



Environmental Quality & Public Works Committee Virtual Meeting

May 18, 2021

Summary and Motions

Chair F. Brown called the meeting to order at 1:00 p.m. Committee Members Kay, Ellinger, Moloney, McCurn, LeGris, Sheehan, Kloiber, Worley, and Bledsoe were present.

F. Brown began the meeting by providing the following statement: “Due to the COVID-19 pandemic and State of Emergency, this meeting is being held via live video teleconference pursuant to 2020 Senate Bill 150, and in accordance with KRS 61.826, because it is not feasible to offer a primary physical location for the meeting.”

I. Approval of March 9, 2021 Committee Summary

Motion by Kay to approve the March 9, 2021 Special Environmental Quality & Public Works Committee Summary. Seconded by Ellinger. The motion passed without dissent.

II. Single Use Plastics and Energy Conservation

Members of the Environmental Commission provided a presentation on recommendations for Council to consider: Blaine Early, Chair of the Environmental Commission; Sarah Asalon, Secretary and Member representing District 5; Paul Swoveland, Immediate Past Chair and Member representing District 9; and Danny Woolums, Vice Chair and Member representing District 4. Early began with a review of the Environmental Commission and its objectives which include development of a sustainability plan and reduction of waste by focusing on reducing single-use plastics. He spoke about the implementation of the Empower Lexington Plan which was adopted in 2012 and he reviewed the 5 sectors of the plan: Residential, Transportation, Industrial/Commercial/Institutional, Land Use/Food/Agriculture, and Waste. Asalon spoke about the rationale for the importance of reducing greenhouse gas emissions and energy use and she provided results of a public opinion survey on global warming. She displayed a chart to illustrate changes in the Southeastern United States and she spoke about the impacts of climate change, but said temperature impacts are not equitably distributed. She reviewed the challenge with energy costs and affordability challenges prior to COVID-19 with almost one-third of U.S. households reporting an impact of energy insecurity. She said there is a direct correlation with plastics in energy use which results in greenhouse gas emissions. Swoveland explained that plastics were introduced as a solution for life's problems, but have presented multiple concerns causing both environmental and health problems. He spoke about the concern with microplastic and he emphasized that increased recycling will not solve the environmental impacts of single-use plastics. Swoveland highlighted proposed policy options which include material bans, material fees, public education, and voluntary action. Woolums proposed that Council and the LFUCG take action and designate or appoint a staff member to update the Empower Lexington Plan and to work with the Environmental Commission to implement the plan. He concluded the presentation with a review of 3 proposed actions that could be taken by the Environmental Commission.

Sheehan mentioned that she is working on a sustainability item in this committee that intends to explore the environmental components of our Comprehensive Plan and she would like to see that the

update of the Empower Lexington Plan is in line with what is in the Comprehensive Plan. She asked if there is grant funding available for hiring a Sustainability Coordinator. Early agreed that the Environmental Commission and the Council can work together to update the Empower Lexington Plan and the Comprehensive Plan to make them consistent. He explained that several sources for grants to assist with hiring a Sustainability Coordinator have been identified and with the last COVID relief bill, there might be funding available for communities to implement this type of initiative, but currently there is no active grant application. Sheehan expressed support for efforts to find outside funding since it is not included in the current budget. Early stressed that this was the reasoning behind the recommendation to have a current staff member designated to assume this role.

Kay described the work of this group which began in the early 2000s to address what the community could do about environmental issues. He highlighted the Energy Improvement Fund position which has managed to guide the city in making changes to our energy use while also saving money. He spoke about the need for an additional point person to address these issues on a broader scale for the entire community which is what the Environmental Commission is recommending. He spoke about potentially using ARPA (American Rescue Plan Act) funds for this position which would focus on low-income communities. He added that he has put in a request for a full-time staff person within Environmental Quality & Public Works who would staff the Environmental Commission, find more grant funds, and coordinate efforts in the community to reduce our environmental footprint.

F. Brown asked if this position was run through the Links process and Kay said it was not, but he has had preliminary conversations with Commissioner Albright and the position would potentially be located in Division of Environmental Quality.

No further comment or action was taken on this item.

III. Backyard Composting

LeGris provided a brief background to the item which came out of discussions on potential alternatives for the diversion of waste and said one particular concern is the diversion of food waste. She introduced Angela Poe, Program Manager for Environmental Services, who provided details for a home compost pilot program. Poe explained the purpose is to provide an alternative for disposal of organic materials and to encourage at-home food composting. She said the program will consist of a workshop, a free composter, and several surveys to be completed throughout the process. Poe explained that there are requirements for participation in this program and those include: being a resident with city collection, only one composter available per household, participation in the 2-2.5 hour workshop, completion of the surveys, and the person must use the composter. She reviewed the topics that will be covered during the workshop and the plan in place for obtaining compost bins. She concluded the presentation with a detailed look at the budget for the pilot program which includes costs for taking the demonstration into the community and she anticipates being able to report on the findings next spring.

Sheehan asked how this scales up and what happens if the pilot program is successful. Poe said it depends on the level of interest, but when the city has offered home composting workshops in the past, they sold out quickly. She said this could be scaled up by making the workshops larger and offering them more frequently.

F. Brown asked where the workshop would take place and Poe said potentially at one of the Seedleaf Gardens because they have compost bins available. F. Brown mentioned the \$1,940 budgeted per

workshop and asked how many participants that would include. Poe said it would be approximately 20 households with an average of 2 people from each household.

LeGris said this proposal would take place in the fall of 2021 and she will include as a FY22 budget recommendation, a reallocation of \$9,000 for this program that would include any additional promotional costs that may exceed the \$6,520 budgeted for the entire pilot program.

No further comment or action was taken on this item.

IV. Urban Forestry and Street Tree Update

Susan Plueger, Director of Environmental Policy, began the presentation by displaying the organizational chart to illustrate staffing of the Urban Forestry Program in the Division of Environmental Services. She provided a background on Street Trees in Lexington and she explained that 10% of those trees are maintained by the city and 90% are maintained by property owners, but some of the tasks can be difficult for a property owner. She provided an overview of the Hazardous Street Tree Cost Share Program and she shared success stories associated with the program. She spoke about the Street Tree Clearance Pruning Program and reviewed statistics as well as success stories that came as a result of the program. She continued the presentation with a look at next steps and future initiatives for the Urban Forestry Program.

McCurn asked if there is a diameter that we focus on for street tree replacement and Plueger said it is 1.75 inches minimum. McCurn asked if there is a specific tree we use and Plueger pointed out that there is a list of prohibited street trees because some trees should not be planted in the right-of-way and there is also a list of acceptable trees. She said it also depends on the width of the utility strip and there are several factors that have to be considered such as overhead power lines. McCurn asked how many trees were provided through the reforest program and Plueger said the at-home portion was about 500 trees with a total of 5,000 trees planted.

No further comment or action was taken on this item.

V. Scott County Landfill

Council Member Josh McCurn began the Scott County Landfill presentation with a review of the RFP that was solicited in 2014 for the operation of the LFUCG transfer station and the disposal of municipal waste. Three proposals were received and scored on six criteria. In the end, Waste Services of the Bluegrass (WSB) was selected for a variety of reasons including their close proximity to the LFUCG transfer station and considerable cost savings. He pointed out that WSB is closing on October 31, 2021 and with the landfill unable to expand, our operation would discontinue. This means that in the next few years we would need to find another option for waste disposal. The current contract is effective through 2025, he said, so it is important that we consider options for moving forward.

Worley said he was impressed by the operation and he spoke about the cleanliness of the landfill which is important when considering the surrounding communities.

Moloney emphasized that this is a regional problem and does not just effect Fayette County. He pointed out that other counties have submitted letters to Frankfort expressing the importance of this for their community and we need to get our message to Frankfort as well.

F. Brown explained that he has worked with McCurn to draft a resolution and Law Department has been reluctant to draft a resolution because of pending litigation related to the contractor and Scott County. He said the contractor has multiple violations and the Scott County Judge Executive said the contractor is out of compliance and is not allowed to accept our waste disposal. F. Brown mentioned that an Environmental Plan was submitted prohibiting them from expanding further and we have drafted a resolution to support the contractor in expanding the landfill, but Scott County does not want to expand. As of October 31, 2021, the contractor can no longer accept Lexington's waste. The contractor has agreed to honor the contract through 2025, but will need to find another location for waste disposal.

Kay asked for additional information on the lawsuit. McCurn explained the landfill is suing against the decisions that have been made. Kay asked what the status is at the moment and what Scott County's role is. Greg Elkins, with Central Kentucky Landfill (CKL), explained the Scott County Solid Waste Management Plan allows for 9.7 million tons of capacity. He said we relied on that capacity assurance when bidding the LFUCG contract and LFUCG relied on that capacity when awarding the contract. He said we also relied on the capacity assurance when applying for a horizontal expansion. He said last year, the Energy & Environmental Cabinet (EEC) approved an amendment to the plan to allow Scott County to zero-out the capacity. He said the Administrative Law Judge with the EEC looked at this and questioned the cabinet's investigation when approving the amendment to zero-out the capacity. He said there is a case before the Administrative Law Judge and she has until mid-July to rule on that. Kay asked if it would make more sense to wait for the judge to make a decision before we take action. Elkins said even if the judge decides it was inappropriate, it will still be incumbent upon the EEC Secretary to sign off on the judge's ruling or rule in Scott County's favor. He said a resolution from this group would be helpful to persuade the Secretary to consider relying on the capacity that was assured by CKL and LFUCG in the 2015 bid process.

Worley said he understands that many of the communities serviced by CKL and WSB have submitted letters or resolutions of support. McCurn said that is correct and Elkins said Franklin County, Harrison County, Jessamine County, City of Versailles, and Owen County submitted letters from the Judges and Mayors, but a resolution would carry more weight and speak more loudly. Worley said, unlike those communities, our administration is not getting involved and Council can only act through resolution.

Motion by McCurn to move this item out of committee and have a presentation at Work Session on May 25, 2021, seconded by Worley. The motion passed without dissent [Note: the presentation was rescheduled for Work Session on June 8, 2021].

VI. Items Referred to Committee

No further comment or action was taken on this item.

Motion by Worley to adjourn, seconded by McCurn. The motion passed without dissent.
Meeting adjourned at 2:44 p.m.