

CITY OF LA GRANGE, KENTUCKY
ORDINANCE NO. 5, SERIES 2016

AN ORDINANCE ADOPTING WATER QUALITY MANAGEMENT AND
STORMWATER POLICIES AND REPEAL OF RESOLUTION 2011-9

WHEREAS, the City Council of the City of La Grange, Kentucky, has the authority pursuant to statute to enact Ordinances relating to the City, and

WHEREAS, the City of La Grange, Kentucky has codified its Ordinances, and

WHEREAS, the City Council deems it necessary to codify its water quality management and stormwater policies going forward, in addition to the terms already codified under Section 58.

BE IT THEREFORE ENACTED AND ORDAINED BY THE CITY OF LA GRANGE, KENTUCKY, THAT A NEW CHAPTER 54 BE ADOPTED AS PART OF THE CITY'S CODE OF ORDINANCES, AS FOLLOWS:

WATER QUALITY MANAGEMENT

§ 54.100 TITLE, PURPOSE AND GENERAL PROVISIONS.

(A) Title. This subchapter shall be known as the "Water Quality Management Ordinance" for the City of La Grange ("the city"), Kentucky, and may be so cited.

(B) Purpose. The purpose of this subchapter is to provide regulations and measures that will address water quality in the city and to establish procedures by which these requirements are to be administered and enforced.

(C) Jurisdiction.

(1) The laws of the Commonwealth of Kentucky shall apply to this subchapter.

(2) This subchapter shall govern all properties within the jurisdictional boundaries of the city.

(3) This subchapter is applicable to all new development and redevelopment activities that result in any land-disturbing activities that result in the disturbance of greater than or equal to one acre more of land; in addition, the provisions herein relating to post-construction shall only be triggered when the disturbed area is greater than one acre. Although a permit is not required for any land disturbance of less than or equal to one acre of land, the landowner must nevertheless follow Best Management Practices.

(4) Adherence to this subchapter in no way circumvents or eliminates the requirements of the state or federal regulations. Permits may be required by the Kentucky Division of Water and/or the United States Army Corps of Engineers.

(D) Exemptions. The following activities are exempt from the provisions of this subchapter.

- (1) Agricultural and silviculture (woodland production) operations according to an Agricultural Water Quality Plan approved by the City Conservation District or approved as required in the Kentucky Agricultural Water Quality Plan developed in accordance with the Kentucky Agricultural Water Quality Authority.
- (2) Land reclamation projects regulated by the Kentucky State Department for Surface Mining Reclamation and Enforcement.
- (3) Additions or modifications to existing detached single-family dwellings and redevelopment or renovation that does not disturb more than one acre of land.
- (4) Minor land disturbing activities that disturb one acre or less of land area, and not within 50 feet of a drainage way.
- (5) Usual and customary site investigation and surveying activities, such as soil testing, rock coring, test pits, boundary and topographical surveying, monitoring wells and archaeological excavation, undertaken prior to submittal of an application for preliminary subdivision or development approval; provided any land disturbance is incidental to necessary equipment access and performance of investigation and surveying activities.
- (6) Following preliminary subdivision or development approval but prior to site disturbance permit approval and issuance, clearing necessary to provide access for survey work, rock soundings or other usual and customary site investigations, provided the following conditions are met:
 - (a) Preliminary site investigations that have been planned to minimize the amount of clearing required;
 - (b) Clearing shall follow proposed roadway centerlines and shall not result in clear access way of more than 20 feet in width; and
 - (c) Cleared access ways beyond proposed roadways to assess individual lots shall not exceed 12 feet in width and no trees eight inches or greater in diameter measured at breast height (dbh) shall be removed without prior approval by the city.

§ 54.101 DEFINITIONS AND ACRONYMS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCIDENTAL DISCHARGE. A discharge of spills and dumping or any disposal of materials other than water into the system.

BEST MANAGEMENT PRACTICES (BMP'S). Those measures described in the latest edition of the "National Menu of Best Management Practices, Post-Construction Stormwater Management in New Development and Redevelopment", <http://cfpub.epa.gov/KPDES/stormwater/menuofbmps/index.cfm>, as published by the United States Environmental Protection Agency (USEPA), "Kentucky Erosion Prevention and Sediment Control Field Guide" as published by the Kentucky Division of Water and "Best Management Practices for Construction Activities" as published by the

Kentucky Division of Conservation and Division of Water. This shall also include related documents published and distributed by the city.

BUILDER. A person, partnership, contractor or corporation constructing one or more buildings for occupancy or any other use.

CERTIFICATION. A signed, written statement that specific constructions, inspections or tests (when required) have been performed and that such comply with the applicable requirements of this subchapter.

CITY. The City of La Grange, or a representative or designee of the city government to include persons from the city representative's office.

CITY REPRESENTATIVE. The person or persons designated by the Mayor to administer the Water Quality Program and any related permit activities.

CLEAN WATER ACT. The Federal Water Pollution Control Act (33 U.S.C §§ 1251 et seq.).

CONSTRUCTION ACTIVITY. Land disturbance activities subject to state KPDES General Construction Permits or local permits. Such activities include, but are not limited to, clearing and grubbing, grading, excavating and demolition.

CONSTRUCTION WEATHER DAYS. Days in which a needed activity could occur.

CONTRACTOR. A person who contracts with the permittee, landowner, builder, developer or another contractor to undertake any or all of the land-disturbing activities covered by this subchapter.

DETENTION BASIN. A drainage facility constructed to restrict the runoff of water to a prescribed maximum rate and to detain for a specified period of time the excess waters that accumulate upstream from the outlet structure.

DEVELOPMENT. The planning or construction project involving substantial property improvement and, usually, a change of land-use character within the site. The act of using land for building purposes.

DIRECTLY CONNECTED IMPERVIOUS AREA (DCIA). Surface area that drains/discharges to an outfall without passing through a BMP.

DRAINAGE AREA. The surface area from which water drains to a point of consideration.

ENGINEER. A person licensed as a Professional Engineer in the Commonwealth of Kentucky in accordance with KRS Chapter 322.

EROSION PREVENTION AND SEDIMENT CONTROL (EPSC) MEASURE. The practice, or a combination of practices, to prevent erosion and to abate the resulting off-site sedimentation.

FEMA. The Federal Emergency Management Agency.

FINAL STABILIZATION. Shall mean that:

- (1) All soil disturbing activities at the site have been completed;
- (2) There are no areas of active erosion evident; and
- (3) A uniform perennial vegetative cover with a density of 70% of the cover for the area has been established or equivalent measures, i.e. mulches or geotextile fabrics, have been employed.

FLOODPLAIN. Any area inundated by a 100-year flood or as determined by the FEMA Flood Insurance Rate Map(s) or an engineering study.

FLOODWAY. The channel of a river or stream and those portions of the floodplain adjoining the channel that are required to carry and discharge the peak flow of the regulatory flood of any river or stream. The FLOODWAY is where the water is likely to be fastest and not include the channel and the portion of the adjacent floodplain.

ILLICIT DISCHARGE. Any discharge to a Municipal Separate Storm Sewer System (MS4) that is not composed entirely of water exempted by this subchapter or managed pursuant to a Kentucky Pollution Discharge Elimination System Permit (other than the city's KPDES stormwater permit) or otherwise defined by this subchapter.

INDUSTRIAL ACTIVITY. Activities subject to KPDES Industrial Permits as defined in 40 C.F.R., § 122.26(b)(14).

KDOW. The Kentucky Division of Water.

KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM (KPDES) GENERAL PERMIT FOR STORMWATER DISCHARGES ASSOCIATED WITH SMALL CONSTRUCTION ACTIVITIES (KYR10). A permit issued by the Kentucky Division of Water (KDOW) under designated authority by the United States Environmental Protection Agency (USEPA) that authorizes the discharge of pollutants in water discharges associated with construction activity (also known as the "Construction General Permit" or "KYR10").

KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM (KPDES) STORMWATER DISCHARGE PERMIT. A permit issued by the Kentucky Division of Water (KDOW) under designated authority by the United States Environmental Protection Agency (USEPA), whether the permit is applicable on an individual, group or general area-wide basis.

LAND-DISTURBING ACTIVITY. All clearing and grubbing, clear cutting, construction, reconstruction, grading, modification, extension or expansion of structures or parking areas, placement of fill and dumping that change the natural cover or topography, thereby creating the potential for erosion and contribution of sediment.

LANDOWNER. A person holding legal title who directly or indirectly allows the land-disturbing activity or who benefits from it.

LAND SURVEYOR. A person licensed as a Professional Land Surveyor in the Commonwealth of Kentucky according to KRS Chapter 322.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4). A conveyance or system of conveyances, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made

channels or storm drains, that is designed or used for collecting or conveying water, not privately owned, not a combined sewer and not part of a publicly owned treatment works (POTW).

NOI. Notice of Intent.

NON-STORMWATER DISCHARGE. Any discharge to the storm drainage system that is not composed entirely of water or otherwise allowed by this subchapter.

NOT. Notice of Termination.

OUTFALL. The point or location where water runoff discharges from a BMP, conduit, stream or drain, storm sewer, channel or detention/retention facility.

PERIMETER CONTROL PLAN (PCP). A component of the Water Quality Management Plan that documents how sediment is controlled from leaving the project site.

PERIMETER OUTFALL. The locations from which water flow(s) from the project site/disturbed area.

PERMITTEE. The person responsible for the land-disturbing activity; who must have ownership interest in the property and is designated on an approved SWQMP Permit.

PERSON. Except to the extent exempted from this subchapter, any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, town or other political subdivision of the state, any interstate body or any other legal entity conducting land-disturbing activities subject to this subchapter.

POLLUTANT. Anything of a chemical component of nature which causes or contributes to pollution.

POLLUTION. The contamination or other alteration of any water's physical, chemical or biological properties by the addition of a constituent.

POST-CONSTRUCTION WATER POLLUTION PREVENTION PLAN (P-WPPP). A component of the Water Quality Management Plan that illustrates how the pollutants or pollution will be prevented, treated and otherwise managed in the long-term, beyond that of construction phases.

PREMISES. Any building, lot, parcel of land or portion of land whether improved or unimproved.

PROJECT SITE. The area of land disturbing activity.

QUALIFIED PROFESSIONAL. An individual who is trained and experienced in water treatment techniques and related fields as may be demonstrated by state registration, professional certification, experience or completion of coursework, as accepted according to this subchapter, that enable the individual to make sound, professional judgments regarding water control or treatment and monitoring pollutant rate, transport and drainage planning. The city reserves the

right to require an engineer's review and certification for plan modification, where appropriate.

RETENTION BASIN. A drainage facility constructed to contain the runoff of water to a prescribed maximum rate/volume to pass into the groundwater system without discharging the retained volume to surface waters except through an emergency bypass under conditions beyond the designed capacity.

SITE. The entire area or project site of the land-disturbing activity as proposed in the permit application.

STOP WORK ORDER. An order by the city directing a permittee to suspend all construction and/or operations except for work related to remediation of the violation.

STORM SEWER. Channel, ditch, catch basin, inlet pipe, culvert, conduit or other conveyance used for the purposes of collecting and conveying water.

WATER POLLUTION PREVENTION PLAN (WPP). A component of the Water Quality Management Plan that illustrates how the suspension of sediment and other construction pollutants will be prevented.

WATER QUALITY MANAGEMENT PLAN (WQMP). Illustration and documentation of how sediment and other pollutants are managed on the project site during and after the construction phase. This is composed of three primary elements:

- (1) The Perimeter Control Plan;
- (2) The Water Quality Pollution Prevention Plan; and
- (3) The Post-Construction Water Quality Pollution Prevention Plan.

WATER QUALITY MANAGEMENT PLAN (WQMP) PERMIT. A legal document that allows the permit holder to break ground or disturb soil on a site within the provisions of a SWQMP.

WATERS OF THE COMMONWEALTH. Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells and other bodies of surface and subsurface water, natural or artificial, lying within or forming a part of the boundaries of the Commonwealth of Kentucky which are not entirely confined and retained completely upon the property of a single person.

§ 54.102 PROGRAM OBJECTIVES AND GENERAL APPROACH.

(A) Program objectives.

(1) Protection of the short-term and long-term public health, safety and general welfare. This objective will be achieved by the following:

(a) Providing for regulation and management of the city's water system, including public and private facilities in the city's service area;

(b) Protecting and preserving water quality and thereby fish and wildlife habitat within the city and in downstream receiving waters; and

(c) Protecting those downstream and adjacent properties from water quality impairment.

(2) Compliance with state and federal water regulations developed pursuant to the Clean Water Act Amendments of 1987 and subsequent amendments. This objective will be achieved by the following:

(a) Benefitting water quality to a level of "designated use" as defined by the Clean Water Act §§ 305(b) and 303(d) and minimizing the impacts from new development and/or areas of significant redevelopment;

(b) Managing the quality of water discharged to the MS4 by controlling the contribution of pollutants associated with new development and redevelopment;

(c) Prohibiting illicit discharges to water;

(d) Managing the discharge of spills and dumping or any disposal of materials other than water into the system;

(e) Managing water pollution caused by the suspension and transport of soils, sediment and other construction pollutants;

(f) Minimizing damage to public facilities and utilities;

(g) Managing the use of the public and private water/drainage system that will not result in excessive maintenance costs;

(h) Encouraging the use of natural and aesthetically-pleasing designs that maximize the preservation of natural areas;

(i) Guiding the construction of water management facilities by developing comprehensive master plans that address water quantity, quality, design, operation and maintenance;

(j) Encouraging the preservation of floodplains, floodways and open spaces to protect and benefit the community's quality of life and natural resources; and

(k) Encourage the planning for and use of regional BMPs. (B) General approach for development.

(1) To most effectively achieve the program objectives, the city promotes an approach that encourages the consideration and use of:

- Regional BMPs;
- Low-impact development design principles;
- Waterway buffers;
- Low maintenance on-site BMPs; and
- A series of multiple BMP treatment systems.

(3) The city will encourage a primary preference for regional BMPs through:

(a) Enabling and facilitating private partnerships where on-site water quantity and/or quality requirements may be achieved or offset by watershed based solutions;

(b) Enabling and supporting private to public partnerships, offsets and regional BMP banking, and in-lieu fee funds; and

(c) In support of this approach, the city integrates into the planning and construction plan review processes, when and where available, the use of: City Council adopted watershed studies; City Council adopted master plans; FEMA floodplain delineations; and USEPA, KDOW 303(d) reports.

§ 54.103 AUTHORITY AND RIGHT OF ENTRY.

Upon written request to the person, the city shall have safe and easy access to the areas to be inspected and/or monitored.

(A) The city shall have the right-of-entry on or upon the project site. The city shall be provided access to all parts of the premises subject to this subchapter for the purposes of inspection, monitoring, sampling and for the performance of other duties necessary to determine compliance with this subchapter.

(B) Where a project site has security measures in place which require proper identification and clearance of individuals before entry into its premises, the person shall make necessary arrangements with its security personnel so that, upon presentation of suitable identification and written request, the city will be permitted to enter without delay for the purposes of performing specific responsibilities.

(C) The city shall have the right to set up on a project site such devices necessary to conduct sampling and/or metering of the water operations or discharges.

(D) Any temporary or permanent obstruction to safe and easy access to the areas to be inspected and/or monitored that can reasonably be moved shall be removed promptly by the person at the written or verbal request of the city. The costs of clearing such access shall be borne by the person.

(E) The city or its designated representative may inspect the facilities of any user in order to ensure compliance with this subchapter. Such inspections shall be made with the consent of the owner, manager or signatory official. If such consent is refused, denied or not promptly addressed, the city may seek issuance of a search warrant.

(F) The city has the right to determine and impose inspection schedules necessary to enforce the provisions of this subchapter. Inspections may include, but are not limited to, the following:

(1) An initial inspection prior to Water Management Plan approval;

(2) An inspection prior to burial of any underground drainage structures;

(3) Erosion control inspections as necessary to determine effective control of sediment prior to discharge to the municipal separate storm sewer system;

(4) A finish or closeout inspection when all work, including installation of storm management facilities, has been completed; and

(5) An inspection to determine the effectiveness or operational viability of a permanent or long-term water quality management practice(s).

§ 54.104 ILLICIT DISCHARGE DETECTION AND ELIMINATION.

(A) Prohibition of illegal discharges.

(1) Pursuant to the Kentucky Pollutant Discharge Elimination System (KPDES) Municipal Separate Storm Sewer System (MS4) Program, illicit discharges to the MS4 are defined as illegal. Except as hereinafter provided, all non-water discharges into the MS4 are prohibited and declared to be unlawful.

(2) It is unlawful for any person to connect any pipe, open channel or any other conveyance system that discharges anything except stormwater or unpolluted water, which is approved by the city based on exemptions listed in division (B) below, to the water quality system.

(3) It is unlawful for any person to discharge waters from residential construction activities that are not complying with the Standard of Practice for Residential Construction Water Quality Management as approved and advertised by the city.

(4) In addition to illicit discharges, the discharge of spills and the dumping and/or disposal of materials other than stormwater, including, but not limited to, unpermitted (KPDES) industrial and commercial wastes, commercial car wash wastes, sanitary sewage, garbage, yard waste, trash, petroleum products, including used motor vehicle fluids, as well as leaf litter, grass clippings and animal wastes into the MS4, whether directly or indirectly, are prohibited, unless authorized under a KPDES Permit.

(B) Allowable discharges.

(1) Unless the city has identified a discharge as an unacceptable source of pollutants to the "Waters of the Commonwealth of Kentucky", the following non-stormwater discharges into the MS4 are lawful:

(a) Discharges from emergency fire fighting activities;

(b) Diverted stream flows;

(c) Rising ground waters;

(d) Uncontaminated groundwater infiltration to separate storm sewer systems (as defined by 40 C.F.R. § 35.2005(20));

(e) Uncontaminated pumped ground water;

(f) Discharges from potable water sources as required for system maintenance;

(g) Drinking water line flushing;

- (h) Air conditioning condensate;
- (i) Uncontaminated landscape irrigation;
- (j) Uncontaminated irrigation water;
- (k) Lawn watering;
- (l) Uncontaminated springs;
- (m) Uncontaminated water from crawl space pumps;
- (n) Uncontaminated water from footing drains and pumps;
- (o) Individual residential car washing;
- (p) Flows from riparian habitats and wetlands;
- (q) Swimming pool or spa (hot tub) discharges de-chlorinated through city accepted BMPs;
- (r) Controlled flushing stormwater conveyances (contained and treated by appropriate BMPs);
- (s) Discharges within the constraints of a Kentucky Pollutant Discharges Elimination System (KPDES) Permit from the Kentucky Division of Water (KDOW); and
- (t) Discharges approved at the discretion of the city representative.

(C) Accidental discharges.

(1) In the event of any discharge of a hazardous substance in amounts that could cause a threat to public drinking supplies, a spill having a significant adverse impact as defined by the USEPA and Kentucky State Law, or any other discharge that could constitute a threat to human health or the environment, as may be asserted by the city, the owner or operator of the facility shall give notice to the city and the KDOW as soon as practicable, but in no event later than four hours after discovery of the accidental discharge or the discharger becomes aware of the circumstances.

(2) If an emergency response by governmental agencies is needed, the owner or operator should call 911 immediately to report the discharge. A written report must be provided to the city within five days of the time the discharger becomes aware of circumstances, unless this requirement is waived by the city for good cause shown as determined by the city or its designee on a case-by-case basis, containing the following information:

- (a) A description of the discharge including volumes and concentrations;
- (b) The exact dates and times of discharge; and
- (c) Steps being taken to eliminate and prevent recurrence of the discharge.

(3) The discharger shall take all reasonable steps to minimize any adverse impact to the MS4 or the waters of state, including accelerated or additional monitoring necessary to determine the nature and impact of the discharge. It shall not be a defense, for the

discharger in an enforcement action, to claim that it would have been necessary to halt or reduce the business or activity of the facility in order to maintain water quality and minimize any adverse impact that the discharge may cause.

Penalty, see § 54.999

§ 54.105 WATER QUALITY MANAGEMENT PLAN (WQMP) PERMIT APPLICATION PROCESS.

(A) The landowner shall obtain from the city a WQMP Permit prior to the initiation of any land-disturbing activities that result in the disturbance of one acre or more of land. Although a permit is not required for any land disturbance over one acres of land, the landowner must nevertheless follow Best Management Practices.

(B) This Water Quality Management Plan Permit (SWQMP) alone does not authorize or grant permission to begin development or redevelopment on subject property. It does not supersede other permits required by the city, state and federal governments.

(C) Project site owners, as applicable in division (A) above, shall submit an application for a SWQMP on forms provided by the city.

(D) Applications must include a Notice of Intent (NOI), Perimeter Control Plan (PCP), Water Quality Pollution Prevention Plan (WPPP), Post-Construction Water Quality Pollution Prevention Plan (P-SWPPP) and any other necessary information or documentation requested by the city. The NOI requirements are included in division (F) below.

(E) The PCP and SWPPP are components of the SWQMP. While both plans may be approved simultaneously, the provisions of a PCP shall be implemented, inspected and accepted by the city prior to implementing the SWPPP and P-SWPPP and before other construction proceeds.

(F) The landowner must notify the city and the Kentucky Division of Water (KDOW) within the minimum time frame specified in the KPDES General Permit for Water Discharges Associated with Small Construction Activities (KYR10) prior to the commencement of construction activities through the submittal of an updated NOI.

(1) Submittal for a WQMP Permit application shall include an NOI letter, when required by 401 KAR 5:055 and 401 KAR 5:060, with proof of publication of a Public Notice, Construction Plans, a Perimeter Control Plan, a Water Quality Pollution Prevention Plan, Post-Construction Water Quality Pollution Prevention Plan and any other necessary information or documentation requested by the city.

(2) The NOI letter, proof of publication of public notice and construction plans for the SWQMP Permit shall be submitted to the city.

(G) Upon completion of construction activities, stabilization of the project site and removal of all temporary erosion protection and sediment control measures, the applicant shall submit a NOT to the city and the Kentucky Division of Water (KDOW). The city, or its designated representative, shall inspect the project site to verify that the requirements of the NOT have been met.

(H) The city reserves the right to require a checklist of necessary items to be completed and included with the SWQMP Permit application submittal. Upon submittal, the SWQMP application shall be rejected in its entirety should any item on the checklist be incomplete.

(I) The city reserves the right to collect fees associated with SWQMP Permit application, plan review and inspections from the applicant.

§ 54.106 CONSTRUCTION SITE RUNOFF MANAGEMENT.

(A) Perimeter control plan. The permittee shall secure the perimeter prior to any land disturbance to decrease off-site sedimentation once construction begins.

(1) Control plan objectives.

(a) Focus on downstream points and outfall areas and does not necessitate protection of the entire site boundary;

(b) Protect adjacent properties by the use of vegetated strips along lower perimeters, sediment barriers, filters, diversion berms, sediment basins or other means acceptable to the city;

(c) Protect all points of discharge from outlets such as pipes, drains, culverts, conduits and channels;

(d) Minimize erosion and control sedimentation; and

(e) Reduce the velocity of flows from the project site.

(2) Control plan requirements.

(a) The permittee shall utilize sediment control measures that consider the type of flow, site terrain, soil type and other relevant factors.

(b) Buffer strips may only be utilized for sheet flow.

(c) Supplemental control measures shall be utilized when a single control device or measure proves ineffective.

(d) Location and description of construction entrances and exits that comply, or exceed, with BMP minimum standards.

(e) Minimum requirements of the KPDES General Permit for Stormwater Discharges Associated with Small Construction Activities (KYR10).

(B) Perimeter and outfall inspections.

(1) The perimeter and outfall protection inspection must be performed prior to the permittee's breaking ground or disturbing soil with exception for installation of sediment control practices at the hydrologic perimeter and outfall(s) of a construction site. The inspection shall include participation by the city, the permittee and the permittee's contractor.

(2) The perimeter and outfall protection inspection may only be performed after the review and acceptance by the city of a Perimeter Control Plan.

(3) Clearing, except that necessary to establish perimeter sediment control devices, shall not begin until perimeter and outfall sediment control devices have been installed and have been stabilized. Activities necessary to establish the perimeter controls are exempt from initial inspection.

(4) The city shall inspect the proposed construction site within seven normal business days after the submittal of the plan and installation of the perimeter protection devices.

(a) The Inspector shall, in writing, either approve the portion of work completed or notify the permittee where the work fails to comply with the approved Perimeter Protection Plan.

(b) Failure by the city to perform the inspection within seven normal business days will allow the permittee to begin land-disturbing activities, but may be subject to subsequent inspections by the city and revisions in the Perimeter Protection Plan.

(c) Inspection of perimeter and outfall protection measures shall consist of a written checklist for each type of protective measure to ensure that it was installed according to the approved plan and site-specific conditions.

(d) Measures shown on the plan may be modified at the time of inspection pursuant to agreement between the city and the permittee's engineer or qualified professional.

(C) Other inspections. The city may inspect a permitted construction site in order to determine compliance with this subchapter. The city may determine and establish inspection schedules necessary to enforce the provisions of this subchapter within access provided in division (D) below.

(D) Water Quality Management Plan (WQMP) Permit ("Water Quality Permit").

(1) By accepting the permit, the permittee automatically acknowledges and accepts that the city has the right to perform inspections of the project site.

(2) The permittee shall complete a permit application that includes a Water Quality Pollution Prevention Plan (WPPP), Perimeter Control Plan (PCP) and Post-Construction Water Quality Pollution Prevention Plan (P-WPPP) to be completed, sealed and signed by a licensed professional engineer and land surveyor as appropriate and submitted to the city representative.

(3) The plan shall include and/or address the following elements:

(a) Area vicinity map showing current zoning, adjoining property owners and street lines within 100 feet of the project boundaries all drawn at a scale not greater than one inch = 2,000 feet;

(b) North arrow and its basis;

- (c) Legend explaining symbols and abbreviations used on the plan;
- (d) "Do Not Disturb Limits" for construction activity indicated by a heavy dashed line and labeled as such;
- (e) Boundary of site defined by bearings and distances and indicated by a heavy solid line;
- (f) Drawing(s) at a scale not greater than one inch = 100 feet. In the case of an unusually large development, a scale of one inch = 200 feet may be acceptable;
- (g) Acreage of the total site and acreage of the project site (if different);
- (h) Directly Connected Impervious Area (DCIA);
- (i) Impervious areas as measured in square feet;
- (j) Benchmark location(s), description(s) and elevation(s) at sea level;
- (k) Basis of elevation datum;
- (l) Name, address and telephone number of the owner, developer, permittee and project engineer;
- (m) Existing and proposed topography at two-foot contour intervals;
- (n) Mapping accuracy shall conform to National Standards of Mapping;
- (o) Location of sinkholes, streams, steep slopes, known springs and watercourses;
- (p) Location of any existing buildings or structures;
- (q) Location of any pertinent utilities, sanitary sewers, water and stormwater facilities on the property or within 50 feet of the site;
- (r) Elevations, dimensions, locations and the extent of all planned grading indicated with proposed contours;
- (s) A grading plan for borrow pits, quarries and material-processing facilities based on the findings of soil site investigations;
- (t) Design details of temporary and permanent structural controls;
- (u) Approximate location of the 100-year floodplain or a statement by a professional engineer or professional land surveyor that the site is not located in an area subject to flooding. The basis for this determination shall be shown;
- (v) A detailed quantity estimate for water quality management controls and measures;
- (w) Identification of perimeter controls at outfalls and areas where construction site drainage leaves the property boundary or disturbed area(s);
- (x) Arrows indicating drainage flow patterns;

(y) Location, dimensions, detailed specifications and construction details of all temporary and permanent water quality measures;

(z) Temporary stabilization plans and sequence of implementation;

(aa) Permanent stabilization plans and sequence of implementation;

(bb) Anticipated construction sequence describing the relationship between implementation of water quality measures and stages of construction activities;

(cc) Anticipated inspection and maintenance requirements for permanent and temporary measures. This shall include the expected frequency of routine inspections and maintenance activities such as removal of sediment and waste concrete; and

(dd) Management practices or other controls to address the following:

1. Waste concrete management;
2. Material delivery, handling and storage;
3. Sanitary/septic waste management;
4. Solid waste/trash and debris management;
5. Vehicle and equipment cleaning, fueling and maintenance;
6. Sensitive and vegetated area preservation;
7. Pit and channel de-watering operations;
8. Contaminated soil management as defined and approved by the Kentucky Divisions of Water and Waste Management;

9. Hazardous materials and waste management as defined and approved by the Kentucky Divisions of Water and Waste Management;

10. Pesticides, herbicides and fertilizer use; and

11. Long-term water quality treatment.

(4) Plan revisions. The permittee shall notify the city in writing of any substantial field changes made to the approved Water Quality Management Plan. Changes made to the plan must be approved by the city representative, prior to implementation.

(5) Plan review and permit issuance. The city shall review the SWPPP within a reasonable time frame, typically 30 calendar days, from date of submission and issue or deny the requested permit. Failure to do so will allow the person to proceed with land-disturbing activities in accordance with BMPs and the submitted SWPPP. However, the city still reserves the right to review and require changes it determines appropriate.

(6) Requirements for individual lots.

(a) A separate water quality permit is not required for individual lots disturbing less than 20,000 square feet or more of land. For any land disturbance over 2,000 square feet but less than 20,000 square feet, the landowner must nevertheless follow Best Management Practices.

(b) All water quality management measures necessary to comply with this subchapter must be implemented in accordance with the

permitted plan for the larger project and adhere to the general standard or those of a common area plan.

(c) The individual permittee is responsible for the installation and maintenance of all erosion prevention and sediment control measures until the site is stabilized.

(d) The permittee, whether owning the property or acting as the representative of the property owner, shall submit to the city the following information for review and approval prior to the issuance of a building permit:

1. Dimensions, elevations, drainage patterns and swales, and location of existing buildings and natural features that are pertinent to this subchapter;
2. Proposed drainage patterns;
3. Location of the construction access to the site;
4. Location of perimeter erosion and sediment control measures prior to land disturbance; and
5. The total square footage amount of disturbed area required by the project.

(e) Temporary erosion prevention and sediment control measures may be removed for completion of the finish grade. Permanent stabilization to include either sod or mulched-seeding as appropriate for seasonal conditions shall be completed within 14 days prior to removal of temporary erosion prevention and sediment control measures.

§ 54.107 POST-CONSTRUCTION WATER QUALITY MANAGEMENT.

(A) Water quality management.

(1) This section concerning post-construction water quality management is only applicable when the disturbed area is over one acre.

(2) If there is land disturbance over one acre, the permittee shall complete a permit application that includes a Post-Construction Water Quality Pollution Prevention Plan (P-SWPPP) to be completed, sealed and signed by a licensed professional engineer and/or land surveyor as appropriate and submitted to the city representative.

(B) Post-Construction Water Quality Pollution Prevention Plan. A SWQMP Permit requires a review and submittal of a Post-Construction Water Quality Pollution Prevention Plan (SWPPP). The Post-Construction SWPPP shall include the following information:

(1) A description of the proposed land use including amount of impervious area, directly connected impervious area and nature of the development;

(2) Location, dimensions, detailed specifications and construction details of all post-construction water quality Best Management Practices (BMPs), as defined in the city guidance documents;

(3) A sequence describing when each post-construction water quality BMP will be installed;

(4) A Long-Term Operation and Maintenance Agreement containing maintenance guidelines for all post-construction water quality measures to facilitate their proper long-term function. This Agreement shall be made available to future parties, including property owners, who will assume responsibility for the operation and maintenance of the post-construction water quality measures;

(5) The P-SWPPP shall include provisions for buffers:

(a) The waterway buffer will be used to define areas where land disturbance activities shall be permitted, but construction of any building or structure shall not be permitted.

(b) A waterway buffer shall be applied to all waterways serving more than 25 acres of tributary area or presented on a United States Geological Survey map as a blue line stream.

(c) The waterway buffer shall be defined as the greater of:

1. Area contained within a boundary established by the floodplain boundary as defined by FEMA or city master planning: or

2. Where a floodplain is not defined or calculated, the buffer will be 25-feet on each side from the top of waterway bank as defined by geomorphic shape (not by the current water surface elevation).

(e) The waterway buffer and floodplain may be used for application of water quality devices. This may only be permitted if erosion prevention and sediment control, water quality and cut-fill policies are adequately addressed as determined by the city according to the provisions of this subchapter.

(f) Exemptions are granted so long as erosion prevention and sediment control, water quality and cut-fill policies are adequately addressed. Exemptions shall be granted for: (a) Roads and utilities crossing waterways; (b) Pedestrian trails and walkways proximate to waterways; and (c) Other exemptions may be made at the discretion of the city representative.

(6) A licensed professional engineer in the Commonwealth of Kentucky shall stamp all construction plans and long-term maintenance documentation. This shall include all proposed improvements or modifications to existing or new water quality infrastructure and other related improvements or modifications; and

(7) The city may require the posting of a maintenance bond to secure the structural integrity of the facilities as well as the functioning of the facilities in accordance with the approved Post-Construction SWPPP for a term of 24 months from the date of acceptance of dedication. An irrevocable letter of credit can be used as the financial assurance in lieu of a maintenance bond although the contribution shall be equivalent to the amount that would be estimated for the maintenance bond. The maintenance bond shall be calculated as 20% of the estimated construction cost and may be reduced to 10% after 12 months if there are no concerns by the city representative.

(C) BMP design requirements and criteria.

(1) The city reserves the right to develop or adopt other guidance documents to serve as design and implementation standards. Other guidance documents distributed by the city should be reviewed and considered when preparing the Post-Construction SWPPP. These documents may be applied as standards by which designs are to be prepared and controls implemented.

(2) The city shall have authority to implement this subchapter by appropriate regulations, guidance or other related materials. In this regard, technical, administrative or procedural matters may be modified as needed to meet the objectives defined herein, so long as such modifications as to technical, administrative or procedural matters are not contrary or beyond the intent of the objectives defined above.

(a) Regulations, guidance or other related materials that may be given authority by this subchapter may include, but are not limited to: Best Management Practice (BMP) manuals, design regulations and requirements, submittal checklists, review checklists, inspection checklists, certifications, water quality management manuals and operation and maintenance manuals;

(b) Materials may include information deemed appropriate by the city including guidance and specifications for the preparation of grading plans, selecting environmentally sound practices for managing water quality, minimum specifications and requirements, more complete definitions and performance standards;

(c) The above referenced documents may restrict or prevent the use of specific products, techniques or management practices (that are to be accepted by the public or are deemed to have a negative impact on public infrastructure or the MS4) that have been identified as unacceptable for performance, maintenance or other technically based reasons; and

(d) Documents referenced above may be updated periodically to reflect the most current and effective practices and shall be made available to the public. However, the failure to update the manual shall not relieve any applicant from the obligation to comply with this subchapter, and shall not prevent the city from imposing the most current and effective practices.

(3) The P-SWPPP shall include provisions for water quality BMPs functioning independently or in combination. Acceptable water quality BMPs shall be defined by policy and guidance documents as approved by the Water Quality Board.

(4) The P-SWPPP shall include provisions for water quality BMPs that are designed to achieve the following design/performance objectives:

(a) Reduce total suspended solids (TSS) from the first flush as defined by land use characteristics and contributing area; or, capture and treatment of at least one-half inch precipitation applied over the contributing area;

(b) Reduce or buffer increases in water runoff temperature caused by contact with impervious surfaces;

(c) Reduce or buffer increases in water runoff volume and flow rate caused by increases in directly connected impervious area and overall impervious area; and

(d) Water detention/retention facilities shall be designed to address the rate at which flow is released over the entire runoff discharge period and the volume of discharge over the critical design-storm period if defined by city water quality master plans. The outlet structure shall be designed as a v-notch weir or other multiple stage configurations capable of controlling the discharge rates for the first flush, two-, ten- and 25-year design-storm events. The outlet structure shall be designed to safely bypass the 100-year storm event.

(5) Soil bio-engineering, "green" and other "soft" slope and stream bank stabilization methods shall receive preference over rip rap, concrete and other hard armoring techniques.

(6) Retention supportive data must be submitted to justify the type of facility selected. If the facility is designed to retain (volume control) all or a significant portion of runoff (as opposed to temporarily detain), then appropriate soils analyses findings shall be submitted to the city. This submission shall also discuss the impacts the facility will have on local karst topography as found through a geotechnical investigation of the site. The facility may be designed to infiltrate runoff to groundwater rather than transmit it downstream under conditions up to a ten-year storm event. It must be able to bypass all other storms including 100-year event with a discharge rate equivalent to or less than pre-development conditions without negatively impacting the 100-year floodplain above or below the site. If data indicates that the facility cannot retain a significant portion of the runoff (95%), then the facility must be designed to detain runoff.

(7) If available, each P-SWPPP shall be evaluated for consistency with the Water Quality Master Plan or watershed study for the major watershed or watersheds within which the project site is located. The individual project evaluation will determine if water quantity and quality management practices can adequately serve the property and limit impacts to downstream public and private properties. The presence of a regional facility(s) will be considered in determining the extent to which water quantity and/or quality controls will be necessary.

(8) The city reserves the right to require superseding or additional treatment criteria or objectives for specific pollutant(s) as necessary to meet overall water quality management program objectives or directives under a watershed improvement or Total Maximum Daily Load (TDML) program as administered by the USEPA or Commonwealth of Kentucky.

(9) On-site BMP Coordination with regional BMPs.

(a) All properties are expected to implement on-site water quality control measures, but the extent of application may be reduced given the availability, proximity and nature of regional water quality BMPs.

(b) The extent and type of on-site water quality management practices implemented shall be proportionate to the land use, and proximity to regional water quality management practices.

(D) BMP ownership and easements.

(1) Any water management facility or BMP which services individual property owners shall be privately owned. General routine maintenance (controlling vegetative growth and removing debris) shall be provided by the owner(s). The owner shall maintain a perpetual, non-exclusive easement that allows for access for inspection and emergency maintenance by the city. The city has the right, but not the duty, to enter premises for emergency repairs.

(2) Any water quality management facility or BMP which services an individual residential subdivision in which the facility or BMP is within designated open areas or serves as an amenity with an established homeowners association shall be privately owned and maintained consistent with provisions of this subchapter. The owner shall maintain a perpetual, nonexclusive easement which allows access for inspection and emergency maintenance by the city. The city has the right, but not the duty, to enter premises for emergency repairs.

(3) Any water quality management facility or BMP which services commercial and industrial development shall be privately owned and maintained. The owner shall maintain a perpetual, nonexclusive easement which allows access for inspection and emergency maintenance by the city. The city has the right, but not the duty, to enter premises for emergency repairs.

(4) All regional water quality management control facilities proposed by the owners, if approved and accepted by the city for dedication as a public regional facility, shall be publicly owned and/or maintained. All other water quality management control facilities and BMPs shall be privately owned and/or maintained unless accepted for maintenance by the city.

(5) The city may require dedication of privately owned water quality facilities, which discharge to the city water quality system. This shall be at the approval of the City Council.

(E) Regional facilities management.

(1) The objective of a regional water quality management facility, pond or other device, is to address the water quality management concerns in a given watershed with greater economy and efficiency than possible through individual facilities. The intended result is fewer water quality management facilities to maintain in the affected watershed while sustaining efficiency.

(2) The city encourages regional water quantity and/or quality management practices, serving 25 to 250 acres of tributary area, which may be consistently and efficiently managed and maintained. These types of practices will be encouraged in order to replace or reduce the implementation of on-site water quantity and/or quality management practices, as determined to be appropriate by the city.

(3) Where a regional water quality management facility has been established by one or more local governments, or by an authority operating on behalf of one or more local governments, a development or property may participate in the program in lieu of runoff control required by this subchapter. This may be permitted provided that:

(a) Runoff from the development drains to an approved existing or proposed public regional water quality management facility that will be operational within one year;

(b) Participation in the form of contribution of funds, contribution of land, contribution of quality management facility construction work or a combination of these, the total value of which shall be in accordance with a fee schedule adopted by the city;

(c) The city finds that the water quality management plans are in compliance with all other applicable requirements and ordinances; and

(d) Each fiscal or in-kind contribution from a development owner participating in a regional water quality management facility shall be used for acquisition, design, construction or maintenance of one or more such facilities in the same watershed in which the development is located.

(4) Detention facilities may, and are encouraged, to be designed to serve multiple purposes. For example, runoff may be detained under wet-weather conditions, but also serve as common or recreational areas during dry-weather conditions. Where multi-purpose facilities are provided, or where flat grades or poorly draining soils are encountered, provisions for adequate low-flow water quality management system may be required. Where the retention/detention facility is planned to be used as a lake, pond or water quality management practice with a permanent pool, water budget calculations shall be performed and submitted to demonstrate that an adequate permanent pool depth is expected during dry summer months.

(F) Long-term operation and maintenance agreements.

(1) Long-term operation and maintenance agreements. Long-Term Operation and Maintenance Agreements shall include a maintenance plan for all water quality BMPs in new development or redevelopment that require more than general maintenance (e.g. periodic mowing).

(a) The plan will be developed to ensure that the water quality BMP(s) is (are) kept functional. The maintenance agreement will specify minimum operation and maintenance requirements and intervals to be performed by the property owner.

(b) The plan shall address schedules for inspections and techniques for operation and maintenance including vegetation clearing or mowing and removing accumulated trash, debris, sediment pollutants and other forms of pollution.

(c) The agreement shall be noted on the final plat with the appropriate notation on the particular lot(s).

(d) The agreement shall be included with property ownership title documents and shall be binding on the owner, its administrators, executors, assigns, heirs and any other successors in interest.

(e) The format for the Long-Term Operational and Maintenance Agreement shall be provided through example by the city, or through guidance documents.

(f) Care must be taken to ensure that any required facilities do not become nuisances or health hazards. Detention and retention facilities should be designed to require minimal maintenance, and maintenance expectations must be clearly stated in the Long-Term Operation and Maintenance Agreement.

(g) When a water quality BMP serves more than one parcel, a home or property owners' association or binding contract for the purpose of operation and maintenance is required. The owners' association shall be responsible for operation and maintenance as directed by this subchapter.

(2) Single entity ownership. Where the permanent water quality runoff control facilities are designed to manage runoff from property in a single entity ownership, the maintenance responsibility for the water quality control facilities shall be with the single entity owner.

(a) A SINGLE ENTITY shall be defined as an association, public or private corporation, partnership firm, trust, estate or any other legal entity allowed to own real estate exclusive of an individual lot owner.

(b) The stated responsibilities of the entity shall be documented in the Long-Term Operation and Maintenance Agreement. Terms including owning, operating and maintaining the facilities shall be submitted with plans in application for a SWQMP Permit for an adequacy determination. Approval of a SWQMP shall be conditioned upon the approval of these terms. These terms shall be in writing, shall be in recordable form and shall, in addition to any other terms deemed necessary by the city, contain a provision permitting inspection at any reasonable time by the city of all facilities deemed critical in the public welfare.

(c) Upon approval of the water quality BMPs by the city, the facility owner(s) shall demonstrate the ability to guarantee and apply the financial resources necessary for long-term maintenance requirements. The funding mechanism shall be in a form approved by the city. The city will only approve funding mechanism(s) for long-term maintenance responsibilities that can be demonstrated to be permanent or transferable to another entity with equivalent longevity.

(d) In the event that proposed funding is through an owners' association, then it must be demonstrated that the association may not dissolve unless long-term operation and maintenance activities are accepted by another entity with equivalent longevity and adequate funding. Furthermore, the owners' association's responsibility must be stated in the association's declaration, covenants or by-laws, as appropriate.

(e) Unless made specifically clear in the preliminary stages of the site design and construction plan review procedure, it will be assumed that all water detention, retention, treatment or storage facilities and/or devices shall be owned, operated and maintained by a single entity as defined above.

(3) City ownership. Where the city has accepted an offer of dedication of the permanent water quality BMPs, the city shall be responsible for operation and maintenance.

§ 54.108 WATER QUALITY MANAGEMENT PLAN PERMIT INSPECTIONS.

(A) Permittee performed inspections.

(1) Self-inspections. Permittee performed inspections (self-inspections) shall be performed by a qualified professional.

(2) Inspection standards. The city shall develop standards and a checklist to be used by the permittee for the inspections.

(3) Documentation to be kept on-site. Documentation of owner-performed inspections and inspection findings shall be kept on-site, if appropriate facilities are available.

(4) Availability of documentation. Documentation of owner-performed inspections and inspection findings shall be made available within two business days for construction and seven days for post-construction of a request by the city or designated representative. Failure to timely submit documentation, as requested, will be assumed to indicate that inspections were not performed and may result in corresponding enforcement procedures.

(5) Construction inspections. Maintenance inspections shall be performed at control measures in accordance with the KPDES General Permit for Stormwater Discharges Associated with Small Construction Activities (KYR10), which requires self inspections at least every seven regular calendar days or at least once every 14 calendar days, and within 24 hours after any storm event of one-half inch or greater. The permittee shall begin repair actions within seven calendar days after deficiencies or failures have been identified.

(6) Post-construction inspections. Inspection and maintenance shall be performed at water quality BMPs on at least an annual basis and as otherwise determined in the Long-Term Operation and Maintenance Agreement.

(B) Oversight inspections.

(1) The city, or the city's designated representative, has the authority to periodically inspect the water quality BMPs. The city may make inspections of the site at its discretion and shall either approve the condition of the BMP or shall notify the permittee wherein the condition fails to comply with the approved SWQMP.

(2) The city or its designated representative's inspections and findings will be presented and reviewed with the permittee at the time of inspection (as available to site personnel), and be available in the city public records within seven normal business days.

(3) The city shall identify, in writing, any measures with deficiencies or that are not in compliance with the objectives of this subchapter and the SWQMP Permit.

(4) The city is authorized to negotiate with the permittee to develop and implement an action plan that exceeds the SWQMP Permit provisions, but is necessary to prevent water pollution from leaving the site.

§ 54.109 QUALIFIED PROFESSIONAL.

A qualified professional is required to perform construction and post-construction inspections and to direct and/or supervise maintenance activities to ensure that the SWQMP Permit and Long-Term Operation and Maintenance Agreement provisions are being implemented properly and maintain written records of the inspections.

(A) Effect. This section shall be effective and enforced on May 4, 2009.

(B) Registration. Qualified professionals performing inspections or overseeing maintenance activities under this subchapter must be registered by the city prior to execution of those actions. All applicants must file an application with the city.

(C) Construction qualified professional prerequisites.

(1) Applicants must demonstrate knowledge and experience in the following areas:

- (a) Construction practices;
- (b) Operational standards;
- (c) Cause and failure indicators; and
- (d) Maintenance measures used to prevent and correct failures.

(2) Applicants who can demonstrate one or more of the following will be considered for registration:

(a) Similar qualification or certification of any other similar program in the Commonwealth of Kentucky or in the United States so long as that program required a test and the applicant passed the test; and

(b) Qualification or certification program as designated in the KPDES General Permit for Stormwater Discharges Associated with Small Construction Activities (KYR10).

(3) Documentation demonstrating the above will be required by the city before registration will be granted.

(D) Post-construction qualified professional prerequisites.

(1) Applicants must demonstrate knowledge and experience in the following areas:

- (a) Water quality treatment practices;
- (b) Operational standards;
- (c) Cause and failure indicators; and
- (d) Maintenance measures used to prevent and correct failures.

(2) Applicants who can demonstrate one or more of the following will be considered for registration:

(a) Professional engineer license in good standing in the Commonwealth of Kentucky with demonstrated experience in water quality treatment BMPs;

(b) Professional land surveyor license in good standing in the Commonwealth of Kentucky with demonstrated experience in water quality treatment BMPs;

(c) Landscape architect license in good standing in the Commonwealth of Kentucky with demonstrated experience in water quality treatment BMPs;

(d) Professional in water quality certification in good standing; and

(e) Similar qualification or certification of any other similar program in the Commonwealth of Kentucky or in the United States so long as that program required a test and the applicant passed the test.

(E) The city may report to the appropriate licensing, certification or qualification authority for activities not consistent with the policies and procedures identified in this subchapter. This may include reporting activities that include, but are not limited to, the submittal of false or misleading information or for repeated incompetence or negligent actions by the registrant.

§ 54.110 WATER QUALITY MANAGEMENT PLAN PERMIT TERMINATION.

(A) The permittee shall submit a completed Notice of Termination (NOT) the city and the Kentucky Division of Water (KDOW) per the KPDES General Permit for Stormwater Discharges Associated with Small Construction Activities (KYR10).

(B) Written acceptance of site conditions shall be made by the city based upon an inspection.

(C) The city shall consider whether conditions are sufficient, appropriate and consistent with the SWQMP.

(D) A permit shall be considered open and active until the city accepts the site conditions, a Long-Term Operation and Maintenance Agreement has been accepted and after the following as-built requirements have been completed:

(1) Temporary erosion and sediment control measures have been removed;

(2) The remaining, undeveloped acreage that was subject to the permit does not exceed five acres;

(3) The designed public utilities are installed and have been inspected by the appropriate agencies;

(4) The road(s) have been constructed and the binder course of pavement has been placed in accordance with the standards in the subdivision regulations;

(5) The remaining undeveloped acreage that was subject to the permit does not pose a significant threat to the integrity of the infrastructure, adjacent properties or water quality;

(6) Permanent water quality BMPs and other measures have been implemented and are operational at the designed levels;

(7) Pipes, channels, catch basins, water quality treatment devices and other drainage features are clear of sediment, obstructions and debris, and are operating as designed and appropriate for final site conditions;

(8) Disturbed slopes are stabilized;

(9) Detention and retention basins are stabilized at designed volumes and conditions; and

(10) The city shall have 21 normal business days to perform an inspection and respond to the request. If the city does not respond within the 21 normal business days, then the request shall be granted automatic approval.

(E) As-built requirements.

(1) Prior to issuance of a Certificate of Occupancy, recording of the final plat or final release of bond, the as-built condition (including: invert elevations, size shape and location) of critical water quality management features must be identified, approved and provided in a electronic form to the city representative.

(2) The volume, slopes, configuration, condition and topographic information of all detention, retention and water quality practices shall be certified by a professional engineer or land surveyor, as appropriate, licensed in the Commonwealth of Kentucky. This information shall be provided to the city, in the form of an as-built drawing or other electronic form accepted by the city. The as-built certification shall indicate if final conditions are consistent with, or exceed, the SWQMP provisions.

(3) If it is determined that information provided in the as-built drawing, certification, inspection or survey of the site does not meet or exceed the SWQMP provisions, the city reserves the right to withhold Certification of Occupancy or final bond release. Furthermore, other enforcement mechanisms may be applied to the permittee or persons making certifying statements.

(4) The requirements of this section do not apply for individual residential lot development.

§ 54.111 MEDIATION PROCESS FOR PLAN ACCEPTANCE.

Plan acceptance:

(A) In such cases when the city representative and the owner's engineer are not able to reach an agreement on construction plans to meet the requirements of this subchapter, then the owner's engineer may request mediation:

(1) Upon request for mediation, the city representative and the owner's engineer shall discuss and attempt to agree on selection of a third party licensed professional engineer in the technical area of concern that will be used to assist the parties when mediating the points of difference, and the city representative and the owner shall

discuss and attempt to agree on selection of a Kentucky Court of Justice approved mediator; and

(2) If the city representative and the owner's engineer are unable to agree upon a third party licensed professional engineer and a Kentucky Court of Justice approved mediator and/or to resolve the differences in mediation, either party may then seek a legal remedy;

(B) The time and related expenses of the mediating engineer and Kentucky Court of Justice approved mediator shall be borne by the owner;

(C) The mediating engineer shall document and transmit his or her opinions and/or discussion results to both the city representative and the owner's engineer upon completion of the mediation process regardless of outcome; and

(D) Pending resolution, the disputed enforcement action shall remain in effect.

§ 54.112 ENFORCEMENT, PENALTIES AND APPEALS.

(A) Responsibility. It will be the responsibility of the permittee to ensure compliance with this subchapter and implementation of the SWQMP Permit and Long-Term Operation and Maintenance Agreement. However, all responsible persons, regardless of ownership, must comply with the requirements of this subchapter and may be held accountable to the enforcement provisions herein.

(B) Disconnection of illicit discharges. The person responsible for any connection in violation of § 54.104, with regard to illicit discharges, shall immediately cause the illegal connection to be disconnected and redirected, if necessary, to the appropriate sanitary sewer system upon approval by the operating body of the sanitary sewer system and the Kentucky Division of Water.

(C) Liability of expenses incurred. Any person responsible for illicit discharges or noncompliance with BMPs at industrial and/or construction sites, and who fails to correct any prohibited condition or discontinue any prohibited activity at the order of the city, shall be liable to the city for expenses incurred in abating pollution. This may include expenses incurred in testing, measuring, sampling, collecting, removing, treating and disposing of the polluting materials and preventing further noncompliance and/or illicit discharges.

(D) Enforcement.

(1) The city shall institute appropriate actions or proceedings by law or equity for the enforcement of this subchapter within the areas of jurisdiction previously described. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions and other appropriate forms of remedy or relief. Each day of noncompliance is considered a separate offense; and nothing herein contained shall prevent the city from taking such other lawful action as necessary to prevent or remedy any violation, including application for injunctive relief.

(2) Any of the enforcement remedies and penalties provided in this subchapter are available to be applied independently or in a sequence

deemed necessary, shall be available to the city in response to violations of this subchapter. If the person, property or facility has or is required to have a stormwater discharge permit from the KDOW, the city may alert the appropriate state authorities of the violation.

(3) Notice of Deficiency (NOD):

(a) In instances when the city, based on observations or investigations, has reasonable cause to believe that a deficiency of this subchapter has occurred, the city is authorized to notify the permittee, in writing, of the following items:

1. Date and location of site observation(s) or investigation(s);
2. An itemized list of any deficiencies or failures;
3. A deadline in which the deficiencies are to be eliminated; and
4. The written Notice of Deficiency shall be hand-delivered and/or mailed to the last known address of the property owner on record at the Property Valuation Administrator's Office. Notice shall be deemed served by certified mail, return receipt requested.

(b) It will be the responsibility of the permittee to determine what corrective actions are needed. If the deadline for eliminating the deficiency is not met, it is the responsibility of the permittee to document that the deadline has not been met and request an extension to be evaluated by the city on a case-by-case basis.

(4) Permit denial. At the discretion of the city representative or designated agent, it may withhold or delay any permit application, inspection requests, appeals or other plan approvals from person(s) that have unresolved enforcement matters.

(5) Notice of Violation (NOV). Whenever the city or its designated representative finds that any person owning or occupying a premises has violated or is violating this subchapter or order issued hereunder, the enforcement official may serve, by personal service, or by registered or certified mail, upon the person a written NOV. Within 30 days of the receipt of this notice, or shorter period as may be prescribed in the NOV, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, which shall include specific required actions, must be submitted to the city or its designated representative. Submission of this plan shall in no way relieve liabilities for violations occurring before or after receipt of the NOV.

(6) Stop work order.

(a) In the event compliance cannot be achieved within the terms of a Notice of Deficiency, Notice of Violation, Permit Suspension or Permit Revocation, the city may proceed with a stop work order. In the event the city representative perceives that there is an immediate adverse impact or blatant disregard for the requirements, it may issue a stop work order without first administering a Notice of Deficiency, Notice of Violation, Permit Suspension or Permit Revocation.

(b) No construction activities, other than those required to address deficiencies/violations, are allowed on a project site when a stop work order has been issued.

(c) The written stop work order shall be hand-delivered or and/or mailed to the last known address of the property owner on record at the Property Valuation Administrator's Office. Notice shall be deemed served by certified mail, return receipt requested.

(d) The written stop work order shall specify deficiencies and violations that must be corrected prior to a city inspection for consideration of removing the stop work order.

(e) The permittee shall notify the city in writing of the anticipated date for completion of the corrective action(s) and provide at least two normal business days notice for the city to perform a compliance inspection.

(f) When a stop work order is removed, the city shall provide written notice to the permittee.

(7) Permit suspension or revocation.

(a) In the event compliance cannot be achieved within the terms of a Notice of Deficiency and/or Notice of Violation, the city may proceed with permit suspension or revocation.

(b) Land-disturbing activities are not allowed on a project site when a permit has been suspended or revoked other than those required to address deficiencies/violations.

(c) The written permit suspension or revocation shall be hand-delivered and/or mailed to the last known address of the property owner on record at the Property Valuation Administrator's Office. Notice shall be deemed served by certified mail, return receipt requested.

(d) A permit suspension requires that the permittee submit a revised portion of SWQMP as indicated by the city for review and acceptance by the city of the specific issue of contention. When a permit suspension is removed, the city shall provide written notice to the permittee.

(e) When a permit is revoked, the permittee must reapply for a permit through the process of requesting a new permit.

(f) A permit revocation requires that the permittee resubmit a SWQMP for a full review and acceptance by the city representative.

(8) Compliance order. If a person violates the provisions of this subchapter, the city, or its designated representative, may give notice to the owner or to any person in responsible charge of the subject property ordering that unlawful conditions existing thereupon be abated within a schedule defined from the date of such notice.

(a) The enforcement official shall have the authority to establish elements of a compliance SWQMP and require the owner to implement such a plan as may be reasonably necessary to fulfill the purposes of this subchapter. The enforcement official may establish the requirements of BMPs.

(b) The notice and order may be given, provided that if in the opinion of the city or its designated representative, the unlawful condition is

such that it is of imminent danger or peril to the public, then the city or its designated representative shall, with or without notice, proceed to abate the same, and the cost thereof shall be charged against the property. The city, as described further in this section, may recover the cost of such actions from the property owner.

(9) Fines. A person that has been found to have been in violation of any provision of this subchapter, may be assessed a civil penalty not to exceed the amount presented in this section.

(a) The penalty shall increase by 25% of the previous penalty amount for every subsequent, but separate offense made by the same person. The penalty shall be in addition to other enforcement actions of this section.

(b) The penalty may be assessed for each day, beyond schedules applied in compliance orders or other schedules issued to the property owner or other person responsible, for unauthorized activity defined in this section.

(c) In determining the amount of the penalty, a penalty schedule may be developed by the city representative with confirmation by resolution of the City Council that shall consider the following:

1. The degree and extent of the harm to the natural resources, to the public health or to the public or private property resulting from the violation;
2. The duration and gravity of the violation;
3. The effect on ground or surface water quality;
4. The cost of rectifying the damage;
5. The amount of money saved by noncompliance;
6. Whether the violation was committed willfully or intentionally;
7. The cumulative effect of other enforcement actions applied for the same offense;
8. The prior record of the violator in complying or failing to comply with the Water Quality Management Program; and
9. The costs of enforcement to the city.

(d) The maximum fines will be determined by the type of offense. This indicates the maximum that may be imposed for a first offense and does not reflect the increases described above for repeat offenses.

1. Development without or inconsistent with permit - up to \$7,500. To engage in any development, use, construction, remodeling or other activity of any nature in any way without all required permits inconsistent with any approved plan, permit, certificate or other form of authorization granted for such activity.

2. Violation by act or omission - up to \$5,000. To violate, by act or omission, any term, variance, modification, condition or qualification placed by the city or its designated representative upon any required permit, certificate or other form of authorization of the use, development or other activity upon land or improvements thereon.

3. Illicit discharge - up to \$5,000. Any person who is found to have improperly disposed of any substance defined as an illicit discharge, not an allowable discharge or causes the city to be in noncompliance with any applicable environmental permit.

4. Household products - up to \$500. Any person who is found to have improperly disposed of any substance not included in § 54.104(B) that was purchased over-the-counter for household use, in quantities considered normal for household purposes, which upon discharge to the MS4 or drainage network would have an adverse impact on water quality or cause the city to be in noncompliance with any applicable environmental permit.

(e) In the event there are penalties assessed by the state against the city caused by a person, the person shall be assessed the equivalent amount of civil penalty. This shall include, but is not limited to, penalties for improper disposal or illegal dumping, or illicit connection into the MS4.

(10) Administrative fee. Any person who undertakes any development activity requiring a Water Quality Management Plan hereunder without first submitting the plan for review and approval shall pay to the city, in addition to any permit or inspection fee, an administrative fee which reflects the actual cost of the corrective action.

(11) Order to clean and abate/restore. Any violator may be required to clean and/or restore land to its condition prior to the violation.

(12) Cost recovery. If corrective action is not taken in the time specified, the city may take the corrective action. The cost of the corrective action abatement and/or restoration shall be borne by the property owner. If the invoice is not paid within 90 calendar days, the enforcement official shall have the authority to place a lien upon and against the property. Alternatively, if the invoice is not satisfied within 90 calendar days, the enforcement official is authorized to take all legal measures available to enforce the lien as a judgment, including, without limitation, enforcing the lien in an action brought for a money judgment, by delivery to the assessor or a special assessment against the property.

(13) Injunctions and/or proceedings at law or in equity.

(a) Any violation of this subchapter or of any condition, order, requirement or remedy adopted pursuant hereto may be restrained, corrected, abated, mandated or enjoined by other appropriate proceedings pursuant to state law.

(b) The city shall pursue, through a court of component jurisdiction, any penalties that are not paid in full.

(14) Fee or utility credit revocation or adjustment. This enforcement tool is intended to be available or used if there are, at any time, provisions for a property water quality utility user fee funding mechanism managed by the city. This enforcement tool permits that credits (reductions), adjustments (increases) or other measures to modify fees or utility charges may be revoked or added, in full or in part, if any provisions of this subchapter are violated. The city representative will develop and periodically revise an adjustment/credit schedule for adoption by resolution of the City Council.

(15) Civil actions. In addition to any other remedies provided in this subchapter, any violation of this subchapter may be enforced by civil action brought by the city's attorney. Monies recovered under this

section shall be paid to the city to be used exclusively for costs associated with implementing or enforcing the provisions of this subchapter and the water quality program. In any such action, the city may seek, as appropriate, any or all of the following remedies:

- (a) A temporary and/or permanent injunction;
- (b) Assessment of the violator for the costs of any investigation, inspection or monitoring survey which lead to the establishment of the violation, and for the reasonable costs of preparing and bringing legal action under this section;
- (c) Costs incurred in removing, correcting or terminating the adverse effects resulting from the violation; and
- (d) Compensatory damages for loss or destruction to water quality, wildlife, fish and aquatic life.

(16) Emergency orders and abatements. The enforcement official may order the abatement of any discharge from any source to the water quality conveyance system when, in the opinion of the enforcement official, the discharge causes or threatens to cause a condition that presents an imminent danger to the public health, safety or welfare of the environment or a violation of a KPDES Permit. In emergency situations where the property owner or other responsible party is unavailable and time constraints are such that service of a notice and order to abate cannot be effected without presenting an immediate danger to the public health, safety or welfare of the environment or a violation of a KPDES Permit, the city may perform or cause to be performed such work as shall be necessary to abate the threat or danger. The costs of any such abatement shall be borne by the owner and shall be collectable in accordance with the provisions of this section.

(17) Violations deemed a public nuisance. In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this subchapter is a threat to public health, safety, welfare and environment and is declared and deemed a nuisance, and may be abated by injunctive or other equitable relief as provided by state and local law.

(18) Remedies not exclusive. The remedies listed in this subchapter are not exclusive of any remedies available under any applicable federal, state or local law and the city may seek cumulative remedies.

(E) Appeals.

(1) In order to have an appeal considered, the applicant shall submit to the Mayor a written request within 15 calendar days of the decision made by the city representative.

(2) A hearing date shall be set by the Mayor within 30 calendar days from receipt of the appeal. The actual hearing may occur at a regular monthly city meeting that follows receipt of the appeal. The city council will hear the appeal. The standard of review is that the city representative must show that the decision made was supported by substantial evidence. The proceeding shall be governed by the same rules as a KRS Chapter 13B hearing. The Mayor shall preside as the

hearing officer, and the City Attorney will provide counsel to the City Council.

(3) A written, final decision shall be rendered no more than five business days after the hearing in writing.

(F) Notice. Notice shall be delivered to the last known address of the property owner on record at the Property Valuation Administrator's Office. Notice shall be deemed served by certified mail, return receipt requested.

WATER QUALITY DRAINAGE SYSTEM

§ 54.125 INTENT AND APPLICATION; ESTABLISHMENT OF SYSTEM.

Pursuant to its authority under the provisions of KRS 82.082 and 91A.510, the city does hereby establish a Water Quality Drainage System to be acquired, constructed, improved, operated, maintained and funded as hereinafter set out.

§ 54.126 PURPOSE OF SYSTEM.

(A) The purposes of the establishment of the system are to provide for possession, control and use of all storm and surface water drainage facilities in the city, to be responsible for maintenance of all storm water facilities, improve, manage, operate and repair storm water facilities, provide for effective management and financing of the system within the city, provide methods for mitigating the damaging effects of uncontrolled and unplanned storm water runoff, improve the public health, safety and welfare by providing for the safe and efficient capture and conveyance of storm water runoff and the correction of storm water problems, authorize the establishment and implementation of a master plan(s) for storm drainage including design, coordination, construction, management, operation, maintenance, inspection and enforcement, establish a reasonable water quality service charge based on each property's contribution of storm water runoff to the system and to encourage and facilitate urban water resources management techniques including detention of storm water runoff, minimization of the need to construct storm sewers and the enhancement of the environment.

(B) In order to accomplish such purposes, a water quality service charge shall be made on all real property within the city. The primary consideration in setting the service charge shall be each property's contribution to runoff.

(C) The water quality service charge shall be fair and reasonable and bear a substantial relationship to the costs connected with the system. Rate studies shall be conducted periodically.

(D) Service charges for residential properties of two or fewer dwelling units shall reflect the relatively uniform effect that residential development has on runoff. Large residential lots, parcels or tracts generally have a lower overall intensity of development than small residential lots because a lesser percentage of larger lots, parcels or tracts are covered with hard surfaced area. The effect of large residential properties on runoff is lowered by less imperviousness.

(E) Multi-family residential properties and land uses other than residential shall pay according to the amount of runoff as computed by multiplying the number of ERU's times a charge per ERU.

(F) An appeal and service charge adjustment process shall be created to review water quality service charges when unusual circumstances exist which alter runoff characteristics or when either service or benefit varies from normal conditions or when computation of ERU is disputed.

§ 54.127 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AVERAGE RESIDENTIAL IMPERVIOUS AREA. The average square footage of impervious area on one- and two-family residential properties in the city as determined by sampling the one- and two-family residential properties.

CITY. The City of La Grange, Kentucky.

DEVELOPED. The condition of real property altered from its natural state by the addition to or construction on the property of impervious ground cover or other man-made physical improvements such that the hydrology of the property or a portion thereof is affected.

DEVELOPER. A person, firm, partnership, corporation or other entity that excavates, builds or otherwise improves a specific parcel or tract of land.

DRAINAGE SERVICE CHARGE. The fee levied upon all developed real property within the boundaries of the city.

EQUIVALENT RESIDENTIAL UNIT (ERU). The billing unit used in the formula for generating charges for properties. The ERU for all one- and two-family residential properties shall be one. The ERU for each other classification of property (Class B property) is calculated by dividing the impervious area of a property by the average residential impervious area, and rounding to two decimal points.

EXISTING. Present or in effect as of the time of the adoption of this subchapter.

FACILITIES. Various flood control, drainage works and storm water systems that include, but are not limited to, inlets, conduits, manholes, energy dissipation structures, channels, outlets, retention basins, detention basins, other structural components, ditches, floodwalls, basins, pipes, walls, channels, creeks, ponds, drainage easements, drainage right-of-way, drainage dedications and other interests in property used, dedicated, controlled, possessed, maintained or leased by the city, for drainage purposes, together with all appurtenances which connect or assist in drainage of water or flood control.

IMPERVIOUS SURFACE. Those hard surface areas either which prevent or retard the entry of water into the soil in the manner that the water entered the soil under natural conditions pre-existent to development, or which cause water to run off the surface in greater quantities or at

an increased rate of flow than that present under natural conditions pre-existent to development, including, without limitation, the surfaces as roof tops, asphalt or convert paving, driveways and parking lots, walkways, patio areas, storage areas or other surfaces which similarly affect the natural infiltration or runoff patterns existing prior to development.

PREMISES. A lot or parcel, and the building and other improvements situated thereon.

STORM SEWER OR STORM DRAIN. A sewer which carries storm waters, surface runoff and drainage, but which excludes sanitary sewage and industrial waste other than unpolluted cooling water.

STORM, STORM WATER and SURFACE WATER. They are used as interchangeable terms.

STORM WATER SYSTEMS and STORM WATER DRAINAGE. All man-made facilities, structures and natural water courses used for collecting and conducting storm water to, through and from drainage areas to the points of final outlet including, but not limited to, any and all of the following: inlets, conduits, appurtenant features, canals, creeks, channels, catch basins, ditches, streams, gullies, flumes, culverts, siphons, retention or detention basins, dams, floodwalls, levies and pumping stations.

SYSTEM. The water quality drainage system created herein, which consists of the entire system of flood protection and storm water drainage and surface water runoff facilities owned or leased by the city or over which the city has right of use for the movement and control of storm drainage and surface water runoff, including both naturally occurring and man-made facilities.

UNDEVELOPED. That condition of real property unaltered by the construction or addition to the property by man of impervious ground cover or physical man-made improvements of any kind which change the hydrology of the property from its natural state.

WATER QUALITY MANAGEMENT USER FEE POLICY. A written policy adopted by municipal order, as set out herein, that direct out the day-to-day operational detail required to carry out the intent of this subchapter, including the setting of fees.

§ 54.128 AUTHORITY OVER DESIGN, MAINTENANCE AND INSPECTION.

(A) The city shall monitor the design, operation, maintenance, inspection, construction and use of all storm sewers, storm drains and storm water facilities in the city and shall have exclusive jurisdiction for the design and construction of public storm water facilities in the city and shall inspect, operate and maintain the facilities.

(B) The city shall have exclusive jurisdiction for the inspection, maintenance, repair, removal, construction and operation of drainage facilities on all city streets, boulevards, alleys, viaducts, sidewalks, curbs, street crossing, grade separation and other public ways and easements, and all drains, ditches, culverts, canals, streams, levees, tunnels and appurtenances thereof.

(C) The city shall implement and execute this subchapter by and through its Mayor-Council form of government under KRS 83A.130, with the Council approving this subchapter as well as the Water Quality Management User Fee Policy; then the Mayor executing the ordinance and policy.

§ 54.129 RULES AND REGULATIONS.

(A) In order to accomplish the purpose of this subchapter, and to protect the system, to secure the best results from the construction, operation and maintenance thereof, and to prevent damage and misuse of any of the drainage facilities, improvements or properties within the city, the city shall prepare necessary and reasonable rules and regulations (hereinafter referred to as the Water Quality Management User Fee Policy) which may include, but not be limited to, the following:

- (1) Prescribe the manner in which storm sewers, ditches, channels and other storm water facilities are to be designed, installed and adjusted, used, altered or otherwise changed;
- (2) Prescribe inspection and other fees permitted by this subchapter;
- (3) Prescribe the manner in which the facilities are operated;
- (4) Facilitate the enforcement of this subchapter;
- (5) Prescribe the collection procedures and timing of service charge bills;
- (6) Protect the drainage facilities, improvements and properties controlled by the city and to prescribe the manner of their use by any public or private person, firm or corporation; and
- (7) Protect the public health, safety and welfare.

(B) The Mayor shall submit the Water Quality Management User Fee Policy (and any changes, additions or amendments thereto) to the City Council for approval, via a municipal order. The initial Water Quality Management User Fee Policy of the city will be established passed by way of a municipal order.

§ 54.130 PLAN REVIEW.

The city shall be responsible for all storm and surface water drainage plan reviews for all development in the city. Any person or organization removing, constructing, enlarging, altering, repairing, relocating or demolishing a storm sewer, natural watercourse or other drainage facility, must first file an application and obtain a permit from the city.

§ 54.131 FUNDING.

Funding for the system and other water quality activities connected therewith shall include, but not be limited to:

- (A) Funds appropriated by the city;
- (B) Storm drainage service charge;
- (C) Permit and inspection fees;
- (D) Direct charges. This charge will be collected from owner and developers for the cost of designing and constructing storm water

facilities and administrative costs and related expenses where the city designs and constructs or contracts for the construction of the facilities; and

(E) Other income obtained from federal, state, local and private grants or revolving funds.

§ 54.132 CAPITAL IMPROVEMENTS.

The city will implement a capital improvements program. The city shall submit the capital improvement program which lists the capital improvements to the city for approval. Upon approval of the capital improvements program, the city shall have authority to proceed with, awarding of contracts, acquisition of property and construction of the projects and no other approval will be required.

§ 54.133 DRAINAGE RESPONSE SYSTEM.

The city will operate and maintain a complaint response system in order to assure effective and timely response to all surface and storm water drainage complaints and shall regularly and timely issue report to the city as to the number and type of drainage complaints received and to the response made to the complaints.

§ 54.134 APPLICATION OF REVENUES.

All monies collected through service charges and other fees authorized herein, shall be deposited in a special revenue account and shall be separately identified and accounted for in the city's financial records. Collection and disbursement of such monies shall be administered according to generally accepted principles of governmental accounting. All such money shall be used for costs and expenses, including administrative costs and salaries, related to the water quality drainage system established by this subchapter.

§ 54.135 DELINQUENT ACCOUNTS.

When any service charges remain unpaid for a period of 30 days for monthly billings and 45 days for quarterly billings after the same becomes due and payable, the property, the tenant and the owner thereof, shall be deemed delinquent until the time as all rates, fees and charges are fully paid; and the city may terminate public sewer, water and drainage service to that property and pursue its legal remedies against the tenant or owner to obtain payment.

§ 54.136 NO LIABILITY.

Floods and storm water runoff may occasionally occur which exceeds the capacity of the system. This subchapter does not imply nor create a duty on the city to insure that property subject to fees and charges established herein will always be free from flooding or flood damage, or that stormwater systems capable of handling all storm events can be cost effectively constructed, operated or maintained. Nor shall this subchapter create a liability on the part of, or cause of action against, the city or any of its elected officials, officers or employees for any

flood damage or any damage that may result from storms or runoff thereof.

§ 54.137 WATER QUALITY MANAGEMENT USER FEE POLICY.

(A) Acronyms list.

BMP	Best Management Practice
COS	Cost of Service
ERU	Equivalent Residential Unit
GIS	Geographic Information System
KDOW	Kentucky Division of Water
LOS	Level of Service

MS4	Municipal Separate Storm Sewer System
NPDES	National Pollutant Discharge Elimination System
POTW	Public Owned Treatment Works
PVA	Property Valuation Administration
PY	Permit Year
SFR	Single-Family Residential
sMS4	Small Municipal Separate Storm Sewer System

(B) Demonstration of need for user fee.

(1) There is a growing nationwide concern regarding preservation of waters of the United States, the related management of stormwater and the associated cost of doing so. These concerns have prompted many communities to seek dedicated funding mechanisms for the high cost of improving storm drainage systems, managing flooding issues and controlling stormwater pollution. By recognizing that storm drainage systems are infrastructure that requires ongoing management, a water quality utility can provide a source of funding for that purpose.

(2) Currently, the city is responding to public concerns and regulatory demands to address an increasing level of water quality management needs.

(3) Public concerns and regulatory demands for increased water quality management services can be separated into two major categories: stormwater quantity (flooding and property protection) and stormwater quality (health and pollution management). The city is implementing activities to comply with the unfunded federal/state mandated National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer (MS4) Phase II "Stormwater Quality" Permit Program. This program, which started November 4, 2003, includes activities that the city must perform over a five-year permit term. It is expected that the permit will be indefinitely renewed and modified in five-year periods, and the increased cost to be borne by the city for this new long-term program is a primary driver in developing new revenue.

(4) As these issues continue to intensify, there is an increased need to generate revenue to support the identified (and yet to be identified) unresolved water quantity and quality problems. The program mission statement shall be as follows: The city will implement a cost-effective water quality management program to address citizen expectations and regulatory demands for drainage system maintenance and flood control, to benefit the quality of local water resources, and to comply with environmental regulations.

(C) State enabling authority. Pursuant to state law, the city will establish a Water Quality Drainage System Ordinance that will include user fees for stormwater management activities.

(D) Organization structure. Through its Mayor-Council form of government, the city will support and administer a water quality management utility. The following entities will be responsible for the associated activities.

(1) City.

(a) Review of proposed construction plans and zoning changes that impact stormwater quality, including construction site pollution and post-construction/long-term water quality management;

(b) Oversight of inspection of private construction referred in division (D) (1) (a) above;

(c) Development of plans for capital improvement projects needed to meet the LOS;

(d) Oversight of inspection, as deemed necessary, of private post-construction/long-term water quality management;

(e) Performance of construction inspections as required by the MS4 program including KDOW mandated monthly inspection report summaries;

(f) Development and maintenance of a water quality infrastructure inventory in a digital format to include size, condition, construction materials and other related data;

(g) Coordination with the Oldham County PVA for the tracking of new properties;

(h) Update impervious areas as necessary;

(i) Collection of plan review and inspection fees;

(j) Assistance and coordination to maintain the drainage and flood control system on a level that can be achieved with typical street maintenance equipment; and

(k) Coordination and/or implementation of KPDES and MS4 program including:

1. Assessment of effectiveness of the program activities;
2. Coordination of community complaints related to stormwater drainage quantity or quality;

3. Development of related reporting documents including annual compliance demonstration;
4. Ongoing development and implementation of a public awareness and involvement program;
5. Ongoing development and implementation of an illicit discharge detection and elimination program;
6. Compilation and quality assurance of the monthly report to KDOW for construction inspection;
7. Compilation and quality assurance of municipal operations related to stormwater quality management at publicly operated facilities;
8. Coordination with other entities that may be involved with permit implementation;
9. Development and administration of grants the city applies for related to stormwater quality; and
10. Coordination of inspection of commercial properties for the maintenance of the water quality treatment systems and tracking of impervious area changes for the billing system.

(2) Highway Department.

(a) The KYTC is a co-permittee;

(b) Maintenance of the drainage and flood control system on a level that can be achieved with accessible equipment and man-power;

(c) Street sweeping, catch basin cleaning, ditch and drainage channel clearing, culvert and cross-drain repair and the like necessary to maintain the MS4 to meet the expectations and KDOW water quality requirements;

(d) Quantification and documentation the amount of debris and materials collected from street sweeping, catch basin cleaning, ditch and drainage channel clearing and the like; and

(e) Management and coordination of capital improvement projects under the guidance of the city.

(3) Oldham County PVA.

(a) Coordinate the tracking of new properties, as needed to account for new impervious area and related billing system issues, with the city; and

(b) Coordinate with the necessary entities to maintain data associated with stormwater user fee billing including hard copy, database and GIS data.

(E) Level and cost of service. The city's overall goal is to implement a user fee that is fair, equitable and legally defensible. A principal aspect of achieving this goal is to ensure that the revenues generated are less than or equal to the cost of service required to implement the selected and/or desired level of service. In essence, the city can collect up to, but no more than, the amount needed to perform the activities associated with stormwater quantity and water quality management. The city understands that for the water quality management utility user fee to be successful in the long-term, efforts must be made to clearly and frequently communicate the level of service. This is necessary from initial user fee development, through long-term

implementation, to ensure public, elected official and town staff expectations are balanced and consistent.

(1) The water quality management user fee will provide fiscal support (in part or in total) to:

(a) KPDES MS4 'Phase II' Permit. The activities as presented in the Stormwater Quality Management Plan (SWQMP) Stormwater Permit. This includes programmatic activities, education, outreach, illicit discharge identification and elimination, construction site management, post-construction management, municipal good housekeeping and other related activities.

(b) System and facilities maintenance. The repair and replacement, rehabilitation and otherwise general response maintenance of the stormwater conveyance and/or treatment systems within the public right-of-way.

(c) Capital Improvement Projects (CIP). The construction of facilities, conveyance or treatment systems within a public right-of-way or easement.

(d) Revitalization. The preventative maintenance activities associated with drainage infrastructure improvements needed to achieve a desired average life cycle.

(e) Elected official, stakeholder and general public education. The activities needed to communicate progress and key issues to manage/maintain service expectations and make certain that demands for service do not exceed the available resources.

(f) Billing system administration and expenses. The costs incurred by the administration, production and mailing of the bill/invoice for water quality management fees. (2) It is anticipated that the user fee will not provide fiscal support to:

(a) Work in easements unless it is the judgment of the city that the improvement will directly benefit or protect the system in the adjacent public right-of-way;

(b) Stormwater system improvements outside of the public right-of-way unless it is the judgment of the city that the improvement will directly benefit or protect the system in the adjacent public right-of-way;

(c) Mowing or other maintenance activities of systems not within a public right-of-way; and

(d) Mowing or other maintenance activities of public drainage beyond that of a frequency and extent proportionately given to similar portions of the city's system.

(3) The revenue generated by stormwater management user fees can only be used to support stormwater management activities. The General Fund may be used to augment water quality management user fee revenue, but the water quality management user fee shall not be used to augment the city's General Fund, nor any other activities that are unrelated to water quality management.

(F) Utility user fee; rate.

(1) Initial rate. An impervious area based user fee rate of \$2.81 per equivalent residential unit (ERU) per month will become effective upon enactment of this ordinance. This rate is estimated to generate revenue that is not greater than the LOS/COS defined in division (E) above.

(2) Increases in rate. The city recognizes that the user fee rate may, in time, need to be raised to account for a number of factors including:

(a) Increases in services for gradually building a new program/service;

(b) Increases in costs due to inflation;

(c) Increases in costs due to inflation effects on labor, equipment and supplies;

(d) Expanded service area;

(e) Increases in citizens' expectations for services;

(f) Expanded services mandated by state and/or federal regulations; and

(g) At the discretion of the city, the user fee rate may be increased to provide funding for issues presented above. The increase may only be submitted for City Council approval provided that it can be demonstrated that the new revenue to be generated is not more than the services provided.

(3) Fund balance and debt.

(a) The revenue generated by the user fee is to be managed in a way to minimize reliance on debt products such as bonds and loans. The revenue is to be kept on-hand until it grows to sufficient levels to support program services. This will necessitate that some fiscal years will have more revenue than expenditures to account for anticipated liabilities/expenses that are beyond the fiscal year. However, the revenue reserves will be managed as not to accumulate monies for expenses/liabilities that are more than 15 years away. The revenue from this program will be managed with a net positive or null balance unless the negative balance is offset by debt products or subsidies from the General Fund made at the discretion of the city.

(b) Infrequent large/expensive projects benefitting many property owners supported by debt products may be utilized with the city's discretion. The goal is to keep debt service payments to a small percentage and sustainable of the total revenue collected annually.

(G) Utility user fee billing mechanism.

(1) The city will coordinate administration of the stormwater utility user fee billing. Water quality management user fees will be paid first as the last service/enterprise fund in the case of partial payments by the user. This provides that in the event that a partial or no payment is made by the user then the city has the authority to apply enforcement measures already prescribed by higher listed services.

(2) Data used to support the billing system will be maintained by the city in coordination with outside contractors.

(H) Utility user fee rate structure.

(1) Eligible properties.

(a) All properties that are expected to participate in other existing utilities (drinking water and wastewater) are expected to participate to an equitable level in the water quality management utility user fee. This includes:

1. Privately owned property (including residential, commercial and industrial);
2. Local state and federal governmental facilities;
3. Institutional properties (including not for profit entities such as churches, schools and the like); and
4. Publicly owned properties (except for roadways as noted in division (H) (10) below).

(b) Vacant properties that are provided exemption under other statutes/regulations/ordinances shall not be applied for an exemption of water quality user fees. As every property owner impacts water quality in some manner, there are no total exemptions for the user fee. However, public roadways and rights-of-way are not classified as eligible user fee properties as described in division (H)(8) below.

(2) Rate structure approach.

(a) The city is utilizing an impervious area rate structure to serve as the basis for the user fee. The intent is to mimic the equitability found in other utilities. For example, the fee for drinking water is calculated by estimating the cost of treating and conveying the amount of drinking water measured by a meter. Nationally, the most accepted equivalent measure for stormwater runoff is estimation and calculation of impervious area, which correlates to the relative stormwater impact from the property. It is not intended to measure the specific amount of stormwater runoff that drains off of a piece of property, but, it provides a quantifiable measure to compare the wide variety of property types and sizes. In essence, properties with more impervious area (resulting in more stormwater runoff than other properties) will pay a higher user fee. While all properties pay at the same rate, their user fee varies depending on how many "impervious area units" (explained in more detail in division (H)(3) below) the property has.

(b) In example, a residential property will have one impervious area unit and will pay a flat rate (times one). In contrast, a commercial property with a large parking lot and building totaling five times more impervious area (thus having five impervious area units) will pay five times that of the residential property.

(c) An Equivalent Residential Unit (ERU) is a calculation/average from a statistical sampling of all single-family residence (SFR) properties. The impervious area (rooftops, driveways and the like) is measured for each of the sample properties using digital orthogonally rectified aerial photography. ERU's have been calculated throughout the country,

ranging from 1,500 to 4,000 square feet, with many ERU calculations at or around 2,500 square feet. The city has decided to adopt an ERU based on a statistical sampling of residential properties in the city of 6,700 square feet, consistent with similar area utilities.

(d) The ERU may be changed at any time the City Council suspects that new development trends have substantively altered the average or the user fee rate structure is to be altered in such a way to necessitate change. Any change in ERU will be based on impervious area calculations of a new statistical sampling of residential properties in the city, or on a national average ERU.

(3) Property classification.

(a) Each residential property shall be assumed to have a single impervious area unit. That unit shall be referred to as the ERU (as defined in division (H) (2) above) and shall include land use codes indicated as residential in the table below. Vacant properties, as indicated in the table below, shall not be assessed. All other eligible properties that are indicated as non-residential properties in the table below will be individually assessed a billing unit based on a measured estimate of impervious area.

Property Classification by Land Use			
Property Class Code	Property Class	Billing Type	Billing Rate (ERUs)
1XX	Agriculture	N	Calculated
100	Agriculture - Vacant	W	0 - Not Billed
2XX	Mineral	N	Calculated
200	Mineral - Vacant	W	0 - Not Billed
3XX	Industrial	N	Calculated
300	Industrial - Vacant	W	0 - Not Billed
4XX	Commercial	N	Calculated
400	Commercial - Vacant	W	0 - Not Billed
50X	Residential Vacant	V	Normally Not Billed
51X	Residential - One-Family	R	One
52X	Residential - Two-Family	R	One
53X	Residential - Three-Family	N	Calculated
54X	Residential - Mobile/Manufactured Home	R	One
55X	Residential - Condominium	N	Calculated
56X	Residential - Townhouse	N	Calculated
59X	Residential - Other	N	Calculated
6XX	Exempt	N	Calculated
600	Exempt - Vacant	W	0 - Not Billed
710	Personal - Property Mobile Home	R	Not Billed

Property Classification by Land Use			
Property Class Code	Property Class	Billing Type	Billing Rate (ERUs)
8XX	Utility	N	Calculated
800	Utility-Vacant	W	0 - Not Billed

N = Non-resident; R = Resident; W = Non-Residential Vacant; V = Residential Vacant
--

(b)

The impervious area calculation shall include area estimates for:

1. Rooftops of houses and permanent or semi-permanent buildings;
2. Asphalt, concrete and stone;
3. Sidewalks and paths;
4. Driveways;
5. Parking lots;
6. Recreational areas such as tennis courts, basketball courts and the like;
7. Motor homes and trailers;
8. Permanent and/or semi-permanent covers such as greenhouses; and

9. Areas that appear to have been compacted or modified to prevent infiltration to the level of the surrounding area as determined by the city.

(c) The impervious area units for non-residential/SFR properties will not be assessed by an average as explained for residential properties above. The impervious area and billing units for non-SFR properties will be individually calculated using digital orthogonally rectified aerial photography. The ERU will be applied as a factor to the individually calculated impervious areas of non-SFR properties to determine the user fee. The individually calculated factor will indicate the number of times more impervious area that a non-SFR property has. This will be used to calculate the corresponding fee.

(d) For example, if a non-SFR property (corner drug store) has an impervious area that is four times larger than the ERU/average SFR, then it will pay a user fee that is four times higher than the residential properties. The number of ERUs for a non-SFR property will be rounded to the nearest whole number.

And

(a) The parcels are contiguous - as verified by the city;

(b) The parcels have the same specific land use;

(c) The parcels have the same owner who is also the user fee charge recipient;

(d) The owner has completed the certification form in Appendix A.

(e) In the case of institutional or local, state or federal government properties that are used for residential purposes, the property will be billed as residential (one ERU) if the property otherwise meets the criteria for an SFR (i.e., up to two-family dwellings). Otherwise, the property will be billed as non-SFR and will be individually assessed based on ERU.

(f) The city will determine the impervious area for existing developments as of January 1, 2009. The city is responsible for determining the impervious area of new development. After this point;

the impervious area will be determined by as-built plans that have been submitted and approved by the Planning Commission.

(4) Off-site owner properties. For parcels that are utilized as rental or lease tenant property, the billing will be sent to the property owner's address rather than the property address, as provided/determined/maintained by the county PVA office. However, the city has the discretion, but not the requirement, as determined appropriate by the county PVA, to send the bill to the property address for residential property.

(5) Property transfers. In the event that a property title is transferred during the course of a billing year, the buyer shall be liable for all unpaid stormwater use fee charges regardless of the recorded date of transfer.

(6) Contiguous parcels. Through the long-term history of development and redevelopment in the city, multiple contiguous parcels have been consolidated through use, but not through county PVA and other land management policies. Stormwater user fee charges for multiple parcels may be consolidated into a single stormwater user fee account provided that the following criteria are met:

(7) Multiple user/tenant properties. Non-SFR properties that are utilized by two or more companies, persons or other entities shall be billed to a single property owner/designated operator regardless of how many sub-parcels or other utility segregating mechanisms such as water meters it contains. A single property that has multiple tenants or other segregations may not be given multiple bills unless the property has been subdivided and each parcel has a separate owner(s).

(8) Condominium properties.

(a) Single-level residential condominium properties shall be billed as non-SFR. However, if requested in writing using the form in Appendix B, the city may at its discretion apply all charges to a single common property manager/owner. Multi-level residential condominium properties shall be billed as non-SFR.

(b) Common areas including, but not limited to, pools, outbuildings, recreation courts and other related impervious area will be charged to the condominium association operating the properties. If such an association does not exist, then the individual properties will be evenly assessed the additional impervious area.

(9) Mobile home parks. Mobile home parks will be categorized as non-SFR properties and billing sent to the property owner. The billing units/ERUs will be calculated based on the currently available digital orthogonally rectified aerial photography. If in the city's opinion, the property has expanded or is being utilized to a significantly higher level as to require a reassessment, then the ERUs to be assigned to the property may be estimated by using one of the following techniques:

(a) Field survey;

(b) Use of updated digital orthogonally rectified aerial photography;
and

(c) Use of the “old” digital orthogonally rectified aerial photography supplemented by a hand count of occupied trailer lots and the size of the type of trailer units as estimates from the “old” digital orthogonally rectified aerial photography.

(10) Public roadways and rights-of-way. Public roadways and rights-of-way collect and convey a significant portion of stormwater runoff, as well as provide a substantive element of the conveyance system. In this capacity and as commonly assumed in other water quality management user fees across the country, these areas will not be assessed a stormwater user fee.

(11) Private roadways and rights-of-way. Private roadways and rights-of-way are a substantive element of the conveyance system. In this capacity and as commonly assumed in other water quality management user fees across the country, these areas will not be assessed a water quality user fee.

(12) Assumption of partial stormwater bills. On certain parcels of property, impervious areas were built on the parcel for the exclusive use of another entity. Examples are pump stations, transmission towers, electrical substations that may be built on utility easements and private roads that cross property lines. The entity who built the structure may accept responsibility for the part of the water quality bill that applies to the structure. An agreement must be made whereby the entity who built the structure/road agrees to pay the water quality bill for the impervious area even though it is on the parcel owner’s property using the form found in Appendix C.

(13) Vacant properties. For stormwater, a VACANT PROPERTY is defined as a property without impervious area. A vacant property will normally not get a water quality bill. The exception to this case is when contiguous parcels (division (H)(6) above) include both residential and residential vacant parcels. In this case the water quality bill may be sent to either the owner of the residential parcel, according to the PVA, or the residential vacant parcel owner, according to the PVA.

(14) Agricultural properties. For this document, AGRICULTURAL PROPERTIES will be defined as a property that classified as agricultural by the county PVA. Agricultural properties will be assessed in the same manner as non-SFR properties.

(15) Properties under construction. The water quality fee for properties under construction will be billed to the owner of record as of January 1 of the billing year. The builder or developer is responsible for stormwater charges until such time as the property is sold or transferred, at which point the buyer and seller will be responsible for prorated charges based on the date of transfer.

(16) Annexation. In the event that a property is annexed into an incorporated portion of the city during the billing year, the property will be charged a prorated stormwater fee for the year based on the date of annexation.

(17) Initial billing errors. During the water quality billing system development process, errors will be made and not discovered until after billing begins. Depending on the type of error that was made, adjustments will need to be made to a customer’s water quality bill. In

the case of a billing error, the property owner shall have the option to pay the current bill and to have the corrected water quality charges and any adjustment appear on the next water quality bill. The threshold for retroactive billing adjustments is six months.

(18) Appeals and accountability process.

(a) Any non-SFR property may appeal the number of billing units/ERUs assessed. Any expense necessary for development of data or other materials shall be borne by the appealing entity/property owner and not borne by the city. The appeal will be accepted and evaluated by the city. The appeal must contain the impervious square footage as estimated by one of the following ways:

1. Field survey utilizing total station or GPS data certified by a land surveyor licensed in the Commonwealth of Kentucky;
2. Other survey using digital orthogonally rectified aerial photography utilized by a land surveyor licensed in the Commonwealth of Kentucky; and
3. As-built plans certified by a land surveyor licensed in the Commonwealth of Kentucky to be representatively accurate of all "new" construction and a whole and accurate representation of all "previously constructed" impervious area on the property.

(b) Construction design plans are not acceptable for this estimation.

(c) In the event that the appeal is accepted by the city as demonstrating a more accurate estimate, albeit of greater or lesser impervious area, then it will be applied to future billing. If a credit to the property owner is due, credit will be applied for the difference in the user fee for the lesser of:

1. One-hundred eighty days;
2. One billing cycle; and
3. The date of property ownership transfer.

(d) In the event that the appeal is denied by the city to be a less accurate estimate, then the property owner has the option to take the matter before the city for final acceptance or denial. The property owner and the land surveyor licensed in the Commonwealth of Kentucky who certified the calculations shall appear before the city to argue for final appeal. The decision of the city will be final and not to be reconsidered until a time the property owner can submit other suitable data.

§ 54.999 PENALTY.

Any failure of refusal to comply with the provisions of §§ 54.125 through 54.137 is hereby designated a violation. Each day that a violation of §§ 54.125 through 54.137 continues shall constitute a separate and distinct offense. Any person, firm or corporation who violates the terms of §§ 54.125 through 54.137 shall be fined an amount not to exceed \$250 for each offense.

*Further, Resolution 2011-9 is also hereby repealed.

This Ordinance shall become effective upon its passage and publication.

FIRST READING: May 2, 2016

SECOND READING: June 6, 2016

CITY OF LA GRANGE KENTUCKY

BY: Joe Davenport, Mayor

ATTEST:

To be a true Ordinance enacted by the City Council of the City of La Grange, Kentucky on this 6th day of June, 2016.

Stephanie Cooper, City Clerk
City of La Grange, Kentucky

VOTE:

FOR: 5
AGAINST: 4
ABSTAINED: 0
PRESENT: 8

*Mayor Davenport broke a tie vote and voted yes for Ordinance 5-2016

APPENDIX A:

REQUEST FOR CONSOLIDATION OF CONTIGUOUS PARCEL WATER

QUALITY FEES

I, hereby certify and attest that I own the contiguous properties at _____, located in the city, and also indicated with the following parcel identification numbers. Consolidate these parcel identification numbers to the master parcel identification number and account billed to the address below.

Master Parcel No. Billing Address:

As such I acknowledge and accept that I will be charged and will pay in a timely manner all water quality user fees applied under the interim and regular fee schedules according to City Code. I certify and attest that this information is true and correct under penalty of applicable state and local laws. I request that these water quality accounts be consolidated for the purposes of water quality user fee billing.

Certifier and Applicant Printed Name:

Signature:

Date:

City Engineer (Witness)

Printed Name:

Signature:

Date:

APPENDIX B:

REQUEST FOR CONSOLIDATION OF CONDOMINIUM WATER QUALITY

FEES

I, hereby certify and attest condominium properties at _____, located in the city, also indicated with the following parcel identification numbers. Consolidate these parcel identification numbers to the master parcel identification number and account billed to the address below.

Master Parcel No. Billing Address:

As such I acknowledge and accept that I will be charged and will pay in a timely manner all water quality user fees applied under the interim and regular fee schedules according to City Code. I certify and attest that this information is true and correct under penalty of applicable state and local laws. I request that these water quality accounts be consolidated for the purposes of water quality user fee billing.

Certifier and Applicant Printed Name:

Signature:

Date:

City Engineer (Witness)

Printed Name:

Signature:

Date:

APPENDIX C:

ASSUMPTION OF PARTIAL WATER QUALITY BILL AGREEMENT

I, _____ own the following property:

Master Parcel No.:

Billing Address:

Hereinafter referred to as the OWNER. And

I am the ASSIGNEE, _____

Hereinafter referred to as the ASSIGNEE.

Billing Address:

By virtue of this Agreement, the assignee agrees to pay for _____ equivalent residential units (ERUs) of impervious area from the owner's parcel being described as to dimensions in Attachment "A". The Attachment shall be considered the legally controlling description of this agreement. This impervious area ERU will be deducted from the owner's property and added to the assignee's property impervious area measurement. Should the assignee fail to make the payment then the responsibility will revert back to the owner. This agreement may be terminated by either party by giving written notice to the other party with thirty 30 days notice. The adjustment in water quality service fees will not be reflected until the billing year following the year the agreement is agreed to or terminated.

Owner

Printed Name:

Signature:

Date:

Assignee

Printed Name:

Signature:

Date: