

STEVEN L. BESHEAR
GOVERNOR



LEONARD K. PETERS
SECRETARY

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF ENFORCEMENT
300 FAIR OAKS LANE
FRANKFORT KENTUCKY 40601
www.kentucky.gov

October 4, 2012

CERTIFIED MAIL 70101060000217058806
Return Receipt Requested

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

Re: Partial Approval of MSD's 2012 Integrated Overflow Abatement Plan Project
Modification Request

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 2012 Integrated Overflow Abatement Plan (IOAP) Project Modification document dated August 17, 2012, with subsequent revisions dated September 20, 2012 and supplements that were provided in response to KDEP/EPA comments. There are 28 separate project modification requests contained in the IOAP Project Modification document.

Projects 1 through 12 and 18, as set forth below and as more particularly described in the 2012 IOAP Project Modification document, are hereby approved. These project modifications do not significantly alter the requirements of the original IOAP and are therefore deemed a non-material modification to the Amended Consent Decree. As such, these IOAP modifications will be incorporated into the existing approved IOAP, dated September 30, 2009, as amendments and will be enforceable requirements of the Amended Consent Decree in accordance with Paragraphs 25.a.(3) and 25.b.(2) of the Amended Consent Decree.

Project Modification approval list:

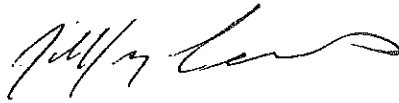
(2012 IOAP Projects Modification Table of Contents No. and Project Title)

1. Adams Street Sewer Separation
2. CSO058 Sewer Separation
3. CSO093 Structural Modification & Green Infrastructure Controls
4. CSO140 In-Line Storage & Green Infrastructure Controls
5. CSO160 In-Line Storage & Green Infrastructure
6. Derek R. Guthrie WQTC – Wet Weather Facility

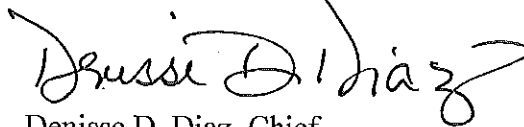
7. I-64 and Grinstead Drive Storage Basin
8. Meadow Stream Pump Station & Force Main Upgrade
9. Paddy's Run Wet Weather Treatment Facility
10. Story Avenue and Main Street Storage Basin
11. Story Avenue and Spring Street Green Infrastructure & Distributed Storage
12. 13th Street and Rowan Street Storage Basin
18. Central Relief Drain CSO, Green Infrastructure & Distributed Storage

Please note that once all of the project modification requests have been reviewed and acted upon, it will be necessary to update the District Court of this and any other non-material modification to the IOAP 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, Acting Director
Division of Enforcement
KY Department for Environmental Protection



Denisse D. Diaz, Chief
Clean Water Enforcement Branch
Water Protection Division
USEPA, Region 4