



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

December 3rd, 2012

Board Members

Jimmy Bell
Price Bell, Jr.
Todd Clark
Susan Enlow
Thomas Gaines
Greg Goodman
Gay Haggin VanMeter
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Patrick McGee
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Tom Poskin
Sam Razor
Walt Robertson
Don Robinson
Sasha Sanan
David Switzer
Jack van Nagell
Griffin VanMeter
Holly Wiedemann

Community Partners

Bluegrass Conservancy
Dudley's on Short
FCNC
Fayette Co. Farm Bureau
KY Horse Park
KTA

Sustainers

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Helen Alexander
Ian Banwell
Antony Beck
Gary Biszantz
Darley
Fayette Co. Farm Bureau
Greg Goodman
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John Hendrickson
Sally Humphrey
Keeneland Association
KTA
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Bill Shively
Tom VanMeter
Derek Vaughan
Misdee Wrigley Miller

Executive Director

Knox van Nagell, J.D.

Dear Vice Mayor Gorton and Council members,

My name is Knox van Nagell, and I am writing this letter on behalf of Fayette Alliance.

Founded in 2006, Fayette Alliance is a coalition of citizens dedicated to achieving sustainable growth in Lexington-Fayette County through land use advocacy, education, and promotion.

Through our efforts at government and beyond, Lexington can become the model for sustainable growth, by connecting and balancing its vibrant city with its unique and productive Bluegrass farmland.

In furtherance of this mission, Fayette Alliance supports the proposed LFUCG Capacity Assurance Program, Task Force Report (Report) recommendations, and forthcoming implementation ordinances.

Our EPA Consent Decree requires the implementation of a Capacity Assurance Program (CAP)—to ensure that we continue to grow as a community, while repairing and restoring treatment capacity in our sewer system in Lexington.

“Section VII.16B of the Consent Decree obligates LFUCG to implement a Capacity Assurance Program for their sanitary sewer system. Under the CAP, LFUCG may only authorize new connections (flow additions) if adequate capacity can be certified in the collection, transmission, and wastewater treatment systems. In the absence of this certification, new connections may also be authorized by use of a “banked credit system”. Under the banked credit system, flow removal from qualifying activities (inflow/infiltration removal, off-line storage, capacity enhancement projects) may be used to offset flow from new connections at an exchange rate (trade ratio) prescribed in the Consent Decree.”

—[Capacity Assurance Task Force Report, pg. 1](#)

Formed in April 2012, the LFUCG CAP Taskforce represented a diverse group of Council members, LFUCG Commissioners and





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staff, engineering consultants, and community stakeholders including Fayette Alliance, Fayette County Neighborhood Council, Commerce Lexington, the University of Kentucky, the Homebuilders Association of Lexington, private citizens, and others.

The Taskforce met eleven times, and determined nineteen recommendations to implement and administer the CAP program.

Fayette Alliance was proud to be a part of this important initiative that transparently and equitably addressed a complicated challenge for Lexington—of how to fix our sewer and water quality conditions while promoting needed development in our community.

If implemented, the proposed Capacity Assurance Program will marry environmental stewardship, physical growth, and economic development for the first time in Lexington's history. This is a remarkable accomplishment that embodies sustainable growth at its best.

Fayette Alliance commends the Taskforce for their work and dedication to our community. We stand ready to promote the efficient and fair administration of this seminal program in the years ahead, so we can continue to improve our quality of life in Lexington.

For the aforementioned reasons, we respectfully request that you support the proposed LFUCG Capacity Assurance Program, Task Force Report (Report) recommendations, and forthcoming implementation ordinances.

Thank you for your consideration, and leadership in Lexington-Fayette County.

Respectfully,

Knox van Nagell, J.D.

Cc: Mayor Jim Gray; Derek Paulsen, LFUCG Commissioner of Planning

