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# Lexington's Stormwater Quality Projects Incentive Grant Program

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Lexington-Fayette Urban County Government  
Division of Water Quality

[www.lexingtonky.gov/stormwater-incentive-grant-program](http://www.lexingtonky.gov/stormwater-incentive-grant-program)



*livedgreenlexington*

**Southeast  
Stormwater  
Association  
April 23, 2021**



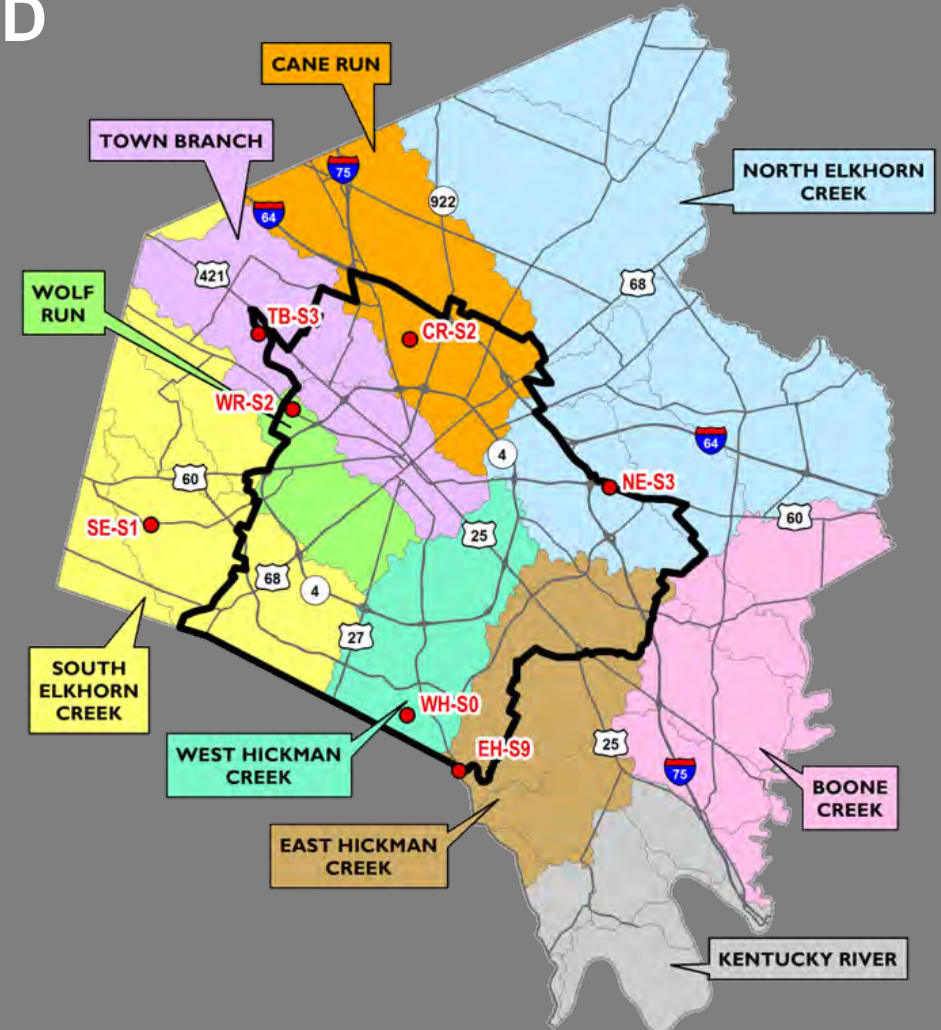
## **AGENDA**

### **Stormwater Quality Projects Incentive Grant Program (SQPIGP)**

- Background
- LFUCG Water Quality Management Fee
- The Program
- Grants
- Questions

## BACKGROUND

- LFUCG – Lexington-Fayette Urban County Government
- 2<sup>nd</sup> largest city in Kentucky (60<sup>th</sup> in US)
- Phase 1 MS4 Community
- Generally Top of Watershed(s)
- Storm Sewer is Separate System from Sanitary Sewer





## BACKGROUND

- EPA Filed Complaint in 2006
- Consent Decree was Lodged March 2008
- Consent Decree Became Effective January 3, 2011
- In 2009 Water Quality Management Fee Passed by Local Government and Fee was Implemented January 2010
- Stormwater Quality Projects Incentive Grant Program Implemented 2010
- Storm Sewer Consent Decree provisions terminated as of January 26, 2021

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
CENTRAL DIVISION AT LEXINGTON

Eastern District of Kentucky  
**FILED**  
JAN 03 2011  
AT LEXINGTON  
LESLIE G WHITMER  
CLERK U S DISTRICT COURT

UNITED STATES OF AMERICA )  
and THE COMMONWEALTH OF )  
KENTUCKY, )  
Plaintiffs, )  
v. )  
LEXINGTON-FAYETTE URBAN )  
COUNTY GOVERNMENT, )  
Defendant. )

Civil Action No. 5:06-cv-386

## WATER QUALITY MANAGEMENT FEE (WQMF)

- MS4 Permit compliance
  - Inspection and enforcement
  - Public education and public involvement
  - Water quality monitoring and reporting
- System mapping, modeling, master planning
- Stormwater infrastructure repair and rehab
- Flooding abatement projects
- Water quality capital projects
- Stormwater Quality Projects Incentive Grant Program
  - Funded from 10% WQMF Revenue
- *No Credit Program*

## WATER QUALITY MANAGEMENT FEE

- Class A Properties:
  - Single Family and Farm Properties
  - Flat Fee of \$5.02 for FY 2021
- Class B Properties:
  - All Other Parcels
  - \$5.02 for FY 2021 for each Equivalent Residential Unit (ERU)
  - Each ERU is 2,500 SF of impervious area
- Total Revenue approximately \$14.5 million/year

# THE PROGRAM

## Guidelines - Who is Eligible to Apply?

- **Class A (Single Family Residences / Duplexes / Farms):**
  - Neighborhood, Community, and Home Owner Associations that are incorporated with the Commonwealth of Kentucky and have a roster of elected officers. Organizations representing (a) single-family residences, (b) duplexes, and (c) farms.
- **Class B:**
  - “all non-farm commercial, industrial, institutional, and multi-family (excluding duplexes) parcels within Fayette County”
  - Organizations or Individuals who pay the WQMF COULD BE:
    - Individual property owner of a Class B Parcel
    - Tenant on a Class B Parcel that pays WQMF
    - Corporations, organizations...that pay WQMF
- Applicant must be in full compliance with LFUCG Code of Ordinances.
- Projects must be located in Fayette County.

## THE PROGRAM

- Provides financial assistance to non-LFUCG projects that:
  - Improve water quality
  - Reduce stormwater runoff
  - Educate on water quality/stormwater related issues
- Financial assistance is provided through grants administered by LFUCG's Division of Water Quality
- Takes place of a “credit” program on stormwater fees
- *CAN* be used to address stormwater concerns on private property
- *CANNOT* be used to meet regulatory requirements (e.g., compliance with the Stormwater Manual)



## THE PROGRAM

- This is a **COMPETITIVE** process
  - Application is submitted
  - Projects evaluated based upon scoring factors by LFUCG staff (Scoring Sheets are provided at time of application)
  - The Director of the Division of Water Quality makes recommendations to Water Quality Fees Board (WQFB)
  - WQFB reviews the following items and authorizes applications for funding, consistent with the program's eligibility criteria
    - Grant Application
    - Supporting information including project scores
    - Director's Recommendations
  - Grant Award Agreement and Attachments prepared by LFUCG then signed by Applicant
  - Application goes through LFUCG Council process for award
  - LFUCG DWQ identifies a Grant Manager to serve as Government's Liaison
  - Project Applicant Team Completes Project (Not LFUCG)
  - Project Closeout and Maintenance Agreement (if applicable)



## TYPES OF GRANTS

- Class A (Neighborhood)
  - Feasibility
  - Other Projects
- Class B (Education)
  - $\leq$ \$2,500
  - $>$ \$2,500
- Class B (Infrastructure)
  - Feasibility
  - Design
  - Construction
  - Projects  $\leq$ \$50,000

## GRANTS – CLASS A

- Typical Project – completed within 12 to 18 months
- Applicant contributes at least 20% of Total Project Cost (FY 2021)
  - Sweat-equity (volunteer hours)
  - Cash expenditures
- Examples of previous projects:



## GRANTS – CLASS A

- Awarded to Date:
  - Stream Cleaning / Invasive Species Management
  - Rain Gardens
  - Rain Barrels
  - Pond Aeration and Algae Control
  - Stream Bank Restoration, Riparian Buffer, and Plantings
  - Replacement of Impervious Pavement with Permeable Paver System
  - Training volunteers in Water Testing
  - Develop Video about a Watershed (Cane Run)
  - Hosting Neighborhood Educational Events
  - Medical Health Assessments with Relation to Streams
  - BMP Retrofit Planning Study
  - Basin Retrofit
  - Neighborhood Environmental Improvement Plan
- A Detailed List of Projects is available at [www.lexingtonky.gov](http://www.lexingtonky.gov)

# GRANTS – CLASS A

## Gainesway Neighborhood Association Riparian Plantings



# GRANTS – CLASS A

## Southern Heights NA - Permeable Pavers Installation



# GRANTS – CLASS A

## Southern Heights NA - Rain Gardens



# GRANTS – CLASS A

## Lansdowne NA Streambank Stabilization – Zandale Park





# GRANTS – CLASS A

## Lansdowne NA Streambank Stabilization – Zandale Park



# GRANTS – CLASS A

## Hartland NA - Streambank Stabilization



# GRANTS – CLASS A

## Brighton Woods – Stream Restoration



Before



After

# GRANTS – CLASS A

## Friends of Wolf Run – Streamside Buffer at Oxford Circle



# GRANTS – CLASS A

## Friends of Wolf Run – Streamside Buffer



# GRANTS – CLASS A

## Friends of Wolf Run – Streamside Buffer



# GRANTS – CLASS A

## Friends of Wolf Run – Streamside Buffer



## GRANTS – CLASS B EDUCATION

- Projects typically 12-18 months
- First \$2,500 – Covered 100% by Grant
- Above \$2,500 – 20% Cost Share Required
- Types of Projects:
  - School Curriculum
  - TV Commercials
  - Educational Workshops
- Grant Eligible Expenses:
  - Equipment & Supplies
  - Consulting Fees
  - Personnel (teacher stipends)
  - etc.





## GRANTS – CLASS B EDUCATION

- Awarded to Date:
  - Schools and Universities Implementation of Water Quality Awareness and Education Programs
  - Schools Rain Garden Installation and Curriculum
  - Business Educational Seminars and Training of Employees
  - TV Stations Writing, Producing, and Airing Water Quality Educational Material
  - Training and Creating Curriculum for Local School Teachers
  - Non-Profit Organization Development and Implementation of Curriculum and Activities Related to Stormwater Issues for Local Youth
- A Detailed List of Projects is available at [www.lexingtonky.gov](http://www.lexingtonky.gov)



# GRANTS – CLASS B EDUCATION

## University of Kentucky Research Foundation



## GRANTS – CLASS B INFRASTRUCTURE

- Types:
  - Feasibility
  - Design
  - Construction
  - Projects  $\leq$ \$50,000
- Typical Project – completed within 15 to 24 months
- Cost Share Requirements is 20% of the Total Project Costs (FY 2021)

## GRANTS – CLASS B INFRASTRUCTURE

- Items for Applicants to think about:
  - Design Review Submittals and Reporting Requirements
  - Maintenance Agreement
    - Owner responsible to maintain as long as facility in service
    - Service Life of 15 (BMPs) or 20 (Vegetative Roof) years – Owner must pay back Remaining Value per straight-line depreciation to LFUCG if a facility is taken out of service prior to end of Service Life
  - Grant Eligible Expenses – Equipment & Supplies, Consulting Fees, Construction Costs, Personnel, etc.
  - Upgrades of new development are eligible. Base costs not eligible.

## GRANTS – CLASS B INFRASTRUCTURE

- Awarded to Date:
  - Replacement of Impervious Pavement with Permeable Pavement System
  - Stream Bank Restoration and Riparian Buffer
  - Rainwater Harvesting and Reuse
  - Basin Retrofits
  - Proprietary Water Quality Devices
  - Feasibility Studies
  - Constructed Wetlands
  - Bioinfiltration Swales and Bioretention Areas
  - Underground Stormwater Detention
  - Green Roof
- A Detailed List of Projects is available at [www.lexingtonky.gov](http://www.lexingtonky.gov)

## GRANTS – CLASS B INFRASTRUCTURE

- Awarded to Date Recipients:
  - Coca Cola Refreshments USA, Inc.
  - Ronald McDonald House Charities
  - Lexmark International, Inc.
  - Habitat for Humanity
  - JM Smuckers
  - Trane
  - The Thoroughbred Center
  - University of Kentucky
  - Transylvania University
  - Link-Belt
  - Kentucky American Water
  - Local Businesses, Schools, Watershed Groups, and Churches
- A Detailed List of Projects is available at [www.lexingtonky.gov](http://www.lexingtonky.gov)

## GRANTS – CLASS B INFRASTRUCTURE

### Coca-Cola Refreshments – Leestown Road



These projects were undertaken in connection with the settlement of an enforcement action under the Clean Water Act, United States et al. v. Lexington-Fayette Urban County Government, brought on behalf of the U.S. Environmental Protection Agency. These projects includes “green infrastructure” components for management of wet weather flows in urban areas of Fayette County, and have been identified as a “Supplemental Environmental Projects” required by the Consent Decree entered on January 3, 2011 between the United States of America and the Commonwealth of Kentucky and the Lexington-Fayette Urban County Government.

# GRANTS – CLASS B INFRASTRUCTURE

## Link-Belt Permeable Asphalt Pavement





## GRANTS – CLASS B INFRASTRUCTURE

### Ross Tarrant Architects Pervious Concrete Parking Lot



These projects were undertaken in connection with the settlement of an enforcement action under the Clean Water Act, United States et al. v. Lexington-Fayette Urban County Government, brought on behalf of the U.S. Environmental Protection Agency. These projects includes “green infrastructure” components for management of wet weather flows in urban areas of Fayette County, and have been identified as a “Supplemental Environmental Projects” required by the Consent Decree entered on January 3, 2011 between the United States of America and the Commonwealth of Kentucky and the Lexington-Fayette Urban County Government.

# GRANTS – CLASS B INFRASTRUCTURE

## Ronald McDonald House



PROPOSED PERMEABLE ASPHALT  
PROPOSED PERMEABLE CONCRETE  
DISCONNECT DOWNSPOUTS



PROPOSED RAIN GARDENS (2)  
PROPOSED BIOFILTRATION SWALE

**RONALD MCDONALD HOUSE**  
LFUCG Incentive Grant Application





# GRANTS – CLASS B INFRASTRUCTURE

## Montessori Middle School – Stream Restoration



Before



After

**GRANTS – CLASS B INFRASTRUCTURE**  
Lexington & Fayette County Parking Authority (LexPark)  
Pervious Concrete Pavement with Oil/Water Separator Tanks



# GRANTS – CLASS B INFRASTRUCTURE

## Lexington & Fayette County Parking Authority (LexPark)

### Pervious Concrete Pavement with Oil/Water Separator Tanks



# GRANTS – CLASS B INFRASTRUCTURE

## Sanford Levy - Pavers and Bioretention



# GRANTS – CLASS B INFRASTRUCTURE

## Klausing Group - Pavers, Bioretention, Green Roof, & Rainwater Harvesting



# GRANTS – CLASS B INFRASTRUCTURE

## Klausing Group - Bioretention





## MOST FREQUENTLY ASKED QUESTION

- CAN A PROJECT HELP REDUCE AN APPLICANT'S WQMF?
  - For a Class A parcel - the Fee is not based upon impervious area – it is a flat \$5.02/month...NO
  - For a Class B parcel – the Fee is based upon the amount of impervious area...SO...
    - IF a project does NOT reduce the impervious area...NO
    - IF a project reduces the impervious area > 2,500 sf...YES
      - Remove pavement and replace with bioinfiltration
      - Engineered Pervious Surface



## GRANT PROGRAM SUCCESSES

- High Community Participation
  - 284 applications received over 11 funding cycles
  - 194 grants selected for award through FY21 funding
- Mechanism to Meet Consent Decree Requirements
- Mechanism to Address Stormwater Issues on Private Property
- Scale and Size of Projects Lend Themselves To Be Completed More Quickly Than Traditional Capital Projects
- Cost Savings for ALL from No Easement Costs to Future Maintenance Guaranteed

# QUESTIONS



**WHAT QUESTIONS DO YOU HAVE?**

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[www.lexingtonky.gov/stormwater-incentive-grant-program](http://www.lexingtonky.gov/stormwater-incentive-grant-program)