

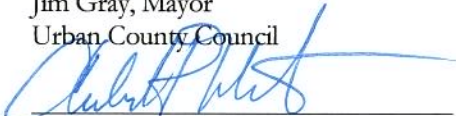


Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY & PUBLIC WORKS

Jim Gray
Mayor

Richard Moloney
Acting Commissioner

TO: Jim Gray, Mayor
Urban County Council

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

DATE: November 19, 2012

RE: Approval of a Resolution Endorsing the Recommendations of the Capacity Assurance Program (CAP) Task Force

This memo is to request approval of a Resolution accepting the report of the Capacity Assurance Task Force, adopting the recommendations of the Capacity Assurance Program Task Force, and providing for immediate implementation of three Task Force recommendations outlined below.

The Consent Decree (CD) requires that the Lexington-Fayette Urban County Government (LFUCG) must certify that there is adequate capacity in the sanitary sewer system before authorizing any new connections. Under the terms of the CD, LFUCG is required to develop and implement a Capacity Assurance Program (CAP) for its wastewater system, and submit the CAP Plan to the Environmental Protection Agency (EPA) by January 3, 2013. Failure to meet this deadline may result in escalating stipulated financial penalties.

A Task Force was formed in April 2012 to develop the CAP. The CAP Task Force, which included five Council Members and the Commissioner of Planning, received extensive involvement and input from external (community) and internal (LFUCG) stakeholders. All CAP meetings were public and all meeting notices/materials were posted on the LFUCG web page. The CAP Task Force report includes nineteen (19) recommendations.

Three CAP Recommendations that will be implemented immediately by this Resolution: Use of Record (wastewater flow from a property based on its existing or previous land use); the CAP Entry Point (refers to the point within the land development process when a developer may reserve sewer capacity/credits); and Grandfathering (planned new connections to the sanitary system that are currently in the land development planning/permitting process).

The Task Force Recommendations will be used as the basis for the CAP Plan submitted to the EPA. A copy of the "CAP Task Force Recommendations" is attached. Per the Consent Decree, LFUCG shall commence implementation of the CAP 30 days after EPA approval, subject to the schedules set forth in the CAP Plan.

Attachment

cc: Richard Moloney, CAO
Ed Gardner, Law Department
Joe Herman, Stantec