



# *Oldham County Storm Water Program Clean Water in Our Future*

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## Background

### Clean Water Act

In the 1970s, Congress passed the Clean Water Act. The intent of that legislation was admirable, even if enforcement has experienced bureaucratic excess. Enforcement is the responsibility of the US Environmental Protection Agency (EPA) and in Kentucky is delegated to the Division of Water (DOW). **The fact is that the waters of the US are much cleaner since passage of the Act, and it is worth all our while to keep the initiative alive through our best practices.**

### Phase I

Initial enforcement, called "Phase I", was limited to urban areas of 100,000 population or more. Nearly every urban community in the nation has some form of Storm Water Management in place, including identification of responsibilities under a state-issued permit and a utility charge to carry out those responsibilities. (In Louisville, the charge is \$5.02 per month added to water and sewer bills. This amount is in addition to the \$6.95 per month charge to pay the fine or "consent decree" for failure to enforce clean water standards.) In March, 2003, enforcement was extended to "Phase II" communities – those near urban areas and/or with certain popula-



tion densities. Nearly all of Oldham County (La-Grange is excepted) is a Phase II community.

### Phase II

For the first five years of enforcement, a good deal of tolerance was allowed by the permitting agencies. It amounted to a "get-ready-to-enforce" period. In Oldham County, we did quite a lot during that period: we hired a consulting

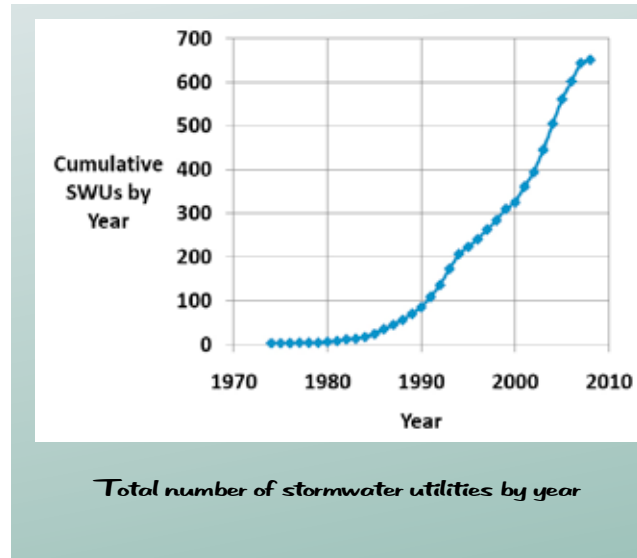
firm and with the guidance of those consultants we enacted several ordinances, an "Illicit Discharge" Ordinance, a "Construction Site Runoff" ordinance, and a "Post Construction Site Runoff" ordinance. We also formed an informal Storm Water Advisory Committee comprised of Fiscal Court and five of our incorporated cities – Crestwood, Pewee Valley, Goshen, River Bluff, and Orchard Grass Hills. We also decided to become "co-permittees" under the new requirements so we could act as a single body. We paid for all of this, including the participation of our engineer and soil erosion inspector out of our General Fund, with contributions from the cities.

### Current Status

Now the enforcement activity has stepped up. We have been required to apply for a 5-year permit under the National Pollutant Discharge Elimination System (or "NPDES") requirements. The focus of these requirements is our "MS4" which is the Municipal Separate Storm Sewer System. The MS4 is any avenue that carries storm water to a stream, tributary, river, or lake. Every ditch alongside a road is part of the MS4. Our responsibilities under the permit are dissemination of information and education to the public, identification of the MS4 including all discharge points, implementing best practices in a number of areas, and local enforcement responsibilities. We have had to identify the levels of each of these and identify the permit year in which they are expected to be implemented.

### Why Comply?

It is a huge responsibility, made even more so by the fining authority and practice of the EPA. We can continue to absorb some of the General Fund expenses we have already been incurring,



the authority to recommend a service fee to Fiscal Court, and a number of additional authorities for communication and compliance with the enforcing authorities. Although taxing authority is included under the state statute which defines the authorities of a similar district (Sanitary Sewer District), we have constructed this ordinance so that the Storm Water District will not have the authority to impose any additional tax.

### What others are doing

The only reliable data regarding monthly charges for storm water obviously come from the Phase I communities, which have the advantage of economies of scale. Here is a representative sample of some of them:

Austin, TX	\$7.15
Cincinnati, OH	2.70
Des Moines, IA	6.42
Durham, NC	4.50
Louisville, KY	5.02
Moline, IL	5.27
Northern KY (SD #1)	4.18
Ocala, FL	5.00
Sacramento, CA	7.53
St. Petersburg, FL	6.45
Tulsa, OK	4.79

There are several different estimates of what amount is needed in Oldham County in order to meet our responsibilities. Some estimates include some expenses already being paid for out of General Fund, while other estimates are "bare bones".

but we simply cannot absorb the additional expense. With this in mind, we have followed the lead of other communities in proposing a Storm Water District with

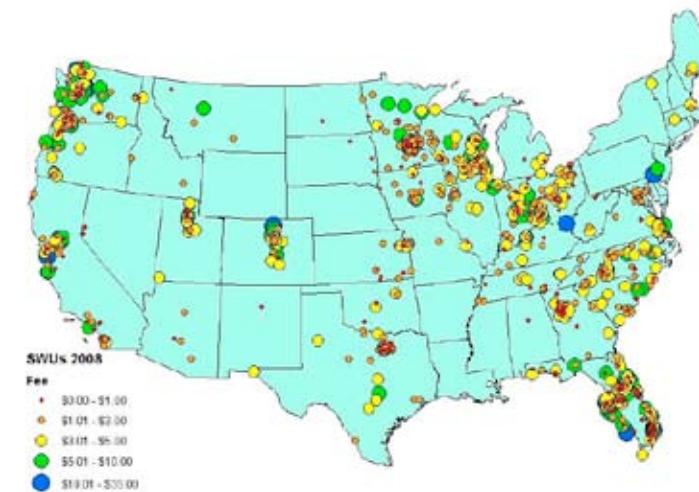
The likelihood is that this will probably settle out somewhere between \$3.50 per month to \$5.00 depending on the recommendations of the Storm Water District Board and the deliberations of Fiscal Court. In any case, it must be sufficient to meet our obligations under the permit and protect us against the imposition of a consent decree with fines that would simply be unaffordable.



With all of this, it is important to remember that this initiative has nothing to do with the quantity of storm water which is a separate and serious issue – it is entirely devoted to the quality of storm water.

### Meeting the challenge

This is a new subject for us, and the Fiscal Courts and staff over two administrations have worked hard to come to grips with the subject. In the end, the objective of streams in which our kids and grandkids can safely wade and fish is something all of us want. I believe the creation of a storm water district is the correct way to protect our county from poor water quality, to protect our citizens from unaffordable penalties, and to do so fairly.



\* Distribution of stormwater utility fees across the US

\* From Western Kentucky University Stormwater Utility Survey 2008