



The Fayette Alliance

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Executive Director
Knox van Nagell

LFUCG Urban County Council
LFUCG Government Center
200 East Main Street
Lexington, KY 40507

January 9th, 2012

Dear Vice Mayor Gorton and Council members,

My name is Knox van Nagell, and I am writing to you on behalf of The Fayette Alliance.

The Fayette Alliance is dedicated to achieving a sustainable Lexington that benefits all of us by preserving our renowned farmland and related agricultural industries in Fayette County, while strengthening our city through innovative development and adequate infrastructure.

If responsibly pursued, this growth approach will achieve a world-class city in a world-class Bluegrass landscape—creating a quality of life crucial to Lexington-Fayette County's economic and environmental success today and beyond.

In furtherance of this mission, **The Fayette Alliance respectfully requests that you adopt ordinance no. _____-2011—An ordinance establishing the Sanitary Sewer Property Inspection Program in Lexington-Fayette County.** If adopted, the program will:

Inspection

1. Provide statutory authority to require inspection of all structures receiving sanitary sewer service from LFUCG.
2. Target inspections for all areas tributary to sanitary sewers not having the hydraulic capacity for a two (2) year -24 hour storm event.
3. Require, after completion of the LFUCG inspection, the inspectors to discuss their findings with the property owner by providing a copy of the inspection report along with information on the cost-sharing reimbursement program if repairs are needed.
4. Require property owners to keep their scheduled inspections. Failing to schedule or keep a scheduled inspection appointment does not relieve the sanitary sewer customer of responsibility to provide access to the property for inspection.

Repair

1. Provide statutory authority to require repairs when inspectors from the LFUCG Division of Water Quality find illegal storm water or groundwater discharges into the LFUCG sanitary sewer system.
2. Establish a cost-sharing program, through which LFUCG will reimburse the property owner up to \$3,500 for required repairs. Average repairs will cost \$2,000. The dedicated sanitary sewer user fee fund will finance these repairs.
3. Establish a time-line, in which property owners have sixty (60) days to correct or make significant progress toward correcting the improper or unauthorized connections noted in the inspection report.
4. Require customers to schedule a follow-up inspection or provide LFUCG with evidence to document significant progress on repairs within sixty (60) days to avoid assessment of supplemental charges or to be reimbursed for work outlined in the inspection report.

Enforcement

1. Provide statutory authority to add a supplemental charge of \$75 per month to the sewer user fee bill for people who would rather pay a supplemental fee rather than allow LFUCG to inspect and identify corrective actions.
2. Provide statutory authority to add a supplemental charge of \$75 per month to the sewer user fee sixty (60) days after the inspection if the property owner chooses not to correct the problems identified in the inspection report—unless LFUCG grants extensions based on significant and substantive corrective actions.
3. Require customers to pay the supplemental charge, in addition to all other charges due, by the due date of the second notice. Failure to pay will result in termination of water service to the affected property pursuant to KRS 96.932 or other legal action as provided by the Ordinance.

The Fayette Alliance supports the Sanitary Sewer Property Inspection Program, as it will equitably and judiciously fix illicit groundwater and storm water discharges from private sump pumps and other devices into our sewer system.

Repairing our public sewer and storm water system is important—but it can only go so far. Without access to the private system and incentives to fix the problem, the source of many of our water quality issues will remain untouched and undermine our best efforts to meet the requirements of our \$500 million EPA Consent Decree agreement. The longer it takes to clean up the mess, the more it will cost us in the future.

Improper private sewer and storm water connections have lead to numerous flooding, raw sewage overflows, public health hazards, and widespread water pollution for decades in Fayette County.

As demonstrated by neighboring Winchester KY, the Sanitary Sewer Property Inspection Program is needed to improve our natural resources, satisfy our legal obligations under the EPA Consent Decree, and increase the treatment capacity of our compromised sanitary sewer system—which are all essential to our quality of life in Lexington.

The Fayette Alliance commends Council for this legislation, and supports its approval and implementation.

Sincerely,

Knox van Nagell, J.D.

