

RESOLUTION NO. \_\_\_\_\_-2013

A RESOLUTION AMENDING PREVIOUSLY PUBLISHED REMEDIAL MEASURES PLAN (RMP) IMPLEMENTATION SCHEDULES AND AUTHORIZING THE DIVISION OF WATER QUALITY TO RE-SCHEDULE THE CONSTRUCTION OF THE IDLE HOUR TRUNK SEWER RMP SANITARY SEWER PROJECT.

---

WHEREAS, the mission of the sanitary sewer system of the Urban County Government includes safely and efficiently collecting and conveying sanitary sewage to enhance public health and safety, protect lives and property, and minimize the discharge of sanitary sewage onto private property or into the environment in compliance with applicable federal and state laws; and

WHEREAS, the Urban County Government, the United States Environmental Protection Agency (EPA), and the Commonwealth of Kentucky have entered into a Consent Decree in a case styled *United States, et al. v. Lexington-Fayette Urban County Government*, United States District Court for the Eastern District of Kentucky, Case No. 5:06-CV-00386, that requires the Urban County Government to implement a Remedial Measures Plan (RMP) to address deficiencies in its sanitary sewer system; and

WHEREAS, the Urban County Government has previously published RMP implementation schedules, as provided to the Urban County Council's Environmental Quality Committee and EPA; and

WHEREAS, according to those schedules, the Idle Hour Trunk Sewer RMP Project was scheduled to be completed several years from now; and

WHEREAS, the Urban County Government has determined to construct a new Senior Citizens Center at Idle Hour Park and the Division of Parks and Recreation ("Parks") will be making improvements to the park in conjunction with that construction; and

WHEREAS, based on the timing of the Senior Citizens Center and Parks construction, proceeding with the Idle Hour Trunk Sewer Project prior to its originally scheduled date will allow the best use of Urban County Government resources;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That the Division of Water Quality is hereby authorized to proceed with

construction of the Idle Hour Trunk Sewer Remedial Measure Plan (RMP) Project in coordination with the construction of the new Senior Citizens Center and construction by the Division of Parks and Recreation in Idle Hour Park.

Section 2 – That published RMP schedules, provided to the Urban County Council's Environmental Quality Committee and the United States Environmental Protection Agency, be and the same are hereby amended to reflect the re-prioritization of the Idle Hour Trunk Sewer Project.

Section 3 – That design and construction of the Idle Hour Trunk Sewer Project shall continue to be funded by the Sanitary Sewer Construction Fund.

Section 4 – That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

---

MAYOR

ATTEST:

---

CLERK OF URBAN COUNTY COUNCIL

1143-13 EWG X:\Cases\WATER-AIR\13-LE0001\LEG\00414882.DOC