

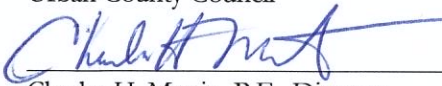


Lexington-Fayette Urban County Government  
DEPARTMENT OF ENVIRONMENTAL QUALITY & PUBLIC WORKS

Jim Gray  
Mayor

Richard Moloney  
Commissioner

TO: Jim Gray, Mayor  
Urban County Council

FROM:   
Charles H. Martin, P.E., Director  
Division of Water Quality

DATE: May 10, 2013

RE: Approval of Enabling Ordinances Necessary for Implementation of the  
Sanitary Sewer System Capacity Assurance Program – **CONSENT DECREE**

This memo is to request approval for the creation of Article XIII, Sections 301 - 307 of Chapter 16 and amending Section 5-30 of the Code of Ordinances for the purpose of implementing the sanitary sewer system Capacity Assurance Program (CAP).

Resolution 722-2012 accepted recommendations made by the Council's CAP Task Force that thoroughly vetted the requirements of the CAP, and solicited input from a variety of stakeholders. Resolution 722-2012 further recommended the promulgation of CAP legislation that would provide the legal basis for the on-going program.

In developing the new and revised ordinances, LFUCG staff further engaged stakeholder input. Stakeholder comment was requested on two drafts that were circulated prior to completion of this final work product. LFUCG staff believes that these new and revised ordinances are representative of the compromise necessary for implementing this challenging Consent Decree requirement.

Under the terms of the Consent Decree, LFUCG is required to develop and implement a Capacity Assurance Program (CAP) for its wastewater system. The CAP Plan was submitted to the Environmental Protection Agency (EPA) on December 20, 2012. EPA approval has not been received.

Per the Consent Decree, LFUCG must commence implementation of the CAP 30 days after EPA approval, subject to the schedules set forth in the CAP Plan. LFUCG staff believes that implementation at this time is prudent and mitigates any failure to meet an implementation deadline, which would result in escalating stipulated financial penalties.

Questions regarding this request should be directed to Charles Martin at 425-2455.

Attachment

cc: Richard Moloney, CAO  
Ed Gardner, Law Department  
Chris King, Director Division of Planning  
Joe Herman, Stantec