

**TITLE V: PUBLIC WORKS**

Chapter

**50. SOLID WASTE**

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## CHAPTER 50: SOLID WASTE

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**GENERAL PROVISIONS****▪ 50.001 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**AGRICULTURE USE.** A tract of at least five contiguous acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers, or ornamental plants, including provision for dwellings for persons and their families who are engaged in the above agricultural use on the tract.

**APPROVED INCINERATOR.** An incinerator which complies with all current regulations of the responsible local, state and federal air pollution control agencies.

**BULKY WASTE.** Non-putrescible solid waste consists of combustible and/or non-combustible waste materials, including white goods (i.e., refrigerators, water heaters, and the like) from dwelling units, agricultural, commercial, institutional and industrial uses which are either too large or too heavy to be safely and conveniently loaded in solid waste transportation vehicles by solid waste collectors, with the equipment available therefore.

**COLLECTION.** Gathering of solid waste at or near the source of generation, including but not limited to dwelling units, agricultural, commercial, institutional and industrial uses.

**COUNTY.** Unincorporated Grant County, Kentucky exclusive of cities or incorporated areas.

**DEMOLITION AND CONSTRUCTION WASTE.** Wastes resulting from the razing of structures and unsalvageable materials and packing left over from the construction of residential, commercial, institutional and/or industrial structures.

**DIRECTOR.** The Director of the Solid Waste Management Program of Grant County shall be the Grant County Solid Waste Coordinator.

**DISPOSAL.** Discharge, deposit, injection, dumping, spilling, leaking or placing of any waste into or on any land or water so that such waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

**MULTI-FAMILY RESIDENTIAL DWELLING UNIT.** A housing facility containing more than one dwelling unit under one roof.

**OCCUPANT.** Any person who, alone or jointly or severally with others, shall be in actual possession of any dwelling unit or of any other improved real property, either as owner or as tenant.

**OPEN BURNING.** Burning of any matter in such a manner that the products of combustion resulting from burning are emitted directly into the outdoor atmosphere without passing through a stack or chimney.

**OPEN DUMP.** Any facility or site for the disposal of solid waste which does not have a valid permit issued by the cabinet and the Director or does not meet the environmental performance standards for a sanitary landfill under regulations promulgated by the cabinet.

**PERSON.** Any individual, firm, partnership, corporation, association, joint stock company, trust, estate, political subdivision or organization of any kind, or their legal representative, agent or assigns.

**PROCESSING.** Any solid waste material recovery or energy recovery, including incineration, composting, baling, shredding, compacting, and other processes whereby solid waste characteristics are altered, either physically or chemically or solid waste quantity reduced.

**RESIDENTIAL DWELLING UNIT.** A building or portion thereof, providing complete housekeeping facilities for one person or one family.

**SANITARY LANDFILL.** Facility for the disposal of solid waste consistent with and pursuant to criteria published under ' 4004 of the Resources Conservation and Recovery Act, as amended, having a valid permit issued by the applicable state's Natural Resources and Environmental Protection Department.

**SOLID WASTE MANAGEMENT.** The administration of solid waste activities: storage, collection, processing, transportation and disposal.

**SOLID WASTE MANAGEMENT AREA.** The unincorporated area of the county as a part of the entire county so designated by the Natural Resources and Environmental Protection Cabinet by approval of the local solid waste management plan.

**STORAGE.** Containment of wastes, either on a temporary basis or for a period of years, in such a means as not to constitute disposal of such wastes.

**STORAGE CONTAINER.** Receptacle made out of plastic, vinyl or metal, ranging in size from about 20 gallons to 42 cubic yards in size.

**TRANSFER.** The placement of solid waste from smaller collection vehicles into larger vehicles for transportation to other intermediate or final disposal facilities.

**TRANSPORTATION.** Any off-site movement of waste by any mode and any loading, unloading or storage incidental thereto.

#### **WASTE.**

(1) **HAZARDOUS WASTE.** Any discarded material or material intended to be discarded or substance or combination of such substances intended to be discarded, in any form which because of its quantity, concentration or physical, chemical, or infectious characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible, illness or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of, or otherwise managed.

(2) **SOLID WASTE.** Any garbage, litter, refuse, sludge and other discarded material, including solid, liquid, semi-solid or contained gaseous material resulting from industrial, commercial, mining (excluding coal mining wastes, coal mining by-products, refuse and overburden) and agricultural operations and from community activities, but does not include solid or dissolved material in domestic sewage or solid or dissolved material in irrigation return flows or industrial discharges; provided, however, this definition is subject to the provisions of KRS 109.041(4).

(Ord. 9-89-64, passed 11-16-89; Am. Ord. 4-92-103, passed 3-19-92)

**▪ 50.002 RESOURCE RECOVERY.**

Except as provided by statute, the use of recycling, source separation, and resource recovery or reclamation of materials for energy and other processes shall not be restricted by any person, dwelling unit, agricultural, commercial, institutional, or industrial use within the county provided storage and collection conforms to the requirements of this chapter.

(Ord. 9-89-64, passed 11-16-89)

**▪ 50.003 COLLECTION VEHICLE STANDARDS.**

All vehicles used for transportation of solid waste by a permitted hauler, except bulky waste, shall be the enclosed type (i.e., front, side, and/or rear loader, packer trucks) ranging in size from 16 to 40 cubic yards. All vehicles shall be maintained in a safe, clean, and sanitary condition at all times.

(Ord. 9-89-64, passed 11-16-89) Penalty, see ' 50.999

**▪ 50.004 RULES AND REGULATIONS.**

(A) The Director shall make, amend, revoke and enforce reasonable rules and regulations, governing, but not limited to:

- (1) Preparation, drainage and wrapping of garbage deposited in solid waste containers;
- (2) Specifications for solid waste containers, including the type, composition, equipment, size and shape thereof;
- (3) Identification of solid waste containers and of the covers thereof, and of equipment thereto appertaining, if any;
- (4) Weight limitations on the combined weight of solid waste containers and the contents thereof, and weight and size limitations on bundles of solid waste too large for solid waste containers;
- (5) Storage of solid waste in solid waste containers;
- (6) Sanitation, maintenance and replacement of solid waste containers;
- (7) Collection points of solid waste containers;
- (8) Collection, transportation, processing and disposal of solid waste; and/or
- (9) Handling of special waste such as sludges, ashes, agricultural, construction, bulky items, tires, automobiles, oils, greases, and the like.

(B) A copy of any and all rules and regulations made or promulgated under the provisions hereof shall be filed in the office of the County Fiscal Court.  
(Ord. 9-89-64, passed 11-16-89)

**' 50.005 PROHIBITED PRACTICES.**

It shall be unlawful for any person to:

(A) Dispose of garbage, refuse, rubbish, or debris by dumping same on any non-permitted premises within the county with or without the consent of the owner of the premises;

(B) Dump or permit the dumping of garbage, refuse, rubbish and debris on any non-permitted property within the county limits;

(C) Deposit solid waste in any solid waste container other than his own, without the written consent of the owner of such container and/or, with the intent of avoiding payment of a service charge hereinafter provided for solid waste collection and disposal;

(D) Interfere in any manner with solid waste collection and transportation equipment, or with solid waste collectors in the lawful performance of their duties as such, or those of a solid waste collection agency operating within the county;

(E) Burn solid waste unless an approved incinerator is provided or unless a variance has been obtained from the appropriate air pollution control agency;

(F) Dispose of dead animals in any container to be collected;

(G) Operate a non-permitted dump;

(H) Dispose of solid waste at any facility or location which is not approved by the Kentucky Department of Environmental Protection;

(I) Engage in the business of collection, transportation, processing, or disposing of solid waste within the unincorporated areas of the county without a permit from the county, or operate under an expired permit, or operate after a permit has been suspended or revoked;

(J) Violate any section of this chapter or any other rule or regulation promulgated under the authority of ' 50.004.  
(Ord. 9-89-64, passed 11-16-89) Penalty, see ' 50.999

▪ **50.006 NOTIFICATION AND ABATEMENT; NON-COMPLIANCE.**

(A) It shall be the duty of the Director to serve or cause to be served upon the owner or occupant of any premises on which there is observed any condition violative of the provisions of this chapter and demand the abatement of said condition within 30 days.

(B) If the person so served does not abate the condition within 30 days, the county may proceed to abate such condition, keeping an account of the expenses of the abatement, and such abatement shall be charged and paid by such owner or occupant. Whenever a bill for such charges remains unpaid for 60 days after that has been rendered, the county may file a statement of lien claim against the property.

(Ord. 9-89-64, passed 11-16-89)

▪ **50.007 WASTE COLLECTION TO BE MANDATORY.**

(A) The collection of solid waste within Grant County, Kentucky, shall, and the same is ordered to be, mandatory.

(B) Billing shall be the successful contractor who shall also execute a contract with the Grant County 109 District, acting on behalf of the Grant County Fiscal Court, which contract shall be in a form and contain substance approved by the Grant County Fiscal Court.

(C) Provision shall be made by the Grant County 109 District to insure universal application of this section.

(D) The day to day operation of collection activity mandated by this section, to include but not limited to, resolution of citizen complaints, financial inability of an individual or individuals to comply, billing disputes, and other matters of this nature, shall be governed by regulations to be adopted by the 109 District Board and reviewed or updated as often as necessary but not less than annually.

(E) In the event of a determination that any portion of this section is invalid or unenforceable by a Court of competent jurisdiction, such determination shall not affect the remaining portions of the sections.

(F) All ordinances in conflict with this section, or portions thereof, shall be deemed repealed from and after the effective date of this section, to the extent of such conflict.

(G) Violators of this section shall be fined not less than \$10 nor more than \$50 for each offense and each day of violation shall be deemed a separate offense.

(Ord. 22-99-317, passed 6-19-99)

***STORAGE OF SOLID WASTE*****▸ 50.015 CONTAINERS REQUIRED.**

The occupant or owner of every residential dwelling unit, agricultural, commercial or institutional and industrial use generating solid waste within the county shall provide sufficient and adequate containers for storage of all solid waste except bulky waste and maintain such solid waste containers in good repair at all times.

(Ord. 9-89-64, passed 11-16-89) Penalty, see ' 50.999

**▸ 50.016 STORAGE OF WASTE.**

Except as herein provided, the occupant or owner of every residential dwelling unit, agricultural, commercial, institutional and industrial use shall place all solid waste to be collected in proper solid waste containers, and shall maintain such solid waste containers and the area surrounding them in a clean, neat, and sanitary condition at all times. Solid waste shall be stored in a manner that will be kept free from insect and rodent infestation and will not create a fire hazard.

(Ord. 9-89-64, passed 11-16-89) Penalty, see ' 50.999

**▸ 50.017 STANDARDS FOR CONTAINERS.**

(A) Residential solid waste shall be stored in storage containers of not less than 20 gallons nor more than 35 gallons in nominal capacity, except where portable wheel-type collection carts in an 80 to 90 gallon size are used. Storage containers shall be leakproof, waterproof, and fitted with a fly-tight lid and shall be properly covered at all times, except when depositing waste therein or removing the contents thereof. Storage containers shall have handles, bails, or other suitable lifting devices or features. Storage containers shall be of a type originally manufactured for residential solid waste, with tapered sides for easy emptying. They shall be of light weight and sturdy construction. The weight of any individual storage container and contents shall not exceed 75 pounds, except for wheel-type collection carts. Galvanized metal containers, or rubber, fiberglass, plastic or vinyl containers, which do not become brittle in cold weather may be used. Disposable solid waste containers within suitable frames, wire bag holders or other storage containers may also be used for storage of residential solid waste, subject to approval by the Director.

(B) All uses which generate more than a volume of two cubic yards (i.e., approximately equivalent to 500 pounds or 3 ton or 400 gallons) of solid waste per week shall be required to provide bulk containers for storage.

(Ord. 9-89-64, passed 11-16-89) Penalty, see ' 50.999

**▸ 50.018 AIR-TIGHT CONTAINERS.**

No owner, occupant, tenant or lessee of any building or dwelling may leave outside the dwelling or building, in a place accessible particularly to children, any abandoned or unattended white goods (i.e., icebox, refrigerator, or other receptacle that has an air-tight door) without first removing the door. (Ord. 9-89-64, passed 11-16-89) Penalty, see ' 50.999

***COLLECTION OF SOLID WASTE*****▸ 50.030 COLLECTION PRACTICES.**

Collection practice within unincorporated areas of the county is categorized as private collection where the private sector is allowed to operate in open competition and arrangements for waste collection and disposal are left between a private contractor and/or individuals or establishments under local government authority, the County Fiscal Court. (Ord. 9-89-64, passed 11-16-89)

**▸ 50.031 COLLECTION DISCRETIONARY.**

Collection of solid waste, including bulky waste, from all generators, including residential, agricultural, commercial, institutional and industrial is discretionary with the generator. (Ord. 9-89-64, passed 11-16-89)

**▸ 50.032 POINTS OF COLLECTION.**

Points of collection of solid waste shall be from the roadside or curbside within public rights-of-way or other locations near buildings, parking lots, and the like, on private property. In general, solid waste generated by residential or agricultural uses shall be placed along the roadside or curbside fronting the subject property not more than 12 hours before collection. All reusable storage containers shall be removed from the roadside or curbside by the generator within 12 hours after collection. Residential, agricultural, commercial, institutional and industrial uses required to provide bulk storage containers shall be located on private property in areas accessible to collection vehicles. (Ord. 9-89-64, passed 11-16-89) Penalty, see ' 50.999

**▸ 50.033 FREQUENCY.**

All solid waste, other than bulky waste, shall be collected at least once weekly or 168 hours between collections. Residential, agricultural, commercial, institutional, and industrial uses generating large

quantities of solid waste, may be required to provide collection at more frequent intervals (i.e., twice weekly or more) upon determination by the directors, as necessary for the protection of public health, safety and welfare.

(Ord. 9-89-64, passed 11-16-89)

▪ **50.034 RESPONSIBILITY.**

Solid waste collectors operating within the county shall be responsible for the collection of solid waste from collection points to a transportation vehicle, provided solid waste is stored in compliance with provisions set forth in this chapter. Spillage or blowing litter, caused as a result of the duties of the solid waste collector, shall be collected and placed in the transportation vehicle by the collector.

(Ord. 9-89-64, passed 11-16-89)

▪ **50.035 REPORTS.**

Each person, firm or organization authorized to collect solid waste in the county, shall render reports, on a quarterly basis, to the County Fiscal Court, detailing the coverage provided by said collector and the amount of solid waste collected since the date the last such report was rendered.

(Ord. 11-91-92, passed 7-3-91)

***DISPOSAL OF SOLID WASTE***

▪ **50.045 OPEN BURNING.**

Open burning of solid waste, hazardous waste or bulky waste is prohibited, except as otherwise permitted by the Director in compliance with 401 KAR 63:005.

(Ord. 9-89-64, passed 11-16-89) Penalty, see ' 50.999

***Cross-reference:***

*Open burning, see ' ' 92.25 et seq.*

▪ **50.046 OPEN DUMPING.**

Open dumping of solid waste, including bulky waste, on all lands (i.e., roadsides, hollows, rivers, streams, lakes, and the like) by any person is prohibited by KRS 224.40-100 and this chapter.

(Ord. 9-89-64, passed 11-16-89) Penalty, see ' 50.999

**▸ 50.047 DISPOSAL SITES.**

All solid waste, including bulky waste, shall be disposed of within a sanitary landfill having a valid permit issued by a state Natural Resources and Environmental Protection Department in compliance with KRS 224.43-010, 224.40-100 and 224.40-310 and this chapter.

(Ord. 9-89-64, passed 11-16-89) Penalty, see ' 50.999

**▸ 50.048 HAZARDOUS WASTE.**

As defined within this chapter, hazardous waste will require special handling and shall be disposed of only in a manner authorized by state and/or federal regulations.

(Ord. 9-89-64, passed 11-16-89) Penalty, see ' 50.999

***PERMITS*****▸ 50.060 PERMIT REQUIREMENTS.**

No person shall engage in the business of collecting, transporting or processing of solid waste within the county without an annual permit secured from the Director, provided that this provision shall not be deemed to apply to employees of the holder of any such permit. In the event any one person engages in the collection, transportation and processing of solid waste, or any combination thereof, there shall be required of said person only one permit hereunder.

(Ord. 9-89-64, passed 11-16-89) Penalty, see ' 50.999

**▸ 50.061 INSURANCE REQUIREMENTS.**

No such permit shall be issued until and unless the applicant therefore, in addition to all other requirements set forth, shall file and maintain with the Director evidence of a satisfactory public liability insurance policy including uninsured and underinsured motorists, covering all operations of such applicant pertaining to such business and all vehicles to be operated in the conduct thereof, in the amount of not less than \$100,000 for each person injured or killed, and in the amount of not less than \$300,000 in the event of injury or death of two or more persons in any single accident, and in the amount of not less than \$50,000 for damage to property. Such policy may be written to allow the first \$500 of liability for damage to property to be deductible. Workmen's Compensation and employee's liability insurance to cover injury or death to any of the employees or workmen in an amount not less than \$100,000. Should any such policy be canceled, the Director shall be notified of such cancellation by the insurance carrier in writing not less than 10 days prior to the effective date of such cancellation, and provisions to that effect shall be incorporated in such policy, which shall also place upon the company writing such policy the duty to give such notice.

(Ord. 9-89-64, passed 11-16-89)

▪ **50.062 APPLICATION.**

Each applicant for any such permit shall state in his application the following:

- (A) The nature of the permit desired, as to collect, process or transport solid waste, or any combination thereof;
- (B) Name and address of the applicant and whether a sole proprietorship, corporation, or partnership with disclosure of the ownership interests;
- (C) The number of employees and solid waste collection vehicles to be operated thereunder;
- (D) Schedule of fees the applicant plans to charge;
- (E) Location or locations of solid waste processing or disposal facilities to be used;
- (F) Boundaries of collection area;
- (G) A statement that said applicant will provide collection service to 100% of those individuals who live within the boundaries of the collection area proposed; and
- (H) Such other information as required by the Director.  
(Ord. 9-89-64, passed 11-16-89)

▪ **50.063 ISSUANCE AND/OR DENIAL.**

(A) *Permit issuance.* If the application shows that the applicant will collect, transport and process solid waste without hazard to the public health or damage to the environment and in conformity with the laws of the Commonwealth of Kentucky and this chapter, the Director may issue the permit authorized by this chapter. The permit shall be issued for a period of one year, and each applicant shall pay a fee of \$100. If modifications can be made to the application regarding service, equipment or mode of operation, so as to bring the application within the intent of this chapter, the Director shall notify the applicant in writing setting forth the modification to be made and the time in which it shall be done.

(B) *Application denial.* If the applicant does not make the modifications pursuant to the notice in division (A) of this section within the time limit specified therein, or if the application does not clearly show that the collection, processing, or transportation of solid waste will not create a public health hazard or be without harmful effects on the environment, the application shall be denied and the applicant notified by the Director, in writing, stating the reason for such denial. Nothing in this section shall prejudice the right of the applicant to reapply after the rejection of his application provided that all aspects of the reapplication comply with the provisions of this chapter.  
(Ord. 9-89-64, passed 11-16-89)

**§ 50.064 ANNUAL FEE.**

The annual permit may be renewed upon payment of the fee as required herein if the business has not been modified, the collection vehicles meet the requirements of § 50.003 of this chapter, and the renewal is approved by the Director. If modifications have been made, the applicant shall reapply for a permit as set forth in §§ 50.062 and 50.063. No permits authorized by this chapter shall be transferrable from company to company, or person to person.

(Ord. 9-89-64, passed 11-16-89) Penalty, see § 50.999

**§ 50.065 INSPECTIONS.**

In order to insure compliance with the laws of the Commonwealth, this chapter, and the rules and regulations authorized herein, the Director is authorized to inspect all phases of solid waste management within the unincorporated area of the county. No inspection shall be made in any residential unit unless authorized by the occupant or by due process of law. In all instances where such inspections reveal violation of this chapter, the Director shall issue notice for each such violation stating therein the violation or violations found, the time and date and the corrective measure to be taken, together with the time in which such corrections shall be made.

(Ord. 9-89-64, passed 11-16-89)

**§ 50.066 PERMIT SUSPENSION.**

In all cases when the corrective measures have not been taken within the time specified, the Director shall suspend or revoke the permit or permits involved in the violations. However, in those cases where an extension of time will permit correction and there is no public health hazard created by the delay, one extension of time not to exceed the original time period may be given.

(Ord. 9-89-64, passed 11-16-89)

**§ 50.067 INJUNCTIVE RELIEF.**

In the event a permit is revoked and the person continues to operate, the Director may request the action of a court of law to enjoin the acts and to enforce compliance with this chapter or any rule or regulation promulgated thereunder. In any such action, the court may grant to the county such prohibitory or mandatory injunctive relief as the facts may warrant.

(Ord. 9-89-64, passed 11-16-89)

**§ 50.068 APPEAL.**

Any person who feels aggrieved by any notice of violation or order issued pursuant thereto by the Director, may within 30 days of the act for which redress is sought appeal directly to the County Fiscal

Court in writing, setting forth in a concise statement the act being appealed and the grounds for its reversal.  
(Ord. 9-89-64, passed 11-16-89)

▪ **50.069 PERMIT DISPLAY.**

All motor vehicles operating under any permit required by this chapter shall maintain a copy of said permit therein. Each permit for processing or disposal facilities shall be prominently displayed at the facility.

(Ord. 9-89-64, passed 11-16-89) Penalty, see ' 50.999

***TRANSPORTATION OF SOLID WASTE***

▪ **50.080 DEFINITIONS.**

For the purpose of this subchapter, ***SOLID WASTE, HAZARDOUS WASTE, TOXIC WASTE, DOMESTIC WASTE AND COMMERCIAL WASTE*** shall be defined as in KRS 224.01-010.

(Ord. 1-90-70, passed 3-21-90)

▪ **50.081 UNLAWFUL ACTIVITIES.**

(A) It shall be unlawful to transport into the county for the purpose of transferring, distributing, unloading, or off-loading any waste, garbage or discarded items, whether solid waste, domestic waste, commercial waste, industrial waste, hazardous waste, toxic waste or other waste, unless said waste is transported into the county for the purpose of disposal, incineration or recycling at a site in the county that has been approved and licensed for said purpose by the Kentucky Cabinet of Natural Resources and Environmental Protection or other state agency or county agency whose authorization is necessary in order to lawfully operate such a site or facility.

(B) It shall be unlawful to transfer, off-load, unload or distribute any waste, garbage, discarded items, whether solid waste, domestic waste, commercial waste, industrial waste, hazardous waste, toxic waste or other waste in the county from any type of motor carrier, highway carrier, railroad carrier or other transportation carrier of any type, unless said waste is transferred, off-loaded or distributed for the purpose of disposal, incineration or recycling at a site in the county that has been approved and licensed for said purpose by the Kentucky Cabinet of Natural Resources and Environmental Protection or other state agency or county agency whose authorization is necessary in order to lawfully operate such a site or facility.

(C) It shall be unlawful to incinerate, dispose of or recycle any waste, whether solid waste, domestic waste, commercial waste, industrial waste, hazardous waste, toxic waste or any other waste in the county, other than at a site that has been approved and licensed for said purpose by the Kentucky Cabinet of Natural Resources and Environmental Protection or other state agency or county agency whose authorization is necessary in order to lawfully operate such a site and facility.

(Ord. 1-90-70, passed 3-21-90) Penalty, see ' 50.999

***WASTE MANAGEMENT DISTRICT***

**▪ 50.095 CREATION.**

There is hereby created, pursuant to KRS 109.041(13), a Solid Waste District.

(Ord. 8-93-123, passed 12-2-93)

**▪ 50.096 GOVERNANCE; POWERS AND DUTIES.**

The district shall be governed by the provisions of KRS Chapter 109 and shall have and exercise those powers and duties enumerated therein except the powers granted by KRS 109.056, which powers, where authorized, shall be exercised only by the County Fiscal Court, or any other powers expressly reserved to the Fiscal Court herein.

(Ord. 8-93-123, passed 12-2-93)

**▪ 50.097 MEMBERSHIP.**

Members shall be appointed by the County Judge/Executive and confirmed by the County Fiscal Court. There shall be seven members of the Board of Directors, and one ex officio member who shall be appointed in the same manner but who shall have no authority to vote on any matter coming before the Board nor counted for the purpose of determining quorum, who shall serve a regular term of four years. On the initial Board, two members shall be appointed for a term of one year, two members shall be appointed for a term of two years, two members shall be appointed for a term of three years, and one member shall be appointed for a term of four years. The ex officio member shall be appointed for and serve a term of four years. Thereafter all appointments shall be for a term of four years or for the duration of any unexpired term. Members shall be eligible to be re-appointed for one successive term of four years.

(Ord. 8-93-123, passed 12-2-93; Am. Ord. 1-94-125, passed 3-17-94; Am. Ord. 5-94-129, passed 4-21-94)

**▸ 50.098 FUNDING.**

Funding for the County Solid Waste Management District shall be accomplished in accordance with KRS 109.056(2) and (3), through appropriations as determined by the Fiscal Court, in the discretion of the Fiscal Court and provided that the Fiscal Court, from time to time, desires in its discretion to provide said funding from the general fund or from any other lawful source. To facilitate funding through appropriations from the general fund, the District shall annually prepare a budget for submission to the Fiscal Court in accordance with KRS 65.065 and cause same to be transmitted to the Fiscal Court not later than April 1 of each year.

(Ord. 8-93-123, passed 12-2-93)

**▸ 50.099 COOPERATION WITH OTHER AUTHORITIES.**

The County Solid Waste Management District may work cooperatively with any other similarly constituted authority within or without the county in any instance where such cooperative effort is permitted by law.

(Ord. 8-93-123, passed 12-2-93)

**▸ 50.100 COMPLIANCE WITH OTHER LAWS.**

The County Solid Waste Management District shall, in addition to all other duties imposed herein and by law, abide by all applicable portions of KRS Chapter 65 relating to Adistricts.@

(Ord. 8-93-123, passed 12-2-93)

**▸ 50.101 MANAGEMENT TRANSFERRED TO SOLID WASTE BOARD; EXCEPTION.**

Upon approval of this chapter, all matters relating to the management of solid waste in the county shall be, in so far as allowed by law, transferred to the County Solid Waste Board, excepting only the following:

(A) Final approval of any Host County Agreement, or any renewal or amendment thereof, shall remain with the Fiscal Court.

(B) Funds payable by any entity engaged in the transportation or landfilling of solid waste shall be payable to the Fiscal Court and thereafter expended as directed by the Fiscal Court.

(C) One additional ex officio member may be added to the Board in accordance with KRS 65.009, in the discretion of the Fiscal Court.

(D) Expansion of the service area established by the Host County Agreement dated October 29, 1993, shall be accomplished only with approval of the Fiscal Court.  
(Ord. 8-93-123, passed 12-2-93)

**' 50.999 PENALTY.**

(A) Any person violating any of the provisions of ' ' 50.001 through 50.069 of this chapter, or any lawful rules or regulations promulgated pursuant thereto, upon conviction, shall be guilty of a misdemeanor and punished by a fine of not less than \$25 nor more than \$500; provided, that each day's violation thereof shall be a separate offense for the purpose hereof. Violators of these sections may be issued a citation by the county sheriff or any duly authorized peace officer. (Ord. 9-89-64, passed 11-16-89)

(B) Any person, corporation, partnership, limited partnership or other entity who violates any provision of ' 50.081 of this chapter shall be guilty of a misdemeanor and fined not less than \$100 nor more than \$400 per occurrence. Each day that such violation occurs or continues to occur shall be considered a separate violation for which the violator shall be penalized under the provisions of this chapter. (Ord. 1-90-70, passed 3-21-90)



## CHAPTER 51: SEWERS

### Section

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### **GENERAL PROVISIONS**

#### **• 51.01 SANITATION DISTRICT ESTABLISHED.**

There is hereby created the Grant County Sanitary Sewer District pursuant to KRS 67.063(3)(r) and 67.715(2) and the applicable provisions of KRS Chapter 74, which shall serve in the interest of public safety, health and welfare within unincorporated areas of the territorial boundaries of Grant County. (Ord. 26-2002-453, passed 10-7-02)

#### **• 51.02 PURPOSE.**

(A) The Grant County Sanitary Sewer District shall develop, implement and maintain local sanitary sewer management for Grant County, in accordance with the provisions of KRS Chapter 74, applicable

administrative regulations promulgated by the Commonwealth of Kentucky and the resolutions, orders or ordinances of the fiscal court of Grant County.

(B) The Grant County Sanitary Sewer District shall be an organizational unit of county government attached to the Office of County Judge/Executive and shall have primary jurisdiction, responsibility and authority for all matters pertaining to the management and operation of a sanitary sewer district within Grant County.

(Ord. 26-2002-453, passed 10-7-02)

▪ **51.03 ADMINISTRATION.**

The Grant County Sanitary Sewer District shall be managed by Bullock Pen Water District pursuant to the applicable provisions of KRS Chapter 74, applicable administrative regulations of the Commonwealth of Kentucky and applicable orders or ordinances of the Grant County Fiscal Court.

(Ord. 26-2002-453, passed 10-7-02)

▪ **51.04 FUNDING.**

The Grant County Sanitary Sewer District created hereby shall be a political subdivision of the County of Grant but shall not be a special taxing district. The Grant County Sanitary Sewer District may make charges for service and land assessments for capital improvements.

(Ord. 26-2002-453, passed 10-7-02)

**WASTEWATER**

▪ **51.15 PURPOSE AND INTENT.**

(A) The provisions of this subchapter shall apply to the discharge of all wastewater to facilities of the district. This subchapter provides for use of the district's wastewater facilities, regulation of sewer construction, control of the quantity and quality of wastewater discharged, wastewater pretreatment, equitable distribution of costs, sewer construction plans, issuance of wastewater discharge permits, minimum sewer construction standards and conditions, and penalties and other procedures in cases of violation of this subchapter.

(B) This subchapter shall apply to the county and to persons outside the district who are, by contract or agreement with the district, users of the district's wastewater sewers or wastewater treatment facilities.

(C) Nothing contained in this subchapter shall permit or otherwise grant to the Sanitary Sewer District the authority or power to enter into any agreement, contract, or cooperative with any other sanitary sewer treatment authority or facility, including but not limited to any municipal sanitary sewer authority without the express written consent and approval of the Fiscal Court.

(Ord. 01-2008-613, passed 1-22-08)

▪ **51.16 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ACT.** The Federal Clean Water Act, as amended.

**ASTM.** The American Society for Testing and Materials.

**BOD (DENOTING BIOCHEMICAL OXYGEN DEMAND).** The quantity of oxygen used in the biochemical oxidation of organic matter under standard laboratory procedure during days at 20°C, expressed in milligrams per liter.

**DAY.** The 24-hour period beginning at 12:01 a.m.

**EASEMENT.** An acquired legal right for the specific use of land owned by others.

**EPA.** The United States Environmental Protection Agency.

**GARBAGE.** The solid animal and vegetable wastes resulting from the domestic or commercial handling, storage, dispensing, preparation, cooking, and serving of food.

**GROUNDWATER.** Water within the earth.

**INTERFERENCE.** Inhibition or disruption of any sewer system, wastewater treatment process, sludge disposal system, or their operation, which substantially contributes to a violation of applicable discharge permits.

**MANAGER.** The manager of the district wastewater system, or an authorized designee.

**NATURAL OUTLET.** Any outlet into a watercourse, pond, ditch, lake, or any other body of surface or groundwater.

**NPDES.** National Pollutant Discharge Elimination System permit program, whether administered by the EPA or by the state.

**OWNER.** The person or persons who legally own, lease, or occupy private property with wastewater facilities that discharge, or will discharge, to the district wastewater facilities.

**PERSON.** Any individual, firm, company, association, society, partnership, corporation, municipality, or other similar organization, agency, or group.

**PRETREATMENT.** The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater before discharge into the district's wastewater facilities.

**PROPERLY SHREDDED GARBAGE.** Garbage that has been shredded such that all particles will be carried freely under flow conditions normally prevailing in the wastewater sewers, with no particle greater than 1/2-inch in any dimension.

**PUBLIC SERVICE COMMISSION.** The commission with regulatory jurisdiction over the affected utility as provided for in KRS Ch. 278 et seq. and/or KRS Chapter 74.

**RATE SCHEDULE.** Any individual or joint fare, toll, charge, rental or other compensation for service rendered or to be rendered by any utility, and any rule, regulation, practice, act, requirement or privilege in any way relating to such fare, toll, charge, rental or other compensation, and any schedule or tariff or part of a schedule or tariff thereof.

**RESIDENTIAL USER.** All premises used only for human residency and that are connected to the wastewater facilities.

**SANITARY WASTEWATER.** Wastewater discharged from the sanitary conveniences of dwellings, office buildings, industrial plants, or institutions.

**STANDARD METHODS.** The latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, Water Pollution Control Federation, and American Water Works Association.

**STATE.** The State or Commonwealth of Kentucky.

**STORMWATER.** A sewer for conveying storm, surface, and other waters, that are not intended to be transported to a treatment facility.

**SURFACE WATER.** Water that occurs when the rate of precipitation exceeds the rate at which water may percolate into the soil.

**SUSPENDED SOLIDS.** The total suspended matter that either floats on the surface of, or is in suspension in, water or wastewater, as determined by 40 CFR 136.

**TOXICS.** Any of the pollutants designed by federal regulations pursuant to ' 307(a)(1) of the Act.

**WASTEWATER.** A combination of liquid and water-carried wastes from residences, commercial buildings, industries, and institutions, together with any groundwater, surface water, or storm water that may be present.

**WASTEWATER FACILITY.** The combination of wastewater sewers and treatment facilities.

**WASTEWATER SEWER.** The structures, processes, equipment, and arrangements necessary to collect and transport wastewaters to the treatment facility.

**WASTEWATER TREATMENT FACILITY.** The structures, processes, equipment, and arrangements necessary to treat and discharge wastewater.

**WPCF.** The Water Pollution Control Federation.  
(Ord. 01-2008-613, passed 1-22-08)

• **51.17 TAMPERING.**

(A) No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment that is part of the district's wastewater facilities.

(B) It shall be unlawful for any person, firm or corporation not authorized by the Sanitary Sewer District to in any way or manner whatsoever tamper with the district owned and operated sewerage system or any of their appurtenances or facilities.

(C) It shall be unlawful for any person, firm or corporation to place or cause or permit to be placed any foreign object of any kind or nature into any sewer line, manhole, lamphole or other appurtenances or facility of the district owned and operated sewerage system.

(D) Subject to division (E), it shall be unlawful for any person, firm or corporation to change or cause to be changed the grade or contour of the surface of the area near any sewer line, manhole, lamphole, or other appurtenances or facility of the district owned and operated sewerage system without first having submitted to the district a plan or sketch and such other information as may be required showing the nature and extent of the proposed changes and having received from the district written permission to make the change.

(E) The County Road Department is herein given perpetual authority to change or cause to be changed the grade or contour of surface areas near sewer lines, manholes, lampholes, and other appurtenances or facilities of the district provided they will be responsible for restoration or damage caused by soil changes and the district is notified of such change.

(Ord. 01-2008-613, passed 1-22-08)

**51.18 USE OF WASTEWATER FACILITIES.**

(A) *Depositing objectionable wastes prohibited.* It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the district, or in any area under the jurisdiction of the district, any human or animal excrement, garbage, or other objectionable waste.

(B) *Unauthorized wastewater discharges prohibited.* Wastewater discharges to the district's wastewater facilities are not authorized unless approved by the manager in accordance with provisions of this chapter.

(C) *Privies, septic tanks, and other facilities.* Except as provided in this chapter, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

(D) *Connection to sewer required; exception.*

(1) The owner of any house, building, or property used for human occupancy, employment, recreation, or other purposes under the jurisdiction of this chapter and abutting on any street, alley, or rights-of-way in which there is or may be located a wastewater sewer connected to the treatment facility of the district, is required at the owner's expense to install suitable toilet facilities therein and to connect facilities directly to the proper sewer in accordance with the provisions of this subchapter, within 60 days after date of official notice to do so provided the proper wastewater sewer is within 300 feet of any house, building or property used for human occupancy, employment, recreation, or other purpose. This section shall not apply to any person served by a privately constructed, owned, operated, or maintained wastewater sewer and wastewater treatment facility that discharges directly to a natural outlet in accordance with the provisions of this subchapter and applicable state and federal laws.

(2) For purposes of calculating 300 feet as indicated in this section, distance will be measured in a straight line from the nearest practical connection point with an existing sewer line to that point of the owner's occupied structure where sewerage is currently discharged from that structure to an existing septic or other sewer treatment facility. All determinations requiring an owner to tap into the district's system shall be made by the manager whose decision shall be final. Any appeal from the manager's determination requiring an owner to tap into the district's system shall be made by the owner to the district no later than 30 days following the district's notification to the owner requiring owner's tap into the district's system.

(3) The manager of the district may exempt the owner from the tap in requirements of this section if such tap in would be impractical due to topographical or other engineering considerations.

(E) *Discharge of stormwater and other unpolluted drainage.* All uncontaminated discharges of stormwater, surface water, groundwater, roof runoff, subsurface drainage, or other waters not required

to be treated in the treatment facility shall be made to storm sewers or natural outlets designed for discharges. Any connection, drain, or arrangement that will permit waters to enter any other wastewater sewer shall be deemed to be in violation of this section and this subchapter.

(F) *Restricted discharges.* No person shall discharge or cause to be discharged to any of the district's wastewater facilities any substances, materials, waters, or waste in quantities or concentrations that will:

(1) Create a fire or explosion hazard including but not limited to gasoline, benzene, naphtha, fuel, oil, or other flammable or explosive liquid, solid, or gas;

(2) Cause corrosive damage or hazard to structures, equipment, or personnel of the wastewater facilities, and in no case will discharges be allowed with a pH lower than 5.0.

(G) *Federal categorical pretreatment standards.* No person shall discharge or cause to be discharged to any wastewater facilities, wastewaters containing substances in excess of the quantity prescribed by the applicable Federal Categorical Pretreatment Standard promulgated by EPA, except as otherwise provided in this section. Compliance with applicable pretreatment standards shall be made within three years of the date the standard is promulgated for existing systems; however, compliance with a categorical pretreatment standard for new sources shall be required upon connection to the POTW.

(H) *Special agreements.* Nothing in this subchapter shall be construed as preventing any special agreement or arrangement between the district and any user of the wastewater facilities, whereby wastewater of unusual strength or character is accepted into the system and specially treated subject to any applicable payments or user charges.

(Ord. 01-2008-613, passed 1-22-08)

#### **§ 51.19 PRIVATE WASTEWATER DISPOSAL.**

(A) *Private system required.* All houses, buildings, or properties that are required by other authority to have sanitary or industrial wastewater facilities, are subject to the jurisdiction of this chapter, and are located where a proper wastewater sewer is not available as specified by the provisions of division (E) of this section, shall be equipped at the owner's expense with suitable wastewater facilities connected to a private wastewater disposal system, which complies with the provisions of this subchapter.

(B) *Construction permit fee.* Before beginning construction of a private wastewater disposal system required under § 51.20(M) above, the owner shall first obtain a written construction permit signed by the manager. The application for such permit shall be made on a form furnished by the district, which the applicant shall supplement by any plans, specifications, and other information relevant to wastewater discharges as are deemed necessary by the manager. A permit and inspection fee of \$500 shall be paid to the district at the time the application is filed.

(C) *Design requirements.* The type, capacities, location, and layout of a private wastewater disposal system shall comply with all requirements of the Department of Public Health of the state or applicable federal law. Septic tank or cesspool discharges require the use of subsurface disposal. This requirement excludes deep well disposal as defined by state and federal laws.

(D) *Operating permit.* Before beginning of operation of a private wastewater disposal system, the owner shall first obtain a written operating permit signed by the manager. The operating permit shall not become effective until the installation is completed to the satisfaction of the manager. The manager shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the operating permit shall notify the manager when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 48 normal business hours after receipt of notice by the manager.

(E) *Transfer of ownership to district.* Owners shall transfer ownership of a private wastewater disposal system to the district after receipt operating permit and approval by the Public Service Commission, State or Kentucky, and the like provided, however, any such transfer of ownership shall be subject to the approval of the district and upon such terms and conditions as the district may deem appropriate.

(F) *Connection to district's system when available.* At such time as a wastewater sewer becomes available, as defined in ' 51.16, to a properly served by a private wastewater disposal system, a direct connection shall be made to the wastewater sewer within 30 days, and any septic tanks, cesspools, and similar wastewater disposal facilities shall be emptied as prescribed by local regulations and filled with suitable material.

(G) *Sanitary operation required.* The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times in accordance with the conditions of the operating permit and at no expense to the district. The facilities shall be subject to inspection by the manager at reasonable times.

(H) *Noninterference with additional requirements.* No statement contained in this subchapter shall be construed to interfere with any additional requirements that may be imposed by the State of Kentucky, EPA, County Health Department, Public Service Commission, or other applicable authority.

(I) *Exemptions.* This subchapter shall not apply to any private system that discharges to wastewater facilities of the district or that discharges directly to a natural outlet by authority of a NPDES permit and in compliance with applicable state and federal laws.

(Ord. 01-2008-613, passed 1-22-08)

**51.20 BUILDING SEWERS AND CONNECTIONS.**

(A) *Connection permit.* No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any wastewater sewer or storm sewer without first obtaining a written permit from the manager.

(B) *Connection and installation costs.* The costs and expenses incidental to the building sewer installation and connection to the district's wastewater facilities shall be borne by the owner. The owner shall indemnify the district from any loss or damage that directly or indirectly may result from the installation of the building sewer.

(C) *Separate connection required for each building.* A separate and independent building sewer shall be provided for every building, except when one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway. In such cases, the building sewer serving the front building may be extended to the rear building and the whole considered as one building sewer. The district assumes no obligation or responsibility for damage caused by or resulting from any single building sewer that serves two buildings.

(D) *Use of existing building sewers.* Existing building sewers may be used for connection of new buildings only when they are found, after examination and test by the manager, to meet the requirements of this chapter.

(E) *A building sewer design.* The size, slope, alignment, construction materials, trench excavation and backfill methods, pipe placement, jointing, and testing methods used in the construction and installation of a building sewer shall conform to the Building and Plumbing Code or other applicable requirements of the district. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF shall apply.

(F) *Building sewer elevation.* Whenever practical, the building sewer shall be brought to a building at an elevation below the basement floor. In buildings in which any building drain is too low to permit gravity flow to the district's wastewater sewer, the wastewater carried by the building drain shall be lifted by an approved means and discharged to a building sewer draining to the district.

(G) *Surface runoff and groundwater drains, connection prohibited.*

(1) No person shall connect roof, foundation, areaway, parking lot, roadway, or other surface runoff or groundwater drains to any sewer that is connected to a wastewater treatment facility unless the connection is authorized in writing by the manager.

(2) Except as provided in division (1) above, roof, foundation, areaway, parking lot, roadway, or other surface runoff or groundwater drains shall discharge to natural outlets or storm sewers.

(H) *Conformance to applicable codes.*

(1) The connection of a building sewer into a wastewater sewer shall conform to the requirements of the Building and Plumbing Code or other applicable requirements to the district or to the procedures set forth in appropriate specifications of the ASTM or the WPCF. The connections shall be made gas-tight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved in writing by the manager before installation.

(2) The connection of a surface runoff or groundwater drain to a storm sewer or natural outlet designed to transport surface runoff or groundwater drainage shall conform to the requirements of the applicable Building Code or other applicable requirements of the district. The connection of any drain to a wastewater sewer under special permit as provided herein shall conform to the requirements specified by the manager as a condition of approval of the permit.

(I) *Connection inspection.* The applicant for a building sewer or other drainage connection permit shall notify the manager when the sewer or drainage connection is ready for inspection before its connection to the district's facilities. The connection and testing, as deemed necessary by the manager, shall be made under the supervision of the manager.

(J) *Excavating guards and property restoration.* Excavations for building sewer installation shall be adequately guarded with barricades and lights to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the district.

(K) *Protection of capacity; existing users.* The manager shall not issue a permit for any class of connection to the district's wastewater sewers or wastewater treatment facilities unless there is sufficient capacity not legally committed to the other users in the wastewater sewers and treatment facilities to convey and adequately treat the quantity of wastewater that the requested connection if there are legally binding commitments to provide the needed capacity.

(L) *Determination of wastewater characteristics.*

(1) Measurements, tests, and analyses of the characteristics of wastewater to which reference is made in this chapter, shall be determined in accordance with 41CFR 136 methods approved by the manager and shall comply with state and federal law. Sampling locations, times, durations, and frequencies shall be determined on an individual basis subject to approval by the manager. The discharger shall have the option to use, at his or her own expense, more complete approved sampling methods, locations, times, durations, and frequencies than specified by the manager. Any additional results beyond those required are also to be reported to the control authority.

(2) Measurements, tests, and analyses of the characteristics of wastewater required by this subchapter shall be performed by a qualified laboratory. When analyses are required of a discharger, the

discharger may, in lieu of using the district's laboratory, make arrangement with any qualified laboratory, including that of the discharger, to perform the analyses.

(3) Monitoring of wastewater characteristics necessary for determining compliance with applicable pretreatment standards shall be conducted on the basis of the schedule below, unless more frequent monitoring is required by authority other than this chapter, or if the manager determines that the characteristics of the specific discharge warrant more frequent monitoring.

<i>Average Actual Discharge</i>	<i>Monitoring Frequency</i>
Less than 100,000 gpd	Semi-annually
100,000 - 999,999 gpd	Quarterly
More than 999,999 gpd	Monthly

(4) Monitoring of wastewater characteristics for any purpose other than determining compliance with pretreatment standards shall be conducted on a frequency deemed necessary by the manager.

(5) Upon demonstration by any person that the characteristics of the wastewater discharged by that person are consistent, the manager may reduce the monitoring frequency as may be required by authority other than this chapter. In no case shall the frequency of monitoring be less than semi-annual for determining compliance with pretreatment standards.

(6) In determining the discharge characteristics, factors such as continuous, batch, or seasonable operation, as well as the information requirements of other provisions in this chapter, shall be considered by the manager. The manager may obtain wastewater samples as required to verify the consistency of discharge characteristics.

(7) Fees for any given measurement, test, or analysis of wastewater required by this chapter and performed by the district shall be the same for all classes of dischargers, regardless of the quantity or quality of the discharge, and shall reflect only direct cost. Costs of analyses performed by an independent laboratory at the option of the discharger shall be borne directly by the discharger.

(M) *Repair of damage; liability for costs.* If the drainage or discharge from any establishment causes a deposit, obstruction, or damage to any of the district's wastewater facilities, the manager shall cause the deposit or obstruction to be promptly removed or cause the damage to be promptly repaired. The cost for the work, including materials, labor, and supervision, shall be borne by the person causing the deposit, obstruction, or damage.

(Ord. 01-2008-613, passed 1-22-08)

**51.21 PRETREATMENT.**

(A) *Wastewaters containing nuisance or hazardous substances; pretreatment requirements.*

(1) The manager will initially rely on the Federal Categorical Pretreatment Standards to protect wastewater facilities or receiving waters; however, if any wastewater that contains substances or characteristics shown to have deleterious effect on the wastewater facilities, processes, equipment, or receiving waters, or that constitutes a public nuisance or hazard is discharged or proposed for discharge to the wastewater sewers, the manager may:

- (a) Require pretreatment to a condition acceptable for discharge to the wastewater sewers;
- (b) Require control over the quantities and rates of discharges;
- (c) Require payment to cover added cost of handling and treating the wastewaters not covered by existing fees and charges;
- (d) Require the development of compliance schedules to meet any applicable treatment requirements;
- (e) Require the submission of reports necessary to ensure compliance with applicable pretreatment requirements;
- (f) Carry out all inspection, surveillance, and monitoring necessary to determine compliance with applicable pretreatment requirements;
- (g) Obtain remedies for noncompliance by any user. The remedies may include injunctive relief, the civil penalties specified in this chapter, or appropriate criminal penalties; or
- (h) Reject the wastewater if scientific evidence indicates the discharge will create unreasonable hazards or have unreasonable deleterious effects on the wastewater facilities.

(2) When considering the above alternatives, the manager shall ensure that conditions of the district's NPDES permit are met. The manager also shall consider the cost effectiveness and the economic impact of the alternatives on the discharger. If the manager allows the pretreatment or equalization of wastewater flows, the installation of necessary facilities shall be subject to review. The manager shall review and recommend any appropriate changes to the program, within 30 days of submittal.

(3) Where pretreatment or flow-equalizing facilities are provided or required for any wastewater, they shall be maintained continuously in satisfactory and effective operation at the owner's expense.

(B) *Compliance with pretreatment requirements; submission of plan.* Persons required to pretreat wastewater in accordance with this subchapter shall provide a statement to be reviewed by an authorized representative of the user and certified by a qualified person. The statement shall indicate whether applicable pretreatment requirements are being met on a consistent basis and, if not, describe the additional operation and maintenance or additional pretreatment needed for the user to meet the pretreatment requirements, the user shall submit a plan (including schedules) to the manager. The plan (including schedules) shall be consistent with applicable conditions of the district NPDES permit or other local, state or federal laws.

(C) *Monitoring requirements.* Discharges of wastewater to the district's wastewater facilities from the facilities of any user shall be monitored in accordance with the provisions of this subchapter.

(D) *Effect of federal law.* If the federal government promulgates a regulation for a given new or existing user that establishes pretreatment standards or establishes that such a user is exempt from pretreatment standards, the federal regulations shall immediately supersede applicable subsections of this subchapter.

(E) *Revision of pretreatment standards; application required.* The manager shall promptly apply for and obtain authorization from the EPA to revise discharge limitations for those substances listed in the Federal Categorical Pretreatment Standards for which consistent removal occurs in the wastewater treatment facilities of the district. The manager shall not adopt or enforce discharge limitations more stringent than the requested limitations until the state or EPA acts on the application.

(Ord. 01-2008-613, passed 1-22-08)

## ▪ 51.22 ADMINISTRATION AND ENFORCEMENT.

(A) *Administration by manager of district.* Except as otherwise provided herein, the manager of the district wastewater systems shall administer, implement, and enforce the provisions of this chapter.

(B) *Right of entry for purpose of inspections; easements on private property; indemnification.*

(1) The manager, bearing proper credentials and identification, shall be permitted to enter properties at any reasonable time for purposes of inspection, observation, measurement, and sampling of the wastewater discharge to ensure that discharge to the district's wastewater facilities is in accordance with the provision of this chapter.

(2) The manager, bearing proper credentials and identification, shall be permitted to enter all private property at reasonable times, through which the district holds an easement for the purpose of inspection, observation, measurement, sampling, repair, and maintenance of any of the district's wastewater facilities within the easement. All entry and any subsequent work on the easement shall be done in full accordance with the terms of the easement pertaining to the private property involved.

(3) While performing the necessary work on private properties referred to in divisions (1) and (2) above, the manager shall observe all safety rules established by the owner or occupant of the property and applicable to the premises.

(C) *Notice of violation.* Any person found in violation of this chapter or any requirement of a permit issued hereunder, may be served with a written notice stating the nature of the violation and providing a reasonable time limit for compliance. Any notice given shall be in writing and served in person or by registered or certified mail. The notice shall be sent to the last address of the violator known to the manager. When the address is unknown, service may be made on the owner of record of the property involved. If satisfactory action is not taken in the time allotted by the notice, the penalty provisions of this chapter shall be implemented.

(D) *Amendments to ordinance.* Public notice shall be given in accordance with applicable provisions of the Fiscal Court, or state and federal law before adoption of any amendments of this chapter. (Ord. 01-2008-613, passed 1-22-08)

**• 51.99 PENALTY.**

(A) Any person who violates any provision of this chapter for which no other penalty is provided shall be guilty of a misdemeanor and, upon conviction, fined not more than \$1,000.

(B) Any person who continues to violate the discharge provisions of this chapter, beyond the time limit provided ' 51.22(C) may be charged with commission of a misdemeanor and, after conviction thereof, shall be fined not more than \$1,000 for each day the violation continues, or may be subject to disconnection from the district's wastewater facilities. Each day or any portion thereof of a violation shall constitute a separate violation.

(C) Any person, firm or corporation found guilty or violating any of the provisions of ' 51.17 shall be guilty of a misdemeanor and, upon conviction, fined not less than \$10 nor more than \$500 for each such offence.

(Ord. 01-2008-613, passed 1-22-08)

## CHAPTER 52: LANDFILLS

### Section

52.01 Operating requirements for contained landfills

52.99 Penalty

#### ▪ **52.01 OPERATING REQUIREMENTS FOR CONTAINED LANDFILLS.**

(A) The operating requirements for contained landfills as promulgated in 401 KAR 48:090 pursuant to KRS 224.10-100 and 224.40-305 are hereby adopted as part of this code as if set out at length herein with some additions.

(B) A copy of said requirements and the additions is on file in the office of the Grant County Solid Waste Coordinator and said office shall at all times keep a copy of said requirements for reference.

(C) At any time the regulations require notice to the Cabinet, this chapter requires that said owner also notify the Grant County Solid Waste Coordinator and the Grant County Judge Executive.

(D) Any reports or plans addressed herein shall be forwarded to the Grant County Solid Waste Coordinator.

(E) For the purposes of this chapter, **PERSON** shall have the meaning specified in KRS 224.01.010.

(F) For the purposes of this chapter, the County shall follow the enforcement procedures as enacted by the Grant County 109 Board.

(Ord. 23-2003-507, passed 10-20-03)

#### ▪ **52.99 PENALTY.**

(A) Any person who violates the general provisions of this chapter (currently found in 401 KAR 48.090 Section 1), upon conviction shall be guilty of a misdemeanor and shall be fined \$100 per day for every violation. Any person who knowingly violates this section may also be sentenced to up to 90 days in the County Jail for each violation.

(B) Any person who fails to follow the state procedures for excluding the receipt of hazardous waste (as now found in 401 KAR 48.090 Section 2) and provide proof of such compliance to the Solid Waste Coordinator in Grant County, upon conviction shall be guilty of a misdemeanor and shall be fined \$500 per day for every violation of this procedure. Any person who knowingly violates this section may also be sentenced to up to 90 days in the County Jail for each violation.

(C) Any person who fails to follow the state procedures for cover material and disease vector control requirements (as now found in 401 KAR 48.090 Section 3) and provide proof of such compliance to the Solid Waste Coordinator in Grant County, upon conviction shall be guilty of a misdemeanor and shall be fined \$500 per day for every violation of this procedure. Any person who knowingly violates this section may also be sentenced to up to 90 days in the County Jail for each violation.

(D) Any person who fails to follow the state procedures for explosive gases control (as now found in 401 KAR 48.090 Section 4) and provide proof of such compliance to the Solid Waste Coordinator in Grant County, upon conviction shall be guilty of a misdemeanor and shall be fined \$250 per day for every violation of this procedure. Any person who knowingly violates this section may also be sentenced to up to 90 days in the County Jail for each violation.

(E) Any person who fails to follow the state procedures for air criteria (as now found in 401 KAR 48.090 Section 5) and provide proof of such compliance to the Solid Waste Coordinator in Grant County, upon conviction shall be guilty of a misdemeanor and shall be fined \$100 per day for every violation of this procedure. Any person who knowingly violates this section may also be sentenced to up to 90 days in the County Jail for each violation.

(F) Any person who fails to follow the state procedures for access requirements (as now found in 401 KAR 48.090 Section 6) and provide proof of such compliance to the Solid Waste Coordinator in Grant County, upon conviction shall be guilty of a misdemeanor and shall be fined \$100 per day for every violation of this procedure. Any person who knowingly violates this section may also be sentenced to up to 90 days in the County Jail for each violation.

(G) Any person who fails to follow the state procedures for water controls (as now found in 401 KAR 48.090 Section 7) and provide proof of such compliance to the Solid Waste Coordinator in Grant County, upon conviction shall be guilty of a misdemeanor and shall be fined \$500 per day for every violation of this procedure. Any person who knowingly violates this section may also be sentenced to up to 90 days in the County Jail for each violation.

(H) Any person who fails to follow the state procedures for waste restrictions (as now found in 401 KAR 48.090 Section 8) and provide proof of such compliance to the Solid Waste Coordinator in Grant County, upon conviction shall be guilty of a misdemeanor and shall be fined \$500 per day for every violation of this procedure. Any person who knowingly violates this section may also be sentenced to up to 90 days in the County Jail for each violation.

(I) Any person who fails to follow the state procedures for working face requirements (as now found in 401 KAR 48.090 Section 9) and provide proof of such compliance to the Solid Waste Coordinator in Grant County, upon conviction shall be guilty of a misdemeanor and shall be fined \$250 per day for every violation of this procedure. Any person who knowingly violates this section may also be sentenced to up to 90 days in the County Jail for each violation.

(J) Any person who fails to follow the state procedures for employee facilities (as now found in 401 KAR 48.090 Section 10) and provide proof of such compliance to the Solid Waste Coordinator in Grant County, upon conviction shall be guilty of a misdemeanor and shall be fined \$100 per day for every violation of this procedure. Any person who knowingly violates this section may also be sentenced to up to 90 days in the County Jail for each violation.

(K) Any person who fails to follow the state procedures for reports and recordkeeping (as now found in 401 KAR 48.090 Section 11) and provide proof of such compliance to the Solid Waste Coordinator in Grant County, upon conviction shall be guilty of a misdemeanor and shall be fined \$250 per day for every violation of this procedure. Any person who knowingly violates this section may also be sentenced to up to 90 days in the County Jail for each violation.

(L) Any person who fails to follow the state procedures for groundwater monitoring (as now found in 401 KAR 48.090 Section 12) and provide proof of such compliance to the Solid Waste Coordinator in Grant County, upon conviction shall be guilty of a misdemeanor and shall be fined \$500 per day for every violation of this procedure. Any person who knowingly violates this section may also be sentenced to up to 90 days in the County Jail for each violation.

(M) Any person who fails to follow the state procedures for closure and closure care requirements (as now found in 401 KAR 48.090 Section 13) and provide proof of such compliance to the Solid Waste Coordinator in Grant County, upon conviction shall be guilty of a misdemeanor and shall be fined \$500 per day for every violation of this procedure. Any person who knowingly violates this section may also be sentenced to up to 90 days in the County Jail for each violation.

(N) Any person who fails to follow the state procedures for signs (as now found in 401 KAR 48.090 Section 14) and provide proof of such compliance to the Solid Waste Coordinator in Grant County, upon conviction shall be guilty of a misdemeanor and shall be fined \$100 per day for every violation of this procedure. Any person who knowingly violates this section may also be sentenced to up to 90 days in the County Jail for each violation.

(O) Any person who fails to follow the state procedures for alternative specifications (as now found in 401 KAR 48.090 Section 15) and provide proof of such compliance to the Solid Waste Coordinator in Grant County, upon conviction shall be guilty of a misdemeanor and shall be fined \$500 per day for every violation of this procedure. Any person who knowingly violates this section may also be sentenced to up to 90 days in the County Jail for each violation.

(Ord. 23-2003-507, passed 11-3-03)