

Municipal Separate Storm Sewer System (MS4) 2021 Update

Environmental Quality and Public Works Committee
December 7, 2021



AGENDA

- What is MS4 and why does it matter?
- Evolution of Lexington's MS4 Program.
- 2021-22 – Time of change and transition.
- Moving forward.
- Questions.

What is MS4 and why does it matter?

- **M**unicipal **S**eparate **S**torm **S**ewer **S**ystem
- KRS 224 authorizes a community like Lexington to discharge stormwater into “Waters of the Commonwealth”.

What is MS4 and why does it matter?

- Lexington is issued a stormwater discharge permit by the Kentucky Department for Environmental Protection.
- Permit requirements contained in federal law are applicable to “large MS4’s” like Lexington.

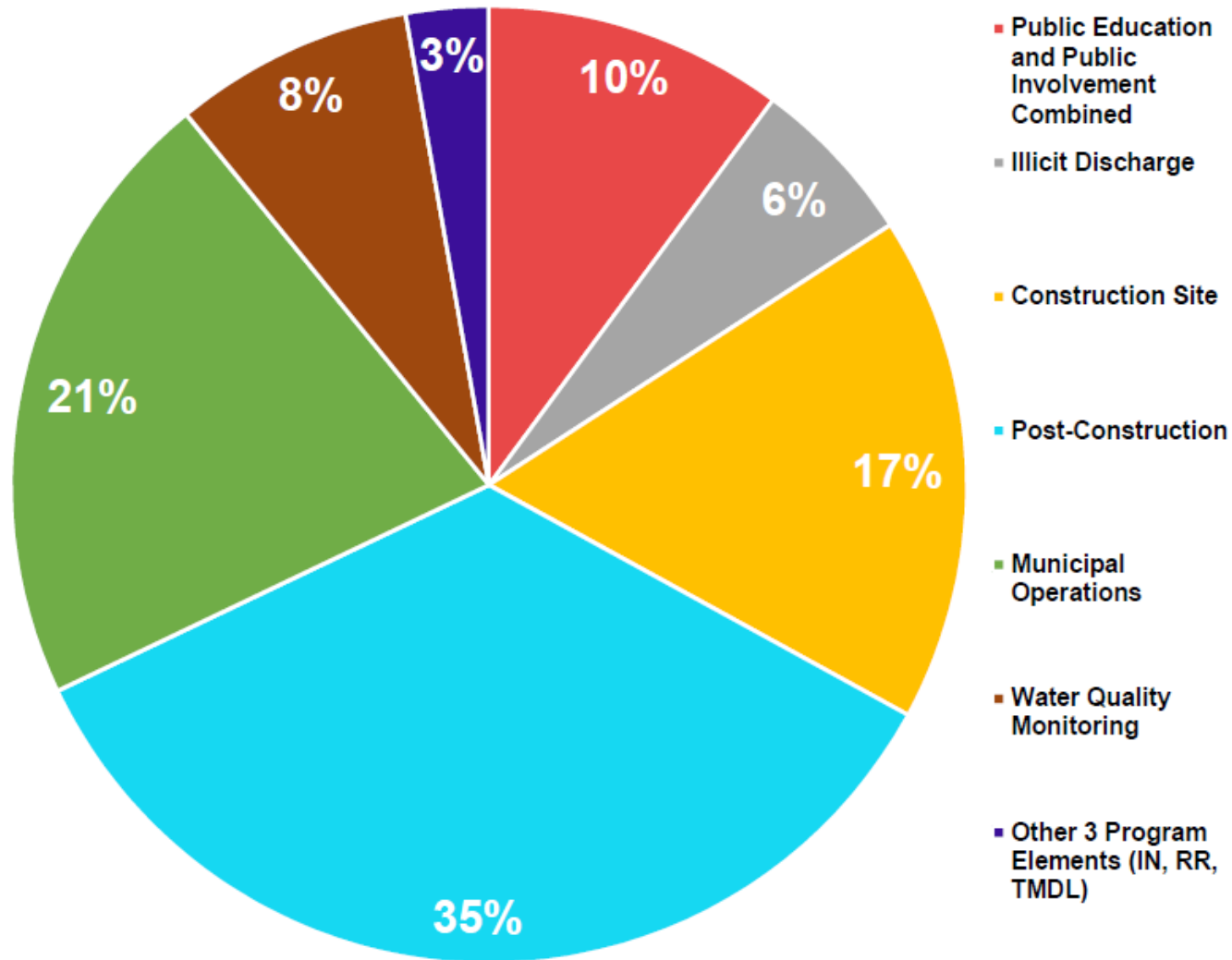
MS4 Permit – KYS000002

- Five years in duration, last permit expired May 31, 2020, renewal pending.
- Compliance revolves around meeting the objectives of ten (10) specific Program Elements.
- Program Element objectives further defined in the Stormwater Quality Management Program documents.

MS4 Permit – Program Elements

- | | |
|----|---|
| 1 | Public Education and Outreach |
| 2 | Public Involvement and Participation |
| 3 | Illicit Discharge Detection and Elimination |
| 4 | Construction Site Stormwater Runoff Control |
| 5 | Post Construction SW Management |
| 6 | Pollution Prevention - Municipal Operations |
| 7 | Industrial Facility SW Pollution Prevention |
| 8 | Water Quality Monitoring |
| 9 | Reporting and Record Keeping |
| 10 | Total Maximum Daily Loads / Impaired Waters |

Funding by MS4 Program



Evolution of Lexington's MS4 program.

- 1990's – new stormwater management federal regulations that Lexington did not fully embrace.
- 2006 – EPA and Kentucky sues Lexington for alleged violations of the Clean Water Act – the Consent Decree follows.
- 2018 – Lexington's MS4 Program wins two national awards.

The MS4 Program – Then & Now

<u>Program Area</u>	<u>2008</u>	<u>2019</u>
MS4 Permit	6 pages	47 pages
SWQMP	Informal; undocumented	Formal, comprehensive, 262 pages
Staffing	1 full-time stormwater staff person	15 full-time MS4 staff ~ 100 part-time support staff
Training	No dedicated stormwater training	> 25 sessions per year
Inspections	< 100 per year	> 11,000 per year
Funding	Annual Funding of \$150 to 200K	Annual funding of \$13.9M
Policy	Basic post-construction stormwater manual	Comprehensive stormwater and engineering manuals for construction, post-construction, other aspects
Legal Authorities	Soil erosion control ordinance	- Soil erosion control ordinance - Stormwater fee ordinance - Private property BMP maintenance ordinance - Enforcement ordinances - Illicit discharge ordinance - Industrial / high-risk commercial facility ordinance

2021 -22

Time of Change and Transition

- January 2021: MS4 provisions of the Consent Decree are terminated, Lexington's MS4 program is no longer operating under court ordered sanctions.
- July 2021: The MS4 Coordinator's position in DWQ became vacant for the first time in nearly seven years.
- New MS4 Coordinator – Lindsie Nicholas

Stormwater Stakeholder Advisory Committee

1  LFUCG Division of Engineering	1  Hickman Creek Conservancy
1  LFUCG Division of Environmental Services	1  Bluegrass Greensource
1  LFUCG Division of Planning	1  University of Kentucky
1  LFUCG Division of Water Quality	1  Kentucky Water Resources Research Institute
1  LFUCG Planning Commission	1  Kentucky River Watershed Watch
1  LFUCG Urban County Council	1  Kentucky Transportation District 7
1  Fayette County Public Schools	1  Kentucky American Water Company
1  Fayette Alliance	1  Building Industry Association of Central Kentucky
1  Fayette County Neighborhood Council	1  Lexington-Bluegrass Association of Realtors
1  Friends of Wolf Run	1  Federal Facilities
1  Friends of Cane Run	6  Commerce Lexington
1  Friends of McConnell Springs	9  Watershed At-large Representatives
1  Neighbors United for South Elkhorn Creek	

Stormwater Stakeholder
Advisory Committee:

- Interest Groups
- Business Community
- Other Public Agencies
- Watershed At-Large
Representatives

Moving Forward.

- Continue compliance work in all Program Element categories.
- Continue to promote and administer the Water Quality Management Fee grant program.
- Focus on methods to further transition the Watershed-Focused Monitoring Program from a data collection function to an action plan.
- Continue evaluation of a Stormwater Payment-In-Lieu-Of (SPILO) program as a potential, criteria specific alternative to post-construction stormwater controls for redevelopment sites.



CLOSING & QUESTIONS