

ORDINANCE NO. _____ - 2015

AN ORDINANCE AMENDING SECTION 16-104 OF THE CODE OF ORDINANCES TO INCORPORATE THE TERMS AND CONDITIONS OF THE KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM GENERAL PERMIT FOR STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITIES ("KYR10") ISSUED BY THE KENTUCKY DIVISION OF WATER ON DECEMBER 1, 2014.

WHEREAS, in Ordinance No. 151-2010, the Government incorporated the terms and conditions of the Kentucky Pollutant Discharge Elimination System General Permit for stormwater discharges associated with construction activities ("KYR10") issued on July 1, 2009, as the terms and conditions for construction activities subject to Chapter 16 of the Code of Ordinances; and

WHEREAS, the Kentucky Division of Water renewed the Kentucky Pollutant Discharge Elimination System General Permit for stormwater discharges associated with construction activities ("KYR10") on December 1, 2014; and

WHEREAS, Chapter 16 of the Code of Ordinances should be amended to incorporate by reference the terms and conditions of the Kentucky Pollutant Discharge Elimination System General Permit for stormwater discharges associated with construction activities ("KYR10") issued on December 1, 2014, as the terms and conditions for construction activities subject to Chapter 16 of the Code of Ordinances.

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

Section 1 – That Section 16-104(a) of the Code of Ordinances be and hereby is amended to read as follows:

Unless exempted by section 16-100, all clearing, grading, excavating, or filling activities that will result in the disturbance of one (1) or more acres of existing land surface, including those activities that are part of a common plan of development that disturbs collectively one (1) or more acres of land, are subject to the permitting and erosion control requirements of this section. No person shall conduct such activities until and unless the person obtains land disturbance permit coverage for such activities from the urban county government under the terms and conditions of the Kentucky Pollutant Discharge Elimination System general permit for stormwater discharges associated with construction activities ("KYR10") issued by the Kentucky Division of Water on ~~July 1, 2009~~ December 1, 2014.

Section 2 – That Section 16-104(b) of the Code of Ordinances be and hereby is amended to read as follows:

Except as otherwise herein provided, the terms and conditions of KYR10 issued ~~July 1, 2009~~ December 1, 2014, by the Kentucky Division of Water and the associated notice of intent form (NOI-SWCA) are hereby incorporated by reference as the permit requirements of the urban county government for activities subject to this section.

Section 3 – That Section 16-104(d)(1) of the Code of Ordinances be and hereby is amended to read as follows:

- (d) Any person required to obtain permit coverage for activities subject to this section shall comply with the terms and conditions of KYR10 in conducting such activities, except as modified below.
 - (1) ~~The limitations on coverage~~ exclusions set out in ~~Part I.C. Section 1.2~~ of KYR10 are not applicable. The urban county government will allow permit coverage under KYR10 for all activities subject to this Section without regard to whether the Kentucky Division of Water requires coverage under an individual KPDES permit in lieu of KYR10. Alternatively, LFUCG will allow permit coverage to be established under an individual permit issued by the Kentucky Division of Water in lieu of KYR10.

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

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL
PUBLISHED:

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