

RESOLUTION NO. 553 - 2014

A RESOLUTION AUTHORIZING THE MAYOR, ON BEHALF OF THE URBAN COUNTY GOVERNMENT, TO EXECUTE AN AGREEMENT WITH JFG ENTERPRISES, INC., RELATING TO THE CONSTRUCTION AND DEDICATION OF SANITARY SEWERAGE FACILITIES, FOR THE PURPOSE OF PROVIDING SANITARY SEWER SERVICE TO PROPERTIES LOCATED WITHIN THE BOUNDARIES OF THE BLUE SKY RURAL ACTIVITY CENTER.

WHEREAS, on January 3, 2011, LFUCG, the United States Environmental Protection Agency, and the Commonwealth of Kentucky entered into a Consent Decree in a case styled United States et al. v. Lexington-Fayette Urban County Government that requires, among other things, the construction by LFUCG of a sewage pumping station and sanitary sewer force main for the express purpose of eliminating the Blue Sky Wastewater Treatment Plant, which serves properties located within the boundaries of the Blue Sky Rural Activity Center; and

WHEREAS, LFUCG is required to construct the aforementioned sanitary sewer force main in a manner that accommodates the eventual elimination of the Boonesboro Manor Package Treatment Plant ("Boonesboro Manor Plant"), a privately owned and operated sewage treatment plant which serves properties located within the boundaries of the Blue Sky Rural Activity Center; and

WHEREAS, LFUCG has determined that the construction of additional sanitary sewer facilities, including a pump station and connecting force main, is necessary to accommodate the elimination of the Boonesboro Manor Plant and to provide adequate capacity and ensure water quality of the point source discharge; and

WHEREAS, the Boonesboro Manor Plant, together with the existing sanitary sewerage facilities, is owned and operated by JFG Enterprises, Inc. ("JFG"); and

WHEREAS, JFG has agreed to construct required sanitary sewerage facilities, including a pump station and a connecting force main, in order to facilitate the elimination of the Boonesboro Manor Plant, and has agreed to dedicate those facilities to LFUCG; and

WHEREAS, LFUCG has agreed to accept the dedication of sanitary sewerage facilities constructed by JFG, for the purpose of providing sanitary sewer service to properties within the Blue Sky Rural Activity Center; and

WHEREAS, the aforementioned sanitary sewerage facilities are intended to serve only the development of the Blue Sky Rural Activity Center within existing boundaries and are not intended to support or serve additional development in the area; and

WHEREAS, LFUCG and JFG have agreed to certain terms and conditions concerning the construction of the aforementioned sanitary sewerage facilities by JFG and dedication of the facilities to LFUCG; and

WHEREAS, this project is undertaken in connection with the settlement of an enforcement action under the Clean Water Act, United States et al. v. Lexington-Fayette Urban County Government, brought on behalf of the U.S. Environmental Protection Agency.

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

Section 1 - That the Mayor, on behalf of the Lexington-Fayette Urban County Government, be and hereby is authorized to execute the Agreement, which is attached hereto and incorporated herein by reference, with JFG Enterprises, Inc., concerning the construction of sanitary sewerage facilities by JFG and the dedication of the facilities to LFUCG, for the purpose of providing sanitary sewer service to properties located within the boundaries of the Blue Sky Rural Activity Center.

Section 2 – That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: September 25, 2014

MAYOR 

ATTEST:


CLERK OF URBAN COUNTY COUNCIL
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


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

Jim Gray
Mayor

David L. Holmes
Commissioner

TO: Mayor Jim Gray
Urban County Council

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

DATE: September 4, 2014

SUBJECT: **Agreement with JFG Enterprises for the Construction of Sanitary Sewerage Facilities Serving Properties Located in the Blue Sky Rural Activity Center and the Dedication of Those Facilities to LFUCG**

The purpose of this memorandum is to request approval of an agreement between LFUCG and JFG Enterprises, owners of the Boonesboro Manor Package Treatment Plant, for the purpose of providing municipal sanitary sewer service to un-served and underserved properties located within the boundaries of the Blue Sky Rural Activity Center (RAC). The Boonesboro Manor Package Treatment Plant is located off Athens-Boonesboro Road just west of Interstate 75 and is capable of providing sanitary sewer service to the Blue Sky area west of the interstate.

The Consent Decree (Appendix K-1) contains a Supplemental Environmental Project (SEP) that requires LFUCG to eliminate the existing Blue Sky Wastewater Treatment Plant, which currently serves the Blue Sky area located on the east side of the interstate. The SEP also contains text indentifying "*Accommodation of eventual elimination of the Boonesboro Manor Package Treatment Plant?*" as a beneficial outcome of SEP completion.

In late 2012 and early 2013, the Division of Water Quality (DWQ) and representatives of JFG Enterprises appeared before the council's Environmental Quality Committee to present scenarios for meeting the objective of the SEP, particularly defining how LFUCG would accommodate the eventual elimination of the Boonesboro Manor Package Treatment Plant. This agreement represents DWQ's understanding of the directive issued by the committee.

Key points of this agreement:

- LFUCG would (and has) constructed the Blue Sky force main with sufficient capacity to serve the two western quadrant of the Blue Sky RAC in a full development scenario based on Development Plans on file with the Division of Planning. Sufficient capacity was calculated and capped at 500 gallons per minute (gpm) and is exclusively reserved for future development within the two western quadrants.
- JFG Enterprises would construct any and all sanitary sewer infrastructure necessary to eliminate the existing package plant and connect to a force main tee provided by LFUCG as part of the Blue Sky

force main construction. Upon completion of routine inspection and testing, JFG will dedicate all constructed sanitary sewer infrastructure to LFUCG for future operation and maintenance.

This project was undertaken in connection with the settlement of an enforcement action under the Clean Water Act, United States et al v. Lexington-Fayette Urban County Government, brought on behalf of the U.S. Environmental Protection Agency.

If you have any questions or need additional information, please contact me at 425-2455.