

CONSENT DECREE AND REMEDIAL MEASURES PLAN UPDATE

Environmental Quality & Public Works
Committee
March 1, 2022





LEXINGTON



AGENDA

- Overall Consent Decree Status
- Remaining Capital Obligation - Overview
- Remaining Capital Obligation – 2022 Information
- Questions

OVERALL CONSENT DECREE STATUS

- Stormwater Compliance Obligations 
- Supplemental Compliance Obligations 
- Sanitary Sewer Obligations
 - CMOM (Capacity, Management, Operations & Maintenance)
 - RMP (Remedial Measures Plan)
- Reporting Obligations

2021 ACTIVE RMP CONSTRUCTION PROJECTS LIST

- Wolf Run D&E Trunk: 10th District
- Southeastern Hills Trunk: 8th District
- Upper Cane Run WWS Tank: 1st District
- West Hickman WWTP WWS Tank – Phase 2
- Various WWTP Improvements – both plants

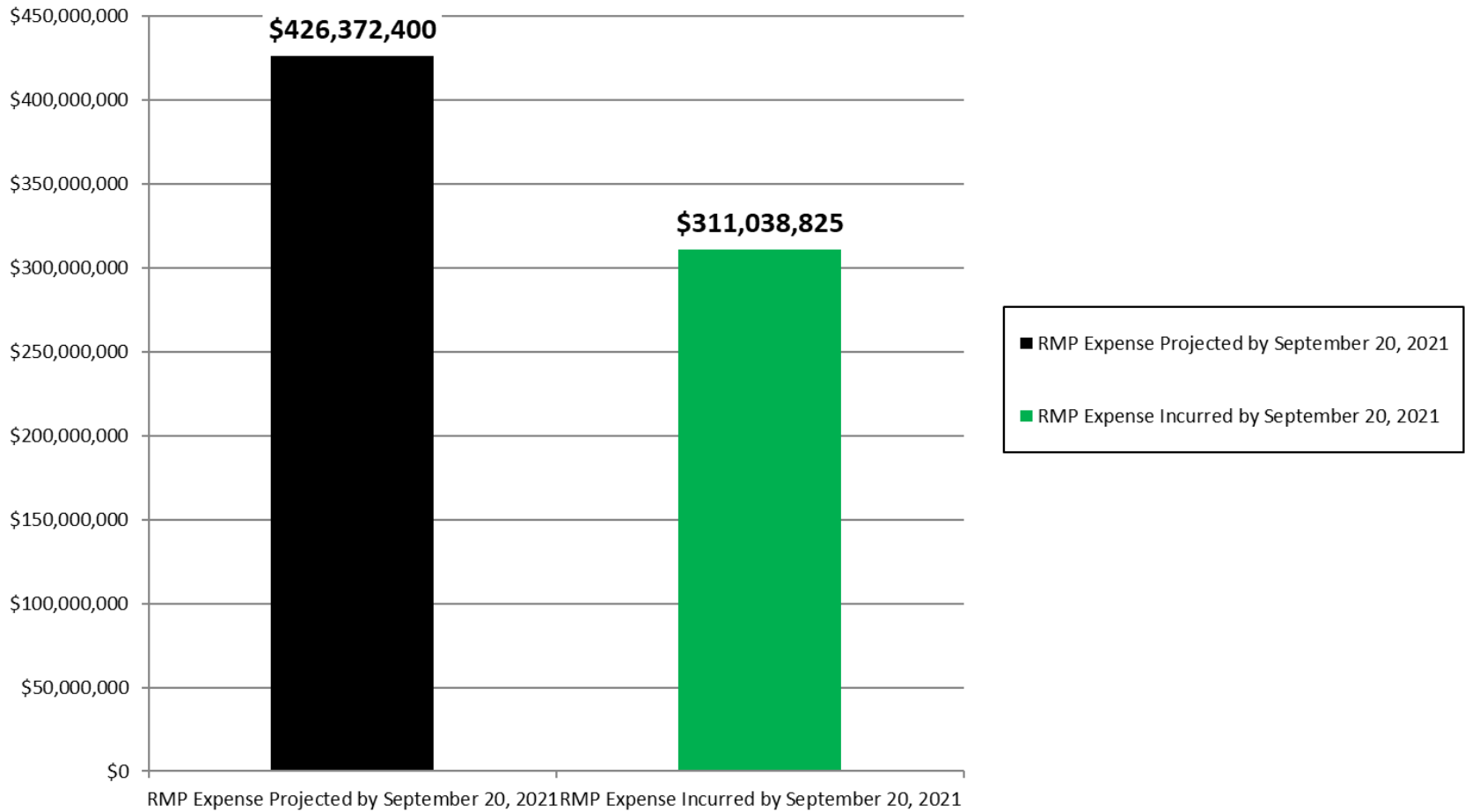
SANITARY REMEDIAL MEASURES PLAN (RMP) STATUS

Complete / Active / Pending Projects
2021 Q4 Report*

Projects	Complete	Design / Construction	Pending	Total
Conveyance / Storage	45	19	17	81
WWTP Reliability Upgrades	19	9	6	34
Totals	64	28	23	115

*Actual number of projects, fluid due to on-going schedule modification discussions with Kentucky and EPA.

Consent Decree Sanitary Capital Expense Comparison to Date Contractual Projection vs. Contractual Actual September 20, 2021



2021 WIN



Kentucky Cleaner Water Grant for replacing chlorine gas with ultraviolet (UV) disinfection equipment will reduce RMP costs by \$395,000 while allowing a much more expansive scope than originally contemplated in 2011.

2021 WIN



Kentucky Infrastructure Authority (KIA) awarded Lexington an additional \$15.8 M low interest loan to complete Phase 2 of the Wet Weather Storage Facility improvements at West Hickman WWTP.

2021 WIN

OVERBROOK FARM RMP CONSTRUCTION AVOIDED BY REGULATORY APPROVAL (time and money saved)

Six (6) Revised RMP Projects:

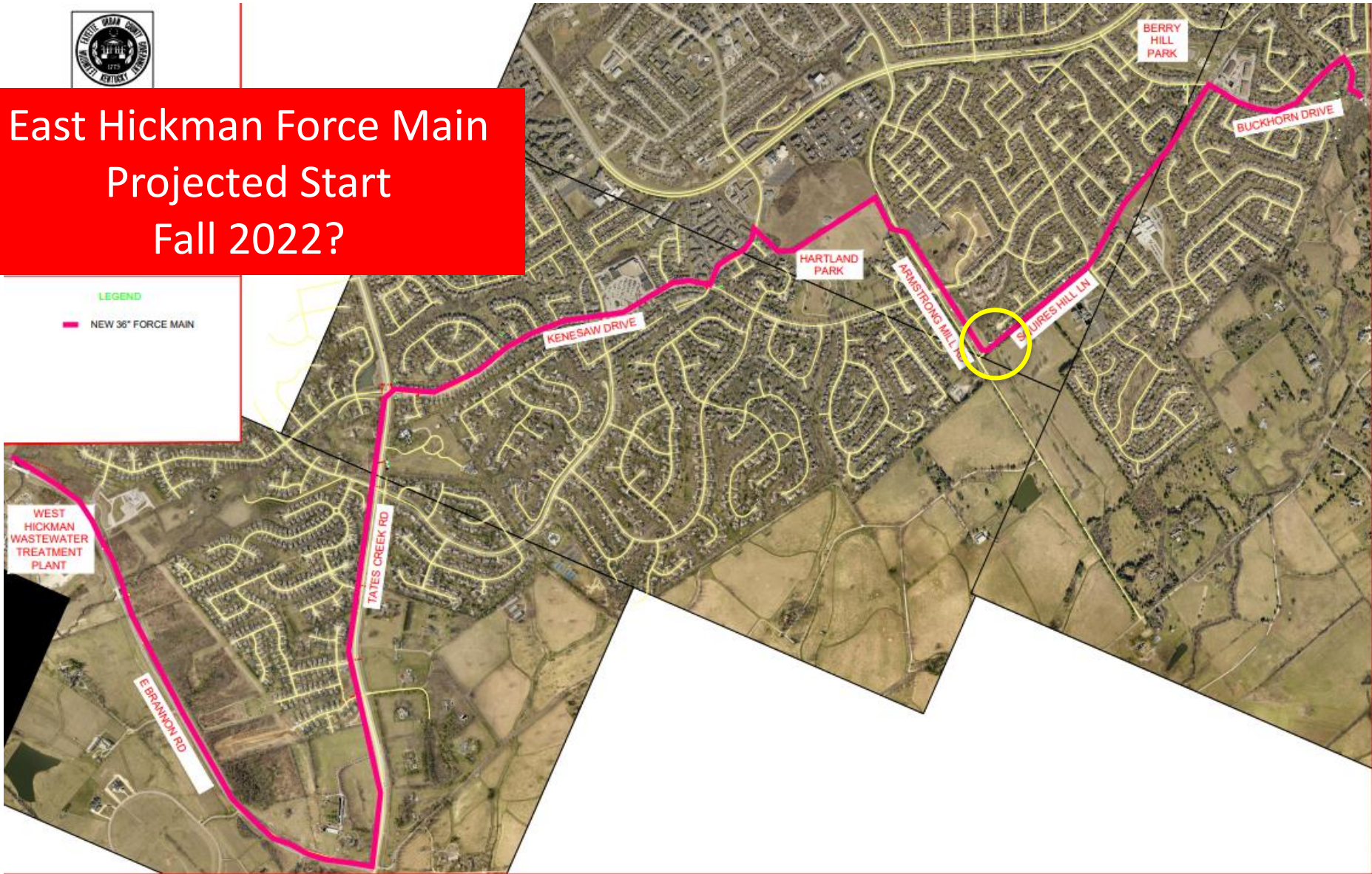
- **Re-aligned EH-1 East Hickman Force Main**
- East Hickman Pump Station Pump Upgrade
- **Armstrong Mill Pump Station Replacement (aka Delong Road Pump Station)**
- Modified Hartland 1 Pump Station
- Modified Hartland 2 Pump Station
- New Hartland 3 Pump Station



East Hickman Force Main
Projected Start
Fall 2022?

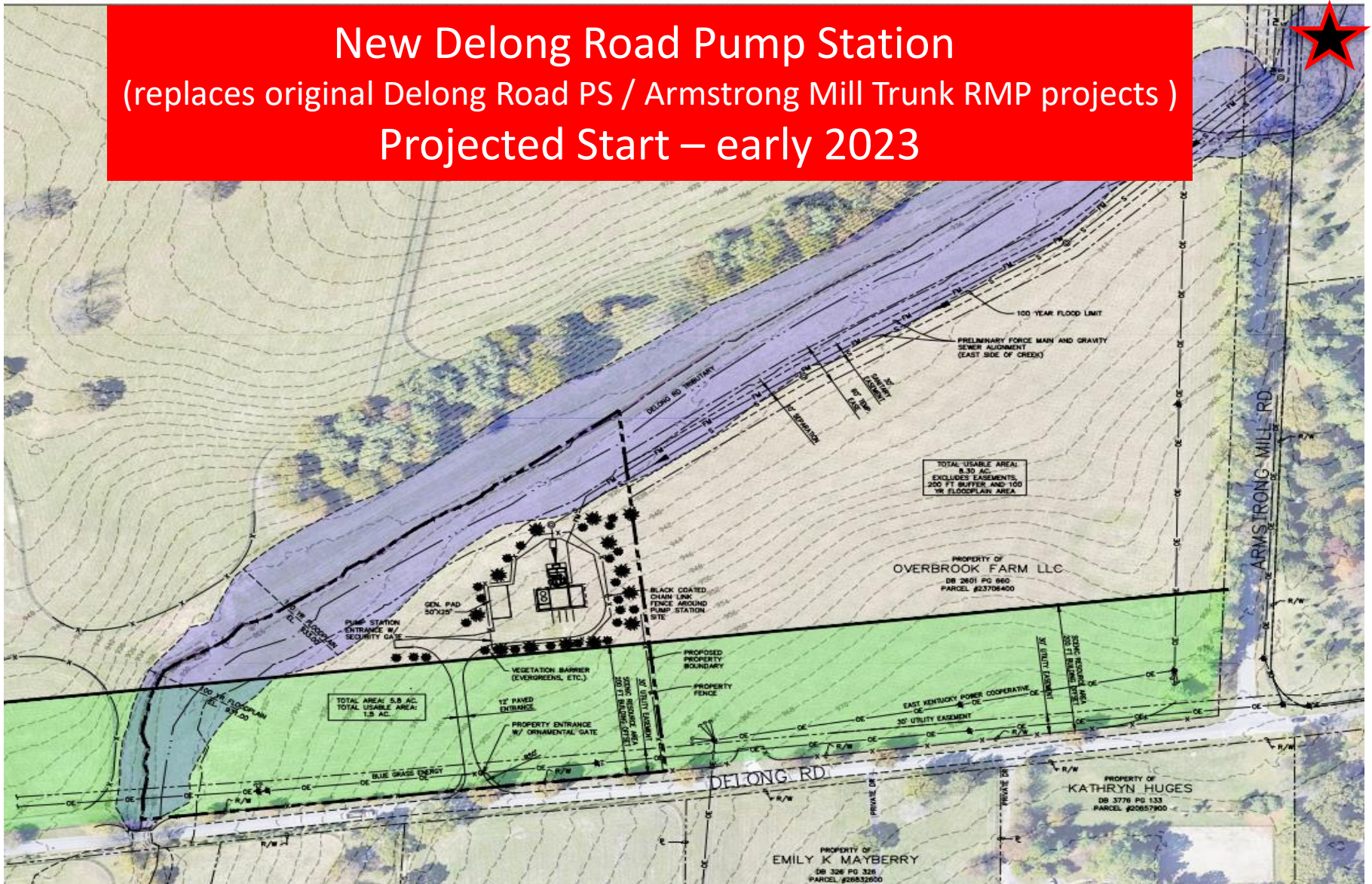
LEGEND

— NEW 36" FORCE MAIN





New Delong Road Pump Station
(replaces original Delong Road PS / Armstrong Mill Trunk RMP projects)
Projected Start – early 2023

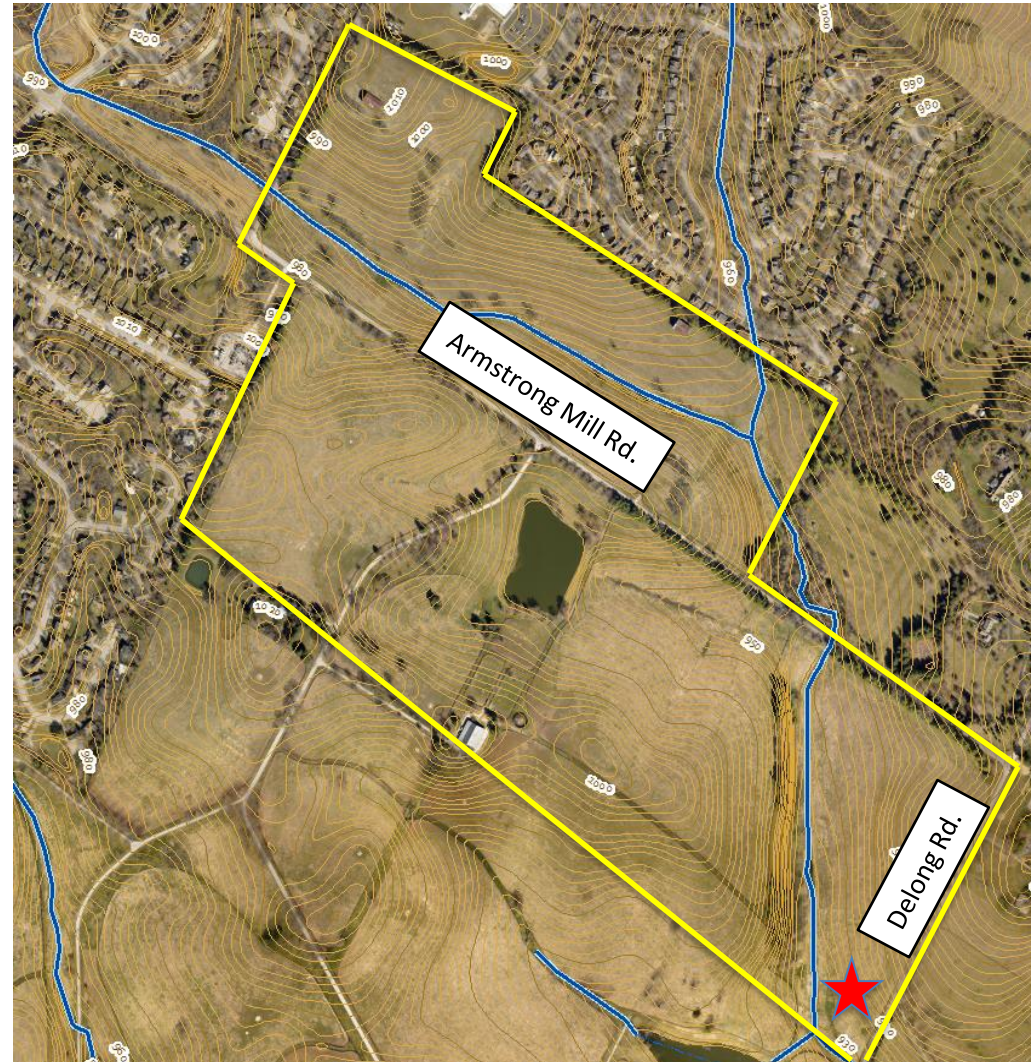


Proposed Delong Road Pump Station



Completion of the re-aligned East Hickman Force Main and new Delong Road Pump Station will resolve sanitary sewer capacity limitations for the Armstrong Mill Road extended corridor.

Projected Completion –
December 2024





RMP CONSTRUCTION PROJECTS

“READY TO LAUNCH”



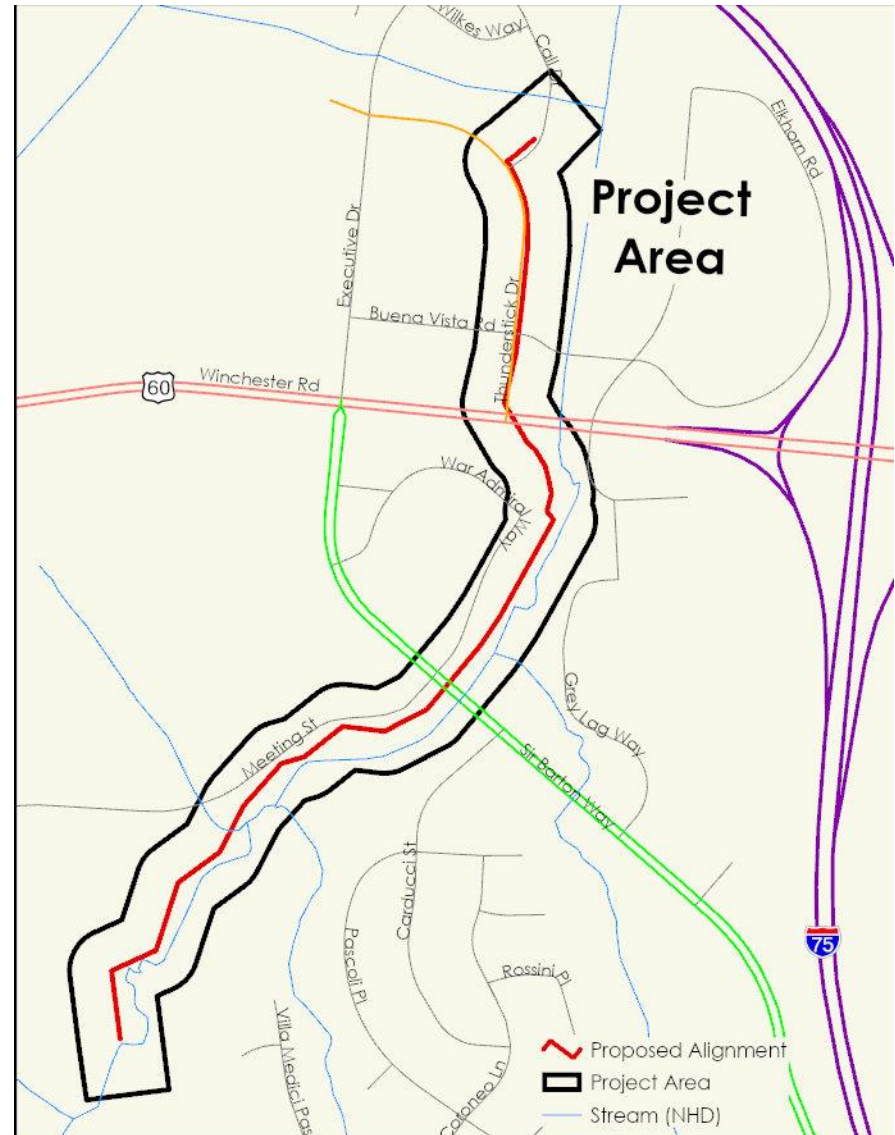
LIBERTY ROAD TRUNK SEWER PROJECT

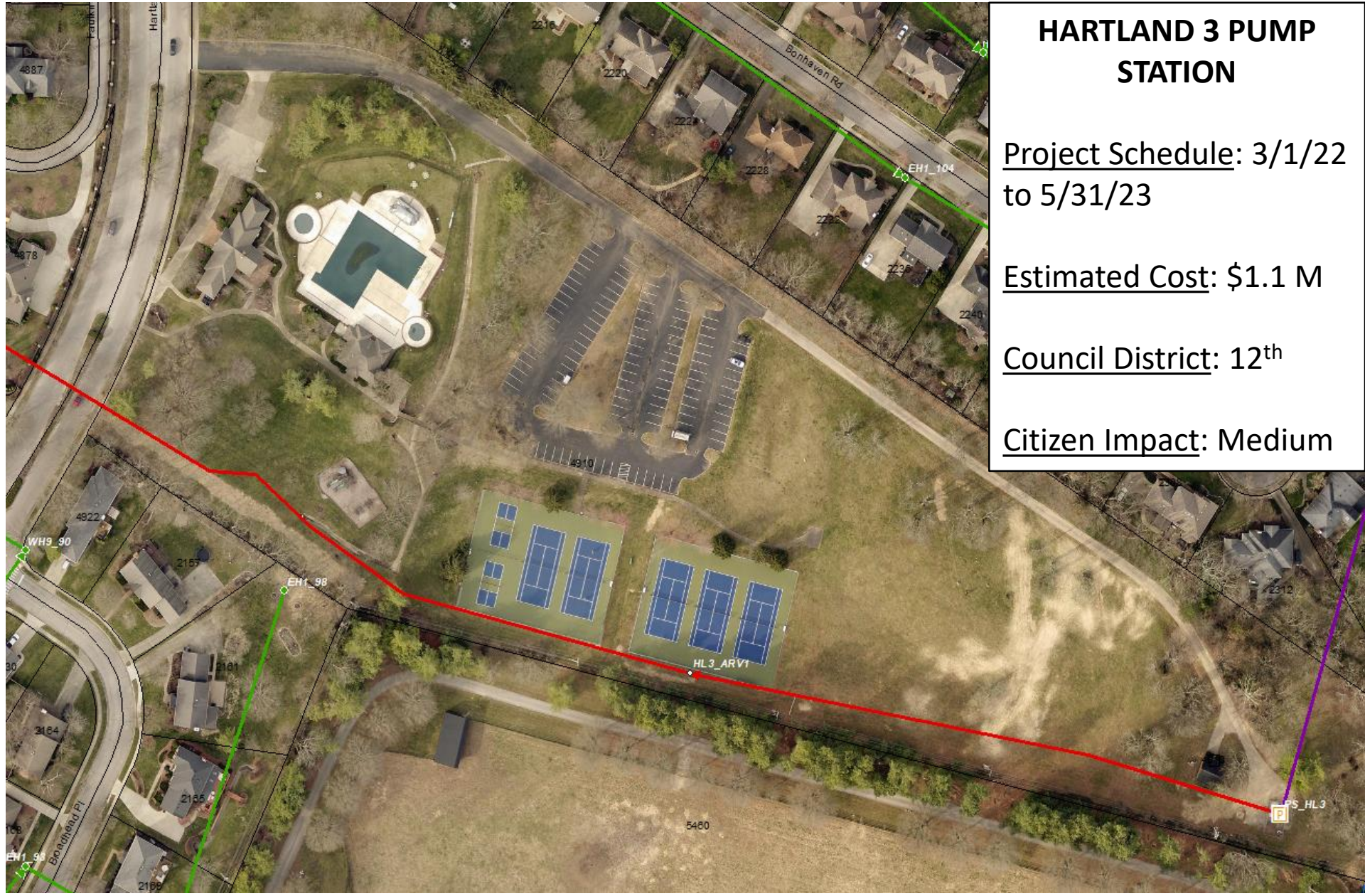
Project Schedule:
3/1/22 to 5/31/23

Estimated Cost: \$3.6 M

Council District: 6th

Citizen Impact:
Medium





HARTLAND 3 PUMP STATION

Project Schedule: 3/1/22 to 5/31/23

Estimated Cost: \$1.1 M

Council District: 12th

Citizen Impact: Medium

NEAR-TERM CHALLENGES

STRUGGLING PROJECTS

- New Circle Trunk A&B
- Wolf Run Trunks F&G
- West Hickman Trunk E

WHY?

- Easements
- Supply Chain Disruptions
- Escalating Costs

2022 RMP QUESTIONS

1. Have we exhausted all remedies to complete the remaining 51 projects by December 31, 2026?
2. Is there regulatory relief available if Lexington can't complete all projects by December 31, 2026?



SUMMARY

- Overall Consent Decree status:
 - All compliance measures are complete except sanitary sewer RMP capital program and ongoing reporting obligations.
 - 80% of RMP projects either complete or in process (design or construction).
 - Maintenance of completed compliance measures is necessary and essential.

SUMMARY

- 2022 Challenges
 - Near-term projects are proceeding, but progress is hindered by external factors.
 - 2021 math said eight projects per year for another six years – will the “new reality” resulting from the pandemic allow that level of production?
 - What is Kentucky and EPA’s position on the fact that the Consent Decree, signed by Lexington in 2008, never contemplated the impacts of a global pandemic?

Questions

