

MULTI-JURISDICTIONAL AGREEMENT

BETWEEN

THE UTILITY COMMISSION OF THE CITY OF LONDON

AND

WOOD CREEK WATER DISTRICT

This Agreement is entered into this 19TH day of MAY, 1998, between The Utility Commission of the City of London (hereinafter referred to as "London Utility Commission") and Wood Creek Water District (hereinafter jointly referred to as the "Parties").

R E C I T A L S

1. London Utility Commission owns and operates a wastewater treatment system.
2. Wood Creek Water District is seeking utilization of this wastewater treatment system for a sewage collection system it will build and operate.
3. Proposed facilities to be located in Wood Creek Water District's service area may include industrial waste. These facilities are hereinafter referred to as industrial users.
4. London Utility Commission must implement and enforce a pretreatment program to control discharges from all industrial users of its wastewater treatment system pursuant to requirements set out in 40 CFR Part 403 (and State Code citation if appropriate). In this Agreement Wood Creek Water District agrees to adopt by resolution a set of Rules and Regulations governing its sewer system that subjects the industrial users to the necessary pretreatment controls and London Utility Commission is authorized to implement and enforce said Rules and Regulations.

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AGREEMENT

PURSUANT TO 807 KAR 5:011, SECTION 9 (1)

1.A. Wood Creek Water District will adopt by resolution a set of Rules and Regulations governing its sewer system which are no less stringent and as the sewer use ordinance (City of London Sewer Use Ordinance (#840) of the London Utility Commission. Wood Creek Water District will forward to London Utility Commission for

review a draft of its proposed Rules and Regulations within ninety (90) days of the date of this Agreement. Both Parties hereto acknowledge that Wood Creek Water District is subject to the jurisdiction of the Public Service Commission of Kentucky ("PSC") and that any Rules and Regulations promulgated by Wood Creek Water District must be approved by the PSC, prior to adoption. After approval of the draft rules and regulations (Not including final rates to be charged to the Wood Creek customers) by the London Utility Commission, Wood Creek Water District will proceed to make final submissions to both the Division of Water and the Public Service Commission. Wood Creek Water District will adopt final rules within thirty (30) days of final Public Service Commission approval and will forward same to London Utility Commission.

1.B. Whenever the City of London revises its sewer use ordinance, it will forward a copy of the revisions to Wood Creek Water District. Wood Creek Water District will adopt revisions to its Rules and Regulations that are at least as stringent as those adopted by the London Utility Commission/City of London, provided such revisions are approved by the PSC. Wood Creek Water District will forward to the PSC and London Utility Commission for review its proposed revisions within thirty (30) days of receipt of the London Utility Commission/City of London revisions. Wood Creek Water District will adopt its revisions within thirty (30) days of receiving approval from the PSC and London Utility Commission of the content thereof.

1.C. Wood Creek Water District will submit to the PSC for approval pollutant specific local limits which address at least the same pollutant parameters and are at least as stringent as the local limits enacted by London Utility Commission/City of London. If London Utility Commission makes any revisions or additions to its local limits, London Utility Commission will forward to Wood Creek Water District a copy of such revisions or additions within thirty (30) days for enactment thereof. Wood Creek Water District will submit to the PSC for approval any such revisions or additions within thirty (30) days of receipt thereof.

2.A. Wood Creek Water District designates London Utility Commission as the agent of Wood Creek Water District for the purposes of implementation and enforcement of Wood Creek Water District's Rules and Regulations against industrial users located in the territorial boundaries of Wood Creek Water District. London Utility Commission may take any action under Wood Creek Water District's Rules and Regulations that could have been taken by Wood Creek Water District, including the enforcement of the Rules and Regulations in courts of law. London Utility Commission agrees to provide wood Creek Water District with a copy of all documentation relating to enforcement of the Wood Creek Water District Rules and Regulations as it applies to industrial users, including all correspondence, permits, court pleading, etc.

2.B. London Utility Commission/City of London, on behalf of and as agent for Wood Creek Water District, will perform technical and administrative duties necessary to implement

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and enforce Wood Creek Water District's Rules and Regulations. London Utility Commission will: (1) update the industrial waste survey; (2) issue permits to all industrial users required to obtain a permit; (3) conduct inspections, sampling and analysis; (4) take all appropriate enforcement action is outlined in London Utility commission's enforcement response plan and provided for in Wood Creek Water District's Rules and Regulations; and (5) perform any other technical or administrative duties and Parties deem appropriate. London Utility Commission agrees to provide Wood Creek Water District with a copy of all documentation relating to items 1 thru 5 of this paragraph 2(B) as it applies to industrial users, including all correspondence, reports, surveys, permits, court pleading, etc. In addition, London Utility Commission may, as agent of Wood Creek Water District, take emergency action to stop or prevent any discharge which presents or may present an imminent danger to the health or welfare of humans, which reasonably appears to threaten the environment, or which threatens to cause interference, pass through, or sludge contamination.

3. Before an industrial user located outside the territorial boundaries of Wood Creek Water District discharges into Wood Creek Water District's sewer system, Wood Creek Water District and London Utility Commission will enter into an agreement with the jurisdiction in which such industrial user is located. Such agreement will be substantially equivalent to this Agreement and must be entered into prior to a discharge from any such industrial user.

4. London Utility Commission shall enforce Wood Creek Water District's Rules and Regulations as pertains to pretreatment as specified in this agreement. Wood Creek Water District agrees to reimburse the London Utility Commission for any costs, including but not limited to attorney fees, court costs, expert witness fees, arbitration and mediation fees or costs and any other fees or costs associated in any manner with the enforcement or interpretation of this agreement in any judicial forum. Any actions concerning the enforcement or interpretation of this agreement shall be in the Laurel Circuit Court. Wood Creek Water District shall be consulted at all steps of any litigation for which it will be liable for any costs and shall have the right to participate in all decisions concerning said litigation.

5.A. If any term of this Agreement is held to be invalid in judicial action, the remaining terms will be unaffected.

5.B. The Parties will review and revise this Agreement to ensure compliance with the Federal Clean Water Act (42 U.S.C. 1251 et seq.) and rules and regulations (see 40 CFR Part 403) issued thereunder, as necessary, but at least once every year on a date to be determined by the Parties.

5.C. The Utility Commission of the City of London, 801 North Main Street, P.O. Box 918, London, Kentucky 40743-0918, may terminate this Agreement by providing one hundred eighty (180) days written notice, by "certified mail", to the Wood Creek Water District, 1670

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BY: Stephan O. Bell
SECRETARY OF THE COMMISSION

Daniel Boone Parkway, London, Kentucky 40741. All benefits and obligations under this Agreement will cease following one hundred eighty (180) days from receipt of such notice.

6. If the authority of London Utility Commission to act as agent for Wood Creek Water District under this Agreement is questioned by an industrial user, court of law, or otherwise, Wood Creek Water District will take whatever action is necessary, including all legal fees incurred and any and all associated expense to ensure the implementation and enforcement of its Rules and Regulations against its industrial users, including, but not limited to, implementing and enforcing its Rules and Regulations on its own behalf and/or amending this Agreement to clarify London Utility Commission's authority.

7. This document shall not be binding on either party until or unless approved by the Kentucky Division of Water, the Kentucky Public Service Commission, and if necessary, the Kentucky Attorney General.

**UTILITY COMMISSION OF THE
CITY OF LONDON**

By *Michael F. Hamm*
Michael F. Hamm
Chairman of the Board

Attest *Stephen Chesnut*
Stephen Chesnut
Secretary / Treasurer

WOOD CREEK WATER DISTRICT

By *Gene Kennedy*
Gene Kennedy
Chairman of the Board

Attest *Earl Bailey*
Earl Bailey
Secretary / Treasurer

**PUBLIC SERVICE COMMISSION
COMMONWEALTH OF KENTUCKY**

By _____

Title _____

Attest _____

Title _____

**ATTORNEY GENERAL
COMMONWEALTH OF KENTUCKY**

By _____

Title _____

Attest _____
PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

Title _____

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PURSUANT TO 807 KAR 5:011,
SECTION 9 (1)
BY: *Stephan O. Bee*
SECRETARY OF THE COMMISSION

RESOLUTION OF THE BOARD OF COMMISSIONERS
OF THE WOOD CREEK WATER DISTRICT OF
LAUREL COUNTY, KENTUCKY, ADOPTING RULES
AND REGULATIONS GOVERNING ITS SEWER SYSTEM
TO BE IN COMPLIANCE WITH THE MULTI-JURISDICTIONAL
AGREEMENT BETWEEN THE UTILITY COMMISSION OF THE
CITY OF LONDON AND WOOD CREEK WATER DISTRICT

WHEREAS, the Wood Creek Water District has negotiated and anticipates contracting with the Utility Commission of the City of London to allow the Wood Creek Water District to utilize a wastewater treatment system currently owned and operated by the London Utility Commission; and

WHEREAS, pursuant to a Multi-Jurisdictional Agreement it will be necessary for the Wood Creek Water District to adopt by resolution a set of rules and regulations that govern any sewer system it will build and operate which are no less stringent and are as broad in scope as the sewer use ordinance (City of London Sewer Use Ordinance No. 840) of the London Utility Commission; and

WHEREAS, a proposed set of rules and regulations governing the operation of a wastewater treatment center system which are in compliance with the terms of the Multi-Jurisdictional Agreement have been drafted, the same being attached hereto as Exhibit A; and

WHEREAS, it is deemed advisable that the Commission adopt, by resolution, the rules and regulations for the operation of any sewage collection system it will build and operate.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Wood Creek Water District of Laurel County, Kentucky, as follows:

1. That the Commission hereby approves the rules and regulations for the operation of a sewage collection system which

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BY: Stephan O. Bell
SECRETARY OF THE COMMISSION

are attached hereto as Exhibit A and the same are hereby adopted and ratified.

ADOPTED on May 11, 1998.

WOOD CREEK WATER DISTRICT

By: Gene Kennedy
Chairman

ATTEST:

Earl Bailey
Secretary

CERTIFICATE OF SECRETARY

I, EARL BAILEY, hereby certify that I am the secretary of the Wood Creek Water District, that the foregoing is a true, complete and correct copy of a Resolution adopted by the Board of Commissioners of said District, signed by the Chairman, and attested by me as Secretary, upon the occasion of a properly convened meeting of the Board of Commissioners held on May 11, 1998, that said meeting was duly held in accordance with all applicable requirements of Kentucky law, including KRS 61.810, 61.815, 61.820 and 61.825, that a quorum was present at said meeting, that said resolution has not been modified, amended, revoked or repealed, and that the same is now in full force and effect.

IN TESTIMONY WHEREOF witness my signature and the seal of the District this 11 day of May, 1998.

Earl Bailey
Secretary

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BY: Stephan D. Burt
SECRETARY OF THE COMMISSION