

ORDINANCE NO. 28, SERIES 2000

AN ORDINANCE CREATING A NEW CHAPTER 159 OF THE JEFFERSON COUNTY, KENTUCKY CODE OF ORDINANCES ENTITLED "EROSION PREVENTION AND SEDIMENT CONTROL" CONCERNING PREVENTION OF SOIL EROSION AND CONTROL OF SEDIMENTATION OF STREAMS AND RIVERS IN JEFFERSON COUNTY.

WHEREAS, diminished water quality in local streams and loss of water carrying capacity within stream channels have become areas of increasing concern in Jefferson County;

WHEREAS, every waterway in Jefferson County has been designated by the Kentucky Division of Water as unsafe for swimming and fishing due to pollution loads in the water and the amount of harmful bacteria in stream bottom sediment;

WHEREAS, the Environmental Protection Agency has concluded that the most extensive cause of public use impairment to rivers and streams is siltation, which affects forty-five percent (45%) of impaired river miles;

WHEREAS, diminished carrying capacity of creeks and streams caused by sedimentation serves to exacerbate flooding problems, which, in turn, leads to increased economic losses for the community;

WHEREAS, the financial cost of the failure to prevent erosion and control sedimentation is great; each year Jefferson County loses an estimated 100,000 cubic yards of top soil to erosion, which adds up to nearly \$2.6 million in economic value lost each year; the discharge of sediment into the Ohio River by communities that lie along its route costs federal taxpayers approximately \$2.4 billion dollars each year; the Army Corps of Engineers spends approximately \$175,000 annually to dredge the McAlpine Lock and Dam in order to maintain its storage capacity; and the Louisville Water Company reports that dredging of reservoirs in Jefferson County costs approximately \$66,000 every five to ten years;

WHEREAS, the Federal Water Pollution Control Act of 1972, as amended, (the “Clean Water Act”) creates the National Pollutant Discharge Elimination System (NPDES) permit program which requires communities with populations of 100,000 or more to obtain a permit from the federal government to discharge storm water into the waters of the United States; the NPDES program is administered by the Kentucky Division of Water, and is known as the KPDES permit program; and Jefferson County has been required have a soil erosion and sediment control ordinance since 1994 to be in compliance with state and federal Clean Water Act requirements, including the KPDES permit;

WHEREAS, the Cornerstone 2020 Comprehensive Plan stresses the importance of erosion prevention and sediment control, particularly Guideline 11, Policy 3, which states, “Prevent erosion and control sedimentation using standards that account for varied site conditions and construction activities;” and Guideline 11, Policy 4, which provides, “Use appropriate water quality best management practices (BMP’s) for site preparation and construction activities to protect stream corridors from sediments and pollutants;” and

WHEREAS, the City of Louisville, the Fiscal Court of Jefferson County, and the Louisville and Jefferson County Metropolitan Sewer District in 1986 entered into an interlocal agreement of cooperation establishing a comprehensive storm water drainage authority coextensive with and under the Louisville and Jefferson County Metropolitan Sewer District;

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF JEFFERSON COUNTY, KENTUCKY:

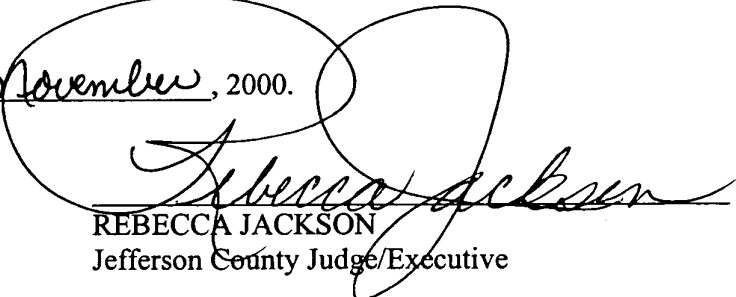
Section 1. That pursuant to Kentucky Revised Statutes 67.083, the Erosion Prevention and Sediment Control Ordinance, attached hereto and incorporated herein by

reference, is hereby ENACTED as Chapter 159 of the Jefferson County, Kentucky Code of Ordinances, and entitled "Erosion Prevention and Sediment Control."

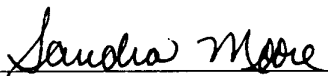
Section 2. This ordinance shall become effective on January 1, 2001.

Section 3. The invalidity of any provision, clause, or portion of this ordinance or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance or the validity of its application to other persons or circumstances.

Adopted this 21st day of November, 2000.

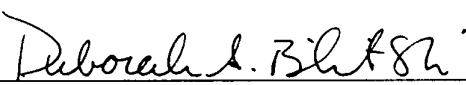

REBECCA JACKSON
Jefferson County Judge/Executive

Attest:


SANDRA MOORE
Fiscal Court Clerk

Approved as to form and legality:

IRV MAZE
Jefferson County Attorney

By: 
Deborah A. Bilitski
Assistant County Attorney