

Robert D. Meredith
Attorney at Law
100 East White Oak Street
Leitchfield, Kentucky 42754

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Telephone 270 259-4068
FAX 270 259-8043

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Public Service Commission
Commonwealth of Kentucky
PO Box 615
Frankfort, Kentucky 40602-0615

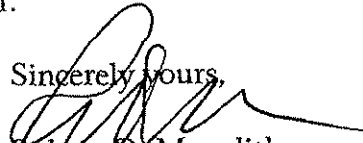
Re: Edmonson County Water District
Sewer Rules and Regulations

Case No. 2005-00466

Ladies and Gentlemen:

This will serve to notify the Commission that the Edmonson County Water District will, upon the expiration of time provided in the Commission's regulations, file with the Commission proposed Rules and Regulations relating to the water district's sewer and wastewater operation in Edmonson County, Kentucky, a draft of which is attached hereto and made a part hereof.

Sincerely yours,


Robert D. Meredith

cc: Nelson Sanders, Manager
Edmonson County Water District
PO Box 208
Brownsville, KY 42210

EDMONSON COUNTY WATER DISTRICT
OF
BROWNSVILLE, EDMONSON COUNTY, KENTUCKY

RATES, RULES AND REGULATIONS FOR FURNISHING
WASTEWATER AND SEWER SERVICE
IN
EDMONSON COUNTY

Filed with the
PUBLIC SERVICE COMMISSION
OF THE
COMMONWEALTH OF KENTUCKY

ISSUED: _____

EFFECTIVE: _____

ISSUED BY EDMONSON COUNTY WATER DISTRICT

By: Harold S. Stewart
Harold S. Stewart, Chairman

**EDMONSON COUNTY WATER DISTRICT
SEWER SERVICE RULES AND REGULATIONS**

The following are the rules and regulations of the Edmonson County Water District relating to the District's sewer service. These rules and regulations are subject to change by the Water District Commissioners at any time subject to the approval of the Public Service Commission.

PART I – GENERAL RULES AND REGULATIONS

ARTICLE I - DEFINITIONS

Unless the context requires otherwise, the meanings of terms used in the Regulations shall be as follows:

"**Biochemical oxygen demand**" or "BOD" shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C, expressed in milligrams per liter.

"**Building Drain**" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

"**Building Sewer**" shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection.

"**Combined Sewer**" shall mean a sewer intended to receive both wastewater and storm or surface water.

"**Easement**" shall mean an acquired legal right for the specific use of land owned by others.

"**Floccable Oil**" is oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floccable fat if it is properly pretreated and the wastewater does not

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interfere with the collection system.

"Garbage" shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

"Industrial Wastes" shall mean the wastewater from industrial processes, trade or business as distinct from domestic or sanitary wastes.

"Natural outlet" shall mean any outlet, including storm sewers, and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or ground water.

"Person" shall mean any individual, firm, company, association, society, corporation or group.

"pH" shall mean the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of 10^{-7} .

"Properly Shredded Garbage" shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.

"Public Sewer" shall mean a common sewer constituting a part of the System.

"Sanitary Sewer" shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions,

"Sewage" shall mean wastewater, the spent water of a community.

"Sewer" shall mean a pipe or conduit that carries wastewater or drainage water, constituting a part of the System.

"Slug" shall mean any discharge of water or wastewater which in consideration of any given constituent or in quantity of flow exceeds for any period of duration longer than

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fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works of the system.

"**Storm Drain**" (sometimes termed "storm sewer") shall mean a drain or sewer for conveying water, groundwater, sub-surface water or unpolluted water from any source.

"**Manager**" shall mean the Manager of the System, by the District or his authorized agent or representatives.

"**Suspended Solids**" shall mean total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater or other liquids, and that is removable by laboratory filtering as prescribed in "*Standard Methods for the Examination of Water and Wastewater*" and referred to as nonfilterable residue.

"**Unpolluted Water**" is water of quality to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities of the system,

"**Wastewater**" shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions.

"**Wastewater Treatment Works**" shall mean an arrangement of devices and structures for treating wastewater, sewage, industrial wastes and sludge, sometimes referred to as a "Wastewater Treatment Plant" or "Water Pollution Control Plant", and constituting a part of the System.

"**Watercourse**" shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

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ARTICLE II - USE OF PUBLIC SEWERS REQUIRED

- Section 1. The District adopts and confirms the actions of those entities which have police power within the sewer service area of the district which makes it mandatory to connect to a sanitary sewer system if available. The District considers it unlawful to discharge to any natural outlet within the sewer service area of the District, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Resolution. Except as hereinafter provided, if those entities with police power so enact, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facilities intended or used for the disposal of wastewater. In accordance with duly enacted ordinances or orders of those entities having police power the Owner(s) of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the District and abutting on any street, alley, road or right of way in which there is now located or may in the future be located a public sanitary or combined sewer of the District is hereby required, at such owner(s)' expense, to connect such facilities directly with the proper public sewer in accordance with the provisions of the regulations of the District within fifteen (15) days after the date of an official notice from the District to do so, provided that said public sewer is within two hundred (200) feet of the property line.
- Section 2. Exception - Any property owner that has installed a septic tank within one (1) year prior to beginning of construction on a project will have three (3) years to hook on to the sewer system provided this is approved by the appropriate Health Department.

ARTICLE III - BUILDING SEWERS AND CONNECTIONS

- Section I. No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Manager or authorized representative of the District.

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- Section 2. There shall be three (3) classes of building sewer permits: (a) residential services, (b) commercial services, and (c) industrial. In any case, the owner(s) or his agent shall make application on a special form provided by the District. The permit application shall be supplemented by plans, specifications or other information considered pertinent in the judgment of the Manager. An application fee as set out in the regulations shall be paid to the District at the time the application is filed.
- Section 3. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- Section 4. A separate and independent building sewer shall be provided for every building, except where one building is occupied by two or more businesses, apartments, and etc., then the District may require individual sewers for each business, apartments and etc. The District may permit only one sewer connection from a building with multiple tenants, however, a minimum charge will be charged for each tenant unit in the building.
- Section 5. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of any regulatory agency of the Commonwealth. In the absence of code provisions, the materials and procedures will be set forth by the District.
- Section 6. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

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- Section 7. No person(s) shall make connection of roof downspouts, foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- Section 8. The connection of the building sewer into the public sewer shall conform to the plumbing code or other applicable rules and regulations of the District. All such connections shall be made gas tight and water tight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Manager before installation.
- Section 9. The applicant for the building sewer permit shall notify the Manager when the building sewer is ready for inspection and connection to the public sewer. The connection to the public sewer shall be made by the District or under the supervision of the Manager or his representative. The testing shall be done by the applicant's plumber and observed by the Manager or his representative.
- Section 10. All excavation for the public sewer installation shall be adequately guarded with barricades and lights so as to prevent the public from hazard. Streets, sidewalks, parkways and other public or private property disturbed in the course of the work shall be restored in a manner satisfactory to the District.

ARTICLE IV - USE OF THE PUBLIC SEWERS

- Section 1. No person(s) shall discharge or cause to be discharged any unpolluted waters such as storm water, ground water, roof runoff, subsurface drainage or cooling water to any sewer connected to the public sewer.
- Section 2. No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:
- (a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.

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(b) Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by intersection with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the wastewater treatment plant.

(c) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works.

(d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

Section 3. The following described substances, materials, waters or waste shall be limited in discharges to the system to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property or constitute a nuisance. The Manager may set limitations lower than the limitations established in the regulations below if in his opinion such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the Manager will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Manager are as follows:

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- (a) wastewater having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius).
 - (b) Wastewater containing more than 25 milligrams per liter of petroleum oil, non-biodegradable cutting oils or product of mineral oil origin.
 - (c) Wastewater from industrial plants containing floating oils, fat or grease.
 - (d) Any garbage that has not been properly shredded (see Article I, Section 13). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
 - (e) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Manager for such materials.
 - (f) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Manager.
 - (g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Manager in compliance with applicable state or federal regulations.
 - (h) Quantities of flow, concentrations, or both which constitute a "slug" as defined herein.
 - (i) waters or wastes containing substances which are not amendable to treatment or reduction by the wastewater treatment processes employed, or are amendable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharges to the receiving waters.

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(j) Any water or wastes which, by interaction with other water or wastes in the System, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

Section 4

If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 3 of this Article, and which in the judgment of the Manager may have a deleterious effect upon the waste water facilities, processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the Manager may:

- a. Reject the wastes;
- b. Require pretreatment to an acceptable condition for discharge to the public sewers;
- c. Require control over the quantities and rates of discharge; and/or
- d. Require payment to cover added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 10 of this Article. When considering the above alternatives, the Manager shall give consideration to the economic impact of each alternative on the discharger. If the Manager permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Manager.

Section 5.

Grease, oil and sand interceptors shall be provided when, in the opinion of the Manager, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in Section 4(c), or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Manager, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintenance

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of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the Manager. Any removal and hauling of the collected material not performed by owner's personnel must be performed by currently licensed waste disposal firms.

Section 6. Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his expense.

Section 7. When required by the Manager, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such structure, when required, shall be accessibly and safely located and shall be Constructed in accordance with plans approved by the Manager. The structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

Section 8. The Manager may require a user of sewer services to provide information needed to determine compliance with these Regulations. These requirements may include:

- (1) wastewaters discharge peak rate and volume over a specified time period.
- (2) Chemical analysis of wastewaters.
- (3) Information on raw materials, processes, and products affecting wastewater volume and quality.
- (4) Quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to sewer use control.
- (5) A plot-plan of sewers of the user's property showing sewer and pretreatment facility location.

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- (6) Details of wastewater pretreatment facilities.
- (7) Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

Section 9. All measurements, tests and analysis of the characteristics of waters and wastes to which reference is made in these Regulations shall be determined in accordance with the latest edition of "*Standard Methods for Examination of Water and Wastewater*", published by the American Public Health Association. Sampling methods, location, times, duration and frequencies are to be determined on an individual basis subject to approval by the Manager.

Section 10. No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the District and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the District for treatment.

ARTICLE V - POWERS AND AUTHORITY OF INSPECTORS

Section 1. The Manager and other duly authorized employees of the District bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing pertinent to discharge to the System in accordance with the provisions of these Regulations.

Section 2. The Manager or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the System. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

Section 3. While performing the necessary work on private properties referred to in Article IV, section 1, above, the Manager or duly authorized employees of the District shall observe all safety rules applicable to the premises established by the

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company.

Section 4. The Manager and other duly authorized employees of the District bearing proper credentials and identification shall be permitted to enter all private properties through which the District holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the System lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

ARTICLE VI - PENALTIES

- Section 1. Any person found to be violating any provision of these Regulations except Article V shall be served by the District with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- Section 2. Any person who shall continue any violation beyond the time limit provided for in Article VI, Section 1, shall be subject to penalties enforced by the appropriate jurisdiction with police powers.
- Section 3. Any person violating any of the provisions of this Regulations shall be liable to the District for any expense, loss or damage occasioned the District by reason of such violation.

PART II - RATES

SEWER RATES

Sewer rates shall be at least 100% of water rates for residential usage and 150% of water rates for non-residential usage and shall be at least as follows:

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Residential Rates:

First	1,500 gallons @	\$ 9.85 - Minimum Bill
Next	6,500 gallons @	\$ 4.25 - per 1,000 gallons
Next	12,000 gallons @	\$ 3.90 - per 1,000 gallons
All Over	20,000 gallons @	\$ 2.90 - per 1,000 gallons

Non-Residential Rates:

First	1,500 gallons @	\$ 14.78 - Minimum Bill
Next	6,500 gallons @	\$ 6.38 - per 1,000 gallons
Next	12,000 gallons @	\$ 5.85 - per 1,000 gallons
All Over	20,000 gallons @	\$ 4.35 - per 1,000 gallons

The following Rates will be charged buildings with multiple tenants:

Residential:

Number of tenants x minimum gallons and number of tenants x 100% of minimum residential rate = Multiple Minimum. All usage above the multiple minimum shall be charged according to the above Residential Rate Schedule

Non-Residential:

Number of tenants x minimum gallons and number of tenants x 150% of minimum residential bill = Multiple Minimum. All usage above the multiple minimum shall be charged according to the above Non-Residential Rate Schedule.

Section 1. All connections and all service shall be made on a fully metered basis and no free sewer service shall be allowed or permitted to any customer, including the District itself.

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Billing for sewer services to any customer shall be initiated by the District immediately upon the rendering of sewer services to such customer or the making of sewer service available to such customer.

Section 2. Method of Billing. Sewer service charges shall be billed to each user on a monthly basis and shall be computed in accordance with such user's water consumption and strength of discharge during the immediately preceding monthly billing period. Users of the System who are not connected to a municipal water supply shall be charged and billed on the basis of water consumption as the District, within its reasonable judgment, may determine from time to time.

If any bill is not paid within 10 days; following the date rendered, a delinquency penalty of 10% of the amount of such bill shall attach and be payable in addition to the stated amount of such bill. Whenever rates and charges remain unpaid after the due date, the District shall serve the delinquent customer a written, final notice of said delinquency. The delinquency notice will be mailed for each billing cycle between five and ten days after the billing cycle's due date, with the date of disconnect to be ten days after the due date notice was mailed. If a delinquent bill is not paid within ten days after the date of such final notice, the water supply to any delinquent customer shall be discontinued without further notice, and not reconnected until all delinquent charges, including penalty and reconnect fees are paid in full.

No reduction in sewer service charges shall be permitted because of the fact that certain waste discharges into the System contained pollutants in less concentrations than duly adopted maximum limitations or otherwise found in normal residential sanitary sewage.

Section 3. The District shall collect a fee of \$25.00 for any returned checks. The District shall not be required to present a check for payment more than once.

Section 4. Tap-On Fee: The actual cost of material and installation with payment of \$400.00 with application and balance due within fifteen (15) days from the date of billing by the District.

Section 5: There shall be a reconnect fee of \$35.00.

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Section 6. Sewer Rate Review: The District shall review not less than every two (2) years the sewage and wastewater discharges of users of the System, the total cost of operation, maintenance and replacement of the System, debt service obligations and sewer service charges.

Subject to then existing contractual commitments with bondholders of the District and based on Such review, the District shall revise, when necessary, its schedule of sewer service charges to accomplish the generation of sufficient revenues to offset operation, maintenance and replacement costs of the System and to meet the District debt revised requirements.

Excessive strength surcharges shall be reviewed at the time and in conjunction with the Review described above, and such surcharge rate shall be revised when necessary to reflect then current treatment and monitoring costs.

Section 7. In so far as they are not inconsistent with the above provisions, the Rules and Regulations of the District as relate to its water service shall apply.

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