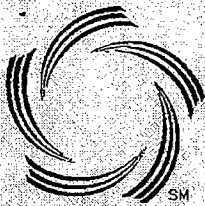


2009 AMENDED CONSENT DECREE

EXHIBIT D

February 19, 2008 MSD Letter



MSD

Louisville and Jefferson County Metropolitan Sewer District
700 West Liberty Street
Louisville Kentucky 40203-1911
502-540-6000
www.msdlouky.org

February 19, 2008

Mr. Douglas F. Mundrick
Chief, Water Programs Enforcement Branch
Water Management Program
US EPA Region 4
Atlanta Federal Center
61 Forsyth Street SW
Atlanta, GA 30303

Subject: Followup to February 6, 2008, Meeting in Atlanta
Concerning Peak Flow Management at Jeffersontown WWTP

Dear Mr. Mundrick:

On behalf of the Louisville and Jefferson County Metropolitan Sewer District ("MSD"), we appreciated the opportunity to meet with you and others concerning matters involving operations of MSD. We believe that the meeting was very productive and resulted in correcting some miscommunications.

We believe that continued face to face meetings are the most productive and will lead to an amicable resolution of all outstanding issues.

While we acknowledge that there are various issues left to resolve, we understand that the blending issue at the Jeffersontown Wastewater Treatment Plant is a primary concern for us both.

During the meeting, we agreed to begin reporting blending events at the Jeffersontown Wastewater Treatment Plant. As stated in the meeting, MSD has installed new technology, which will now provide us with real time information concerning blending events at the Jeffersontown Wastewater Treatment Plant. The information will assist us to maximize secondary treatment and minimize blending. MSD believes that some treatment is preferable to no treatment. MSD will also implement a public website notification of blending events at the Jeffersontown Wastewater Treatment Plant.

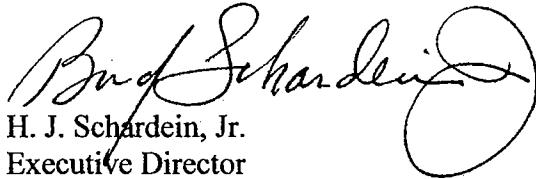


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Followup to February 6, 2008, Meeting in Atlanta
February 19, 2008
Page 2 of 2

Enclosed is a copy of MSD's listed activities we will implement at the Jeffersontown Wastewater Treatment Plant. We look forward to further discussions with you and the others involved in this matter.

Sincerely,



H. J. Schardein, Jr.
Executive Director

cc:

Laurence J. Zielke, MSD
Paula Purifoy, MSD
W. Brian Bingham, MSD
Shannon Stamper, KDEP

Doug Mundrick, EPA
John Harkins, EPA
Bill Bush, EPA
Bill Weinischke, US DOJ

Alfreda Freeman, EPA
Scott Gordon, EPA
Cesar Zapata, EPA

Enclosure

Jeffersontown Wastewater Treatment Plant Reporting/Actions Implementation Plan

1. Occurrences of blending events during wet weather will be reported per KAR 5:015, KAR 5:065, the Consent Decree and the approved Sewer Overflow Response Protocol (SORP).
 - The Initial Discharge Report (IDR) will be made via email within 24 hours of becoming aware of the start of the blending event. The emails will be sent per the approved Sewer Overflow Response Protocol, with the designated EPA and KDEP individuals receiving the emails. The following information will be contained in the IDR:
 1. Location of the blending event (Jeffersontown WWTP)
 2. Start date and time of the blending event
 3. Stop date and time of the blending event, if blending terminated at that time
 4. Estimated volume of the blending event, if blending terminated at that time

When the blending event ceases, if the above information is not contained, then a Supplemental IDR will be sent containing the four pieces of information above. This activity will begin February 18, 2008.

- A 5 day follow-up letter summarizing the blending event will be sent to Charlie Roth at the KDEP Louisville Field Office. The summary will include these components for each blending event, to be broken down by calendar days:
 1. Beginning date and time
 2. Ending date and time
 3. The volume of wastewater flows blended
 4. Total plant flow during the event
 5. Peak plant flow during the event

This activity will begin with the February 12, 2008, blending event.

- The blending events will be summarized monthly, per the components listed above, and included in the Jeffersontown wastewater treatment plant Discharge Monitoring Report (DMR), which is submitted to KDEP on the 28th day of the following calendar month. The package will also be scanned and sent via email to EPA as a PDF attachment. This activity will begin with the February 2008 DMRs, to be submitted by March 28, 2008.
 - The blending events will be summarized, per the components listed above, and included in the Project WIN Quarterly Reports, beginning with the report to be submitted April 30, 2008.
 - The blending events will be summarized, per the components listed above, and included in the Project WIN Annual Report, beginning with the report to be submitted December 30, 2008.
2. Occurrences of blending events during wet weather will be posted to MSD's Project WIN website, in a similar manner to wet weather overflows. The information anticipated to be shown include the start date and time of the blending event, the stop date and time of the blending event and the total quantity of flow blended during the blending event. This feature will be operational by March 1, 2008.
 3. An enhanced Wet Weather Standard Operating Procedure (SOP) for the Jeffersontown Wastewater Treatment Plant will be prepared and implemented by March 15, 2008. This enhanced SOP will include provisions for:
 - Ensuring maximum utilization of secondary treatment capacity,
 - Chemical addition to improve pollutant removal during the blending event, and
 - A documentation and reporting system of blending events.

Jeffersontown Wastewater Treatment Plant Reporting/Actions Implementation Plan

4. The constructed overflow upstream of the siphon has been equipped with telemetry equipment. This equipment monitors the depth of water in the siphon box and displays the level on a screen for monitoring, along with other pertinent plant data. The siphon box begins overflowing at the approximate depth of 6.4 feet. When the level reaches a depth of 4 feet, a text page is sent to Metro Operations staff as a high level warning. When the level reaches a depth of 6 feet, a second text page is sent to the Metro Operations staff, prompting a visual inspection by the on-site plant operator. When an overflow is observed at the siphon box, overflow information is collected and reported following the protocols contained within the approved SORP, which is outlined as follows:
- The Initial Discharge Report (IDR) will be made via email within 24 hours of becoming aware of the start of the overflow event. The emails will be sent per the approved Sewer Overflow Response Protocol, with the designated EPA and KDEP individuals receiving the emails. The following information will be contained in the IDR:
 1. Location of the unauthorized discharge (Jeffersontown WWTP siphon box)
 2. Start date and time
 3. Stop date and time, if discharge terminated
 4. Estimated volume, if discharge terminated

When the unauthorized discharge ceases, if the above information is not contained, then a Supplemental IDR will be sent containing the four pieces of information above. This activity will begin February 18, 2008.

- The unauthorized discharge events will be summarized and included in the Jeffersontown WWTP Discharge Monitoring Report (DMR), which is submitted to KDEP on the 28th day of the following calendar month. The package will also be scanned and sent via email to EPA as a PDF attachment. The summary will include these components for each unauthorized discharge event:
 1. Sewershed name and specific location of the unauthorized discharge
 2. Start date and time of the unauthorized discharge
 3. Stop date and time of the unauthorized discharge
 4. Description of the cause of the unauthorized discharge
 5. Impact of the unauthorized discharge
 6. Description of actions taken to mitigate the unauthorized discharge
 7. Estimated volume of the unauthorized discharge
 8. Description of cleanup action taken

This activity will begin with the February 2008 DMRs, to be submitted by March 28, 2008.

- The unauthorized discharge events will be summarized and included in the Project WIN Quarterly Reports, beginning with the report to be submitted April 30, 2008.
- The unauthorized discharge events will be summarized and included in the Project WIN Annual Report, beginning with the report to be submitted December 30, 2008.