Environmental Protection (KDEP) and the United States Environmental Protection Agency (EPA) have reviewed the Long Term Control Plan (LTCP) received on September 12, 2014 along with additional information provided on March 19, 2015 and August 27, 2015, and the revised LTCP submitted on May 31, 2016. The LTCP is hereby approved by the Cabinet in accordance with Section 22.b of the RWRA Consent Judgment, with the following conditions:

- Include in each annual report an updated Table 4.04-1 "CSO LTCP Implementation Schedule" from Section 4 of the LTCP, or as required by your KPDES permit. Describe any changes to project names, scope, or dates with reasons for the changes. If possible, please use the same project names when corresponding with the Division of Water (DOW) for permitting and funding of any LTCP projects in order that DOW can verify that these permitted or funded projects are the same as the ones approved in the LTCP.
- The proposed monitoring plan in Section 4.06, Post-Construction Compliance Monitoring is adequate for determining compliance for the LTCP. However, RWRA's next KPDES permit renewal will require development and submittal of a comprehensive monitoring plan addressing monitoring requirements for the KPDES permit, LTCP, and any other relevant monitoring or sampling of the CSS. The components of the monitoring plan may change from what it proposed in the LTCP.
- A copy of the CSO Outfall Elimination Form that DOW developed for documenting elimination of CSO outfalls and structures is available upon request to the DOW. Please use this form to help you determine the documentation you need to gather and to submit in order for DOW to verify that CSO outfalls are eliminated and can be removed from the KPDES permit.

Page 2

Mr. Schepers

The final LTCP dated May 31, 2106, as approved with this letter, will be proposed as a material amendment to the Consent Judgment, and, upon entry by Franklin Circuit Court, will become an enforceable requirement of the Consent Judgment.

If you have questions regarding this letter, please contact Ms. Jill Bertelson of KDEP at (502) 782-6889, or at Jill.Bertelson@ky.gov.

Sincerely,

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

Jeffrey Cummins, Director
Division of Enforcement

JAC/LB/jmb

cc: John T. Lyons, Strand Associates, Inc.
Denisse D. Diaz, U.S. EPA Region 4